



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

April 21, 2021

Minor edit to the Corps reference #.

Sound Transit
Attn: Ellie Ziegler
401 S Jackson Street
Seattle, WA 98104-2826

RE: 1st Amendment to 401 Water Quality Certification Order #16844 for U.S. Army Corps of Engineers Reference #NWS-~~2810~~-173 for the Downtown Redmond Link Extension in King County, Washington s/b NWS-2018-173

Dear Ellie Ziegler:

Enclosed is an amendment to Water Quality Certification Order # 16844 issued on October 10, 2019, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification #16844 remain in effect.

The purpose of this amendment is to authorize work below the OHWM but outside the wetted perimeter at Bear Creek and change the fish window at this location for work within the wetted perimeter as authorized by the Department of Fish & Wildlife in the most current HPA issued for the project. These changes will allow the contractor to complete in-water work at this location in 2 seasons versus 3 seasons.

If you have any questions, please contact Penny Kelley at 360-280-8856. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brenden", with a stylized flourish at the end.

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

Sound Transit

1st Amendment to 401 Water Quality Certification Order #16844

Page 2

e-cc: Colleen Anderson, U.S. Army Corps of Engineers
Scott White, Confluence Environmental
Mistie Hammer, Confluence Environmental
Rebecca McAndrew, Sound Transit
Doug Gresham, Ecology
Jeff Killelea, Ecology
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING) **ORDER #16844,**
A WATER QUALITY) **First Amendment**
CERTIFICATION TO) **Corps Reference No. NWS-2018-173**
Sound Transit)
In accordance with 33U.S.C. 1341)
(FWPCA §401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

TO: Sound Transit
Attn: Ellie Ziegler
401 S Jackson Street
Seattle, WA 98104-2826

On October 10, 2019, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to Sound Transit for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on April 13, 2021 to start work below the OHWM outside the wetted perimeter on Bear Creek and to extend the in-water work window so work in the wetted channel can start on June 24th instead of July 1st. These adjustments will allow the in-water work at Bear Creek to be completed in 2 seasons versus 3 seasons.

Order No. 16844 dated October 10, 2019 is hereby amended as follows:

I. Condition number C.2.a which reads:

The following in-water work windows shall apply to this project unless otherwise approved by Ecology:

- a. Bear Creek: July 1st through September 15th ;

Is replaced with:

The following in-water work windows shall apply to this project unless otherwise approved by Ecology:

- a. Bear Creek: June 24th through September 15th

II. The following condition is added:

3. Work outside the wetted perimeter but below the OHWM at Bear Creek shall be allowed if approved by the Department of Fish & Wildlife. Work shall not start until a new revised Hydraulic Project Approval (HPA) has been issued and a copy shall be sent to the Department of Ecology.

NOT AN ORIGINAL!! THIS IS A COPY THAT REFLECTS ALL AMENDMENTS TO DATE
First Amendment changes are reflected in Red

IN THE MATTER OF GRANTING A)	ORDER # 16844
WATER QUALITY)	Corps Reference No. NWS-2018-173
CERTIFICATION TO)	Construct a 3.4 mile light rail extension
Sound Transit)	connecting Redmond Technology Center to
in accordance with 33 U.S.C. 1341)	Downtown Redmond. The project crosses the
(FWPCA § 401), RCW 90.48.120, RCW)	Sammamish River and Bear Creek and is located
90.48.260 and Chapter 173-201A WAC)	in the City of Redmond in King County, WA.

Sound Transit
Attn: Ellie Ziegler
401 S Jackson ST
Seattle, WA 98104-2826

On October 11, 2018 the Department of Ecology (Ecology) received Sound Transits request for a Section 401 Water Quality Certification (WQC) for the Downtown Redmond Link Extension project. The U.S. Army Corps of Engineers (Corps) issued a joint public notice for the project on February 13, 2019.

