



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

March 2, 2010

Tom Westergreen
Great Western Lumber Company
PO Box 159
Everson, WA 98247

RE: Requested Amendment to Administrative Order #7148 for U.S. Army Corps of Engineers
Reference #NWS-2006-106, Swift Creek Emergency Flood Protection Options Project,
Swift Creek, Everson, Whatcom County, Washington

Dear Mr. Westergreen:

Enclosed is an amendment to the Water Quality Certification issued on October 13, 2009, for the above project.

The purpose of this amendment is to respond to the February 18, 2010 request by Tom Westergreen and Gerry Millman to change Condition C.2.

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

Sincerely,

Geoff Tallent, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program

ES:rrp:cja

By Certified Mail: 7007 0220 0004 6659 1863

cc: Randel Perry, U.S. Army Corps of Engineers
Jeff Kamps, Washington Department of Fish and Wildlife
Christopher Street, Ostrom Farms
Krista Rave-Perkins, U.S. Environmental Protection Agency
Michael Szerlog, U.S. Environmental Protection Agency
John Hutchings, Whatcom County

e-cc: Barry Wenger – BFO
Susan Meyer – NWRO
Richard Grout – BFO
Mak Kaufman – BFO
Mary O'Herron – BFO
Raman Iyer – NWRO

Pete Kmet - HQ
Loree' Randall - HQ
ecyrefedpermits@ecy.wa.gov



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF GRANTING)	ORDER #7148 First Amendment
A WATER QUALITY)	U.S. Army Corps of Engineers
CERTIFICATION TO)	#NWS-2006-106
Great Western Lumber Company)	Swift Creek Emergency Flood Protection
)	Options Project; Swift Creek, Everson,
)	Whatcom County, Washington.

TO: Great Western Lumber Company
PO Box 159
Everson, WA 98247

As requested on February 18, 2010, the Department of Ecology (Ecology) is amending the above-referenced Administrative Order.

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order #7148 is hereby amended as follows:

1. Condition C2 that reads:

- C2. The dredged material from Swift Creek shall be placed in an upland location so that it does not re-enter state waters, including but not limited to streams, wetlands, lakes, rivers, estuaries, marine waters, or any other waters of the state.

Is replaced with:

- C2. The dredged material from Swift Creek shall be placed in an upland location so that, to the extent practicable, it does not re-enter state waters, including but not limited to streams, wetlands, lakes, rivers, estuaries, marine waters, or any other waters of the state.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of 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 amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

Appeal Process

You have a right to appeal this Amendment. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

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

For additional information visit the Environmental Hearings Office Website:

<http://www.cho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:

<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Amendment. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated March 2, 2010 at Bellevue, Washington.



Geoff Tallent, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington