



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 28, 2023

Brumfield Construction, Inc.
ATTN: Josh Franzke
2007 Westport Road
Aberdeen, WA 98520

Re: Water Quality Certification Order No. **21615** for Corps No. NWS-2021-0792, Westport Seafood Retaining Wall Replacement, Grays Harbor County, Washington

Dear Josh Franzke:

On November 29, 2022, Brumfield Construction, Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Westport Seafood Retaining Wall Replacement project in Grays Harbor County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification Request and supplemental documents 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 enclosed Water Quality Certification Order (WQC Order).

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

If you have any questions about this decision, please contact Lori Kingsbury at Lori.kingsbury@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

By certified mail 9489 0090 0027 6094 0257 10

Enclosure

WQC Order No. 21615, Corps No. NWS-2021-0792
Aquatics ID No. 141224
February 28, 2023
Page 2 of 2

cc: Danette Guy, U.S. Army Corps of Engineers
Steven Quarterman, Landau Associates
Mike Cornman, Westport Seafood
Loree' Randall, Ecology
Lori Kingsbury, Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A)	WQC ORDER No. 21615
WATER QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2021-0792
Brumfield Construction, Inc.)	<i>Westport Seafood Retaining Wall Replacement</i>
pursuant to 33 U.S.C. 1341 (FWPCA §)	<i>located within Grays Harbor, Westport, Grays</i>
401), RCW 90.48.120, RCW 90.48.260 and)	<i>Harbor County, Washington</i>
Chapter 173-201A WAC)	

Brumfield Construction, Inc.
 Attn: Josh Franzke
 2007 Westport Road
 Aberdeen, WA 98520

On November 29, 2022, Brumfield Construction, Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Westport Seafood Retaining Wall Replacement project located in the city of Westport, Grays Harbor County, Washington. The following required processing dates are referenced below:

- On September 23, 2022, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit No. 3, Maintenance.
- On October 3, 2022, Ecology notified the Corps that the project requires an individual Section 401 WQC.
- On October 11, 2022, Brumfield Construction, Inc. submitted a pre-filing meeting request.
- On January 13, 2023, Ecology issued a public notice for the project.

This project proposes to replace approximately 200 linear feet of existing seawall on property owned and operated by Westport Seafood. The existing seawall is comprised of timber pilings and a timber wall. The new seawall will be comprised of a soldier pile wall consisting 26 steel piles and pre-cast concrete wall sections between each steel piling. Twenty six creosote pilings and approximately 2,000 square feet of creosote timbers associated with the existing seawall will be removed. The new seawall will have weep holes for water to leave the landward side of the seawall to prevent erosion. To maintain drainage from behind the seawall, approximately 240 cubic yards of sand and aggregate will be removed and replaced with equivalent volume of clean free-draining backfill. The approximate 1,080 square foot area of backfill will be restored with area of maintained grass similar to existing conditions. Additionally, the project will be removing asphalt and concrete debris that extends approximately 10 feet from the shoreline waterward of the seawall.

The project site is located within Grays Harbor at 609 Neddie Rose Drive, Westport, Grays Harbor County, Washington; SE Section 36, Township 17N., Range 12W., within Water Resource Inventory Area (WRIA) 22 - Lower Chehalis Watershed.

With this Order, Ecology is granting Brumfield Construction, Inc.'s request for a Section 401 Water Quality Certification for the Westport Seafood Retaining Wall Replacement project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on November 29, 2022.

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, Brumfield Construction, Inc. 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 Brumfield Construction, Inc. 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 Brumfield Construction, Inc. for the Westport Seafood Retaining Wall Replacement 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. 21615 will remain valid for the duration of the associated DA permit. Brumfield Construction, Inc. 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 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://eluhoh.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 of 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 -335. "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://eluhho.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, STE 301
Tumwater, WA 98501

Filing electronically

E-mail Address:

pchb-shbappeals@eluhho.wa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department 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
PO Box 47775
Olympia, WA 98504-47775
Lori.kingsbury@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://www.eluhho.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>
- **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



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

February 28, 2023

Date