



**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

**Southwest Region Office**

PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

January 26, 2023

BNSF Railway Company  
ATTN: Mike Herzog  
4515 Kansas Avenue  
Kansas City, KS 66106

Re: First Amendment to 401 Water Quality Certification Order No. 15621 for BNSF Railway Bridge 47-66.4 Replacement Project, Columbia River and Drano Lake, near Cook, Skamania County, Washington

Dear Mike Herzog:

Enclosed is an amendment to Water Quality Certification Order No. 15621, issued on January 6, 2018, for the above project. All other conditions of Water Quality Certification No. 15621 remain in effect.

The purpose of this amendment is to extend the expiration date to March 18, 2023.

If you have any questions, please contact Lori Kingsbury at [lori.kingsbury@ecy.wa.gov](mailto:lori.kingsbury@ecy.wa.gov). The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Maria Sandercock".

Maria Sandercock, Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Region Office

ec: Carl Smith, U.S. Coast Guard  
Steven Fischer, U.S. Coast Guard  
David Moore, Corps  
Daniel Ramirez, BNSF  
Michael Schaefer, BNSF  
Adrian Braxton, Jacobs  
Kim Button, Jacobs  
Scott Swarts, Jacobs  
Meghan Tait, Ecology, SWRO  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

<b>IN THE MATTER OF GRANTING A WATER</b>	)	<b>ORDER No. 15621, First Amendment</b>
<b>QUALITY CERTIFICATION TO</b>	)	<b>BNSF Railway Bridge 66.4 Replacement</b>
<b><i>BNSF Railway Company</i></b>	)	<b>Project, Columbia River &amp; Drano Lake, near</b>
In accordance with 33U.S.C. 1341	)	<b>Cook, Skamania County, Washington</b>
(FWPCA §401), RCW 90.48.120, RCW	)	
90.48.260 and Chapter 173-201A WAC	)	

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On January 29, 2018, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification (WQC) to BNSF Railway Company for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request January 3, 2023, to extend the expiration of WQC.

Order No. 15621 dated January 29, 2018, is hereby amended as follows:

I. Condition number C.1. which reads:

This Order will expire five (5) years from the date of issuance. Continuing this Order beyond the five-year term will require the Applicant to apply for an extension prior to the expiration of this Order.

Is replaced with:

This Order will expire on March 18, 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://eluho.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://eluho.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@eluho.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:

Lori Kingsbury  
Department of Ecology  
Southwest Regional Office  
Lori.kingsbury@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



Maria Sandercock, Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

January 26, 2023  
DATE