



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
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November 15, 2021

Whatcom Public Utilities District No. 1
ATTN: Alec Strand
1705 Trigg Road
Ferndale, WA 98248

RE: Water Quality Certification Order No. 20868 for Corps Reference No. 2021-182,
Whatcom PUD-Alcoa Fiber Optic Line, Whatcom County, Washington

Dear Alec Strand:

On June 11, 2021, Whatcom Public Utilities District No. 1 submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Whatcom PUD-Alcoa Fiber Optic Line project, Whatcom 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 Leah Beckett at (425) 324-5590. 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", is written over a faint, larger signature.

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

Sent via electronic mail to: alecstrand@pudwhatcom.org

Enclosure

e-cc: Randel Perry, Corps of Engineers
Collin Van Slyke, Northwest Ecological Services, LLC
Loree' Randall, Ecology
Chris Luerkens, Ecology
ECY RE FEDPERMITS

IN THE MATTER OF GRANTING A)	ORDER No. 20868
WATER QUALITY)	Corps Reference No. 2021-182
CERTIFICATION TO)	Whatcom PUD-Alcoa Fiber Optic Line located
Whatcom Public Utilities District No. 1)	within Wetlands B and G, Ferndale, Whatcom
pursuant to 33 U.S.C. 1341 (FWPCA)	County, Washington
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

Whatcom Public Utilities District No. 1
Attn: Alec Strand
1705 Trigg Road
Ferndale, WA 98248

On June 11, 2021, Whatcom Public Utilities District No. 1 submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Whatcom PUD-Alcoa Fiber Optic Line, Whatcom County, Washington. The following required processing dates are referenced below:

- On November 19, 2020, Whatcom Public Utilities District No. 1 submitted a pre-filing meeting request.
- On June 11, 2021, Whatcom Public Utilities District No. 1 submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On August 10, 2021, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit #57 and requires an individual Section 401.
- On August 10, 2021, the Corps also provided the “Reasonable Period of Time” (deadline) for the WQC of December 8, 2021.
- On August 11, 2021, Ecology issued a public notice for the project.

This project proposes to install 5,055 linear feet of underground Fiber Optic line and appurtenances northerly and westerly of the existing Fiber Optic line to reach the existing BPA Intalco Substation at Cherry Point. There will be 4,800 linear feet of direct bury trenching and 255 linear feet of directional drilling/boring (under roads and near fuel/water pipelines). There will be temporary impacts to 2,520 square feet of wetlands.

The project location runs from the BPA Intalco Substation at Mountain View Road southeast to Douglas Road, Ferndale, Washington, in Whatcom County. Wetlands B and G, Whatcom County, Washington, Section 21, Township 39 N., Range 01 E., within Water Resource Inventory Area (WRIA) 1 Nooksack.

With this Order, Ecology is granting Whatcom Public Utilities District No. 1’s request for a Section 401 Water Quality Certification for the Whatcom PUD-Alcoa Fiber Optic Line project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on June 11, 2021, and the following supporting documentation:

1. Critical Areas Assessment & Mitigation Plan (Wetland Delineation/HCA Assessment), Whatcom PUD-Alcoa Fiber Optic line, Mountain View Road, Whatcom County, WA, December 2020, received February 18, 2021.

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, Whatcom Public Utilities District No. 1 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 Whatcom Public Utilities District No. 1 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 the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

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 the Whatcom Public Utilities District No. 1 for the Whatcom PUD-Alcoa Fiber Optic Line 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. 20868 will remain valid for the duration of the associated DA permit. Whatcom Public Utilities District No. 1 should send a copy of the final DA permit to 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 Hearings 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 all 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.

Filing an appeal with the PCHB:

Mailing Address:

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Street Address:

Pollution Control Hearings Board
1111 Israel RD SW
STE 301
Tumwater, WA 98501

Serving a copy of the appeal on Ecology:

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

CONTACT INFORMATION

Please direct all questions about this Order to:

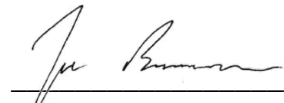
Leah Beckett
Department of Ecology
Leah.Beckett@ecy.wa.gov
(425) 324-5590

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>

SIGNATURE



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

November 15, 2021