Sound Transit is proposing to build a 3.4 mile extension that will connect the Redmond Technology Center at NE 40th Street to downtown Redmond with two new stations (SE Redmond Station and Downtown Redmond Station). The system will be at grade except for two locations. The alignment will transition to an elevated guideway on a new bridge crossing the SR 520 West Lake Sammamish Parkway NE interchange/Sammamish River and again, when it crosses over Bear Creek. The alignment will stay elevated from the Bear Creek crossing to downtown Redmond. Construction of the elevated guideway will require drilled shafts and will utilize precast concrete components that are placed using heavy equipment. At the Sammamish River, the new bridge carrying the guideway will completely span the channel but does require work below the Ordinary High Water Mark (OHWM) in the river to install a new stormwater outfall pipe. At Bear Creek, additional construction elements occurring above and below OHWM include removing an existing derelict, creosote-treated timber railroad bridge, removing the railroad fill prism, and removing two culverts within the fill prism. The Bear Creek channel will be modified to restore the floodplain and meet flood protection requirements for the new structures. A culverted crossing is needed where a portion of an un-named tributary to the Sammamish River is crossed by the at grade railway. Other associated project elements to support light rail include bus transit, park and ride and parking facilities development, structure parking, and structured and surface multi-use facilities. The project will have compensatory mitigation for unavoidable impacts to wetlands and streams.

This project starts at Redmond Technology Center at NE 40th Street and runs parallel to the east side of SR 520 as it travels north to SR 520/West Lake Sammamish Parkway NE Interchange, across the northern extent of Marymoor Park, then follows East Lake Sammamish

Trail/Redmond Central Connector Trail rights-of-way to downtown Redmond, in King County Washington.

Section 23 T25N R05E
Section 14 T25N R05E
Section 11 T25N R05E
Section 12 T25N R05E
Section 13 T25N R05E
WRIA 8 Cedar/Sammamish

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§1311, 1312, 1313, 1316, and 1317 (FWPCA §§ 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will comply with applicable water quality standards and other appropriate requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize Sound Transit to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification absolves Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments resulting from project construction or operations.

A. General Conditions

1. In this Order, the term “Applicant” shall mean the Sound Transit and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to HQ Office, Attn: Federal Permit Manager, P.O. Box 47600, Olympia, WA 98504-7600 or via e-mail to fednotification@ecy.wa.gov and cc to penny.kelley@ecy.wa.gov. The submittals shall be identified with Order No. 16844 and include the Applicant name, project name, project contact, and the contact’s phone number.
3. Work authorized by this Order is limited to the work described in the Joint Aquatic Resource Permit Application (JARPA) received by Ecology on October 11, 2018.
4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
5. Within 30 days of receipt of any updated information, Ecology will determine if the revised project requires a new public notice and Water Quality Certification or if a modification to this Order is required.
6. This Order is not effective until the Corps of Engineers (Corps) Seattle District issues a permit for this project.
7. The Applicant shall send (per A.2.) a copy of the final Corps permit to Ecology’s Federal Permit Manager within two weeks of receiving it.
8. The Applicant shall keep copies of this Order on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and lead workers, and state and local government inspectors.
9. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, and/or necessary data collection, to ensure that conditions of this Order are being met.
10. Nothing in this Order waives Ecology’s authority to issue additional orders if Ecology determines that further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (*e.g.*, violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect water quality.

11. In the event of changes or amendments to the state water quality, ground water quality, or sediment standards, or changes in or amendments to the state Water Pollution Control Act (RCW 90.48) or the federal Clean Water Act, Ecology may issue an amendment to this Order to incorporate any such changes or amendments applicable to this project.
12. The Applicant shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.
13. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
14. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.
15. This Order will automatically transfer to a new owner or operator if:
 - a. A written agreement between the Applicant and new owner or operator with the specific transfer date of the Order's obligations, coverage, and liability is submitted to Ecology per condition A.2.;
 - b. A copy of this Order is provided to the new owner or operator; and
 - c. If Ecology does not notify the new Applicant that this Order must be modified to complete the transfer.

B. Notification Requirements

1. The following notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager via e-mail to fednotification@ecy.wa.gov and cc to penny.kelley@ecy.wa.gov. Notifications shall be identified with Order No. 16844 and include the Applicants name, project name, project location, project contact and the contact's phone number.
 - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any of this Orders conditions.
 1. In addition to the phone or e-mail notification, the Applicant shall submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to

prevent a recurrence, results of any samples taken, and any other pertinent information.

