



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
711 for Washington Relay Service • Persons with a speech disability can call (877) 833-6341*

November 6, 2020

Port of Seattle
ATTN: Laura Wolfe, Senior Environmental Management Specialist
Maritime Environment and Sustainability
2711 Alaskan Way
Seattle, WA 98121

RE: Water Quality Certification Order No. 19458 for Corps Public Notice No. NWS-2018-780-WRD, Port of Seattle – Bankline Repair and Enhancement Multi-Site Program, Seattle, King County, Washington

Dear Laura Wolfe:

On November 7, 2019, 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 – Bankline Repair and Enhancement Multi-Site Program project, located in Seattle, King County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Joint Aquatic Resource Permit Application (JARPA) and the public notice 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 conditions contained in the enclosed Order.

Please ensure that anyone doing work under this Order has read, is familiar with, and is able to follow all of the provisions within the attached Order.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar", is written over a light blue horizontal line.

Joe Burcar, Section Manager
Shorelands and Environmental Assistance Program

Sent by electronic mail: Wolfe.L@portseattle.org

Enclosure

e-cc: Jason Sweeney, US Army Corps of Engineers
Clover McIngalls, The Watershed Company
Laura Arber, WA Department of Fish and Wildlife
Don Olmsted, WA Department of Natural Resources
Glen St. Amant, Muckleshoot Indian Tribe
Alison O'Sullivan, Suquamish Tribe
Shandra O'Haleck, NMFS
Jim Muck, USFWS
Erika Hoffman, U.S. Environmental Protection Agency
Ben Perkowski, Seattle Dept. of Construction & Inspections
Maria Sandercock, Ecology
Amy Jankowiak, Ecology
Tom Mackie, Ecology
Grant Yang Ecology
Loree' Randall, Ecology
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A)	ORDER #19458
WATER QUALITY)	Corps Reference No. NWS-2018-780-WRD
CERTIFICATION TO)	Port of Seattle – Bankline Repair and
Port of Seattle)	Enhancement Multi-Site Program, located in
in accordance with 33 U.S.C. 1341)	King County, Washington.
(FWPCA § 401), RCW 90.48.120, RCW)	
90.48.260 and Chapter 173-201A WAC)	

Port of Seattle

Attn: Laura Wolfe, Senior Environmental Management Specialist

Maritime Environment and Sustainability

2711 Alaskan Way

Seattle, WA 98121

On November 7, 2019, the Department of Ecology (Ecology) received a request from the Port of Seattle for a Section 401 Water Quality Certification (WQC) for the Port of Seattle – Bankline Repair and Enhancement Multi-Site Program project. Ecology issued a public notice for the project on November 12, 2019, and the U.S. Army Corps of Engineers (Corps) issued a joint public notice on May 12, 2020.

The proposed project establishes a programmatic approach to bankline repair and enhancement activities across Port of Seattle facilities over a 10-year period. The program entails: bankline annual inspections, a decision process to evaluate and determine repair and maintenance techniques for each project, tracking of all project impacts and compensatory mitigation, project notification, coordination with agencies under other regulatory authorities, and reporting. Activity to be conducted under the program is limited to repair and enhancement of existing structures; it does not allow conversion of unarmored shoreline to armored shoreline or apply to expanded hard bankline stabilization structures. Over the course of the 10 years, up to 15,997 lineal feet (approximately 20 percent of the Port of Seattle’s entire inventory) of existing shoreline stabilization would be repaired or maintained.

The project will occur at 28 Port of Seattle facilities in Seattle, Washington, in four zones, within Water Resource Inventory Area (WRIA) 8, Cedar/Sammamish, and WRIA 9, Duwamish-Green:

- Estuarine (Duwamish Waterway, including the East Waterway and West Waterway, River Miles 0.0 to 5.0): Terminal 30 North and South, Terminal 18 South, Terminal 25, Terminal 10, Terminal 18 Public Access, Terminal 5 South, Terminal 5 SE, Terminal 102, Terminal 104, Terminal 103, Terminal 105, Terminal 106, Terminal 108, Terminal 107 and Kellogg Island, Terminal 115 North and South, and Terminal 117;
- Marine (Elliott Bay and Puget Sound): Shilshole Bay Marina North, South, and Fuel; Terminal 91 East and West; Terminal 86 and Centennial Park East and West; Pier 69; Pier 66; Terminal 46 North and South; Terminal 18 North and Center; Terminal 5 North; and Pier 2 and Jack Block Park; and
- Freshwater (Lake Washington Ship Canal and Salmon Bay): Maritime Industrial Center, Salmon Bay Marina, and Fisherman’s Terminal West and East.

