



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 18, 2023

Seattle Department of Transportation
ATTN: Katherine Chesick
PO Box 34996
Seattle, WA 98124

Re: Amendment to 401 Water Quality Certification Order No. 9829 for U.S. Army Corps of Engineers Reference No. NWS-2011-778-WRD, Elliott Bay Seawall Project, in Elliott Bay, Seattle, King County, Washington

Dear Katherine Chesick:

Enclosed is an amendment to Water Quality Certification Order No. 9829, issued on April 1, 2013, for the above project. All other conditions of Water Quality Certification No. 9829 remain in effect.

The purpose of this amendment is to extend the Water Quality Certification to coincide with the Corps Individual Permit.

If you have any questions, please contact Brook Swensen at 564-999-1749. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

Enclosure (2)

By certified mail: 9489 0090 0027 6383 6854 96

Sent via e-mail: Katherine.Chesick@seattle.gov

First Amendment to WQC Order No. 9829
Aquatics ID No. 129670, Corps No. NWS-2011-778-WRD
October 18, 2023
Page 2 of 2

E-cc: Jacalen Printz, U.S. Army Corps of Engineers
Mark Mazzola, Seattle Department of Transportation
Heather Page, Anchor QEA, LCC
Joe Miles, WA Department of Natural Resources
Derrick Toba, WA Department of Natural Resources
Laura Arber, WA Department of Fish and Wildlife
Ben Perkowski, Seattle Planning and Development
Steve Todd, Suquamish Tribe
Glen St. Amant, Muckleshoot Indian Tribe
Jim Muck, US Fish & Wildlife Service/NOAA Fisheries
Elain Spencer, Graham & Dunn PC
Donna Cauthorn, Graham & Dunn PC
Timothy Smith, Washington State Ferries
Kojo Fordjour, Washington State Ferries
Joe Burcar, Ecology
Raman Iyer, Ecology
Brook Swensen, Ecology
ecyrefedpermits@ecy.wa.gov

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

Seattle Department of Transportation
Attn: Katherine Chesick
PO Box 34996
Seattle, WA 98124

WQC Order No.	9829, First Amendment
Corps Reference No.	NWS-2011-778-WRD
Site Location	Elliott Bay Seawall Project located within Elliott Bay, Seattle, King County, Washington.

On April 1, 2013, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Seattle Department of Transportation for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on October 12, 2023, to extend the Water Quality Certification to coincide with the Corps Individual Permit to complete phase 2 of the project.

WQC Order No. 9829 dated April 1, 2013, is hereby amended as follows:

I. Condition number F2. which reads:

This Order is valid until all compliance requirements in this document have been met.

Is replaced with:

This Order shall remain in effect to December 31, 2031.

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://elaho.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:

Brook Swensen
Department of Ecology
564-999-1749
Bswe461@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 18th day of October 2023 at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program