



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

February 11, 2025

Port of Seattle  
ATTN: Danielle Butsick  
PO Box 1209  
Seattle, WA 98111

Re: Amendment to 401 Water Quality Certification Order No. **21173** for U.S. Army Corps of Engineers Reference No. **NWS-2011-467**, Seattle Pile Systems Repair and Maintenance Program, Puget Sound, Seattle, King, Washington

Dear Danielle Butsick:

Enclosed is an amendment to Water Quality Certification Order No. 21173, issued on 7/28/2022, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification No. 21173 remain in effect.

The purpose of this amendment is to extend the in-water work windows listed in condition C.2. to complete Pier 90 Berth 3 emergency repair work, to allow for year-round work on pile wraps and cathodic protection replacement, to allow for year-round work on Pier 66 fender panel and fender replacement activities, and to complete Pier 66 aluminum anode installation.

If you have any questions, please contact Austin Schmalz at (425) 301-6989. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

---

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

Enclosure (2)

By certified mail: 9171 9690 0935 0233 1811 77

First Amendment to Order No. 21173  
Aquatics No. 129989, Corps No. NWS-2011-467  
February 11, 2025  
Page 2 of 2

Sent via e-mail: [butsick.d@portseattle.org](mailto:butsick.d@portseattle.org)

E-cc: Jason Sweeney, U.S. Army Corps of Engineers  
Steve Moses, Snoqualmie Tribe  
Whitney Conard, EPA  
Elly Hale, EPA  
Ravi Sanga, EPA  
Ben Perkowski, City of Seattle  
Laura Arber, WDFW  
Cailan Nealer, DNR  
Christa Colouzis, ECY  
Rick Thomas, ECY  
Austin Schmalz, Ecology  
Erin Hanlon Brown, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

In The Matter of Granting a Water Quality  
 Certification with Conditions 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: Danielle Butsick  
 PO Box 1209  
 Seattle, WA 98111

<b>WQC Order No.</b>	<b>21173</b> , First Amendment
<b>Corps Reference No.</b>	NWS-2011-467
<b>Site Location</b>	Port of Seattle Pile System Replacement Programmatic Permit Project located within Elliott Bay, Puget Sound, East and West Waterways, Duwamish River, Lake Washington Ship Canal, and Salmon Bay; located in King County, Washington.

On 7/28/2022 the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification (WQC) to Port of Seattle for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on 1/22/2025 to modify the WQC to allow for extension of the in-water work window for Pier 90 Berth 3 emergency repair work and to allow for year-round work for pile wraps and cathodic protection replacement.

WQC Order No. 21173 dated 7/28/2022 is hereby amended as follows:

I. Condition number C.2 which reads:

The following in-water work windows apply to the project:

a. All activities below the Ordinary High Water Line may be conducted as identified in Table 2.

**Table 2.** Work Windows

	<b>WRIA/Waterbody</b>	<b>Sites</b>	<b>Activities</b>	<b>Work Window</b>
	WRIA 8 Lake Washington Ship Canal and Salmon Bay	Maritime Industrial Center, Fishermen’s Terminal, Salmon Bay Marina	All activities	Between October 1 and April 15 of any year
	WRIA 8	Shilshole Bay Marina, Terminal 46, Piers 16 and 17, Terminal 18, Terminal	All activities <u>excluding</u> impact pile driving for pipe pile	Between August 1 and February 15 of any year

<b>Location</b>	Saltwater and Estuarine Areas	10, Terminal 105 SE, Terminal 5, Terminal 30, Pier 28, Terminal 25, Pier 2, Jack Block Park	Impact pile driving for pipe pile	Between September 1 and February 15 of any year
	WRIA 8 Saltwater Area	Terminal 86, Elliott Bay Park Fishing Pier, Pier 66, Pier 69, Terminal 91	All activities <u>excluding</u> impact pile driving for pipe pile	Between August 1 and January 15 of any year
			Impact pile driving for pipe pile	Between September 1 and January 15 of any year
	WRIA 9 Duwamish River Estuarine Areas	Terminal 102, Terminal 103, Terminal 104, Terminal 106, Terminal 108, Terminal 107 and Kellogg Island, Terminal 105, Terminal 115, Terminal 117, Turning Basin #3	All activities	Between August 1 and February 15 of any year

Is replaced with:

The following in-water work windows apply to the project:

- a. All activities below the Ordinary High Water Line may be conducted as identified in Table 2.

