



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 14, 2021

Port of Seattle
ATTN: Matthew Mateo
PO Box 1209
Seattle, WA 98111

RE: Second Amendment to 401 Water Quality Certification Order No. 13195 for U.S. Army Corps of Engineers Reference No. NWS-2015-00269, Port of Seattle T5 Wharf Rehabilitation and Berth Deepening, Duwamish River, Seattle, King County, Washington

Dear Matthew Mateo:

Enclosed is an amendment to Water Quality Certification Order No. 13195, issued on March 28, 2016 and amended on July 22, 2020, for the above project. All other conditions of Water Quality Certification No. 13195 remain in effect.

The purpose of this amendment is to alter the authorized depth to a total depth of -58 ft. MLLW and the total volume to 59,195 cubic yards. The request submitted on May 21, 2021 also requested changes to the in-water work window. However, under Condition F1, the approved windows are identified by the most current HPA. A new HPA was submitted on June 30, 2021, so the in-water work windows do not require amending the 401 timing condition.

If you have any questions, please contact Laura Inouye at (360) 515-8213. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Loree' Randall on behalf of Brenden McFarland

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

ecc: Jason Sweeny, U.S. Army Corps of Engineers
Laura Inouye – HQ
Loree' Randall – HQ
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING) **ORDER No. 13195,**
A WATER QUALITY) **Second Amendment, Port of Seattle T5**
CERTIFICATION TO) **Wharf rehabilitation and Berth Deepening**
Port of Seattle) **Corps Reference No. NWS-2015-00269**
In accordance with 33U.S.C. 1341)
(FWPCA §401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

TO: Port of Seattle
ATTN: Matthew Mateo
PO Box 1209
Seattle, WA 98111

On March 28, 2016, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to the Port of Seattle for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). On July 22, 2020, Ecology issued the first amendment for the project.

Ecology received a request on May 21, 2021 to increase the depth and volume of the project to match those originally included in the SEPA (-58 ft MLLW and 59,195 CY).

Order No. 13195 dated March 28, 2016 is hereby amended as follows:

I. Project Description which reads:

Rehabilitate exiting Terminal 5 wharf structure and dredge up to 29,800 cubic yards from the berth area in West Waterway between -47 and -55 feet Mean Lower Low Water.

Is replaced with:

Rehabilitate exiting Terminal 5 wharf structure and dredge up to 51,195 cubic yards from the berth area in West Waterway between -47 and -58 feet Mean Lower Low Water.

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

July 14, 2021

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Laura Inouye
Department of Ecology
Headquarters Office
PO Box 67600
Olympia, WA 98504-7600
(360) 407-6165
laura.inouye@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>

July 14, 2021

- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>

SIGNATURE

Loree' Randall on behalf of Brenden McFarland



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program
Department of Ecology

July 14, 2021

Date