



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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December 28, 2012

Mr. Robert Brenner
Kiewit/General/Manson, A Joint Venture
SR 520 Evergreen Point Floating Bridge
3015 112th Avenue NE, Suite 100
Bellevue, WA 98004

Notice of Violation (NOV) No.	9652
Project Name	Kenmore Yard - SR 520 Evergreen Point Floating Bridge Project
Project Location	6423 NE 175 th Street, Kenmore, WA 98028

Re: Notice of Violation

Dear Mr. Brenner:

The Department of Ecology (Ecology) is issuing the enclosed Notice of Violation to you for sediment disturbance caused by Kiewit/General/Manson tugboats. This Notice of Violation is issued under the authority of Revised Code of Washington 90.48.120(1), which requires Ecology to notify KGM of its determination that a violation has occurred or has the potential to occur in the future.

Ecology acknowledges the KGM letter dated December 19, 2012, and the email from Ms. Connie Determan from Kiewit Corporation dated December 20, 2012. However, the intent of the Notice of Violation is to notify KGM that future sediment disturbances have the potential to violate RCW 90.48 so that KGM can take the necessary precautions to prevent future sediment disturbances.

All questions in response to this document should be directed to Greg Stegman at 425-649-7019 or greg.stegman@ecy.wa.gov.

Sincerely,

Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office

Enclosure: Notice of Violation Docket No. 9652

By Registered Mail No. RR 360 297 726 US



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF COMPLIANCE) NOTICE OF VIOLATION
BY Kiewit/General/Manson, A Joint Venture) DOCKET # 9652
WITH CHAPTER 90.48 RCW AND THE)
RULES AND REGULATIONS OF)
THE DEPARTMENT OF ECOLOGY)

To: Robert Brenner
Kiewit/General/Manson, A Joint Venture
SR 520 Evergreen Point Floating Bridge
3015 112th Avenue NE, Suite 100
Bellevue, WA 98004

Notice of Violation (NOV) No.	9652
Project Name	Kenmore Yard – SR 520 Evergreen Point Floating Bridge Project
Project Location	6423 NE 175 th Street, Kenmore, WA 98028

The Department of Ecology (Ecology) is issuing this Notice of Violation to you for violating provisions of Chapter 90.48 Revised Code of Washington (RCW) Water Pollution Control. This notice contains Ecology's determination that a violation has or will occur.

Ecology has the authority to issue this Notice of Violation under RCW 90.48.120(1) which reads in part:

“Whenever, in the opinion of Ecology, any person shall violate or create a substantial potential to violate the provisions of the chapter, or fails to control the polluting content of waste discharged, or to be discharged into any waters of the state the department shall notify such person of its determination by registered mail...”

PROJECT/SITE LOCATION

Kenmore Yard – SR 520 Evergreen Point Floating Bridge Project located at 6423 NE 175th Street, Kenmore, WA 98028

DETERMINATION OF VIOLATIONS

Notice is hereby given in accordance with RCW 90.48.120(1), as follows:

On two documented occasions Kiewit/General/Manson tugboats have caused visible sediment disturbance in the Kenmore Navigation Channel, which is a violation of RCW 90.48.080. On March 21, 2012, the Manson tugboat Nancy M., while moving a barge strayed outside the navigation channel, caused visible sediment disturbance in front of Kenmore Air and Northlake Marina. In August 2012 the Manson tugboat Harry M., while moving a barge towards the entrance of the channel, caused visible sediment disturbance.

On November 28, 2012, the Manson tugboat Harry M., while in the channel in front of Kenmore Air, caused turbulence that could possibly disturb sediment in the channel, and therefore possibly violate RCW 90.48.080.

RCW 90.48.080 states: "It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharged into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the department, as provided for in this chapter."

RCW 90.48.020 defines pollution as: "Whenever the word "pollution" is used in this chapter, it shall be construed to mean such contamination, or other alteration of the physical, chemical or biological properties, of any waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life."

This determination does not constitute an Order or directive under RCW 43.21B.310.

FILE A REPORT WITH ECOLOGY

Pursuant to RCW 90.48.120(1), within thirty (30) days from receipt of this Notice of Violation, Kiewit/General/Manson, A Joint Venture must file a full report with Ecology stating:

1. What steps HAVE BEEN taken to control such waste or pollution to otherwise comply with this determination of Ecology.
2. What steps ARE BEING taken to control such waste or pollution to otherwise comply with this determination of Ecology.

Send the report to:

Greg Stegman
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

ECOLOGY'S RESPONSE

Upon receipt of the report, Ecology will review the information provided and issue an Order or directive as it deems appropriate under the circumstances, and shall notify Kiewit/General/Manson, A Joint Venture.

CONTACT INFORMATION

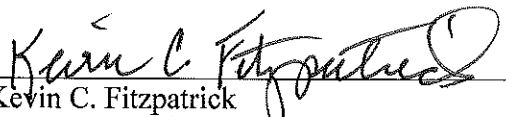
Please direct all questions about this Notice of Violation to:

Greg Stegman
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452
425-649-7019
greg.stegman@ecy.wa.gov

MORE INFORMATION

- **Chapter 90.48 RCW – Water Pollution Control**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

SIGNATURE



Kevin C. Fitzpatrick
Water Quality Section Manager
Northwest Regional Office

December 28, 2012
Date