



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 29 2012

Port of Tacoma
Mr. Mark Rettmann
PO Box 1837
Tacoma WA 98401-1837

RE: Water Quality Certification - Order #9244 First Amendment

Dear Mr. Rettmann:

On August 29, 2012 the Washington State Department of Ecology (Ecology) issued a water quality certification to the Port of Tacoma for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). Ecology received an e-mail dated November 1, 2012 requesting Ecology amend the water quality certification to clarify the language in two conditions in the water quality certification.

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,

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

by Certified Mail 7010 2780 0000 2503 4102

Enclosure

cc: David Kendall, Corps Seattle
Olivia Romano, Corps Seattle



Order #9244, First Amendment

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

<p>IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO: the Port of Tacoma in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC</p>	<p>))))))</p>	<p>ORDER #9244, FIRST AMENDMENT Corps Reference No. NWS-2011-0089-WRD Programmatic maintenance, repair and replacement of up to 200 pilings per year throughout the Port of Tacoma property in Tacoma, Pierce County, Washington</p>
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On August 29, 2012 the Washington State Department of Ecology (Ecology) issued a water quality certification to the Port of Tacoma for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received an e-mail November 1, 2012 requesting Ecology amend water quality certification Order No. 9244 to clarify the language in Conditions F1 and F2 of the water quality certification.

No other changes in the water quality certification are necessary.

Order No.9244 dated August 29, 2010 is hereby amended as follows:

Condition F.1. currently reads:

F.1. The Applicant shall provide notice to Ecology’s 401/CZM Federal permit coordinator at least 7 days prior to the start of maintenance, repairs, or installation of new tide gates and within 14 days after completion of work at the last project site every year this permit is in force. Notification should be made using all the information required in Condition A2.

Condition F.1 is amended to read:

F.1. The Applicant shall provide notice to Ecology’s 401/CZM Federal permit coordinator at least 7 days prior to the start of maintenance, repairs, or installation of piling and within 14 days after completion of work at the last project site every year this permit is in force. Notification should be made using all the information required in Condition A2.

Condition F.2. currently reads:

F.2. The Applicant shall provide to Ecology a yearly report by January 31 of the following year. This report shall include details of the outfalls worked on in the previous year including photos, details of any problems and how they were solved, and a list of the outfalls planned to be cleaned in the next calendar year.

Condition F.2. is amended to read:

F.2. The Applicant shall provide to Ecology a yearly report by January 31 of the following year. This report shall include details of the piling worked on in the previous year including photos, details of any problems and how they were solved, and a list of the piling planned to be maintained, repaired, or installed in the next calendar year.

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

Dated November 29, 2012 at Olympia, Washington



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

