



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

June 21, 2022

King County Department of Natural Resources and Parks
Wastewater Treatment Division
Attn: Jacob Sheppard
201 S. Jackson Street, KSC-NR 5500
Seattle, WA 98104

RE: Coastal Zone Consistency Conditional Concurrence for Corps Reference
No. **NWS-2021-743-WRD**, Interbay Conveyance Rehabilitation and Odor Control
Project, King County, Washington

Dear Jacob Sheppard:

The Department of Ecology (Ecology) is issuing a Conditional Concurrence to King County Department of Natural Resources and Parks, Wastewater Treatment Division (King County DNRP) for the above-mentioned project. This decision is for the sewer pipeline system upgrade east of the Interbay BNSF Balmer Rail Yard and west of the Interbay Golf Center and Interbay Athletic Complex, extending to the W. Armory Way cul-de-sac, Seattle, Washington in King County.

On November 8, 2021, King County DNRP submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). On April 26, 2022, King County DNRP and Ecology agreed to stay the CZM review period until June 30, 2022. However, at this time, King County DNRP has not satisfied all of the enforceable policies as it has not obtained a Construction Stormwater General Permit.

In order to demonstrate good faith and cooperation, Ecology decided to issue a Conditional Concurrence for the above project, including the condition that King County DNRP obtain the Construction Stormwater General Permit prior to any activities on site. Thus, the following condition is necessary in order for King County DNRP to demonstrate

that the project is consistent with the Washington State Water Pollution Control Act, its regulations and water quality standards. Receipt of the Construction Stormwater General Permit ensures that the project meets the requirements of the law, regulations, and standards.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology conditionally concurs with King County DNRP's determination that the proposed work is consistent with Washington's CZMP.

This concurrence is conditioned that King County DNRP obtain a Construction Stormwater General Permit prior to any activities on site.

Pursuant to 15 CFR §930.4, Ecology is informing King County DNRP that if it fails to meet the above condition, then Ecology and King County DNRP will treat this Conditional Concurrence letter as an Objection. King County DNRP shall immediately notify Ecology if the condition is not acceptable. King County DNRP has the opportunity to appeal Ecology's Conditional Concurrence/Objection to the Secretary of Commerce within 30 days from receipt of Ecology's Conditional Concurrence/Objection.

King County DNRP must ensure that this project is constructed and operated in accordance with all applicable federal, state, and local laws and regulations. If, prior to construction, the project should change significantly and any of the enforceable policies of the Washington's CZM Program would be affected, pursuant to 15 CFR §930.66, the applicant must submit supplemental information to Ecology for review and approval.

If you have any questions regarding Ecology's consistency decision please contact Rebekah Padgett at (425) 365-6571 or by email at rebekah.padgett@ecy.wa.gov.

YOUR RIGHT TO APPEAL

You have a right to appeal this decision to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this decision. 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 all of the following within 30 days of the date of receipt of this decision:

- File your appeal and a copy of this decision 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 decision 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.

Filing an appeal with the PCHB:

Mailing Address:

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Street Address:

Pollution Control Hearings Board
1111 Israel RD SW STE 301
Tumwater, WA 98501

Serving a copy of the appeal on Ecology:

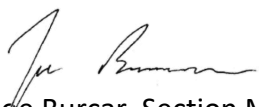
Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98

Sincerely,



Joe Burcar, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program

Sent by electronic mail: jacob.sheppard@kingocounty.gov

e-cc: Andrew Shuckhart, U.S. Army Corps of Engineers
Doug Gresham, Department of Ecology
Grant Yang, Department of Ecology
Chris Kelley, Department of Ecology
Loree' Randall, Department of Ecology
Rebekah Padgett, Department of Ecology
ecyrefedpermits@ecy.wa.gov – ID #140887