**Table 2. Work Windows**

	<b>WRIA/Waterbody</b>	<b>Sites</b>	<b>Activities</b>	<b>Work Window</b>
	WRIA 8 Lake Washington Ship Canal and Salmon Bay	Maritime Industrial Center, Fishermen’s Terminal, Salmon Bay Marina	All activities <u>excluding</u> cathodic protection replacement and pile wraps	Between October 1 and April 15 of any year
			Cathodic protection replacement and pile wraps	Year-round

<b>Location</b>	WRIA 8 Saltwater and Estuarine Areas	Shilshole Bay Marina, Terminal 46, Terminal 46 North, Smith Cove Cruise Terminal, Piers 16 and 17, Terminal 18, Terminal 10, Terminal 105 SE, Terminal 5, Terminal 30, Pier 28, Terminal 25, Pier 2, Jack Block Park	All activities <u>excluding</u> impact pile driving for pipe pile, and cathodic protection replacement and pile wraps	Between August 1 and February 15 of any year
			Impact pile driving for pipe pile	Between September 1 and February 15 of any year
			Cathodic protection replacement and pile wraps	Year-round
	WRIA 8 Saltwater Area	Terminal 86, Elliott Bay Park Fishing Pier, Pier 66, Pier 69, Pier 90, Terminal 91	All activities <u>excluding</u> impact pile driving for pipe pile, Pier 90 Berth 3 Emergency Repairs, cathodic protection replacement and pile wraps, Pier 66 fender panel and replacement activities, and Pier 66 aluminum anode installation	Between August 1 and January 15 of any year
			Impact pile driving for pipe pile	Between September 1 and January 15 of any year
			Pier 90 Berth 3 Emergency Repairs	Between January 17 and February 20 of 2025
Cathodic				

			protection replacement and pile wraps	Year-round
			Pier 66 fender panel and replacement	Year-round
			Pier 66 aluminum anode installation	Between August 1 and December 31, and between January 1 and February 15, of any year
	WRIA 9 Duwamish River Estuarine Areas	Terminal 102, Terminal 103, Terminal 104, Terminal 106, Terminal 108, Terminal 107 and Kellogg Island, Terminal 105, Terminal 115, Terminal 117, Turning Basin #3	All activities <u>excluding</u> cathodic protection replacement and pile wraps	Between August 1 and February 15 of any year
			Cathodic protection replacement and pile wraps	Year-round

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 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 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)

## Contact Information

Please direct all questions about this 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://eluhwa.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 11 day of February, 2025 at the Department of Ecology, Shoreline, Washington.



---

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



This document shows the activities and/or conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for information purposes only.

**IN THE MATTER OF GRANTING A** ) **WQC ORDER No. 21173, First Amendment**  
**WATER QUALITY CERTIFICATION TO** ) **Corps Reference No. NWS-2011-467**  
Port of Seattle ) Port of Seattle Pile System Replacement  
pursuant to 33 U.S.C. 1341 (FWPCA ) Programmatic Permit Project; Elliott Bay, Puget  
§ 401), RCW 90.48.120, RCW 90.48.260 ) Sound, East and West Waterways, Duwamish  
and Chapter 173-201A WAC ) River, Lake Washington Ship Canal, and Salmon  
Bay; located in King County, Washington.

Port of Seattle  
ATTN: Danielle Butsick  
PO Box 1209  
Seattle, WA 98111

On August 6, 2021, the Port of Seattle submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Port of Seattle Pile System Replacement Programmatic Permit project, King County, Washington. The following required processing dates are referenced below:

- On September 23, 2020, the Port of Seattle submitted a pre-filing meeting request.
- On October 29, 2021, Ecology issued a public notice for the project.

The project proposes to conduct pile repair and maintenance activities at 27 Port facility structures over a 10-year period. Work includes repair and maintenance (including replacement) of structural, fender, dolphin, float, test, double-walled, and other types of piles ranging in size between 12 and 30 inches in diameter, and sheet pile in 24 to 32-inch sheets. The activity would not increase or change the use of Port facilities or structures. Pile-associated systems are included (e.g., sacrificial cathodic protection and ultra-high molecular weight wear strips; pile-associated attachment hardware; pile wraps and fresh heads; timber, concrete, and steel pile caps and beams; and fender system components). Additionally, the project includes repair or replacement of sheetpile bulkheads, repair of existing stormwater outfalls associated with sheet pile wall repairs, existing utilities below the high tide line that are associated with pile systems, existing floating docks attached to pile covered under this programmatic, and existing sheet pile or solder pile toe walls.

