



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 30, 2025

U.S. Environmental Protection Agency
Office of Wetlands, Oceans, and Watersheds
Attn: Stacey Jensen
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Water Quality Certification Order No. **23490** Marine Protection, Research, and Sanctuaries Act (MPRSA) General Permit for Ocean Disposal of Marine Mammal and Sea Turtle Carcasses in marine waters in Washington

Dear Stacey Jensen:

On September 11, 2024, the U.S. Environmental Protection Agency submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Marine Protection, Research, and Sanctuaries Act (MPRSA) General Permit for Ocean Disposal of Marine Mammal and Sea Turtle Carcasses in marine waters in 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 Erin Hanlon Brown at (360) 280-1037. The enclosed WQC Order may be appealed by following the procedures described within.

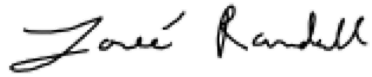
MPRSA General Permit for Ocean Disposal of Marine Mammal and Sea Turtle Carcasses

WQC Order No. 23490, Aquatics ID No. 143854

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Sincerely,



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

Enclosure (1)

By certified mail: 91 7199 9991 7036 8715 4997

Sent via e-mail: Jensen.stacey@epa.gov

E-cc: Cheryl Zulick, U.S. EPA
Erin Hanlon Brown, Ecology
ecyrefedpermits@ecy.wa.gov

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

U.S. Environmental Protection Agency
Office of Wetlands, Oceans, and Watersheds
Attn: Stacey Jensen
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

WQC Order No.	23490
Federal Reference No.	EPA-HQ-OW-2023-0329
Site Location	Marine Protection, Research, and Sanctuaries Act (MPRSA) General Permit for Ocean Disposal of Marine Mammal and Sea Turtle Carcasses within marine waters in Washington.

The U.S. Environmental Protection Agency (EPA) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Marine Protection, Research, and Sanctuaries Act (MPRSA) General Permit for Ocean Disposal of Marine Mammal and Sea Turtle Carcasses in marine waters in Washington. The required processing dates are listed below:

- On 5/10/2024, the EPA submitted a pre-filing meeting request.
- On 9/11/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 9/26/2024, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 3/11/2025.

The EPA is proposing to re-issue a general permit under the Marine Protection, Research and Sanctuaries Act (MPRSA) to authorize the transport and disposal of marine mammal and sea turtle carcasses in ocean waters, including the Puget Sound. In 2017, the EPA issued a general permit for the ocean disposal of marine mammal carcasses to streamline MPRSA authorization and reduce burdens associated with case-by-case permitting. Permit re-issuance is necessary because the most recent permit expired on January 4, 2024. The proposed general permit will be identical to the 2017 permit, except now would include authorization for disposal of marine mammal carcasses in Puget Sound.

With this WQC Order, Ecology is granting EPA's request for a Section 401 Water Quality Certification for the Marine Protection, Research, and Sanctuaries Act (MPRSA) General Permit for Ocean Disposal of Marine Mammal and Sea Turtle Carcasses project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 9/11/2024.

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

This WQC Order is effective upon issuance of the EPA Marine Protection, Research, and Sanctuaries Act permit and will remain valid for seven years following the issuance of the permit. The EPA shall send a copy of the final permit via e-mail to fednotification@ecy.wa.gov and cc to Federal Permit Manager.

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 by 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.

Address and Location Information

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 Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Address:

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:

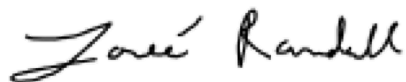
Erin Hanlon Brown
Department of Ecology
(360) 280-1037
Erin.HanlonBrown@ecy.wa.gov

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 30th day of January 2025 at the Department of Ecology, Lacey, Washington.



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