



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

December 22, 2022

Port of Seattle
ATTN: Laura Wolfe
PO Box 1209
Seattle, WA 98111

Re: Third 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 Laura Wolfe:

Enclosed is the third amendment to Water Quality Certification Order No. 13195, issued on October 21, 2010, for the above project. The certification was amended on July 22, 2020, to extend coverage to March 23, 2023, and again on July 14, 2021, to revise depth and volume of dredging. All other conditions of Water Quality Certification No. 13195 remain in effect.

The purpose of this third amendment is to extend expiration date of the certification for the wharf rehabilitation activities to continue through July 30, 2023, in order to complete the project.

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,

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

E-cc: Jacalen Printz, USACE
Laura Inouye- HQ
Loree' Randall – HQ
ecyrefedpermits@ecy.wa.gov

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

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PO Box 1209
Seattle, WA 98111

On October 21, 2010, 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). The certification was amended on July 22, 2020, to extend coverage to March 23, 2023, and again on July 14, 2021, to revise depth and volume of dredging.

Ecology received a request on December 8, 2022, to extend expiration date of the certification for the wharf rehabilitation activities to continue through July 30, 2023, in order to complete the project.

Order No. 13195 First amendment dated July 22, 2020, is hereby amended as follows:

I. Condition number F.2. which reads:

This Order shall remain in effect until March 23, 2023. Continuing beyond March 23, 2023, will require a separate certification.

Is replaced with:

This Order shall remain in effect until July 30, 2023.

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.

Your right to appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21B.001(2). More Information is available at <https://eluhwa.wa.gov/content/11>.

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

- File your notice appeal and a copy of this Order with the PCHB (see filing options below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -355. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of 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 RCW 43.21B and WAC 371-08.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit: <https://eluhwa.wa.gov/content/11>

Filing by mail

Mailing Address:

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

Filing in person (or by certified mail/courier)

Street Address:

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

Filing electronically

Email Address:

Pchb-shbappeals@eluhwa.wa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

Filing by mail

Mailing Address:

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

Filing in person (or by certified mail/courier)

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Contact Information

Please direct all questions about this Order to:

Laura Inouye
Department of Ecology
Headquarters
PO Box 47600
Olympia, WA 98504-7600
(360) 515-8213
Laura.Inouye@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/content/11>
- **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



December 22, 2022

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

DATE