



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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February 26, 2008

REGISTERED MAIL

RB 252 946 687 US

Mr. Ivor Jones  
Delta Marine Industries  
1608 South 96<sup>th</sup> St.  
Seattle WA 98108-5115

**RE: Water Quality Certification First Amendment-Order #03SEAHQ-5798/Corps Public Notice #2002-2-00175 Maintenance dredging in the amount of 25,000 cubic yards (CY) in the Delta Marine Industries mooring area on the Duwamish River, King County, Washington**

Dear Mr. Jones:

On October 21, 2003, the Washington State Department of Ecology (Ecology) issued a water quality certification to Delta Marine Industries for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401). Ecology was then contacted on December 14, 2007 with the following request for amendment regarding this water quality certification.

The purpose of this amendment is to modify that the timeframe to coincide with the expiration of the Corps permit #2002-2-00175. Enclosed is amended Order No. 03SEAHQ-5798.

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

cc: John Pell, ACOE  
Jeff Layton, Layton and Sell, 12515 Willows Rd, Suite 205, Kirkland WA 98034

ecc: Laura Inouye  
Penny Keys



**IN THE MATTER OF GRANTING A ) ORDER # 03-SEAHQ-5798 1<sup>st</sup> Amendment**  
**WATER QUALITY ) Corps Reference No. 2002-2-00203**  
**CERTIFICATION TO ) Proposed maintenance dredging in Duwamish**  
**Delta Marine Industries ) Waterway, King County, Washington**  
in accordance with 33 U.S.C. 1341 )  
(FWPCA § 401), RCW 90.48.120, RCW )  
90.48.260 and Chapter 173-201A WAC )

TO: Mr. Ivor Jones  
Delta Marine Industries  
1608 S 96<sup>th</sup> Street  
Seattle WA 98108-5115

On October 15, 2003, the Washington State Department of Ecology (Ecology) issued a water quality certification to Delta Marine Industries for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Order No. 03-SEAHQ-5798 dated October 21, 2003, is hereby amended as follows:

**1. Condition 6a Duration of Water Quality Certification currently reads:**

This Water Quality Certification shall remain in effect for a period of five years from the date of issuance.

**It is replaced with:**

This Water Quality Certification shall remain in effect until November 14, 2013.

**Appeal Process:**

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 – 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

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

OR

Deliver your appeal in person to:

The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

**3. And send a copy of your appeal to:**

Department of Ecology  
Federal Permit Coordinator  
Attn: Loree' Randall  
P.O. Box 47600  
Olympia, WA 98504-7600

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

To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>

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 this 26<sup>th</sup> day of Feb, 2008 at Lacey, Washington.



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