



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

June 6, 2024

ATTN: Douglas Lee  
16002 Beach Drive NE  
Lake Forest Park, WA 98155

Re: Water Quality Certification Order No. **22896** (Corps No. **NWS-2023-0083**), Lee, Doug and Lyn Replacement Soldier Pile Bulkhead Lake Forest Park, King County, Washington

Dear Douglas Lee:

On December 13, 2023, Douglas Lee submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Lee, Doug and Lyn Replacement Soldier Pile Bulkhead Lake Forest Park, King County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions 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 Austin Schmalz at (360) 301-6989. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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Joe Burcar, Section Manager  
Northwest Region Office  
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9171 9690 0935 0233 1416 21

Sent via e-mail: [Leesull7@comcast.net](mailto:Leesull7@comcast.net)

WQC Order No. 22896, Corps No. NWS-2023-0083

Aquatics ID No. 143185

June 6, 2024

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E-cc: Colin Greenan, U.S. Army Corps of Engineers  
Mark Kushino, Waterfront Construction Inc.  
Loree' Randall, Ecology  
Austin Schmalz, Ecology  
[ECYREFEDPERMITS@ecy.wa.gov](mailto:ECYREFEDPERMITS@ecy.wa.gov)

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

Attn: Douglas Lee  
16002 Beach Drive NE  
Lake Forest Park, WA 98155

<b>WQC Order No.</b>	22896
<b>Corps Reference No.</b>	NWS-2023-0083
<b>Site Location</b>	Lee, Doug and Lyn Replacement Soldier Pile Bulkhead Lake Forest Park located within Lake Washington, Lake Forest Park, King County, Washington.

Douglas Lee submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Lee, Doug and Lyn Replacement Soldier Pile Bulkhead Lake Forest Park project in King County, Washington. The following required processing dates are listed below:

- On 10/30/2023, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under the Nationwide Permit (NWP) Program.
- On 11/13/2023, the Douglas Lee submitted a pre-filing meeting request.
- On 12/13/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 12/21/2023, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 6/10/2024.

This project proposes to replace an existing timber soldier pile bulkhead with a new 111-foot steel soldier pile bulkhead.

The project site is located at 16002 Beach Drive Northeast, Lake Washington, King County, Washington, Section 15, Township 26 N., Range 4 E., within Water Resource Inventory Area (WRIA) 8 Cedar-Sammamish.

With this WQC Order, Ecology is granting with conditions Douglas Lee's request for a Section 401 Water Quality Certification for the Lee, Doug and Lyn Replacement Soldier Pile Bulkhead

Lake Forest Park project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 12/13/2023.

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, Douglas Lee 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 Douglas Lee 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 Douglas Lee from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

**Special Conditions:**

1. 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. **22896** will remain valid until February 1st, 2026.
  - Justification – Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
  - Citation – Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.
2. Douglas Lee shall send a copy of the final Federal permit via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to [Austin.Schmalz@ecy.wa.gov](mailto:Austin.Schmalz@ecy.wa.gov) prior to the starting of any work authorized by this WQC Order.
  - Justification - This condition is needed to ensure that the federal permit has been issued and all the conditions of the WQC Order have been included into the federal permit.
  - Citation - 40 CFR 121.10, 40 CFR 121.11, and Chapter 90.48 RCW.
3. To transfer this WQC Order to a new owner or operator Douglas Lee shall:
  - a. Complete a Request for Transfer of Order with a specific transfer date of the WQC Order's obligations, coverage, and liability and submit it to Ecology at

- [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to Federal Permit Manager. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
- b. Provide a copy of this WQC Order to the new owner or operator; and
  - c. The transfer is not considered valid until the Project Proponent receives written notification from Ecology that the transfer has been approved.
    - Justification – Ecology has independent state authority to ensure protection of state water quality. Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
    - Citation – 40 CFR 121.5, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
4. Water quality monitoring results shall be submitted upon request to Ecology’s Federal Permit Manager, [Austin.Schmalz@ecy.wa.gov](mailto:Austin.Schmalz@ecy.wa.gov). The results shall be identified with WQC Order No. 22896 and include the Project Proponent’s name, Corps permit number, project name, project contact, and the contact phone number.
- 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.
5. 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 prohibited. If such work, conditions, or discharges occur, immediately notify 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 Division 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.
- Justification - This condition is necessary to prevent oil and 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. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.

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 Douglas Lee for the Lee, Doug and Lyn New Soldier Pile Bulkhead Lake Forest Park project.

## 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://eluh0.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](mailto: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:

Austin Schmalz  
Department of Ecology  
(425) 301-6989  
[Austin.Schmalz@ecy.wa.gov](mailto:Austin.Schmalz@ecy.wa.gov)

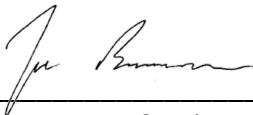
## More Information

- **Pollution Control Hearings Board Website**  
<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 6<sup>th</sup> day of June, 2024, at the Department of Ecology, Shoreline, Washington.



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Joe Burcar, Section Manager

Northwest Region Office

Shorelands and Environmental Assistance Program