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed the 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 (FWPCA §§ 301, 302, 303, 306, and 307);
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;
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; and,
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.

WATER QUALITY CERTIFICATION CONDITIONS

With this Water Quality Certification (WQC) and through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will comply with applicable water quality standards and other appropriate requirements of state law. 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 to the Port of Seattle (Applicant) subject to the conditions within this Order.

Issuance of this WQC 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 WQC absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

A. General Conditions

1. In this Order, the term "Applicant" shall mean the Port of Seattle and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to Northwest Regional Office, Attn: Federal Permit Manager, 3190 160th Avenue SE, Bellevue, WA 98008, or via e-mail to fednotification@ecy.wa.gov and cc: to Rebekah.Padgett@ecy.wa.gov. The submittals

shall be identified with Order #19458, and include the Applicant name, project name, project contact, and the contact phone number.

3. Work authorized by this Order is limited to the work described in the following:
 - Joint Aquatic Resource Permit Application (JARPA) received by Ecology on November 7, 2019; and
 - E-mail from Laura Wolfe, Port of Seattle, to Rebekah Padgett, Ecology, RE: Seattle Bankline Repair and Enhancement Multi-Site Program, dated October 20, 2020.
4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
5. Within 30 days of receipt of any updated information, Ecology will determine if the revised project requires a new public notice and Water Quality Certification or if a modification to this Order is required.
6. This Order is not effective until the Corps issues a permit for this project.
7. The Applicant shall send (per condition A.2 above) a copy of the final Corps permit to Ecology's Federal Permit Manager within two weeks of receiving it.
8. The Applicant shall keep copies of this 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.
9. The Applicant 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 Order are being met.
10. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.
11. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48) or the federal Clean Water Act, Ecology may issue an amendment to this Order to incorporate any such changes or amendments applicable to this project.

12. The Applicant 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 Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.
13. This 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 Order.
14. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.
15. 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 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. If Ecology does not notify the new Applicant that this Order must be modified to complete the transfer.
16. Conditions in this Order apply to all planned phases of the construction and the mitigation for this project.

B. Notification Requirements

1. The following notifications 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 and cc: to Rebekah.Padgett@ecy.wa.gov. Notifications shall be identified with Order #19458 and include the Applicant 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 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 for each in-water work window.
 - d. Within seven (7) days of completing in-water work activities for each in-water work window.

2. In addition to the phone or e-mail notification required under B.1.a. above, the Applicant 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.
 3. At least 60 days prior to start of construction each year, the Applicant shall submit per Condition A2, the following project-specific information for Ecology review and approval:
 - a. Project Information Form;
 - b. Project plan set;
 - c. Conservation Measures Checklist; and,
 - d. Applicable water quality monitoring procedures to be used.
 4. For all project areas overlapping MTCA or CERCLA cleanup sites (Terminal 91, Terminal 18, north end of Terminal 5 and Pier 2, Terminal 10, all properties along the Duwamish Waterway, and all properties along the East Waterway), 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 is required on an annual basis in order to coordinate regarding:
 - Proposed repair/maintenance work for the upcoming construction season, including site plans.
 - Potential interaction between the proposed work and any existing or former cleanup sites (e.g., construction/cleanup timing issues or cap restoration).
 - Sediment sampling that may be needed for a specific project site(s).
 - Best management practices to be utilized for repair/maintenance activity and any changes that may be needed for specific project sites.
- Pre-construction coordination shall occur at least 60 days prior to start of the fish window of each year for the upcoming year's work.
5. The Applicant shall submit per Condition A2 a written annual report annually, including a summary of the projects and a copy of the Habitat Equivalency Analysis (HEA) ledger.
 6. The Applicant shall submit per Condition A2 a monitoring report or memorandum in each monitoring year of the program providing a summary of conditions and any recommendations for further maintenance or repair necessary to meet performance standards. This report shall include results of the Year 0, 1, and 3 monitoring for slope erosion and bank integrity conducted following the winter season, specific to placement of anchored large wood, soil lifts, or vegetation.