- b. At least ten (10) days prior to all pre-construction meetings
 - c. At least ten (10) days prior to conducting initial in-water work activities for each in-water work window.
 - d. At least seven (7) days prior to completing each wetland mitigation site.
 - e. At least seven (7) days within project completion.
2. If the project construction is not completed within 13 months of issuance of this Order, the Applicant shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction and mitigation are completed.

C. Timing

1. This Order is valid until the Applicant meets all its requirements and the applicant has received written notificaitn from Ecology to that effect.
2. The following in-water work windows shall apply to this project unless otherwise approved by Ecology:
 - ~~a. Bear Creek: July 1st through September 15th;~~
 - a. Bear Creek: June 24th through September 15th;
 - b. Sammamish River: July 16th through August 31st;
 - c. Un-named Tributary to the Sammamish River: July 1st to Setpember 30th
3. Work outside the wetted perimeter but below the OHWM at Bear Creek shall be allowed if approved by the Department of Fish & Wildlife. Work shall not start until a new revised Hydraulic Project Approval (HPA) has been issued and a copy shall be sent to the Department of Ecology.
4. Any project change that requires a new or revised Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife should be sent to Ecology for review.

D. Water Quality Monitoring & Criteria

1. Bear Creek, the Sammamish River, and the unnamed tributary to the Sammamish River are categorized as salmonid spawning, rearing, and migration and the criteria of the categorization apply as described in WAC 173-201A-200 (1), except as specifically modified by this Order.
2. The Applicant shall submit a Water Quality Monitoring and Protection Plan (WQMPP) to the Federal Permit Manager for review and approval at least 20 days prior to beginning work for each activity below the ordinary high water line (OHWL), in-water and over-

water. **Work is not authorized to begin until approval is received.** At a minimum, the WQMPP shall include:

- a. The names(s) and phone numbers (s) of the Pollution control inspector and the person responsible for on-site monitoring and reporting;
 - b. The BMPs and procedures to be used to protect water quality during specific proposed below the ordinary high water mark, in-water and over-water activities;
 - c. Locations, BMPs and procedures to be used to protect water quality during ground improvement activities
 - d. A water sampling plan for turbidity and pH, which include sample locations and frequency;
 - e. Sampling locations for turbidity shall include, but are not limited to; background, half the distance to the point of compliance and at the point of compliance, unless otherwise approved by Ecology.
 - f. A map with numbered or named sampling locations associated with the in-water work activities.
 - g. Contingencies during in-water work activities
3. The Applicant must provide, in writing, any changes or additions to the WQMPP and obtain approval from Ecology's Federal Permit Manager prior to implementation of the changes or additions.
 4. Monitoring results shall be submitted weekly to the Ecology Federal Permit Manager, per condition A.2.
 5. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.
 6. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity shall be considered an exceedance of the standard.
 7. If water quality exceedances for turbidity are observed outside the point of compliance, work shall cease immediately and the Applicant or the contractor shall assess the cause of the water quality problem and take immediate action to stop, contain, and correct the problem and prevent further water quality turbidity exceedances.

E. Stormwater

1. The Applicant shall monitor direct stormwater discharges to the Sammamish River in accordance with a Final Stormwater Monitoring Plan approved by Ecology.
 - a. The Applicant's Draft Stormwater Monitoring Plan, October 9, 2019, must be approved by Ecology prior to the discharge of stormwater from the Sammamish River outfall.

- b. When the Sammamish River outfall becomes operational, the Applicant shall conduct sampling in accordance with the Final Stormwater Monitoring Plan
 - c. Any requests to change the Final Stormwater Monitoring Plan shall be submitted to Ecology for review and approval.
2. If the Applicant obtains coverage under Washington's Municipal Stormwater General Permit for the outfall pipe at the Sammamish River, the monitoring requirements will be waived by Ecology upon the effective date of permit coverage.

