



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

June 26, 2025

Port of Grays Harbor  
Attn: Randy Lewis  
P.O. Box 660, 111 South Wooding Street  
Aberdeen, WA 98520

Re: Water Quality Certification Order No. **23638** (Corps No. **NWS-2024-0770**), Westport Marina Modernization - South Marina, Grays Harbor County, Washington

Dear Randy Lewis:

On 10/4/2024, Port of Grays Harbor submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Westport Marina Modernization - South Marina, Grays Harbor 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 Erin Everton at (564) 250-5556. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brenden", is written over a horizontal line.

Brenden McFarland on behalf of  
Loree' Randall, Section Manager  
Aquatic Permitting and Protection Program  
Shorelands and Environmental Assistance Program

WQC Order No. 23638, Corps No. NWS-2024-0770

Aquatics ID No. 144025

June 26, 2025

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Enclosure (1)

By certified mail: 91 7199 9991 7036 9386 8697

Sent via e-mail: [rlewis@portgrays.org](mailto:rlewis@portgrays.org)

E-cc: Joshua Taylor, U.S. Army Corps of Engineers  
Taylor Meyers, Moffatt and Nichol  
Erin Hanlon Brown, Ecology  
Erin Everton, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)

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

Port of Grays Harbor  
Attn: Randy Lewis  
P.O. Box 660, 111 South Wooding Street  
Aberdeen, WA 98520

<b>WQC Order No.</b>	23638
<b>Corps Reference No.</b>	NWS-2024-0770
<b>Site Location</b>	Westport Marina Modernization - South Marina located within Grays Harbor, Westport, Grays Harbor County, Washington.

Port of Grays Harbor submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Westport Marina Modernization - South Marina project, Grays Harbor County, Washington. The required processing dates are listed below:

- On 6/27/2024, Port of Grays Harbor submitted a pre-filing meeting request.
- On 10/4/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 10/14/2024, Port of Grays Harbor submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 2/11/2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 10/4/2025.

This project proposes to demolish and remove five floats, then replace four of these floats in a reconfigured footprint. This activity involves removal of all four floats in the South Marina (Floats 15, 17, 19, and 21), one float in the Mid Marina (Float 11) and all the associated structures (piles, gangways, and approach piers). Floats 11, 15, 17, and 21 would be replaced with four new floats, piles, gangways, approach piers, and other components. Float 19 would not be replaced. The new structures would be repositioned, re-sized, and reconfigured to reduce the number of slips but increase the size of the vessel that each slip can accommodate.

The project site is located at Westport Marina (Port of Grays Harbor) - 326 Lamb Street, Westport, Grays Harbor County, Washington, Section 1, Township 16 N., Range 11 W., within Water Resource Inventory Area (WRIA) 22 Lower Chehalis.

With this WQC Order, Ecology is granting with conditions Port of Grays Harbor's request for a Section 401 Water Quality Certification for the Westport Marina Modernization - South Marina project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 10/4/2024, and the following supporting documentation:

1. State Environmental Policy Act, Mitigated Determination of Nonsignificance 8/29/2024.
2. A Biological Evaluation submitted by email to Ecology on 10/14/2024.
3. Visual Water Quality Monitoring Plan submitted by email to Ecology on 3/14/2025.

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 Grays Harbor 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 Grays Harbor 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 Port of Grays Harbor 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. **23638** will remain valid until 2/15/2036.
  - 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. Port of Grays Harbor 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 [Erin.Everton@ecy.wa.gov](mailto:Erin.Everton@ecy.wa.gov) prior to the starting of any work authorized by this WQC Order. If the Federal Agency determines the proposed project does not require a Federal permit, Port of Grays Harbor shall immediately inform Ecology.
  - 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 Port of Grays Harbor 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 [Erin.Everton@ecy.wa.gov](mailto:Erin.Everton@ecy.wa.gov). 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 Port of Grays Harbor 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. 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.
5. The Port of Grays Harbor shall conduct water quality monitoring as described in the approved Visual Water Quality Monitoring Plan.
- 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, 173-201A-300-330 and WAC 173-225-010.
6. 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, RCW 90.48.030, Chapter 173-201A WAC, 173-201A-300-330 WAC, and Chapter 173-204 WAC
7. 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- 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.
  - Citations- Chapter 77.55 RCW, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300, WAC 173-201A-330, WAC 173-225-010, and Chapter 220-660 WAC.

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 Port of Grays Harbor for the Westport Marina Modernization - South Marina 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 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](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:

Erin Everton  
Department of Ecology  
(564) 250-5556  
[Erin.Everton@ecy.wa.gov](mailto:Erin.Everton@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 26th day of June 2025 at the Department of Ecology, Lacey, Washington.



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Brenden McFarland on behalf of  
Loree' Randall, Section Manager  
Aquatic Permitting and Protection Program  
Shorelands and Environmental Assistance Program