7. The Applicant shall submit per Condition A2 a monitoring report, documenting riparian and marsh planting site conditions for Years 1, 3, and 5. The reports shall include monitoring results for the plants, such as survival and areal coverage of riparian vegetation and areal coverage of marsh vegetation, as well as photos. The reports shall include a discussion on whether the performance standards are being met and contingency measures to be taken.
8. If the Applicant has not met all conditions, including performance standards for the planting sites at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.

C. Timing

1. This Order will expire ten (10) years from the date of issuance of the Corps permit.

In-Water Work Window Timing

2. The following in-water work windows shall apply to this project unless otherwise approved by Ecology:
 - a. Lake Washington Ship Canal – Marine Industrial Center, Salmon Bay Marina, and Fishermen’s Terminal: October 1 to April 15;
 - b. Saltwater and Estuarine Areas – Shilshole Bay Marina, Pier 91, Pier 69 Port Headquarters, Terminal 46, Pier 34, Terminal 30, Pier 28, Terminal 18 N and S, Terminal 25, Terminal 10, Terminal 18 Public Access, Pier 17, Pier 16, Terminal 105 SE, Terminal 5 N and S, Pier 2 and Jack Block Park, and Terminal 5 SE: August 1 to February 15;
 - c. Saltwater area – Terminal 86 and Centennial Park: August 1 to January 15, provided that work within the intertidal is inspected and determined that no herring, surf smelt, or sand lance spawning is occurring or has recently occurred; and
 - d. Duwamish River Estuarine Areas – Terminal 102, Terminal 103, Terminal 104, Terminal 105, Terminal 106, Terminal 108, Terminal 107 and Kellogg Island, Terminal 115, Terminal 117, and Turning Basin #3: August 1 to February 15.
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. Proposed changes shall be implemented only with written approval from Ecology.

D. Water Quality Monitoring & Criteria

1. This Order does not authorize the Applicant to exceed applicable turbidity standards beyond the limits established in:
 - a. WAC 173-201A-200(1)(e)(i) for work in freshwater, including Lake Washington Ship Canal and Salmon Bay.
 - b. WAC 173-201A-210(1)(e)(i) for work in in marine or estuarine waters, including: Elliott Bay, Puget Sound, Duwamish Waterway, East Waterway, and West Waterway.
2. The Applicant shall revise the *Programmatic Water Quality Monitoring and Protection Plan (WQMPP)*, *Bankline Repair and Enhancement Multi-Site Program NWS-2018-780-WRD*, *Port of Seattle* (hereafter referred to as the WQMPP) prepared by The Watershed Company, dated December 2018. A final Plan shall be submitted to Ecology's Federal Permit Manager (per Condition A.2 of this Order) **for review and approval** at least 60 days prior to beginning any work covered by this Order.
3. The Applicant must provide, in writing, any changes or additions to the WQMPP and obtain approval from Ecology's Federal Permit Manager prior to implementation of the changes or additions.
4. Monitoring results shall be submitted monthly to Ecology's Federal Permit Manager, per condition A.2.
5. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.
6. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity shall be considered an exceedance of the standard.
7. If water quality exceedances for turbidity are observed outside the point of compliance, work shall cease immediately and the Applicant 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.

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.

2. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
3. No stockpiling or staging of materials shall occur at or below the OHWM of any waterbody.
4. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
5. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
6. 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.
7. Turbid de-watering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.
8. Clean de-watering water associated with in-water work that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.
9. All equipment being used below the ordinary high water mark shall utilize biodegradable hydraulic fluid.
10. In-water construction shall occur in the dry when the work area is not inundated by tidal waters, to the maximum extent practicable.
11. The Applicant shall use tarps or other containment method when cutting or drilling over water to prevent debris, sawdust, and other materials from entering the water.
12. Clean Fill Criteria: Applicant shall ensure that fill (sand or other material) placed for the proposed project does not contain toxic materials in toxic amounts.

Equipment & Maintenance

13. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain

approval from Ecology's Federal Permit Manager before placing the staging area in the 50-foot setback area.

14. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.
15. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this Order.
16. 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.
17. 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 Applicant shall set up a designated area for washing down equipment.
18. 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.
19. Barges shall not be allowed to ground-out during in-water construction.
20. Barges shall be swept, as necessary, and kept free of material that could be blown into water.
21. No return water is allowed to discharge from the barge(s) into waters of the state.
22. Vessels shall be operated with minimal propulsion power and in adequate water depth in order to prevent turbidity and avoid impacts to seagrass, kelp, and forage fish spawning beds.
23. Spudding shall not be allowed in eelgrass areas or special aquatic sites.
24. Turbidity curtains shall be properly deployed and maintained in order to minimize turbidity and re-suspension.
25. Only environmentally safe products shall be utilized in pile cleaning.
26. Repair/maintenance of piles, beams, rub strips, wraps and blankets shall be conducted in the dry.

