



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 24, 2024

Port of Edmonds
ATTN: Angela Harris
336 Admiral Way
Edmonds, WA 98020

Re: Water Quality Certification Order No. **22377** (Corps No. **NWS-2021-0775**), Port of Edmonds North Portwalk and Seawall Reconstruction project, Snohomish County, Washington

Dear Angela Harris:

On February 2, 2023, Port of Edmonds submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Port of Edmonds North Portwalk and Seawall Reconstruction project, Snohomish 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

WQC Order No. 22377, Corps No. NWS-2021-0775

Aquatics ID No. 142214

January 24, 2024

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Enclosure (1)

By certified mail: 9489 0090 0027 6383 2202 22

Sent via e-mail: aharris@portofedmonds.org

E-cc: Kylie Webb, U.S. Army Corps of Engineers
Steven Quarterman, Landau Associates
Sonia Mendoza, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

Port of Edmonds
Attn: Angela Harris
336 Admiral Way
Edmonds, WA 98020

WQC Order No.	22377
Corps Reference No.	NWS-2021-0775
Site Location	Port of Edmonds North Portwalk and Seawall Reconstruction project located within Puget Sound, Port Edmonds, Snohomish County, Washington.

Port of Edmonds submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Port of Edmonds North Portwalk and Seawall Reconstruction project, Snohomish County, Washington. The following required processing dates are listed below:

- On November 29, 2022, the Port of Edmonds submitted a pre-filing meeting request.
- On February 2, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On June 23, 2023, Port of Edmonds submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On August 21, 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 October 19, 2023, Ecology issued a public notice for the project.

This project proposes to replace an existing timber waterfront boardwalk and an associated timber bulkhead. Boardwalk Replacement: Approximately 900 linear feet (LF) of the existing timber boardwalk would be replaced with a concrete and glass boardwalk within the same alignment. The proposed boardwalk would be elevated 6-inches higher than the existing. Replacement of the boardwalk would require the repair of 118 piles (60 vertical piles and 58 batter piles). Piles would be repaired in place by welding steel sleeves over the damaged portions of the existing piles. Approximately 1 cubic yard of excavation over 9 square feet would occur at each batter pile to facilitate the installation of the steel sleeve. Following the installation of the steel sleeve, the excavated area would be restored with the riprap that was

excavated from around the pile or with clean sand. Additionally, a total of 8 timber piles would be removed from the N- dock. These piles would be fully extracted using a “chocker” chain and vibratory pile driver. If the piles begin to deteriorate, they would be cut below the mudline. The area where the piling has been removed would either be capped with clean sand, or a new pile would be replaced. Lastly, (10) 12-inch diameter steel piles would be installed via vibratory hammer to support the boardwalk in the vicinity of N dock. The new piles would be embedded a minimum of 25-feet below the mudline. Bulkhead Replacement: The waterfront has two existing bulkheads onsite. There is a subtidal concrete bulkhead which will remain as is and an upper timber bulkhead which would be replaced with a sheet piles bulkhead. The removal of the timber bulkhead would consist of the removal of 107 timber piles which would be cut below the mudline. Full extraction of the piles is not feasible due to the anchor tiebacks below the substrate surface. The proposed sheet pile bulkhead would be installed landward of the existing timber bulkhead. The sheet pile would be driven, and a concrete beam (i.e. pile cap) would be installed across the top which would be supported by anchor tiebacks throughout the beam. There would be approximately 293 cubic yards of excavation and fill associated with the bulkhead replacement. The excavated material would consist of the existing riprap between the timber and concrete bulkheads. Once the bulkhead work is complete, the riprap would be replaced in between the sheet pile bulkhead and existing concrete bulkhead.

The project site is located at 300 Admiral Way, Edmonds, Puget Sound, Snohomish County, Washington, Section 23, Township 27 N., Range 3 E., within Water Resource Inventory Area (WRIA) 8 Cedar-Sammamish.

With this WQC Order, Ecology is granting with conditions Port of Edmonds’s request for a Section 401 Water Quality Certification for the Port of Edmonds North Portwalk and Seawall Reconstruction project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 2, 2023, and the following supporting documentation:

1. On January 8, 2024, received an updated Water Quality Monitoring Plan (WQMP) Port of Edmonds North Portwalk and Seawall Reconstruction, prepared by Landau Associates, Inc., dated January 8, 2024.

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, Port of Edmonds 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 Port of Edmonds 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:

A. Water Quality Monitoring and Criteria

1. The Port of Edmonds shall conduct water quality monitoring as described in the approved Water Quality Monitoring Plan (WQMP) Port of Edmonds North Portwalk and Seawall Reconstruction, dated January 8, 2024 (hereafter referred to as the WQMP).
 - 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, WAC 173-201A-300-330, and WAC 173-225-010.
2. Ecology may ask or could use its discretionary authority to require the Port of Edmonds to provide mitigation and/or additional monitoring if the monitoring results indicate that the water quality standards have not been met.
 - Justification – Ecology must protect waters of the state from all discharges and potential discharges of pollution and ensure that aquatic life and beneficial uses are protected.
 - Citation – RCW 90.48, RCW 90.48.010, RCW 90.48.030, RCW 90.48.080, RCW 90.48.120, Chapter 173-201A WAC, WAC 173-201A-300-330, and Chapter 173-204 WAC
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 notify²Ecology’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

¹ RCW 90.48

² WAC 173-303-145

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 Port of Edmonds for the Port of Edmonds North Portwalk and Seawall Reconstruction 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. **22377** will remain valid for the duration of the associated DA permit. Port of Edmonds 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.
- 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.

³ RCW 90.56.280

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 360-407-6831 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

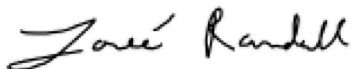
More Information

- **[Pollution Control Hearings Board Website](https://eluhho.wa.gov)**
<https://eluhho.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 24th day of January, 2024 at the Department of Ecology, Lacey, Washington.



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