



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 27, 2016

Evan Lewis
U.S. Army Corps of Engineers, Seattle District
PO Box 3755
Seattle, WA 98124

RE: Water Quality Certification, First Amendment, for Order #11422

Dear Mr. Lewis:

On January 26, 2016, Ecology received an email regarding the need for immediate repair work for the Interim Repair and Replacement of the Mud Mountain Dam White River Barrier Structure Apron project, authorized under Water Quality Certification Order #11422, issued on May 15, 2015. Enclosed is an amendment to this Order, as well as a strikeout version of the Water Quality Certification that reflects the changes. All other conditions of Water Quality Certification Order #11422 remain in effect.

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, Section Manager
Shorelands and Environmental Assistance Program

ES:rrp:ap

Enclosure

By certified mail: 7012 1640 0000 6245 8071

cc: Jo Gardiner, U.S. Army Corps of Engineers
Doug Wiedemeier, Washington Department of Fish and Wildlife
Larry Fisher, Washington Department of Fish and Wildlife

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Marcia Lucero, Pierce County Planning & Land Services
Laura Casey, King County Department of Permitting & Environmental Review
Nancy Brennan-Dubbs, U.S. Fish and Wildlife Service
Steve Fransen, NOAA Fisheries

e-cc: Misty Blair, NWRO
Greg Stegman, NWRO
Paul Anderson, NWRO
Dave Radabaugh, NWRO
Alex Callender, SWRO
Mike Gallagher, SWRO
Derek Rockett, SWRO
Lori Kingsbury, SWRO
James DeMay, HQ
Jennifer Holderman, HQ
Loree' Randall – HQ
Bob Wright – NWRO
Holly Coccoli, Muckleshoot Indian Tribe Holly.Coccoli@muckleshoot.nsn.us
Russ Ladley, Puyallup Tribe of Indians Russ.Ladley@puyalluptribe.com
Michael Gagliardo, Cascade Water Alliance mgagliardo@cascadewater.org
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A) ORDER #11422
WATER QUALITY) Interim Repair and Replacement of Mud
CERTIFICATION TO) Mountain Dam White River Barrier Structure
U.S. ARMY CORPS OF) Apron Project; White River, King and Pierce
ENGINEERS,) Counties, Washington.
SEATTLE DISTRICT)
in accordance with 33 U.S.C. 1341)
(FWPCA § 401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

TO: U.S. Army Corps of Engineers, Seattle District
Attn: Evan Lewis
PO Box 3755
Seattle, WA 98124

On January 26, 2016, the Department of Ecology (Ecology) received an email from the U.S. Army Corps of Engineers (Corps) regarding the need for immediate repair work for the Interim Repair and Replacement of Mud Mountain Dam White River Barrier Structure Apron project, which was authorized under Water Quality Certification Order #11422, issued on May 15, 2015. After reviewing the email, Ecology determined that an amendment to the above-referenced Administrative Order was appropriate.

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

Administrative Order #11422 is hereby amended as follows:

1. Condition F2 that reads:

F2. Work below the Ordinary High Water Line (OHWL) shall not occur from August 16 through May 31 of any year for the protection of fish.

Is replaced with:

F2. In-water work shall be conducted between February 1 and March 15, 2016, during the during the earliest available weather window.

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

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Rebekah Padgett
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7129
rebekah.padgett@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website
www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice And Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173-204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173200.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



Erik Stockdale, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office



Date