



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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December 2, 2010

Mr. Jon Sloan
Sr Environmental Program Manager
Seaport Environmental Programs
Port of Seattle
PO Box 1209
Seattle, WA 98111

RE: Water Quality Certification - Order #7975 First Amendment/ Port of Seattle, Terminal 5
maintenance dredging phased project, King County, Washington

Dear Mr. Sloan:

On October 1, 2010, the Washington State Department of Ecology (Ecology) issued a water quality certification to the Port of Seattle for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). As per the discussion during the pre-dredge conference call on November 29, 2010, Ecology is amending the water quality certification to clarify the definition of an exceedence in the 401 certificate.

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 Laura Inouye at (360) 407-6165.

Sincerely,

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

by Certified Mail 7005 1820 0000 7659 3373

ecc: Loree' Randall, Ecology
Laura Inouye, Ecology
ecyrefedpermits



**IN THE MATTER OF GRANTING A
WATER QUALITY
CERTIFICATION TO
Port of Seattle**
in accordance with 33 U.S.C. 1341
(FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC

) **ORDER #7975, First Amendment**
) **Corps Reference No. NWS-2009-1559-WRD**
) Three phased project at Terminal 5 in Seattle, King
) County, Washington. Phase I includes up to 6400
) CY of material from Berths 1,2, and 3; Phase II
) includes additional dredging of up to 4,000 CY from
) Berth 3, and Phase III is maintenance over 10 years,
) up to 40,000 CY.

On October 1, 2010, the Washington State Department of Ecology (Ecology) issued a water quality certification to the Port of Seattle for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

As per the discussion during the pre-dredge conference call on November 29, 2010, Ecology is amending the water quality certification to clarify the definition of an exceedance in the 401 certificate.

No other changes in the water quality certification are necessary.

Order No. 7975 dated October 1, 2010, is hereby amended as follows:

1. Condition C1.ii currently reads:

Visible turbidity anywhere at the 300 ft point of compliance from the activity and/or the disposal location shall be considered to be an exceedance of the standard.

Condition C1.ii is amended to read:

Turbidity greater than 10 NTU over background when background is less than 50 NTU, or 20% over background when background is greater than 50 NTU, measured at the 300 ft point of compliance from the activity and/or the disposal location shall be considered to be an exceedance of the standard.

Appeal Process:

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:

Laura Inouye
Department of Ecology
SEA Program
PO Box 47600
Olympia, WA 98504-7600
(360) 407-6165

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 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173-204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

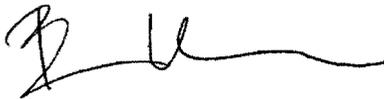
www.ecy.wa.gov/biblio/wac173200.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE

DATED December 2, 2010 at Olympia, Washington.



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