



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 11, 2021

O'Hara Corporation
ATTN: Frank O'Hara Jr
120 Tillson Avenue, Suite 100
Rockland, ME 04841

RE: Water Quality Certification Order No. **20473** for Corps Reference No.
NWS-2015-478, O'Hara Corporation Pier Replacement and Float
Construction project in King County, Washington

Dear Frank O'Hara Jr:

On January 8, 2021, the O'Hara Corporation submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the O'Hara Corporation Pier Replacement and Float Construction project in King County, Washington.

The proposed project will replace an existing pier and add a floating dock to serve as moorage at a commercial fish facility.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Joint Aquatic Resource Permit Application (JARPA) and the public notice complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

Please ensure that anyone doing work under this Order has read, is familiar with, and is able to follow all of the provisions within the attached Order.

If you have any questions about this decision, please contact Penny Kelley at 360-280-8856. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

Loree' Randall on behalf of Brenden McFarland

A handwritten signature in black ink that reads "Loree' Randall". The signature is written in a cursive, flowing style.

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

Enclosure

e-cc: Colleen Anderson, Corps of Engineers
Steve Zuvela, Waterfront Construction
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A)	ORDER No. 20473
WATER QUALITY)	Corps Reference No. NWS-2015-478
CERTIFICATION TO)	O'Hara Pier Replacement and Float Construction
O'Hara Corporation)	project located within the Lake Washington Ship
pursuant to 33 U.S.C. 1341 (FWPCA)	Canal in the City of Seattle, King County,
§ 401), RCW 90.48.120, RCW 90.48.260)	Washington
and Chapter 173-201A WAC)	

O'Hara Corporation
Attn: Frank O'Hara Jr.
120 Tillson Avenue, Suite 100
Rockland, ME 04841

On January 8, 2021, the O'Hara Corporation submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the O'Hara Corporation Pier Replacement and Float Construction project in King County, Washington. Prior to submitting the WQC request, the O'Hara Corporation submitted a pre-filing meeting request on November 24, 2020. On January 14, 2021, the O'Hara Corporation submitted additional information and the Department of Ecology (Ecology) considered the request valid on January 15, 2021. Ecology issued a public notice for the project on January 19, 2021.

This project proposes to replace an existing pier and add a floating dock to serve as moorage at a commercial fish facility. The decking and approximately 62 creosote piles of the wooden pier will be removed and all demolition debris will be contained on barges for disposal at an approved facility. A new pier consisting of a concrete deck with around 35 steel piles and nine fender piles will be constructed along with a float, a grated ramp and a dolphin consisting of 3 piles.

The project site is located at 4315 11th Avenue NW in the city of Seattle, King County, Washington; Section 13, Township 25N North, Range 3EWest; WRIA 8, Cedar-Sammamish Watershed.

With this Order, Ecology is granting the O'Hara Corporation's request for a Section 401 Water Quality Certification for the O'Hara Corporation Pier Replacement and Float Construction project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on January 8, 2021, and the following supporting documentation:

1. E-mail letter to Ecology dated January 14, 2021, regarding the project's revised drawings & BMPs (sent as attachment w/email)

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, the O'Hara Corporation must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize the O'Hara Corporation to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted to the O'Hara Corporation for the O'Hara Corporation Pier Replacement and Float Construction project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. **20473** will remain valid for the duration of the associated DA permit. The O'Hara Corporation should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

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 Pollution Control Hearings Board 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Penny Kelley
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
penny.kelley@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **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>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

SIGNATURE

Loree' Randall on behalf of Brenden McFarland



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

August 11, 2021
Date