



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

September 9, 2009

**CERTIFIED MAIL**

**7009 1410 0002 4050 6508**

R.S. Tanaka, Commanding Officer  
Naval Base Kitsap  
120 S. Dewey Street  
Bremerton, WA 98314

RE: Requested Amendment to Administrative Order #5408 for U.S. Army Corps of  
Engineers Reference #NWS-2007-844-SO, CVN Maintenance Wharf  
Replacement Project, Sinclair Inlet, Bremerton, Kitsap County, Washington

Dear Captain Tanaka:

Enclosed is an amendment to the Water Quality Certification issued on July 29, 2008, for the  
above project.

The purpose of this amendment is to respond to the August 28, 2009 letter from Captain  
M. J. Olson indicating that the Bremerton Naval Complex Operable Unit B Marine  
Project Team, including the Department of Ecology, approved changes to the existing  
Sediment Monitoring Plan. The Navy requested a change to Condition E.1. to address  
these changes.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed  
Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

Erik Stockdale, Unit Supervisor  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

ES:rrp:cja

cc: Olivia Romano, U.S. Army Corps of Engineers  
Jo Anne Vidinhar, City of Bremerton  
Denice Taylor, Suquamish Tribe  
Tom Ostrom, Suquamish Tribe  
Nancy Harney, U.S. Environmental Protection Agency



R.S. Tanaka, Commanding Officer  
Naval Base Kitsap  
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Erika Hoffman, U.S. Environmental Protection Agency  
Chris Waldbillig, Washington Department of Fish and Wildlife  
Tom McDowell, U.S. Fish and Wildlife Service  
Martha Jensen, U.S. Fish and Wildlife Service  
Shandra O'Haleck, NOAA Fisheries  
Peter Havens, U.S. Navy  
Matt Butler, U.S. Navy

e-cc: Joe Burcar – NWRO  
Jeanne Tran – NWRO  
Ted Benson – HQ  
Ben Forson – HQ  
Kathy Taylor – HQ  
Loree' Randall – HQ  
Raman Iyer – NWRO  
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Michael Szerlog, U.S. Environmental Protection Agency

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF GRANTING	)	ORDER #5408 First Amendment
A WATER QUALITY	)	U.S. Army Corps of Engineers
CERTIFICATION TO	)	#NWS-2007-844-SO
R.S. Tanaka, Commanding Officer,	)	CVN Maintenance Wharf Replacement;
Naval Base Kitsap	)	Sinclair Inlet, Bremerton, Kitsap County,
	)	Washington.

TO: R.S. Tanaka, Commanding Officer  
Naval Base Kitsap  
120 S. Dewey Street  
Bremerton, WA 98314

As requested on August 28, 2009, the Department of Ecology (Ecology) is amending the above-referenced Administrative Order to address changes to the Sediment Monitoring Plan. The original Section 401 Water Quality Certification required sediment sampling to follow the June 20, 2008 Sediment Monitoring Plan. The Bremerton Naval Complex Operable Unit B Marine Project Team, including the Department of Ecology, approved changes to the existing Sediment Monitoring Plan.

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

Administrative Order #5408 is hereby amended as follows:

**1. Condition E1 that reads:**

- E1. Sediment sampling shall be accomplished per the *Final Pier B Replacement Sediment Monitoring Plan, Bremerton Naval Complex, Bremerton, Washington*, dated June 20, 2008, prepared by Department of the Navy, Naval Facilities Engineering Command Northwest.

**Is replaced with:**

- E1. Sediment sampling shall be accomplished per the *Final Pier B Replacement Sediment Monitoring Plan, Bremerton Naval Complex, Bremerton, Washington*, dated June 20, 2008, prepared by Department of the Navy, Naval Facilities Engineering Command Northwest, as amended by the *Pier Projects Sediment Sampling Proposal*, dated August 4, 2009.

No other conditions or requirements of the above-mentioned Order are affected by this Amendment. The Department of 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 amendment may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amendment.

### Appeal Process

You have a right to appeal this Amendment. 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  
Northwest Regional Office  
Attn: Rebekah Padgett  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008

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 Amendment. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated September 9, 2009 at Bellevue, Washington.



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Erik Stockdale, Unit Supervisor  
Northwest Regional Office  
Shorelands and Environmental Assistance Program  
Department of Ecology  
State of Washington