



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600
(360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

February 29, 2012

Washington State Department of Transportation
Attn: Carrie Berry
Olympic Region – Tacoma/Pierce Co. HOV Office
P.O. Box 47376
Olympia, WA 98504-7376

RE: Water Quality Certification, First Amendment, for Order No. 8773

Dear Ms. Berry:

On February 27, 2012, Ecology received a request from Washington Department of Transportation (WSDOT) to revise Water Quality Certification Order #8773, issued on October 4, 2011 for the I-5 Portland Avenue to Port of Tacoma Road Northbound HOV project. WSDOT requested a revision to a permit condition clarifying what type of bridge slurries could not be infiltrated on site. We have reviewed the request and enclosed the amendment to Order #8773.

All other conditions of Water Quality Certification #8773 remain in effect. Any correspondence or questions can be directed to the attention of Penny Kelley, Federal Permit Manager, at Department of Ecology, P.O. Box 47600, Olympia, WA 98504, or she can be reached at 360-407-7398. The enclosed amended Order may be appealed by following the procedures described in the amendment.

Sincerely,

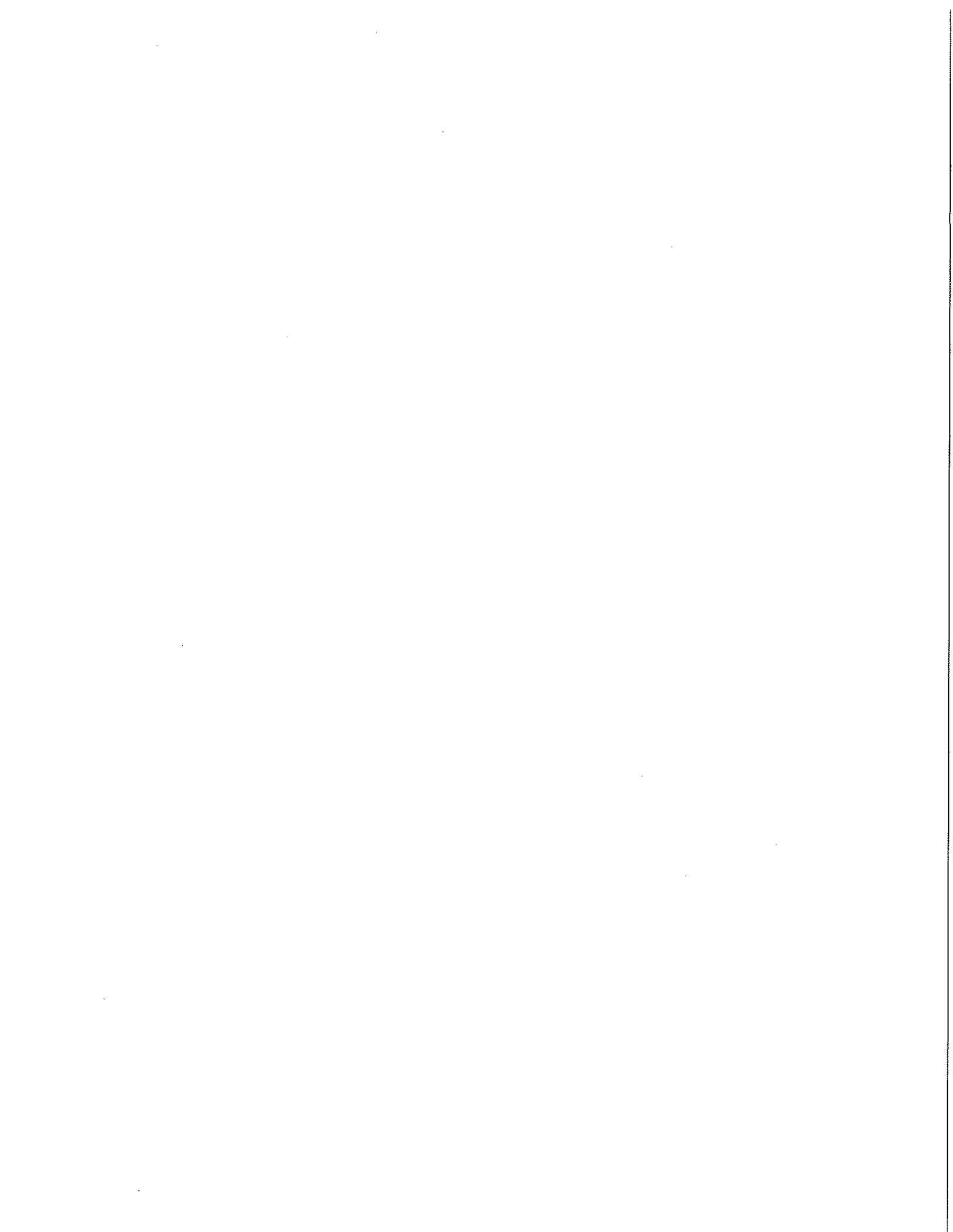
Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Enclosure

By Certified Mail 7009 0820 0001 9056 0779

e-cc: Bill Sullivan, Puyallup Tribe
Sandi Manning, Corps of Engineers
Victoria Book, WSDOT
ecyrefedpermits@ecy.wa.gov





**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

| | | |
|----------------------------------|---|---|
| IN THE MATTER OF GRANTING |) | |
| A WATER QUALITY |) | ORDER # 8773 |
| CERTIFICATION TO |) | First Amendment |
| |) | Corps Ref# NWS-2011-61-DOT |
| Washington State Department |) | Widen and realign the northbound lanes of |
| of Transportation |) | I-5 from MP 134.62 to MP 136.63 |

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

Administrative Order No. 8773 is hereby amended:

The amendment is as follows

Condition C.12 that reads:

Any bridge slurry from construction of drilled shafts in upland areas shall not be allowed to infiltrate in upland areas. The slurry shall be contained and taken to an approved facility for disposal.

Is replaced as follows:

If synthetic or mineral slurries are used in drilled shafts located in upland areas, the slurry water (process water) shall not be discharged to waters of the state, including wetlands, or infiltrated in upland areas. The slurry shall be contained and disposed of at an approved facility.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

The 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 ORDER

Failure to comply with this Order may result in civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

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 all 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 | 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:

Penny Kelley
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600
360-407-7298
pkel461@ecy.wa.gov

Order No. 8773, First Amendment
I-5 Portland Avenue to Port of Tacoma Road Northbound HOV
February 29, 2012
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SIGNATURE



Feb 29, 2012

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

Date

