



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000  
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September 2, 2021

Seattle Public Utilities  
Attn: Clay Antieau  
700 5<sup>th</sup> Avenue, Suite #4900  
Seattle, WA 98124

**RE: Water Quality Certification Order No. 20330 for Corps Reference No. NWS-2020-1054, Murray Canyon Illicit Sewer Discharge Repair, King County, Washington**

Dear Clay Antieau:

On March 16, 2021, Seattle Public Utilities submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Murray Canyon Illicit Sewer Discharge Repair project located in King County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Water Quality Certification request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. This certification is subject to the conditions contained in the enclosed Order.

Please ensure that anyone doing work under this Order has read, is familiar with, and is able to follow all of the provisions within the attached Order.

If you have any questions about this decision, please contact Doug Gresham at (425) 429-1846 or e-mail [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar".

Joe Burcar, Section Manager  
Shorelands and Environmental Assistance Program  
Northwest Regional Office, Department of Ecology

Enclosure

Seattle Public Utilities  
Water Quality Certification #20330  
September, 2, 2021

Sent via email to: Clayton.Antieau@seattle.gov

ecc:

Dan Krenz, Corps of Engineers  
Loree' Randall, Ecology  
Rebekah Padgett, Ecology  
Amy Jankowiak, Ecology  
Grant Yang, Ecology  
ECY RE FEDPERMITS

<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER No. 20330</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. NWS-2020-1054</b>
<b>CERTIFICATION TO</b>	)	Murray Canyon Illicit Sewer Discharge Repair,
Seattle Public Utilities	)	Wetland A located in King County, Washington.
pursuant to 33 U.S.C. 1341 (FWPCA	)	
§ 401), RCW 90.48.120, RCW 90.48.260	)	
and Chapter 173-201A WAC	)	

Seattle Public Utilities  
C/o: Clay Antieau  
700 5th Avenue, Suite 4900  
Seattle, WA 98124

On March 16, 2021, Seattle Public Utilities submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Murray Canyon Illicit Sewer Discharge Repair, King County, Washington. The following required process dates are listed below:

- On November 5, 2020, Seattle Public Utilities submitted a pre-filing meeting request.
- On March 16, 2021, the Department of Ecology (Ecology) considered the Request valid.
- On June 3, 2021, the U.S. Army Corps of Engineers (Corps) sent a provisional notification to Seattle Public Utilities and Ecology that they had completed the majority of its review and was waiting for Ecology’s WQC. Within that notice the Corps provided a deadline for the WQC of September 12, 2021.
- On June 24, 2021, Ecology issued a public notice for the project.

Seattle Public Utilities proposes reconnection of a sanitary sewer underdrain pipe that was incorrectly attached to a storm water pipe. This involves installing 100 feet of new underdrain pipe, removal of a plug in a bypass pipe, and installation of a new maintenance access hole. Temporary construction impacts lasting up to six months will occur in 0.25 acres of a Category III wetland, identified as “Wetland A” in the project materials. Mitigation for these impacts will include dense replanting of temporarily disturbed ground areas within the street right-of-way with approximately 8,000 square feet of native plants to compensate for temporary disturbance and temporal loss of function in wetland and wetland buffer habitats.

The project site is located near 6337 46th Avenue SW in Seattle, King County, Washington, Section 26, Township 24 N., Range 3 E., within Water Resource Inventory Area (WRIA) 9 Duwamish/Green.

With this Order, Ecology is granting Seattle Public Utilities’s request for a Section 401 Water Quality Certification for the Murray Canyon Illicit Sewer Discharge Repair project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request project description, drawings and supplemental materials.

Ecology received on March 16, 2021, and the following supporting documentation:

Table 1. Supporting Documents

<b>Date Received</b>	<b>Document Type</b>	<b>Title &amp; Date</b>	<b>Author</b>
November 5, 2020	Biological Assessment	No Effects Analysis/Determination for ESA Species and Critical Habitat for Murray Canyon Illicit Sewer Discharge Repair Project, dated November 3, 2020	Seattle Public Utilities
November 5, 2020	Critical Areas Report	Critical Area Assessment Report for Murray Canyon Illicit Sewer Discharge Repair, dated October 18, 2019	The Watershed Company
March 16, 2021	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA Form for Murray Canyon Illicit Sewer Discharge Repair Project, signed on November 3, 2020	Seattle Public Utilities
March 16, 2021	Drawings	90% Design Drawings for Murray Canyon Illicit Sewer Discharge Repair Project, dated April 14, 2021	Seattle Public Utilities
March 16, 2021	State Environmental Policy Act (SEPA)	SEPA Determination of Non-Significance for Murray Canyon Illicit Sewer Discharge Repair Project, dated June 22, 2020	Seattle Public Utilities

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Seattle Public Utilities must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Seattle Public Utilities 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 Section 401 Water Quality Certification absolves Seattle Public Utilities from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

#### Water Quality Certification Condition:

1. The Project Proponent shall mitigate temporary wetland impacts as described in the 90% Design Drawings for Murray Canyon Illicit Sewer Discharge Repair Project as identified in Table 1.
  - *Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When mitigation is provided, the impacts are not considered significant enough to water quality, at least in the long-term. The water quality standards, along with mitigation, protect wetlands as well as permitting some level of degradation where unavoidable or necessary.*
  - *Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter [90.48](#) RCW, Chapter [90.54](#) RCW, Chapter 90.74 RCW, Chapter 173-201A-260 (3)(i-ii) WAC, Chapter 173-201A-300 WAC, and Chapter 173-225-010 WAC.*

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, this WQC is granted to Seattle Public Utilities, Murray Canyon Illicit Sewer Discharge Repair project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. **20330** will remain valid for the duration of the associated DA permit. Seattle Public Utilities should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) within two weeks of receiving it.

#### **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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

## CONTACT INFORMATION

Please direct all questions about this Order to:

Doug Gresham  
Department of Ecology  
(425) 429-1846 or [doug.gresham@ecy.wa.gov](mailto:doug.gresham@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>
- **Chapter 90.48 RCW – Water Pollution Control:**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards:**  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington:** <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington:** <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

*Order No. 20330, Corps No. NWS-2020-1054*

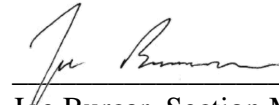
*Aquatics No. 139671*

*September 2, 2021*

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**SIGNATURE**

Dated this 2<sup>nd</sup> day of September, 2021 at the Department of Ecology, Shoreline, Washington

A handwritten signature in black ink, appearing to read "Joe Burcar", is written over a horizontal line.

Joe Burcar, Section Manager  
Shorelands and Environmental Assistance Program  
Northwest Regional Office