



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600, Olympia, WA 98504-7600 • 360-407-
6000

[date]

Port of Tacoma
Attn: Jason Jordan
P.O. Box 1837
Tacoma, WA 98401

Re: Agreed Order

Administrative Order Docket #	23812
Middle Blair Waterway Name	Middle Blair Navigation Safety Improvement Project, located in Pierce County, Washington

Dear Jason Jordan:

Enclosed is Agreed Order Docket # 23812 between the Department of Ecology (Ecology) and the Port of Tacoma to achieve compliance with state water quality standards. The enclosed Agreed Order may not be appealed by the Port of Tacoma. All correspondence relating to this document should be directed to Laura Inouye at Ecology, HQ-SEA Office, PO Box 47600, Olympia, WA 98504-7600 or Laura.Inouye@ecy.wa.gov

Sincerely,

Loree' Randall, Section Manager
Shorelands and Environmental Assistance Program
Headquarters Office

Administrative Order #23812

DATE

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Enclosures: Administrative Order Docket #23812

By certified mail [number]

cc: Kerry Carroll, HQ
Laura Inouye, HQ
ecyrefedinbox@[ecy.wa.gov](mailto:ecyrefedinbox@ecy.wa.gov)

State of Washington
Department of Ecology

In the Matter of an Administrative Order Against
the Port of Tacoma
Administrative Order
Docket #23812

Port of Tacoma
Attn: Jason Jordan
P.O. Box 1837
Tacoma, WA 98401

Administrative Order Docket #	23812
Site Name	Middle Blair Waterway
Project Location	1815 Port of Tacoma Rd, Tacoma, Pierce County, WA
Project Description	Removal of unauthorized dredged material accidentally discharged in and adjacent to the approved dredge prism (WQC23248)

1. Introduction

This is an Agreed Order between the Department of Ecology (Ecology) and Port of Tacoma to achieve compliance with Chapter 90.48 Revised Code of Washington (RCW) and Chapter 173-201A Washington Administrative Code (WAC) by taking certain actions which are described below for the discharge of polluting matters into waters of the state at the subject property.

2. Recognition of Ecology's Jurisdiction

This Agreed Order is issued pursuant to the authority vested in Ecology by the Federal Water Pollution Control Act (FWPCA), 33 USC sec 1311, et seq. and by Chapter 90.48 RCW.

RCW 90.48.030 provides that Ecology shall have the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, and other surface and underground waters of the state of Washington.

RCW 90.48.120 authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated, or created a substantial potential to violate, any provision of Chapter 90.48 RCW or fails to control the polluting content of waste to be discharged to waters of the State.

WAC 173-204-320(5) Sediment Management Standards sets sediment standards that shall be at or below levels which cause no adverse effects in marine biological resources, and below levels which correspond to a significant health risk to humans, as determined by the department.

The Port of Tacoma agrees to undertake all actions required of the Port by the terms and conditions of this Agreed Order and not to contest Ecology's jurisdiction and authority to administer this Agreed Order. The Port of Tacoma agrees not to appeal this Agreed Order.

3. Stipulated Facts

Ecology's determination that a violation has occurred, or may occur, is based on the following facts:

On March 1, 2025, the Port of Tacoma reported an unauthorized discharge of dredged material with elevated levels of dioxins resulting from failure of a barge retaining wall owned by Island Tug & Barge Company and operated by American Construction Company, a Port of Tacoma contractor. On 5/5/2025, the US Army Corps of Engineers issued a Notice of Violation, and on 6/2/2025, the Port of Tacoma responded acknowledging the violation and agreeing to resolve the accidental release in the next work window.

4. Scope of Work and Schedule

For these reasons, and in accordance with RCW 90.48.120 IT IS AGREED, that the Port of Tacoma shall take the following actions. These actions are necessary to satisfy the requirements of RCW 90.48.030, RCW 90.48.120, WAC 173-204-320(5), and Water Quality Certification (WQC) Order 23248. The Port of Tacoma has participated in defining these actions and the schedule by which they shall be completed. The Port of Tacoma shall submit permit applications and documents that may be needed for approvals from various government agencies in a timely fashion in order that the dates for the various actions are able to be met.

Corrective Actions

1. This Order requires the full removal of up to 800 cubic yards of remaining spilled dredge material discharged into the Blair Middle Waterway by the Port's contractor. Full

removal shall be based on the bathymetric map highlighting the spilled material that was submitted on March 21, 2025.

- a. This removal must be completed within the in-water work window of July 15, 2025, through February 15, 2026.

Implementation

- A dredge, transload, and disposal plan should be submitted prior to the pre-dredge meeting. If the details of previously submitted plans will not change, existing approved plans can be used to meet this requirement.
- A pre-dredge meeting is required prior to the start of in-water work to confirm targeted material and approve dredging and disposal methodology (all material must be disposed of in an appropriate upland location).

Monitoring and Maintenance

- Water Quality monitoring and reporting per the approved water quality monitoring plan associated with WQC Order 23248 is required.
- Pre and post dredge bathymetry showing full removal shall be submitted within 30 days after dredging is completed

5. Prohibition of New Work within Waters of the State

The Port of Tacoma is prohibited from undertaking regulated activities (i.e., mechanized clearing, filling, excavating, draining, or any discharge of pollutants) within waters of the state except as otherwise authorized through the issuance of permits or approvals, until the actions defined in Section 4 of this Agreed Order are completed, and Ecology has issued a written Notice of Compliance.

The Port of Tacoma agrees to implement this prohibition.

6. Progress Reporting

The Port of Tacoma shall provide progress reports within thirty (30) days of the completion of each of the action items listed in Section 4 of this Agreed Order. Progress reports shall include the date by which the actions required were completed.

The Port of Tacoma shall immediately notify Ecology of any occurrence which may result in noncompliance with the requirements of this Agreed Order. Such notification shall state the nature of the potential noncompliance, the reason(s) therefore, and the actions taken by the Port of Tacoma to address the potential noncompliance.

7. Amendments to the Agreed Compliance Schedule

Amendments to the agreed compliance schedule may be requested for good cause. Extension of deadlines imposed by this Agreed Order shall be granted only when requests for extensions are submitted in writing, in a timely fashion, and demonstrate good cause for granting the extension.

To be effective, all proposed amendments must be agreed to and signed by the persons with signature authority for each party.

8. Termination of the Agreed Order

Ecology shall issue a Notice of Compliance upon finding that the restoration at the subject property has been completed. Upon issuance, the requirements of this Agreed Order shall be deemed to be fulfilled and shall have no further effect on The Port of Tacoma.

9. Failure to Comply with this Order

Failure to comply with this Agreed Order may result in the issuance of civil penalties up to ten thousand dollars (\$10,000) per day, or other actions, whether administrative or judicial, to enforce the terms of this Agreed Order.

10. Contact Information

Please direct all questions about this Agreed Order to:

Laura Inouye
Department of Ecology
HQ
PO Box 47600
Olympia, WA 98504-7600

Phone: 360-515-8213
Email: Laura.Inouye@ecy.wa.gov

11. Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

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12. More Information

- **Pollution Control Hearings Board Website**
<https://elaho.wa.gov>
- **Chapter 43.21B RCW – Environmental Hearings Office – Pollution Control Hearings Board**
<https://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<https://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<https://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<https://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<https://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

13. Signature

Loree' Randall, Section Manager
Aquatic Permitting & Protection Section, HQ
Shorelands and Environmental Assistance
Program

[Date]

Eric Johnson
Executive Director
Port of Tacoma

Date