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

December19, 2013

Port of Olympia
Attn: Ms. Alex Smith
915 Washington St. NE
Olympia WA 98501

RE: Second Amendment to 401 Water Quality Certification Order #9999 for U.S. Army Corps of Engineers Reference #NWS-2012-1098 Port of Olympia Maintenance Dredge, Budd Bay, Olympia, Thurston County, Washington

Dear Ms. Smith:

Enclosed is an amendment to Water Quality Certification Order # 9999, issued on August 19, 2013.

The purpose of this amendment is to approve and lay out conditions for the stockpiling of dredged material on-site.

If you have any questions, please contact Helen Pressley at 360-407-6076. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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

by certified mail 7010 2780 0000 21503 3853

cc: Darren Habel, U.S. Army Corps of Engineers
Margie Schirato, WDFW

e-cc: Helen Pressley, Ecology
Loree' Randall – HQ
Laura Inouye. Ecology
Alex Callender, Ecology
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO *Port of Olympia* In accordance with 33U.S.C. 1341 (FWPCA §401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	)))))))	**ORDER #9999, Second Amendment** **Corps Reference No. 2012-1098** Maintenance dredging of up to 39,000 cubic yards of sediment with upland disposal of all sediment at Olympia, Thurston County, Washington

TO: Port of Olympia
Attn: Ms. Alex Smith
915 Washington St NE
Olympia WA 98501

On August 19, 2013 the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to the Port of Olympia for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request from the Applicant on October 4, 2013 requesting a change in Condition D2 that disallowed the use of upland stockpiling of dredged sediment.

Administrative Order No. 9999 dated August 19, 2013 is hereby amended as follows:

I. The following requirements shall be added to Condition D2:

a. Stockpiling in the upland portion of the Port is allowed provided the following conditions are met:

i. The four-day average discharge from the Port discharge pipe shall not exceed 100,000 gallons per day.

ii. A confirmed 10 NTU "end of pipe" measurement that is not reduced and controlled by BMPs within 24 hrs would trigger total suspended solids (TSS) analysis.

iii. Any one-time measurement at or above 60 NTU at the end of the pipe would trigger TSS analysis.

iv. TSS results at or above 70 mg/L would trigger dioxin analysis in whole water (Logistical note: this means that when TSS samples are taken, sufficient water should be taken for potential chemical analysis).

v. If chemistry is triggered, the data would be entered into the model described in the memo dated October 7, 2013, titled, "Estimate of Dioxin/Furan Concentrations in Filtered Dredge Material Dewatering Effluent, Budd Inlet, Port

of Olympia". The model will determine if there is a potential for WQ exceedances at the point of compliance for chronic endpoints.

vi. Because of intermittent water return, details of the monitoring schedule would be worked out if stockpiling appears to be needed, and monitoring plans would need to be approved prior to stockpiling water return. Ideally, there would be a similar approach as typical monitoring- intense monitoring and routine monitoring.

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 amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended 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

SIGNATURE

Dated this 19th day of December 2013 at the Department of Ecology, Lacey Washington

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