



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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December 23, 2021

Minor correction, see below

Rebecca Hoffman
U.S. Forest Service, Gifford Pinchot National Forest
Mount St. Helens National Volcanic Monument Headquarters
42218 NE Yale Bridge Rd
Amboy, WA 98601

RE: Water Quality Certification Order No. 20778 for Corps Reference No. 202000576, Spirit Lake Tunnel Intake Gate Replacement Project, Skamania County, Washington

Dear Rebecca Hoffman:

On December 29, 2020, U.S. Forest Service submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Spirit Lake Tunnel Intake Gate Replacement Project in Skamania 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 Kerry Carroll at (360) 407-7503. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brenden McFarland", is written over a horizontal line.

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

Enclosure

Rebecca Hoffman, U.S. Forest Service, Gifford Pinchot National Forest
December 23, 2021
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e-cc:

Evan Carnes, Corps of Engineers
Edward Huffman, Forest Service
Madeline Nolan, WDFW
Board of Commissioners, Cowlitz County
Miranda Adams, Ecology
Laura Inouye, Ecology
ECY RE FEDPERMITS

IN THE MATTER OF GRANTING A)	WQC ORDER No. 20778
WATER QUALITY)	Corps Reference No. 202000576
CERTIFICATION TO)	Spirit Lake Tunnel Intake Gate Replacement
U.S. Forest Service, Gifford Pinchot)	Project, Spirit Lake located in Skamania County,
National Forest)	Washington.
Mount St. Helens National Volcanic)	
Monument Headquarters)	
pursuant to 33 U.S.C. 1341 (FWPCA)	
§ 401), RCW 90.48.120, RCW 90.48.260		
and Chapter 173-201A WAC		

Rebecca Hoffman
U.S. Forest Service, Gifford Pinchot National Forest
Mount St. Helens National Volcanic Monument Headquarters
42218 NE Yale Bridge Rd
Amboy, WA 98601

On December 29, 2020, U.S. Forest Service submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Spirit Lake Tunnel Intake Gate Replacement Project, Skamania County, Washington. On January 14, 2021 the U.S. Army Corps of Engineers (Corps) issued a joint public notice.

The project proposes the following activities:

- Improvements to National Forest Road 99 (NF-99) Extension
- Construction/reconstruction and maintenance of temporary road, including stream crossings using culverts or functionally equivalent structures
- Construction of barge loading facility (including a ramp) and staging area at lake shoreline
- Dredging of spoils pile at tunnel intake and placement at barge facility, intake ramp and deeper water disposal
- Construction of cofferdam at tunnel entrance
- Removal and replacement of intake gate infrastructure at Spirit Lake Tunnel
- Removal of temporary structures and fill from stream crossings
- Re-establish streams and wetlands using monitoring data

The project site is located near Mount St. Helens National Volcanic Monument, Spirit Lake, Skamania County, Washington, Section 10, 15 and 27, Township 9N, Range 5E, within Water Resource Inventory Area (WRIA) 26 Cowlitz.

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this WQC request 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;
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.
4. Conformance with Washington's prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington. RCW 90.48.080.
5. The Applicant of the project authorized is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

With this Water Quality Certification (WQC) Order, Ecology is granting with conditions, U.S. Forest Service, Gifford Pinchot National Forest Mount St. Helens National Volcanic Monument Headquarters request for a Section 401 Water Quality Certification for the Spirit Lake Tunnel Intake Gate Replacement Project, Spirit Lake and its associated streams and wetlands located in Skamania County. Ecology has determined that the proposed discharges will comply with all applicable state water quality requirements, provided the project is conducted in accordance with the Section 401 Water Quality Certification request that Ecology received on December 29, 2020 and updated on August 25, 2021, the supporting documents referenced in Table 1 below, **and the conditions of this WQC Order.**

Table 1. Supporting Documents

Date Received	Document Type	Title & Date	Author
December 11, 2020	Suitability Determination	Tier 1 Dredge Material Evaluation (dated October 23, 2020)	DMMP
December 11, 2020	Wetland and Stream Delineation	Wetland and Stream Delineation Report (dated September 22, 2020/Labels and ratings updated November 20, 2020).	Tina Teed, US Army Corp of Engineers-Portland District
December 11, 2020	Drawings	Inlet Site Map and Dredge Figures	

