



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

December 3, 2010

Mr. Boyer Halvorsen
Boyer Towing Incorporated
7318 – 4th Ave S
Seattle WA 98108

RE: Water Quality Certification - Order #7802 First Amendment

Dear Mr. Halvorsen:

On September 20, 2010 the Washington State Department of Ecology (Ecology) issued a water quality certification to Boyer Towing Incorporated for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). Ecology received a letter dated November 10, 2010 requesting Ecology amend the water quality certification to allow an additional disposal option.

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) 407-6976.

Sincerely,

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

By Certified Mail 7005 1820 0000 7659 3359

cc: Melora Shelton, Grette Associates
Stewart Reinbold, WDFW
Jacalyn Prinz, Seattle District Army Corps
Stephanie Stirling, Seattle District Army Corps
M.C. Halvorsen
City of Seattle Real Estate Division
Jenni Dykstra, USFWS

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



IN THE MATTER OF GRANTING A) ORDER #7802, First Amendment
WATER QUALITY) Corps Reference No. NWS-2009-1252
CERTIFICATION TO: Boyer Towing) Maintenance dredging of approximately 4,000
Incorporated) cubic yards of sediment in the Duwamish
 in accordance with 33 U.S.C. 1341) Waterway in Seattle, King County, Washington
 (FWPCA § 401), RCW 90.48.120, RCW)
 90.48.260 and Chapter 173-201A WAC)

On September 20, 2010, the Washington State Department of Ecology (Ecology) issued a water quality certification to Boyer Towing Incorporated for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a letter dated November 10, 2010 requesting Ecology amend water quality certification Order No. 7802 to include the option of upland disposal of dredged sediment in addition to use of the in-water disposal site in Elliott Bay.

No other changes in the water quality certification are necessary.

Order No. 7802 dated September 20, 2010, is hereby amended as follows:

Condition D2 currently reads:

All dredged material will be transported to the approved Elliott Bay nondispersive open water site using a bottom dump barge. Use of any other type of barge will require prior approval from Ecology.

Condition D2 is amended to read:

All dredged material will be transported to the approved Elliott Bay nondispersive open water site using a bottom dump barge or may be taken to an upland 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.ecy.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

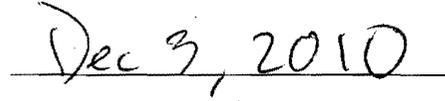
ORDER #7802, First Amendment, Corps Reference No. NWS-2009-1252

Boyer Towing Incorporated

December 3, 2010

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SIGNATURE



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