The project site includes 27 Port of Seattle facilities distributed across four Zones as follows:

- Zone 1A (Marine—Greater Elliott Bay and Puget Sound): Shilshole Bay Marina, Terminal 91, Pier 69, Pier 66, Terminal 86, Elliott Bay Park Fishing Pier, Terminal 46, Piers 16 and 17, Pier 2 and Jack Block Park.
- Zone 1B (Marine—East and West Waterways): Terminal 18, Terminal 10, Terminal 5, Terminal 30, Pier 28, Terminal 25.
- Zone 2 (Estuarine—Duwamish River): Terminal 102, Terminal 103, Terminal 104, Terminal 106, Terminal 108, Terminal 107 and Kellogg Island, Terminal 105, Terminal 115, Terminal 117, Turning Basin #3.

- Zone 3 (Freshwater—Lake Washington Ship Canal and Salmon Bay): Maritime Industrial Center, Fisherman’s Terminal, Salmon Bay Marina.

The project is located in King County, Washington, within Water Resource Inventory Areas (WRIA) 8 Cedar/Sammamish and 9 Duwamish/Green.

## AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this WQC request pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§1311, 1312, 1313, 1316, and 1317.
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.
4. Conformance with Washington’s prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington. RCW 90.48.080.
5. The project proponent of the project authorized is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

With this Water Quality Certification (WQC) Order, Ecology is granting with conditions, the Port of Seattle’s request for a Section 401 Water Quality Certification for the Port of Seattle Pile System Replacement Programmatic Permit project, Elliott Bay, Puget Sound, East and West Waterways, Duwamish River, Lake Washington Ship Canal, and Salmon Bay, located in King County. Ecology has determined that the proposed discharges will comply with all applicable state water quality requirements, provided the project is conducted in accordance with the Section 401 Water Quality Certification request that Ecology received on August 6, 2021, the supporting documents referenced in Table 1 below, **and the conditions of this WQC Order.**

**Table 1.** Supporting Documents

Date Received	Document Type	Title & Date	Author
August 6, 2021	Joint Aquatic Resources Permit	JARPA (dated May 19, 2021)	Port of Seattle

*First Amendment February 11, 2025*

WQC Order No. 21173, Corps No. NWS-2011-467

Aquatics #129989

July 28, 2022

Page 3 of 23

	Application (JARPA) Form		
August 6, 2021	Drawings	Sheets 1 of 12 to 12 of 12 (dated March 4, 2021)	Port of Seattle
August 6, 2021	State Environmental Policy Act	SEPA Exemption (dated June 2, 2021)	Port of Seattle
August 6, 2021	Underwater Sound Manual	Modeling Underwater Noise Associated with Pile Driving Activities – 2021 (dated May 2021)	Port of Seattle & Grette Associates
August 6, 2021	Essential Fish Habitat Assessment	Port of Seattle: Pile Systems Repair and Maintenance Program (10-Year), Programmatic Essential Fish Habitat (EFH) Assessment (dated May 2021)	Grette Associates
August 6, 2021	Biological Evaluation	Port of Seattle Pile Systems Repair and Maintenance Program (10-Year), Biological Evaluation (dated May 2021)	Grette Associates
August 6, 2021	Marine Mammal Monitoring Specifications	Marine Mammal Monitoring Plan Specifications for the Pile Systems Maintenance and Repair Program (dated September 28 2011)	Port of Seattle
August 6, 2021	Best Management Practices	Port of Seattle: Pile Systems Repair and Maintenance Program (10-Year), JARPA Appendix B: Conservation Measures and Best Management Practices (BMPs) (dated May 2021)	Grette Associates
May 6, 2022	E-mail	E-mail to Jason Sweeney, RE: NWS-2011-649-WRD – Port of Seattle Project Questions (dated April 20, 2022)	Danielle Butsick, Port of Seattle
May 6, 2022	Drawings	Sheet 9 of 12, Pile Systems: Container Terminal Pier (typical) (dated March 4, 2021)	Port of Seattle

		Unnumbered Sheet, Pile Systems: Toe Wall (typical) (dated April 20, 2022)	
May 13, 2022	Drawings	Corps of Engineers Public Notice Drawings, Sheets 1 of 42 to 42 of 42 (dated April 26, 2022)	Port of Seattle
May 19, 2022	Hydraulic Project Approval	Hydraulic Project Approval, Application ID #12151 (dated October 11, 2017)	Washington Department of Fish and Wildlife
July 25, 2022	Water Quality Monitoring Plan	Port of Seattle Pile Systems Repair and Maintenance Program Water Quality Monitoring Plan (dated July 25, 2022)	Port of Seattle

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize the Port of Seattle 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 Port of Seattle from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

#### Water Quality Certification Conditions

The following conditions will be incorporated into the Corps permit and strictly adhered to by the Port of Seattle. Specific condition justifications and citations required by 40 CFR 121.7(d)(1) are provided below each condition in *italic text*.

#### A. General Conditions

1. In this WQC Order, the term "Project Proponent" shall mean the Port of Seattle and its agents, assignees, and contractors.
  - *Justification - Ecology needs to identify that conditions of this WQC Order apply to anyone conducting work on behalf of the Project Proponent to ensure compliance with the water quality standards and other applicable state laws.*
  - *Citation - 40 CFR 121.1(j), Chapter 90.48 RCW, Chapter 90.48.080 RCW, Chapter 90.48.120 RCW, Chapter 90.48.260 RCW, Chapter 173-200 WAC, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
2. All submittals required by this WQC Order shall be sent to Ecology's Headquarters Office, Attn: Federal Permit Manager, via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to

Rebekah.Padgett@ecy.wa.gov. The submittals shall be identified with WQC Order No. 21173 and include the Project Proponent's name, Corps permit number, project name, project contact, and the contact phone number.

- *Justification - Ecology needs to identify where information and submittals are to be submitted to be in compliance with the requirements of this WQC Order.*
  - *Citation - 40 CFR 121, Chapter 90.48 RCW, Chapter 90.48.120 RCW, Chapter 90.48.260 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
3. Work authorized by this WQC Order is limited to the work described in the WQC request package received by Ecology on August 6, 2021, and the supporting documentation identified in Table 1.
- *Justification - Ecology has the authority to prevent and control pollution of state waters. By authorizing a discharge into a water of the state, through a WQC, Ecology is certifying the project as proposed will not negatively impact our state's water quality. Therefore, it is imperative the project is conducted as it was presented during the review process. Any deviations from information within the WQC Request package and this WQC Order must be disclosed prior to the initiation of the planned work.*
  - *Citation - 40 CFR 121.5, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.120 RCW, Chapter 90.48.260 RCW, Chapter 173-200 WAC, Chapter 173-201A WAC, Chapter 173-204 WAC, and Chapter 173-225-010 WAC.*
4. The Project Proponent shall keep copies of this WQC Order on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
- *Justification - All parties (including on-site contractors) must be aware of and comply with the WQC Order for the protection of water quality.*
  - *Citation - 40 CFR 121.3, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
5. The Project Proponent shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, and/or necessary data collection, to ensure that conditions of this WQC Order are being met.
- *Justification - Ecology must be able to investigate and inspect construction sites and facilities for compliance with all state rules and laws.*
  - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.090 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
6. The Project Proponent shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this WQC Order and all permits, approvals, and documents referenced in this WQC Order. The Project Proponent shall provide Ecology a signed statement (see Attachment A for an example) before construction begins.

- *Justification - Ecology needs to ensure that anyone conducting work at the project, on behalf of the Project Proponent, 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 121.1(j), Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
7. This WQC Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this WQC Order.
- *Justification - Ecology has the authority to prevent and control pollution of state waters, and to protect designated uses. By authorizing a discharge into a water of the state, through a water quality certification, we are certifying the project as proposed will not negatively impact our state's water quality and will comply with the state's water quality requirements. Therefore, it is imperative the project is conducted as it was presented during the review process, and as conditioned herein.*
  - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-200 WAC, Chapter 173-201A WAC, Chapter 173-201A-300(2)(e)(i) WAC, Chapter 173-201A-310 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
8. Failure of any person or entity to comply with the WQC Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the state's water quality standards.
- *Justification - 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. Civil penalties and other enforcement actions are the primary means of securing compliance with water quality requirements.*
  - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.037 RCW, Chapter 90.48.080 RCW, Chapter 90.48.120 RCW, Chapter 90.48.142 RCW, Chapter 90.48.144 RCW, and Chapter 173-225-010 WAC.*
9. The Project Proponent shall provide Ecology documentation for review before undertaking any major changes to the proposed project that could significantly and adversely affect water quality, other than those project changes required by this WQC Order.

- *Justification- Ecology has independent authority to enforce our 401 certification conditions issued through this WQC Order pursuant to RCW 90.48. In order to ensure the project will comply with water quality standards in the event of any major changes, Ecology must be able to review the scope of work involved in the construction and operation of the project, otherwise all work must stop and a new 401 certification pre-filing meeting, followed by a new 401 request (after requisite 30-days) is required.*
  - *Citation- 40 CFR 121.1(k) & (n), 40 CFR 121.3, Chapter 90.48 RCW, and Chapter 173-201 WAC.*
10. The Project Proponent shall send (per A.2.) a copy of the final Corps permit to Ecology's Federal Permit Manager within two weeks of receiving it.
- *Justification - This conditions is needed to ensure that all the conditions of the WQC Order have been incorporated into the federal permit.*
  - *Citation- 40 CFR 121.10.*
11. Nothing in this WQC Order waives Ecology's discretionary authority to issue additional Orders if Ecology determines that further actions are necessary to implement the water quality laws of the state.
- *Justification - 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 90.48.120 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
12. This Order will automatically transfer to a new owner or operator if:
- a. A written agreement between the Applicant and new owner or operator with the specific transfer date of the WQC Order's obligations, coverage, and liability is submitted to Ecology per condition A.2.;
  - b. A copy of this Order is provided to the new owner or operator; and
  - c. Ecology does not notify the new Applicant that a new WQC Order is required to complete the transfer.
    - *Justification – 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 121.3, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*

B. Notification Requirements:

1. The following notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager via e-mail to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to [Rebekah.Padgett@ecy.wa.gov](mailto:Rebekah.Padgett@ecy.wa.gov). Notifications shall be identified with WQC Order Number, Corps reference #, and include the Project Proponent name, project name, project location, project contact and the contact phone number.
  - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any conditions of this WQC Order.
  - b. At least ten (10) days prior to all pre-construction meetings.
  - c. At least ten (10) days prior to conducting initial in-water work activities.
  - d. Within seven (7) days of completing each in-water work window.
    - *Justification - Ecology must be aware of when a project starts and ends and whether there are any issues. This allows Ecology to evaluate compliance with the state water quality requirements.*
    - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204 WAC, and Chapter 173-225-010 WAC.*
2. In addition to the phone or e-mail notification required under B.1.a. above, the Project Proponent shall submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
  - *Justification - Ensure the Project Proponent remains in full compliance with state water quality requirements for the duration of the project.*
  - *Citation - Chapter 90.48 RCW, Chapter 90.48.120 RCW, Chapter 173-201A WAC, and Chapter 173-225-010 WAC.*
3. In addition to the phone or e-mail notification required under B.1.b. above, for all zones overlapping Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup sites (Zones 1A, 1B, and 2), the Project Proponent shall conduct pre-construction coordination with Ecology's Toxics Cleanup Program, Ecology's Hazardous Waste and Toxics Reduction Program (Terminal 91 only), and the U.S. Environmental Protection Agency's CERCLA unit at least 60 days prior to start of the fish window of each year for the upcoming year's work for all of the following activities:
  - a. Proposed pile repair/maintenance work for the upcoming construction season, including site plans.
  - b. Potential interaction between the proposed work and any existing or former cleanup sites (e.g., construction/cleanup timing issues or cap restoration).
  - c. Sediment sampling that may be needed for a specific project site(s).
  - d. Best management practices to be utilized for pile repair/maintenance activity and any changes that may be needed for specific project sites.



- *Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.*
- *Citation - RCW 90.48, 90.48, RCW 90.48.030, Chapter 173-201A WAC, 173-201A-300-330 WAC, Chapter 173-204 WAC.*

- The Project Proponent shall submit per Condition A2 an annual written construction status report by March 31 of the following year that includes the following information:
  - Description of work completed during the year at each Port of Seattle facility.
  - Any problem(s) encountered and recommendations for improvement.
  - Planned activities for the upcoming year.
    - *Justification - Ecology must be aware of when a project starts and ends and whether there are any issues. This allows Ecology to evaluate compliance with the state water quality requirements.*
    - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204 WAC, and Chapter 173-225-010 WAC.*

C. Timing

- This WQC Order is effective upon issuance of the U.S. Corps of Engineers (Corps) individual permit for this project and will remain valid for the duration of the associated permit for the project.
  - *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, and Chapter 173-225-010 WAC.*
- The following in-water work windows apply to the project:
  - All activities below the Ordinary High Water Line may be conducted as identified in Table 2.

