



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

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January 13, 2011

Mr. Gary Merlino
MJB Properties
9125 – 10th Ave S
Seattle WA 98108

RE: Water Quality Certification - Order #7203 First Amendment

Dear Mr. Merlino:

On December 28, 2009 the Washington State Department of Ecology (Ecology) issued a water quality certification to MJB Properties for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). Ecology received a letter dated January 11, 2011 requesting Ecology amend the water quality certification to include the use of the Elliott Bay in-water disposal site for this project.

The attached amendment may be appealed by following the procedures described in this amendment. If you have any questions regarding the content of the amendment, please contact Helen Pressley at (360) 407-6076.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenden McFarland".

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

By Certified Mail 7009 1410 0002 4001 1507

cc: David Kendall, Corps Seattle
Randel Perry, Corps Seattle

ecc: Loree' Randall, Ecology
Helen Pressley, Ecology
Laura Inouye, Ecology
ecyrefedpermits@ecy.wa.gov



IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO: MJB Properties in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC) ORDER #7203, FIRST AMENDMENT) Corps Reference No. 2006-1481) Dredging of 17,100 cubic yards (cy) of sediment) with upland disposal of 13,700 cy of sediment) and in-water disposal of 3,400 cy in Anacortes,) Skagit County, Washington
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On December 28, 2009 the Washington State Department of Ecology (Ecology) issued a water quality certification to MJB Properties for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received an e-mail dated January 11, 2011 requesting Ecology amend water quality certification Order No. 7203 to allow the use of an additional in-water disposal site located at Elliott Bay.

No other changes in the water quality certification are necessary.

Order No.7203 dated December 28, 2009, is hereby amended as follows:

The fourth paragraph of the description currently reads:

Open Water Disposal: The balance of the dredging, approximately 3,400 cubic yards, consists of dredging into native bottom materials. The DMMP agencies have approved this material for disposal at the Rosario Strait open water disposal site. The material would be loaded onto a hopper barge and then towed to the open water disposal site.

The fourth paragraph of the description is amended to read:

Open Water Disposal: The balance of the dredging, approximately 3,400 cubic yards, consists of dredging into native bottom materials. The DMMP agencies have approved this material for disposal at the Rosario Strait open water disposal site or the Elliott Bay open water disposal site. The material would be loaded onto a hopper barge and then towed to the open water disposal site.

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 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	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Rd SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Helen Pressley
Department of Ecology
SEA Program
300 Desmond Dr.
Olympia WA 98504
360-407-6076
hpre461@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Headquarters Office – Ecology
State of Washington

Jan 13 2011

[Date]

