



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 15, 2007

REGISTERED MAIL

Allison Hanson
Washington State Department of Transportation
I-405 Corridor Program
600- 108th Avenue NE, Suite 405
Bellevue, WA 98004

RE: Water Quality Certification, First Amendment, for Order No. 3433

Dear Ms. Hanson:

Enclosed is Order No. 3433, First Amendment, for the I-405, I-5 to SR 169 Project in King County, Washington.

If you have any questions, please contact Kerry Carroll at (360) 407-7503. The enclosed amended Order may be appealed by following the procedures described in the amended Order.

Sincerely,

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

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

BM:kc
Enclosure

cc: Katie Chamberlin
MAP Team

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF GRANTING)	
A WATER QUALITY)	ORDER # 3433
CERTIFICATION TO)	First Amendment
Washington State Department of)	
Transportation)	

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

Administrative Order No. is hereby amended as follows:

Condition B.1.b that reads:

At least 10 days prior to the onset of initiating work on the project site.

Is replaced as follows:

At least 10 days prior to conducting construction activities for each stage of the project.

Condition D.3 that reads:

All environmentally sensitive areas, mitigation areas, and wetland buffers, shall be fenced with high visibility construction fence prior to construction activities, including clearing. Clearing limits, travel corridors and stockpile sites shall be clearly marked. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.

Is replaced as follows:

Within the project limits¹, all environmentally sensitive areas, mitigation areas, and wetland buffers shall be fenced with high visibility construction fence (HVF) prior to commencing construction activities, including equipment staging, materials storage and parking of workers' vehicles. *Note: This condition does not apply to activities such as pre-construction surveying and the placement of construction zone signing and HVF.*

- a. This project has indicated that construction will be done in stages², therefore condition D.3 shall apply prior to commencing construction activities for each stage of the project.
- b. All field staff shall be trained to: recognize HVF; understand its purpose; and properly install the fence in the appropriate locations.
- c. HVF shall be maintained until all work is completed for each project.
- d. All clearing limits, stockpile sites, staging areas, and trees to be preserved shall be clearly marked prior to commencing construction activities.
- e. All clearing limit, stockpile site, staging area and tree preservation marking shall be maintained until all work is completed for each project.
- f. No equipment shall enter, operate, be stored, or parked within any sensitive area except as specifically provided for in conditions of this Order.

¹*Project limits include mitigation sites, staging areas, borrow sources, and other sites developed or used to support the construction of the project.*

²*A stage is part of a project that has been separated into at least two distinct areas to be built during separate timeframes as indicated and described in the applicable drawings.*

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

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

You have a right to appeal this amendment to Order #3433. To appeal this you must:

- File your appeal with the Pollution Control Hearing 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 Hearing 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 packet to:		
Kerry Carroll Department of Ecology Shorelands and Environmental Assistance Program P.O. Box 47600 Olympia, WA 98504-7600		

*For additional information: Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules: Washington State Legislator Website:
<http://www.leg.wa.gov/legislature>*

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 May 15, 2007 at Lacey, Washington.



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