Dewatering Conditions

27. The Applicant shall prepare and submit a Dewatering Plan for Ecology review and approval per Condition A2 at least 60 days prior to the start of dewatering activity associated with in-water work. The Dewatering Plan shall address dewatering activities, discharge from excavated materials, and any other upland or in-water activities that are similar to dewatering activities.

The Plan shall include the following minimum requirements associated with the handling, treatment, and discharge/disposal of the dewatering water and dewatered solids:

- a. Handling protocols for dewatering water and dewatered solids, including containment and transport as applicable.
 - b. Testing of dewatering water for turbidity, pH, and potential contaminant types and concentrations.
 - c. Treatment system description, including appropriateness of the selected treatment technology for the pollutants of concern (turbidity, pH, any contaminants). Dewatering water may not be discharged or conveyed to surface waters unless it meets Surface Water Quality Standards (Chapter 173-201A WAC) at the point of discharge for pollutants of concern.
 - d. Monitoring plan for post-treatment effluent to ensure treatment system effectiveness. The plan shall include parameters of concern, frequency of testing, and reporting.
 - e. Discharge and disposal plan for dewatering water. The method of discharge shall be designed and operated so as not to cause erosion or scour in state waters, banks, or vegetation.
 - f. Disposal plan for dewatered solids.
 - g. Identify contingencies that will be implemented to handle dewatering water if it does not meet standards for discharge to surface waters.
28. All equipment associated with dewatering activities shall be properly operated and maintained.

Concrete Bulkhead Repairs

29. All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
30. All concrete shall be completely cured prior to coming into contact with water.

31. 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.
32. 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.
33. All excavated sediment shall be disposed upland in an approved disposal site.

Removal of Piles

34. Piles removed from the substrate shall be moved immediately from the water onto a barge or onto upland.
35. 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.
36. 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 marine waters.
37. All excavated piles and debris that is collected shall be disposed upland in an approved disposal site.
38. 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.
39. Sediments spilled on work surfaces shall be contained and disposed of with the pile debris at an approved upland disposal site.
40. Water left in the containment on the barge shall not be discharged into waters of the state.
41. Hydraulic water jets shall not be used in pile removal.

Pile Driving

42. Steel pilings and sheetpile shall be installed using a vibratory hammer whenever possible. An impact hammer may be used to proof piles, if needed. Noise attenuation devices shall be installed prior to impact pile driving.
43. Hydraulic water jets will not be used in pile driving.

Placement of Substrate Material

44. When placing material (e.g., sand, sediment, gravel, and rock), the bucket or other means of delivery shall be set as close as possible to the substrate surface, and placement shall be conducted slowly in order to minimize turbidity.
45. The Applicant shall place any sand, gravel, or rock carefully in order to minimize turbidity. No end dumping of material is allowed.

F. Emergency/Contingency Measures

1. The Applicant shall develop and implement a spill prevention and containment plan for this project.
2. The Applicant shall have adequate and appropriate spill cleanup material available on site at all times during construction.
3. The Applicant shall have adequate and appropriate spill response materials available on site to respond to any release of petroleum products or any other material into waters of the state.
4. 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.
5. 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 Applicant shall notify Ecology's Federal Permit Manager per condition B.1. 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.

6. 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.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. 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 both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503 Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Rebekah Padgett
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008

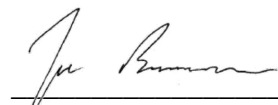
(425) 649-7129
Rebekah.Padgett@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **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 6th day of November 2020, at the Department of Ecology, Bellevue, Washington.



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

Attachment A

**Statement of Understanding
Water Quality Certification Conditions**

Port of Seattle – Bankline Repair and Enhancement Multi-Site Program Project

Water Quality Certification Order #19458

and

Corps Reference No. NWS-2018-780-WRD

As the Applicant for the Port of Seattle – Bankline Repair and Enhancement Multi-Site Program project, I have read and understand the conditions of Washington State Department of Ecology Order #19458, and any permits, plans, documents, and approvals referenced in the Order. I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this Order and any permits, plans, documents, and approvals referenced in the Order.

Signature

Date

Title

Phone

Company