



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*

November 24, 2021

Halli Harris
Northwest Pipeline LLC
295 Chipeta Way
Salt Lake City, UT 84108

**RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 20880,
Cathodic Protection System 492 Installation, Snohomish County, Washington**

Dear Halli Harris:

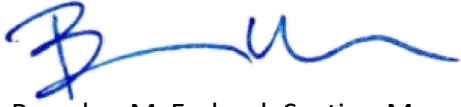
On June 8, 2021, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification for the above-referenced project. Northwest Pipeline informed Ecology that the project qualifies for a Nationwide Permit (NWP) 12 with no Army Corps of Engineers (Corps) Pre Construction Notification triggered. For a project authorized under the NWP program, Ecology has 180 days from the Section 401 Water Quality Certification request to issue its decision.

At this time Ecology has not received the necessary information to have reasonable assurance that the project will meet state water quality laws. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW, and Chapter 173-201A WAC, Ecology is denying without prejudice Northwest Pipeline LLC's request for a Section 401 Water Quality Certification. Receipt of a denial without prejudice does not preclude you from submitting a new request for a Section 401 Water Quality Certification at a later date.

If you have any questions, please contact Kerry Carroll at (360) 407-7503. The Enclosed Order may be appealed by following the procedures described in the Order.

Northwest Pipeline LLC, Cathodic Protection System 492 Installation
Denial Order No. 20880
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Sincerely,

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

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

Enclosure

e-cc: Carolyn Last, Edge Environmental
Kelly Werdick, U.S. Army Corps of Engineers
ecyrefedpermits@ecy.wa.gov
Loreé Randall, Ecology, HQ

IN THE MATTER OF DENYING SECTION 401)	ORDER No. 20880
WATER QUALITY CERTIFICATION TO)	Cathodic Protection System 492 Installation,
Northwest Pipeline LLC)	Snohomish County, Washington
in accordance with 33 U.S.C. 1341)	
(FWPCA § 401), RCW 90.48.260 and Chapter)	
173-201A WAC)	

Halli Harris
Northwest Pipeline LLC
295 Chipeta Way
Salt Lake City, UT 84108

On June 8, 2021, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification (WQC) via a Joint Aquatic Resources Permit Application (JARPA) for the above-referenced project. Northwest Pipeline informed Ecology that the project qualifies for a Nationwide Permit (NWP) 12 with no Army Corps of Engineers (Corps) Pre Construction Notification triggered. For a project authorized under the NWP program, Ecology has 180 days from the receipt of the request for a WQC to issue its decision.

On October 7, 2021, Ecology sent you an email explaining that SEPA must be complete prior to issuing a Section 401 WQC decision.

Without this information, there is not reasonable assurance that the project will meet state water quality laws. With the deadline approaching, Ecology must deny the WQC at this time. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW and Chapter 173-201A WAC, Northwest Pipeline LLC's request for a WQC for the Cathodic Protection System 492 Installation is denied without prejudice.

Receipt of a denial without prejudice does not preclude you from submitting the information identified above with a new request for a WQC at a later date.

YOUR RIGHT TO APPEAL

You have a right to appeal this Denial Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Denial 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 Denial Order:

- File your appeal and a copy of this Denial 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 Denial 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

SIGNATURE



November 24, 2021

Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology

Date