**Table 2. Work Windows**

<b>WRIA/Waterbody</b>	<b>Sites</b>	<b>Activities</b>	<b>Work Window</b>
WRIA-8 Lake Washington Ship Canal and Salmon Bay	Maritime Industrial Center, Fishermen’s Terminal, Salmon Bay Marina	All activities	Between October 1 and April 15 of any year
WRIA-8	Shilshole Bay Marina, Terminal 46, Piers 16 and 17, Terminal 18, Terminal	All activities excluding impact pile driving for pipe pile	Between August 1 and February 15 of any year

<b>Location</b>	Saltwater and Estuarine Areas	10, Terminal 105 SE, Terminal 5, Terminal 30, Pier 28, Terminal 25, Pier 2, Jack Block Park	Impact pile driving for pipe pile	Between September 1 and February 15 of any year
	WRIA 8 Saltwater Area	Terminal 86, Elliott Bay Park Fishing Pier, Pier 66, Pier 69, Terminal 91	All activities <u>excluding</u> impact pile driving for pipe pile	Between August 1 and January 15 of any year
			Impact pile driving for pipe pile	Between September 1 and January 15 of any year
	WRIA 9 Duwamish River Estuarine Areas	Terminal 102, Terminal 103, Terminal 104, Terminal 106, Terminal 108, Terminal 107 and Kellogg Island, Terminal 105, Terminal 115, Terminal 117, Turning Basin #3	All activities	Between August 1 and February 15 of any year

	WRIA/Waterbody	Sites	Activities	Work Window
<b>Location</b>	WRIA 8 Lake Washington Ship Canal and Salmon Bay	Maritime Industrial Center, Fishermen's Terminal, Salmon Bay Marina	All activities <u>excluding</u> cathodic protection replacement and pile wraps	Between October 1 and April 15 of any year
			Cathodic protection replacement and pile wraps	Year-round
	WRIA 8 Saltwater and Estuarine Areas	Shilshole Bay Marina, Terminal 46, Terminal 46 North, Smith Cove Cruise Terminal, Piers 16 and 17, Terminal 18, Terminal	All activities <u>excluding</u> impact pile driving for pipe pile, and cathodic protection	Between August 1 and February 15 of any year

		<p>10, Terminal 105 SE, Terminal 5, Terminal 30, Pier 28, Terminal 25, Pier 2, Jack Block Park</p>	<p>replacement and pile wraps</p>	
			<p>Impact pile driving for pipe pile</p>	<p>Between September 1 and February 15 of any year</p>
			<p>Cathodic protection replacement and pile wraps</p>	<p>Year-round</p>
	<p>WRIA 8 Saltwater Area</p>	<p>Terminal 86, Elliott Bay Park Fishing Pier, Pier 66, Pier 69, Pier 90, Terminal 91</p>	<p>All activities <u>excluding</u> impact pile driving for pipe pile, Pier 90 Berth 3 Emergency Repairs, cathodic protection replacement and pile wraps, Pier 66 fender panel and replacement activities, and Pier 66 aluminum anode installation</p>	<p>Between August 1 and January 15 of any year</p>
			<p>Impact pile driving for pipe pile</p>	<p>Between September 1 and January 15 of any year</p>
			<p>Pier 90 Berth 3 Emergency Repairs</p>	<p>Between January 17 and February 20 of 2025</p>
			<p>Cathodic protection replacement and pile wraps</p>	<p>Year-round</p>
			<p>Pier 66 fender</p>	<p>Year-round</p>

			panel and replacement	
			Pier 66 aluminum anode installation	Between August 1 and December 31, and between January 1 and February 15, of any year
WRIA 9 Duwamish River Estuarine Areas		Terminal 102, Terminal 103, Terminal 104, Terminal 106, Terminal 108, Terminal 107 and Kellogg Island, Terminal 105, Terminal 115, Terminal 117, Turning Basin #3	All activities <u>excluding</u> cathodic protection replacement and pile wraps	Between August 1 and February 15 of any year
			Cathodic protection replacement and pile wraps	Year-round

- *Justification - This condition is reaffirming the project will take place during a time period that will not harm fish or other aquatic species.*
- *Citation - Chapter 77.55 RCW, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-330 WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.*

3. Any project change that requires a new or revised Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife should be sent to Ecology for review before the change is implemented.

