

## **Temporary Exceedance of State Surface Water Quality Standards –Turbidity Mixing Zone**

### **(1) Overview**

State regulations authorize Ecology to issue short-term water quality modifications on a site-specific basis if necessary to accommodate essential activities, respond to emergencies or otherwise protect the public interest. Two of the conditions covered by the regulations – aquatic application of pesticides and control or eradication of noxious weeds – are now approved through an NPDES Programmatic Permit. The third, temporary increases in turbidity during and immediately after in-water or shoreline construction activities, is covered through special conditions attached to an Implementing Agreement between Ecology and WSDOT and summarized here. Conditions attached to the agreement require WSDOT and its contractors to comply with state surface water quality standards and define circumstances when temporary exceedance of the turbidity standard is authorized.

**Agency Issuing Permit** – Washington State Department of Ecology.

**Statutory Authority** – [WAC 173-201A](#).

**Regulated Activities** – Shoreline or in-water work resulting in a temporary increase in turbidity associated with the disturbance of sediments within a defined mixing zone. Use of a turbidity mixing zone is intended for brief periods – a few hours or days – not the duration of construction. Use of the mixing zone is authorized only after all other necessary local and state permits and approvals have been received and after implementation of appropriate BMPs to avoid or minimize disturbance in in-place sediments and exceedance of turbidity criteria. Within the mixing zone, the turbidity standard is waived, and all other applicable state surface water quality standards remain in effect.

**Exempt Activities** – Not applicable.

**Geographic Extent** – Shorelines and waters of the state.

**Types of Permits** – No permit is required. The Implementing Agreement acts as the approval (see below).

**Prerequisite Permits and Approvals** – Activities must comply with all water quality protection related conditions contained in the Washington State Department of Fish and Wildlife (WDFW) Hydraulic Project Approval, including time limitations.

**Related Permits and Approvals** –Section 401 Water Quality Certification.

**Interagency Agreements** – The November 2004 Compliance Implementing Agreement between WSDOT and Ecology is designed to assist in obtaining and maintaining WSDOT compliance with state surface water quality standards, including compliance with Section 401 Certifications, Section 402

NPDES permits, Implementing Agreements, and other Ecology Orders and approvals.

The February 1998 Implementing Agreement between Ecology and WSDOT regarding compliance with state surface water quality standards is designed to ensure that WSDOT activities are in compliance with state surface water quality standards through general and activity specific conditions. General conditions deal with concrete work, erosion control, spill response, and monitoring. Activity specific conditions address several categories of work that may effect surface water quality standards. The agreement is currently being reconsidered and may be revised or replaced by the summer of 2008.

Both agreements are available in the Environmental Procedures Manual, [Appendix A](#).

**Fees** – None.

**(2) *How to Apply***

Not applicable. For more information, contact the WSDOT regional office environmental staff for guidance. Other assistance is available from WSDOT's Environmental Services Office by contacting the Permitting and Compliance Program Manager, Eric Wolin, 360-705-7487, or e-mail [wolined@wsdot.wa.gov](mailto:wolined@wsdot.wa.gov).