

IN THE MATTER OF GRANTING A) ORDER # 6939
WATER QUALITY) First Amendment
CERTIFICATION TO) Corps Reference No. NWS-2009-1486-WRD
Port of Seattle) Maintenance dredging and modification of
 In accordance with 33 U.S.C. 1341) structures at Berth 1 of Terminal 115 in
 (FWPCA § 401), RCW 90.48.120, RCW) Duwamish Waterway in Seattle, King County,
 90.48.260 and Chapter 173-201A WAC) Washington
)

TO: Mr. Jon Sloan
 Port of Seattle
 P.O. Box 1209
 Seattle WA 98111

On August 3, 2009, the Washington State Department of Ecology (Ecology) issued a water quality certification to the Port of Seattle for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received an e-mail dated August 7, 2009 requesting Ecology amend the water quality certification Order No. 6939 to delete condition E5 requiring backfill of the areas where piling were being removed.

No other changes in the water quality certification are necessary.

Order No. 6939 dated August 3, 2009, is hereby amended as follows:

Condition E5 currently reads:

All abandoned piling holes except those within the dredge prism shall be filled and capped with substrate consistent with the existing natural surrounding substrate, sand, and/or clean 1-inch minus well-rounded gravel.

Condition E5 is deleted.

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

Deliver your appeal in person to:

OR 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

Deliver your appeal in person to:

OR 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: Helen Pressley
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>

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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 9th day of Sept, 2009 at Lacey, Washington.



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