



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 26, 2023

Suzanne Skinner
7601 West Mercer Way
Mercer Island, WA 98040

Re: Water Quality Certification Order No. **22375** (Corps No. NWS-2022-0767), Skinner Pier and Bulkhead Repair project, King County, Washington

Dear Suzanne Skinner:

On July 21, 2023, Suzanne Skinner submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Skinner Pier and Bulkhead Repair project, King 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 Sonia Mendoza at (360) 918-1342. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Enclosure (1)

WQC Order No. 22375, Corps No. NWS-2022-0767

Aquatics ID No. 142720

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By certified mail: 9489 0090 0027 6383 2200 48

Sent via e-mail: skannersuzanne@hotmail.com

E-cc: Colleen Anderson, U.S. Army Corps of Engineers
Madison Johnson, Seaborn Pile Driving Co.
Zion Napier, Seaborn Pile Driving Co.
Sonia Mendoza, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

Suzanne Skinner
7601 West Mercer Way
Mercer Island, WA 98040

WQC Order No.	22375
Corps Reference No.	NWS-2022-0767
Site Location	Skinner Pier and Bulkhead Repair project located within Lake Washington, Mercer Island, King County, Washington.

Suzanne Skinner submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Skinner Pier and Bulkhead Repair project, King County, Washington. The following required processing dates are listed below:

- On June 20, 2023, the Suzanne Skinner submitted a pre-filing meeting request.
- On July 21, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On July 27, 2023, Suzanne Skinner submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On May 31, 2023, 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 and requires an individual Section 401.
- On July 31, 2023, Ecology issued a public notice for the project.

This project proposes to maintain an existing 561-square-foot pier waterward of the Ordinary High Water Mark (OHWM). Work includes: splice twelve wood piles (three 10-inch diameter, two 12-inch diameter, two 13-inch diameter, three 14-inch diameter, one 16-inch diameter, and one 18-inch diameter piles), cut off below water line and stubbed with steel sleeves and secured with 3/4-inch Thru-Bolts. Remove 116 linear feet of timber bulkhead and concrete stairs by cutoff or direct pulled out via an excavator or crane and replace using 2-3 man rocks and stairs. Install filter fabric into the excavated area and backfill with 2 to 4-inch cleaned crushed rock, and then envelope with the filter fabric. Bulkhead work would be conducted from barge and land. The existing boatlift and one Personal Watercraft (PWC) remain with no work proposed. Materials would be brought to the site by a barge, and a floating containment boom would be placed around the area before construction begins.

The project site is located within Lake Washington at 7601 West Mercer Way in Mercer Island, King County, Washington, Section 25, Township 24, Range 04, within Water Resource Inventory Area (WRIA) 08 - CedarSammam.

With this WQC Order, Ecology is granting with conditions Suzanne Skinner's request for a Section 401 Water Quality Certification for the Skinner Pier and Bulkhead Repair project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on July 21, 2023.

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, Suzanne Skinner 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 Suzanne Skinner 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.

Special Condition:

1. Suzanne Skinner shall conduct visual water quality monitoring as described in the Joint Aquatics Resources Permit Application Form (JARPA).
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.
 - Citation - RCW 90.48, RCW 90.48.030, Chapter 173-201A WAC, 173-201A-300-330 and WAC 173-225-010.
2. If water quality exceedances for turbidity are observed outside the point of compliance, work shall cease immediately to assess the cause of the water quality problem and take immediate action to stop, contain, and correct the problem and prevent further water quality turbidity exceedances.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.

- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
3. Any work that causes distressed or dying fish or discharges of oil, fuel, or other chemicals into state waters or onto land with a potential for entry into state waters is prohibited¹. If such work, conditions, or discharges occur, immediately notify² Ecology's Regional Spill Response Office at 360-407-6300 and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems. You will also need to notify the Washington Emergency Management Division³ at 1-800-258-5990, for spills to water only. This condition is necessary to prevent oil and other hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm.

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 with conditions to the Suzanne Skinner for the Skinner Pier and Bulkhead Repair 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. WQC Order No. **22375** will remain valid for the duration of the associated DA permit. Suzanne Skinner should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it. To transfer this Order to a new owner or operator, complete a Request for Transfer of Order form following the instructions at the top of the form. Link to form:

<https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>.

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 information 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.

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

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- 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

Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Contact Information

Please direct all questions about this WQC Order to:

Sonia Mendoza

Department of Ecology

(360) 918-1342

Sonia.Mendoza@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>
- **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

Dated this 26th day of October 2023 at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager

Aquatic Permitting & Protection Section

Shorelands and Environmental Assistance Program