December 29, 2020 and August 25, 2021	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA (dated December 11, 2020 and Updated August 25, 2021)	Edward Huffman, USDA
March 16, 2021	FONSI	Finding of No Significant Impact (dated March 2021)	Chris Strebig, USDA
March 22, 2021	National Environmental Policy Act	Spirit Lake Tunnel Intake Gate Replacement and Geotechnical Drilling Project (dated March 2021)	Chris Strebig, USDA
August 25, 2021	Water Quality Monitoring and Protection Plan	Water Quality Monitoring and Protection Plan (WQMPP) Spirit Lake Intake Gate Replacement-NWS-2020-576 (updated August 2, 2021)	Edward Huffman, USDA
August 25, 2021	Wetland Bank Use Plan	Bank Use Plan –Wetland Mitigation (dated August 11, 2021)	Edward Huffman, USDA
August 25, 2021	Drawings	JARPA Temp Road Crossing Figures (dated August 11, 2021)	
September 17, 2021	Environmental Assessment	Spirit Lake Tunnel Intake Gate Replacement and Geotechnical Drilling Project (dated April 2020)	Chris Strebig, USDA
October 25, 2021	Advisory HPA	Conditional HPA Spirit Lake (dated October 25, 2021)	Madeline Nolan, WDFW
October 25, 2021	Dredge and In-water disposal Mitigation Plan	Spirit Lake Dredge and In-water disposal Mitigation Proposal (dated October 15, 2021)	Edward Huffman, USDA

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize U.S. Forest Service 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 U.S. Forest Service 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 WQC Order, the term “Applicant” shall mean the U.S. Forest Service and its agents, assignees, and contractors.
2. All submittals required by this WQC Order shall be sent to Ecology’s Headquarters Office, Attn: Federal Permit Manager, via e-mail to fednotification@ecy.wa.gov and cc to Kerry.Carroll@ecy.wa.gov. The submittals shall be identified with WQC Order # 20778 and include the Applicant’s name, Corps permit number, project name, project contact, and the contact phone number.
3. Work authorized by this WQC Order is limited to the work described in the WQC request package received by Ecology on December 29, 2020 and the supporting documentation identified in Table 1.
4. The Applicant shall keep copies of this WQC 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.
5. 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 WQC Order are met.
6. 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.
7. 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.
8. 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 WQC Order and all permits, approvals, and documents referenced in this WQC Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) before construction begins.

9. This WQC 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 WQC Order.
10. Failure of any person or entity to comply with the WQC Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the state's water quality standards.
11. The Applicant shall provide Ecology documentation for review before undertaking any major changes to the proposed project that could significantly adversely affect water quality, other than those project changes required by this WQC Order.
12. 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.
13. 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 WQC 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. Ecology does not notify the new Applicant that a new WQC Order is required 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 Kerry.carroll@ecy.wa.gov. Notifications shall be identified with WQC Order # 20778, Corps reference #, and include the Applicant name, project name, project location, project contact and the contact phone number.
 - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any conditions of this WQC Order.
 - 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 of each construction year.
 - d. Within seven (7) days of completing in-water work activities of each construction year.
2. In addition to the phone or e-mail notification required under B.1.a. above, 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.

3. If the project construction is not completed within 13 months of issuance of this WQC 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 WQC Order is not effective until the U.S. Army Corps of Engineers (Corps) issues an individual permit for this project and will remain valid for the duration of the associated permit for the project.
2. The following in-water work windows apply to the project:
 - a. All activities within the wetted perimeter of the waterbodies onsite may be conducted at any time without restriction.
3. Any project change that requires review from the Department of Fish and Wildlife should also be sent to Ecology for review and approval before the change is implemented.