F. Construction

General Conditions

1. The Applicant shall obtain and comply with the conditions of the current Construction Stormwater Permit (NPDES) issued for this project.
2. Within the project limits¹ all environmentally sensitive areas including, but not limited to, wetlands, wetland buffers, and mitigation areas shall be fenced with high visibility construction (HVF) prior to commencing construction activities. Construction activities include equipment staging, materials storage, and work vehicle parking. *Note: This condition does not apply to activities such as pre-construction surveying and installing HVF and construction zone signage.*
 - a. If the project will be constructed in stages² a detailed description and drawings of the stages shall be sent to Ecology for review at least 20 days prior to placing HVF.
 - b. Condition 2.a. shall apply to each stage.
 - c. All field staff shall be trained to recognize HVF, understand its purpose and properly install it in the appropriate locations.
 - d. HVF shall be maintained until all work is completed for each project or each stage of a staged project.
3. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
4. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.

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

² A stage is part of a project that has been separated into at least two distinct areas to be built during separate timeframes.

5. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
6. Ground improvement activities shall not cause exceedence of water quality standards for turbidity.
7. Turbid de-watering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.
8. Clean de-watering water associated with in-water work that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.
9. All equipment being used below the ordinary high water mark shall utilize bio-degradable hydraulic fluid.

Equipment & Maintenance

10. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Manager before placing the staging area in the setback area.
11. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.
12. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this Order.
13. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
14. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.

15. A separate area shall be set aside, which does not have any possibility of draining to surface waters, for the wash-out of concrete delivery trucks, pumping equipment, and tools.

Rail Road Bridge & Culvert Removal

16. No structural material may enter water of the state during bridge demolition activities.
17. During demolition, structures shall be removed from the banks, existing roads, or from adjacent bridges whenever possible. When necessary, equipment may operate below the OHWL, provided the work is consistent with the project's most recent HPA.
18. The Applicant shall minimize disturbance of vegetation when constructing the temporary work platforms for bridge construction and demolition activities.
19. All saw cut water and debris generated from saw cutting activities that occur above water shall be contained and disposed of appropriately with no possible entry to waters of the state.
20. Piles removed from the substrate shall be moved immediately from the water onto upland on into a contained area.
21. The pile shall not be shaken, hosed off, left hanging to drip or any other action intended to clean or remove adhering material from the pile.
22. During pile removal, where practicable, containment booms and absorbent sausage booms shall be placed around the perimeter of the work area to capture wood debris, oil, and other materials from being released into state waters.
23. All excavated piles and debris that is collected shall be disposed upland in an approved disposal site.
24. If piles cannot be removed or break off during removal, they shall be cut 2 feet below mudline.
25. Sediments spilled on work surfaces shall be contained and disposed of with the pile debris at an approved upland disposal site.
26. Placement of rip-rap around new bridge structures, if needed, shall not be end dumped from any upland location and shall be conducted in a manner that minimizes turbidity.

Stream Bypass & Realignment

27. Stream flow isolation work shall not scour the stream channel or banks of the water body in which the work is being done.
28. To minimize sediment releases into downstream water, water reintroduced to the channel shall be done gradually and at a rate not exceeding the normal stream flow.
29. Prior to returning stream flow to the de-watered work area, all proposed bank protection measures shall be in place.

Concrete Work

30. All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
31. All concrete shall be completely cured prior to coming into contact with water.
32. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and disposed of appropriately with no possible entry to state waters.

G. Wetland & Stream Mitigation

1. The Applicant shall revise the draft *Downtown Redmond Link Extension Wetland and Stream Mitigation Plan*, prepared by Parametrix and dated October 2019, as follows and submit it to Ecology for review and approval prior to impacting wetlands with the project site:
 - a. The final plan shall contain a contingency plan if credits from the Keller Farm Mitigation Bank are not available for purchase prior to wetland impacts occurring.
 - b. The final plan shall contain all changes and requirements currently being worked out with the Seattle District Corps of Engineers.
2. The Applicant shall mitigate wetland and stream impacts in accordance with the final mitigation plan approved by Ecology.

Permittee- Responsible Wetland Compensatory Mitigation Conditions:

3. A status report on the mitigation construction must be submitted to Ecology, 13 months from the date of permit issuance. Annual status reports on mitigation construction are required until wetland mitigation site construction is complete.
4. The Applicant shall have a qualified wetland professional at the wetland mitigation sites to supervise during construction and planting.

5. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrently with, impacting wetlands, or Ecology may require additional compensation to account for additional temporal loss of wetland functions.
6. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers and landward of the 100-year floodplain, unless otherwise provided for in the Mitigation Plan.
7. The Applicant shall ensure that no material is stockpiled within existing wetlands or their buffers at the wetland mitigation site(s) at any time, unless provided for in the Mitigation Plan.
8. The Applicant shall ensure that no construction debris is deposited within existing wetlands or their buffers at the wetland mitigation site(s) at any time, unless otherwise provided for in the Mitigation Plan.
9. The Applicant shall not use polyacrylamide at the mitigation site(s).
10. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s), unless otherwise approved by Ecology.
11. If weed-barrier fabric is used on the site, the Applicant shall use only water-permeable, fully biodegradable, non-toxic weed-barrier fabric for the entire-site and/or individual plant weed control, unless otherwise approved by Ecology. If non-biodegradable plastic weed-barrier fabric is approved by Ecology, it shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
12. Aquatic herbicides can be used or applied only by certified applicators or person under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.
 - a. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit.
 - b. Applicators shall comply with all conditions of the Noxious Weed Control Permit.
13. If seeding is used as a best management practice for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species, unless otherwise approved by Ecology.
14. If solid or mesh plant protector tubes are used, Ecology strongly recommends that the Applicant use fully biodegradable options. If non-biodegradable plant protection options

are used, they shall be removed before they interfere with plant growth or before the end of the monitoring period, whichever comes first.

15. The Applicant shall provide Ecology with documentation of a recorded Wetland Notice for the Upper Sammamish River mitigation site. The Applicant shall:
 - a. Send a draft Wetlands Notice (see Attachment X: Wetland Notice for Deed Notification) to Ecology for review and approval prior to recording,
 - b. Record the approved Wetland Notice with the County Recording Office, Registrar of Deed, or other official responsible for maintaining records for, or interest in, real property,
 - c. Record the Wetland Notice with the site map from the final wetland mitigation plan showing the location of wetlands and their buffers, and
 - d. Send a copy of the recorded Wetland Notice to Ecology.

Wetland Compensatory Mitigation Bank Use Conditions:

16. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 1.513 wetland mitigation bank credits (credits) from the Keller Farm mitigation bank. This documentation must include the permit number, permit issuance date, impact acreage, the amount of credits required by the permit, and date of credit purchase.
17. The Applicant shall notify Ecology of any changes to the amount of wetland impacts, or revisions to the mitigation plan.
18. The Applicant shall complete the purchase of credits before the impacts to wetlands occur or Ecology may require additional compensation to account for temporal loss of wetland functions.
19. If the credits are not purchased within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
 - a. Downtown Redmond Link Extension.
 - b. When bank credits will be purchasedWith the :
 - c. Reason for delay
 - d. Expected date of completion.The Applicant shall submit an updated written notification every 12 months thereafter until Downtown Redmond Link Extension is complete and the required credits are purchased.

H. Emergency/Contingency Measures

1. The Applicant shall develop and implement a spill prevention and containment plan for this project.

2. The Applicant shall have adequate and appropriate spill cleanup material available on site at all times during construction.
3. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.
4. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
5. Work causing distressed or dying fish, discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters, is prohibited. If such work, conditions, or discharges occur, the Applicant shall notify the Ecology Federal Permit Manager per condition B.1. and immediately take the following actions:
 - a. Cease operations at the location of the non-compliance.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
 - c. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
 - d. Immediately notify Ecology's Regional Spill Response Office at 1-800-258-5990 and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems.
 - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
6. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

April 21, 2021

No other conditions or requirements of the above referenced 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 amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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.) E-mail 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

April 21, 2021

CONTACT INFORMATION

Please direct all questions about this Order to:

Penny Kelley
Department of Ecology
Headquarters
P.O. Box 47600
Olympia, WA 98504-7600
360-280-8856
pkel461@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>



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

April 21, 2021