



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 22, 2023

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

Re: Fifth Amendment to 401 Water Quality Certification Order No. 13195 for U.S. Army Corps of Engineers Reference No. NWS-2015-269, Port of Seattle T5 Wharf Rehab and Berth Deepening project located within Seattle, Duwamish River, King County, Washington

Dear Laura Wolfe:

Enclosed is an amendment to Water Quality Certification Order No. 13195, issued March 28, 2016, for the above project. All other conditions of Water Quality Certification No. 13195 remain in effect.

The purpose of this amendment is to allow clean sand placement to address an over-dredging event.

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
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9489 0090 0027 6383 2201 09

Fifth Amendment to WQC Order No. 13195
Aquatics No. 135306, Corps No. NWS-2015-269
November 22, 2023
Page 2 of 2

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

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

In The Matter of Granting a Water Quality
Certification to 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, Fifth Amendment
Corps Reference No.	NWS-2015-269
Site Location	Port of Seattle T5 Wharf Rehab and Berth Deepening project located within Seattle, Duwamish River, King County, Washington.

On March 28, 2016, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification (WQC) to the Port of Seattle for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). The WQC 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; a third amendment was issued on December 22, 2022, to extend expiration date of the WQC for the wharf rehabilitation activities to continue through July 30, 2023, in order to complete the project; and a fourth amendment was issued on July 28, 2023, to extend the WQC date through February 15, 2024, and to allow a one-time in-water work window extension.

Ecology received a request on October 10, 2023, to allow clean sand placement to address an over-dredging event.

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

I. Additional Condition added to Condition E. Demolition and Rehabilitation Requirements:

20. Areas dredged to below authorized depth will be backfilled with clean sand to the authorized depth (-58 ft MLLW) or a minimum of 12 inches of clean sand, whichever is greater.

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://eluh.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:

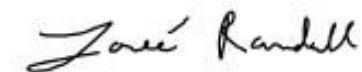
Laura Inouye
Department of Ecology
(360) 515-8213
Laura.Inouye@ecy.wa.gov

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 22nd day of November 2023, at the Department of Ecology, Lacey, Washington.



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