



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 18, 2024

Vivian Shi
6031 77th Avenue Southeast
Mercer Island, WA 98040

Re: Water Quality Certification Order No. **22493** (Corps No. **NWS-2022-0800**), Shi Pier Extension and Bulkhead Repair project, King County, Washington

Dear Vivian Shi:

On October 3, 2023, Vivian Shi submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Shi Pier Extension 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, HQ
Shorelands and Environmental Assistance Program

Enclosure (1)

WQC Order No. 22493, Corps No. NWS-2022-0800

Aquatics ID No. 137530

January 18, 2024

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By certified mail: 9489 0090 0027 6383 2202 39

Sent via e-mail: Shi.vivian3322@hotmail.com

E-cc: Samantha Stanford, U.S. Army Corps of Engineers
Zion Napier, Seaborn Pile Driving Company
Dray Davick, Seaborn Pile Driving Company
Sonia Mendoza, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

Vivian Shi
6031 77th Avenue Southeast
Mercer Island, WA 98040

WQC Order No.	22493
Corps Reference No.	NWS-2022-0800
Site Location	Shi Pier Extension and Bulkhead Repair project located within Lake Washington, Mercer Island, King County, Washington.

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

- On August 10, 2023, the Vivian Shi submitted a pre-filing meeting request.
- On October 3, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On July 24, 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 Section 10 Letter Permission and requires an individual Section 401.
- On October 13, 2023, Ecology issued a public notice for the project.

This project proposes to Drive (4) 8" steel piles, install a 24' x 5'-10" extension with grated decking material, repair 108' of the bulkhead including the cove, relocate an existing personal watercraft (PWC) lift, install a new PWC lift, and replace the moorage cover with Crystalite translucent roofing.

The project site is located at 6031 77th Avenue Southeast in Mercer Island, Lake Washington, King County, Washington, Section 24, Township 24 N., Range 04 E., within Water Resource Inventory Area (WRIA) 8 Cedar-Sammamish.

With this WQC Order, Ecology is granting with conditions Vivian Shi's request for a Section 401 Water Quality Certification for the Shi Pier Extension 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 October 3, 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, Vivian Shi 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 Vivian Shi 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. 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 Vivian Shi for the Shi Pier Extension 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. **22493** will remain valid for the duration of the associated DA permit. Vivian Shi 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>.

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

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.
- 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://eluhwa.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)**
<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)**
<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)**
<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)**
<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)**
<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)**
<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)**
<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)**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

WQC Order No. 22493, Corps No. NWS-2022-0800

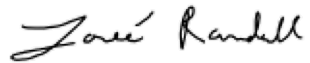
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Signature

Dated this 18th day of January 2024 at the Department of Ecology, Lacey, Washington.

A handwritten signature in cursive script that reads "Loree' Randall".

Loree' Randall, Section Manager

Aquatic Permitting & Protection Section

Shorelands and Environmental Assistance Program