- *Justification - This condition is reaffirming the project will take place during a time period that will not harm fish or other aquatic species.*
- *Citation - Chapter 77.55 RCW, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-330 WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.*

D. Water Quality Monitoring & Criteria

1. This WQC Order does not authorize the Project Proponent to exceed applicable water quality standards beyond the limits established in WAC 173-201A.

- *Justification - This condition provides citation to the appropriate water quality standard criteria to protect surface waters of the state. 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
2. This WQC Order does not authorize the Project Proponent to exceed applicable turbidity standards beyond the limits established in WAC 173-201A-200(1)(e)(i) or WAC 173-201A-210(1)(e)(i).
- *Justification - This condition provides citation to the appropriate water quality standard criteria to protect surface waters of the state. 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
3. If water quality exceedances for turbidity are observed outside the point of compliance, work shall cease immediately and the Project Proponent or the contractor shall assess the cause of the water quality problem and take immediate action to stop, contain, and correct the problem and prevent further water quality turbidity exceedances.
- *Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.*
  - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
4. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity, shall be considered an exceedance of the standard.
- *Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.*
  - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
5. The Project Proponent shall comply with the point of compliance for turbidity identified in Table 3.

**Table 3: Area of Mixing**

<b>Activity</b>	<b>Waterbody</b>	<b>Point of Compliance</b>
All Activities	Elliott Bay	150 feet
	Puget Sound	150 feet
	East and West Waterways	150 feet
	Lower Duwamish River (Estuarine)	150 feet
	Lake Washington Ship Canal	150 feet
	Salmon Bay	150 feet

- *Justification - This condition is necessary to ensure that the monitoring as proposed by the Project Proponent and authorized by Ecology is conducted to protect water quality. 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
6. The Project Proponent shall implement the *Port of Seattle Pile Systems Repair and Maintenance Program Water Quality Monitoring Plan*, prepared by the Port of Seattle, dated July 25, 2022, as proposed and approved by Ecology.
- *Justification - This condition is necessary to ensure that the monitoring and BMP's that are proposed by the Project Proponent and authorized by Ecology are conducted to protect water quality. 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
7. Monitoring results shall be submitted monthly to Ecology's Federal Permit Manager, per condition A.2.
- *Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.*
  - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*

8. Ecology may ask or could use its discretionary authority to require the Project Proponent 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 know if there are exceedances of the water quality standards that protect aquatic life and beneficial uses.*
  - *Citation - RCW 90.48, 90.48, RCW 90.48.030 Chapter 173-201A WAC, 173-201A-300-330 WAC, Chapter 173-204 WAC.*

#### E. Construction

##### General Conditions

1. All work in and near waters of the state shall be conducted to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting maintenance and shall be maintained throughout the duration of the activity.
  - *Justification - Disturbed areas without appropriate BMP's and construction methods can discharge excess sediment to waters of the state and degrade water quality. 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
2. No stockpiling or staging of materials shall occur at or below the OHWM of any waterbody.
  - *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
3. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
  - *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
4. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
- *Justification - Ecology must be assured that the Project Proponent is managing and disposing of material to 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
5. All equipment being used below the ordinary high water mark shall utilize biodegradable hydraulic fluid.
- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
6. Clean Fill Criteria: Applicant shall ensure that fill (soil, sand, gravel, or other material) placed for the proposed project does not contain toxic materials in toxic amounts.
- *Justification - 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 173-201A WAC, WAC 173-201A-300-330, WAC 173-204-120, and WAC 173-225-010.*

#### Equipment & Maintenance

7. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this WQC Order.
- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*



8. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
  - *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 173-200, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
9. Wash water containing oils, grease, or other hazardous materials resulting from washing of equipment or working areas shall not be discharged into state waters. The Project Proponent shall set up a designated area for washing down equipment.
  - *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
10. A separate area shall be set aside, which does not have any possibility of draining to surface waters, for the wash-out of concrete delivery trucks, pumping equipment, and tools.
  - *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
11. Barges shall not be allowed to ground-out during in-water construction.
  - *Justification - This condition is necessary to protect shallow water habitat and prevent suspension of sediment. 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, Chapter 90.48.030 RCW, Chapter 173-201A WAC, 173-201A-300-330 WAC, and Chapter 173-204 WAC*
12. Barges shall be swept, as necessary, and kept free of material that could be blown into water.
  - *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
13. No return water is allowed to discharge from the barge(s) into waters of the state.
- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
14. All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
15. All concrete shall be completely cured prior to coming into contact with water.
- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
16. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and disposed of appropriately with no possible entry to state waters.
- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
17. All saw cut water and debris generated from saw cutting activities that occur above water shall be contained and disposed of appropriately with no possible entry to waters of the state.

- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*

### Piles

18. Pile removal, handling, and disposal shall follow the EPA Region 10 Best Management Practices for Piling Removal and Placement in Washington State, dated February 18, 2016.

- *Justification- The EPA BMPs were developed to protect water, sediment, and habitat quality by minimizing turbidity, sediment disturbance and debris re-entry to the water column and benthic zone during pile removal/placement activities.*
- *Citations- Chapter 77.55 RCW, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-330 WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.*

19. Piles removed from the substrate shall be moved immediately from the water onto a barge or onto upland.

- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*

20. The pile shall not be shaken, hosed off, left hanging to drip or any other action intended to clean or remove adhering material from the pile over waters of the state.

- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*

21. If pile removal fails, the pile stub must be cut at least 2 ft below mudline or cut off at the mudline and capped with 6 inches of sand, and the location (latitude and longitude) of all cut piling shall be reported to Ecology within 2 months of removal of all piles.

- *Justification- Pile stubs can release associated creosote if exposed, and stubs at the surface can result in localized erosion that leads to further exposure of the stubs.*

- *Citations- Chapter 77.55 RCW, Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300 WAC, Chapter 173-201A-330 WAC, Chapter 173-225-010 WAC, and Chapter 220-660 WAC.*
22. During pile removal, containment booms and absorbent sausage booms shall be placed around the perimeter of the in-water work area and upland storage area, if used, to capture wood debris, oil, and other materials from being released into waters of the state.
- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
23. All excavated piles and debris that is collected shall be disposed upland in an approved disposal site.
- *Justification - Ecology must be assured that the Project Proponent is managing and disposing of piles and debris to protect water quality and beneficial uses.*
  - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
24. If a barge is used to remove piles, the work surface on the barge deck shall include containment for piles and any liquid or sediment removed during pulling of the piling.
- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
25. Sediments spilled on work surfaces shall be contained and disposed of with the pile debris at an approved upland disposal site.
- *Justification - Ecology must be assured that the Project Proponent is managing and disposing of sediment to protect water quality and beneficial uses.*
  - *Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*
26. Water left in the containment on the barge shall not be discharged into waters of the state.

- *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.*

F. Emergency/Contingency Measures

1. The Project Proponent shall develop and implement a spill prevention and containment plan for this project.
  - *Justification - Ecology must ensure that the Project Proponent has a plan to prevent pollution from entering waterways. 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.*
2. The Project Proponent shall have adequate and appropriate spill response and cleanup materials available on site to respond to any release of petroleum products or any other material into waters of the state.
  - *Justification - Ecology must have assurance that the Project Proponent has the material readily available in WQC Order to address any spills that might occur to protect waters of the state. 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.*
3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
  - *Justification - 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330*

WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.

4. Work causing distressed or dying fish and discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, the Project Proponent shall notify Ecology's Federal Permit Manager per condition A2 and immediately take the following actions:
  - a. Cease operations at the location of the non-compliance.
  - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and prevent further environmental damage.
  - c. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
  - d. Immediately notify Ecology's Regional Spill Response Office 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.
  - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
    - *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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.*
  
5. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.
  - *Justification - Oil and hazardous materials spills cause environmental damage. 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, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 90.56 RCW, Chapter 90.56.280 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, Chapter 173-225-010 WAC, and Chapter 173-303-145 WAC.*

*First Amendment February 11, 2025*

*WQC Order No. 21173, Corps No. NWS-2011-467*

*Aquatics #129989*

*July 28, 2022*

*Page 23 of 23*

*Not Official Copy*