



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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REGISTERED MAIL

November 17, 2006

Mr. George Hart and Ms. Patty Miller
U.S. Army Corps of Engineers
PO Box 3755
Seattle, WA 98124-3755

RE: Water Quality Certification - Order #3888 First Amendment
Corps Public Notice CENWS-OD-NS-TS-26
Maintenance dredging the Duwamish navigation channel and turning basin, in King County,
Washington. Between 100,000 to 200,000 cubic yards of material will be excavated.

Dear Mr. Hart and Ms. Miller:

On October 14, 2006, the Washington State Department of Ecology (Ecology) issued a water quality certification to the Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). On October 23, 2006 Mr. George Hart of the Corps contacted Ecology with a request to amend Ecology's Water Quality Certification (Order #3888) to change the monitoring of dredged material removed in this project. The language in the current permit did not include a timeframe for the required monitoring. This amendment also requires the use of a turbidimeter and prohibits nighttime monitoring.

After reviewing the Corps request and other pertinent information, Ecology is amending Order No. 3888.

This amendment may be appealed by following the procedures described in this attached amendment. If you have any questions regarding the content of the amendment, please contact me at (360) 407-6976.

Sincerely,

A handwritten signature in black ink, appearing to read "Brenden McFarland".

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

cc: Penny Keys – Ecology
Rebekah Padgett – Ecology



IN THE MATTER OF GRANTING A)	ORDER # 3888
WATER QUALITY)	Corps Reference No. CENWS-OD-TS-NS-26
CERTIFICATION TO)	Maintenance of the navigation channel through
Army Corps of Engineers)	dredging 100,000 – 200,000 cubic yards of
in accordance with 33 U.S.C. 1341)	sediment approximately every 2 years in the
(FWPCA § 401), RCW 90.48.120, RCW)	Duwamish River, King County, Washington
90.48.260 and Chapter 173-201A WAC)	
)	
)	

Order No. 3888 dated October 14, 2006, is hereby amended as follows:

Condition B2 that reads:

B2. Turbidity shall be visually assessed and recorded at a minimum of every four (4) hours during periods of active in-water work. Monitoring points shall be 100 feet up current (representative background), 300 feet down current, and at the discharge point. A turbidimeter is recommended, however, visual gauging of turbidity is acceptable. Visible project-related turbidity at 300 feet down current from the discharge point is considered to be an exceedance of the standard.

If turbidity exceeds:

5 NTU over background turbidity when the background turbidity is 50 NTU or less, or there is a more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU, then modify the activity causing the problem and continue to monitor every our hours.

If exceedances occur during two consecutive measurements (four hours apart), stop the activity causing the turbidity until the problem is resolved.

Condition B2 hereby amended to read:

B2. Turbidity shall be measured during in-water dredging and recorded at a minimum every 4 hours during the first 5 days of active dredging. If there have been no exceedances during the first 5 days, no further monitoring will be required. The designated person attending the monitoring equipment shall be responsible for immediately notifying the project foreman of any exceedance of the turbidity standard. Monitoring points shall be 100 feet up current (representative of background), 600 feet down current, and at the discharge point. A turbidimeter is to be used.

If measurements taken at the down current location show recorded turbidity is greater than 5 NTU over background where the background is less then 50 NTU, or if more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU, occurring at the outer limit of the mixing zone, then the Corps is required to modify or stop the activity causing the problem and continue to monitor every four hours. The Corps cannot restart dredging operations until turbidity levels return to background.

All monitoring will be suspended while dredging at night because of safety concerns.

Appeal Process:

You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608.

In addition, please send a copy of your appeal to:

Federal Permit Appeals Coordinator
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

For additional information: Environmental Hearings Office Website: <http://www.eho.wa.gov>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated Nov 17, 2006 at Lacey, Washington.



Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington