



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 28, 2023

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

Re: Fourth 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 fourth amendment to Water Quality Certification Order No. 13195, originally issued on March 28, 2016, for the above project. The certification was amended the first time on July 22, 2020, to extend coverage to March 23, 2023; a second amendment was issued on July 14, 2021, to revise depth and volume of dredging; and a third amendment was issued on December 22, 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. All other conditions of Water Quality Certification No. 13195 remain in effect.

The purpose of this amendment is to amend condition F.2 to extend expiration date of the certification for the wharf rehabilitation activities to continue through February 15, 2024, and to amend condition F.1 to provide a one-time in-water work window extension through February 15, 2024.

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,

Loree' Randall, Section Manager
Federal Permitting Section, HQ

Fourth Amendment to WQC Order No. 13195
Aquatics No. 135306, Corps No. NWS- 2015-00269
July 28, 2023
Page 2 of 2

Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9489 0090 0027 6383 6851 20

Sent via e-mail: wolfe.l@portseattle.org

E-cc: Andrew Shuckhart, U.S. Army Corps of Engineers
Laura Inouye, Ecology
ecyrefedpermits@ecy.wa.gov



In The Matter of Granting a Water Quality
Certification to the Port of Seattle
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC

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

WQC Order No.	13195, Fourth Amendment
Corps Reference No.	NWS-2015-00269
Site Location	Port of Seattle T5 Wharf rehabilitation and berth deepening, Duwamish River, Seattle, King County, Washington.

On March 28, 2016, 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).

Ecology received a request on July 25, 2023, to extend the certification date and for a one-time extension of the in-water work window.

Order No. 13195 dated March 28, 2016, is hereby amended as follows:

I. Condition number F.1 which reads:

All in-water work shall be completed by the work window identified in the most current HPA issued for this project (HPA dated September 23, 2015 excludes work below the OHW between February 16 through July 31, and work must be completed prior to June 9, 2020). Any project change that requires a new or revised HPA should also be sent to Ecology for review.

Is replaced with:

All in-water work shall be completed by the work window identified in the most current HPA issued for this project. Any new or revised HPA should also be sent to Ecology.

II. Third amendment Condition number F.2 which reads:

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

Is replaced with:

This Order shall remain in effect until February 15, 2024.

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 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 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 mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluh0.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Contact Information

Please direct all questions about this Order to:

Laura Inouye
Department of Ecology
(360) 515-8213
Laura.Inouye@ecy.wa.gov

More Information

- Pollution Control Hearings Board Website
<https://elaho.wa.gov>
- 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

Dated this 28th day of July, 2023, at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager
Federal Permitting Section
Shorelands and Environmental Assistance Program