D. Water Quality Monitoring & Criteria

1. This WQC Order does not authorize the Applicant to exceed applicable water quality standards beyond the limits established in WAC 173-201A.
2. For in-water activities within fresh waters (including wetlands) turbidity shall not exceed 5 NTU over background when the background is 50 NTU or less; or a 10 percent increase in turbidity when the background turbidity is more than 50 NTU;
 - a. Temporary area of mixing for turbidity established within the state water quality standards for fresh waters (WAC 173-201A-200) is as follows:
 - i. For waters up to 10 cfs flow at the time of construction, the point of compliance shall be one hundred feet downstream from the activity causing the turbidity exceedance.
 - ii. For waters above 10 cfs up to 100 cfs flow at the time of construction, the point of compliance shall be two hundred feet downstream of the activity causing the turbidity exceedance.
 - iii. For waters above 100 cfs flow at the time of construction, the point of compliance shall be three hundred feet downstream of the activity causing the turbidity exceedance.
 - iv. For projects working within or along lakes, ponds, wetlands, or other non-flowing waters, the point of compliance shall be at a radius of one hundred fifty feet from the activity causing the turbidity exceedance.

3. 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.
4. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity, shall be considered an exceedance of the standard.
5. The Applicant shall implement the Water Quality Monitoring and Protection Plan (WQMPP) as identified in Table 1. Any changes to the WQMPP shall be sent to Ecology for review and approval prior to implementation.
6. Monitoring results shall be submitted monthly to Ecology's Federal Permit Manager, per condition A.2.
7. Ecology may require the Applicant to provide mitigation and/or additional monitoring if the monitoring results indicate that the water quality standards have not been met.

E. Construction

General Conditions

1. All work in and near waters of the state shall be conducted to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting maintenance and shall be maintained throughout the duration of the activity.
2. 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.
3. No stockpiling or staging of materials shall occur at or below the OHWM of any waterbody.
4. The Applicant shall obtain and comply with the conditions of the Construction Stormwater Permit (National Pollutant Discharge Elimination System - NPDES) issued for this project.
5. 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 fencing (HVF), or other alternative requested and approved by Ecology in areas of high wildlife use, prior to commencing construction activities. Construction activities include equipment staging, materials storage, and work vehicle parking. Note: This

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

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.
6. 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.
 7. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
 8. 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.
 9. All equipment being used below the ordinary high water mark shall utilize biodegradable 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, unless otherwise requested and authorized by Ecology.
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. All equipment shall be cleaned and decontaminated every year prior to entering and prior to leaving the project site to prevent the spread of invasive species.
13. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this WQC Order.

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

14. 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.
15. Wash water containing oils, grease, or other hazardous materials resulting from washing of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.
16. Turbidity curtains shall be properly deployed and maintained in order to minimize turbidity and re-suspension of sediment.
17. 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.
18. No return water is allowed to discharge from the barge(s) into waters of the state.
19. All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
20. All concrete shall be completely cured prior to coming into contact with water.
21. 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.
22. All excavated sediment shall be disposed upland in an approved disposal site, unless otherwise requested and authorized by Ecology.

Dewatering

23. 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.
24. 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.
25. Dewatering water may not be discharged or conveyed to surface waters unless it meets Surface Water Quality Standards (Chapter 173-201A WAC) at the point of discharge, unless otherwise authorized by this WQC Order.
26. The dewatering outfall or method of discharge shall be designed and operated so as not to cause erosion or scour in state waters, banks, or vegetation.

27. All equipment associated with dewatering activities shall be properly operated and maintained.

Culvert Work & Stream Bypass

28. All culvert work shall be conducted in the dry or in isolation from stream flow.
29. Stream flow isolation work shall not scour the stream channel or banks of the water body in which the work is being done.
30. 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.
31. Culverts shall be installed to avoid inlet scouring and prevent downstream bank erosion.
32. Fill associated with culvert installation shall be protected from erosion to the 100-year peak flow.

Bank Stabilization

33. Prior to returning stream flow to the de-watered work area, all proposed bank protection measures shall be in place.
34. Placement of rip-rap shall be conducted in compliance with water quality standards for turbidity.
35. Excavation activity both in-water and above the Ordinary High Water Mark shall be conducted in a controlled manner, in compliance with water quality standards for turbidity.

Dredging

36. All dredging is to be done using a mechanical dredge.
37. All suitable dredged material will be disposed of by barge at the open-water disposal site.
38. Dredging operations shall be conducted in a manner that minimizes the disturbance and siltation of adjacent waters and prevents the accidental discharge of petroleum products, chemicals or other toxic or deleterious substances into state waters.
39. Dredged material shall not be temporarily or permanently stockpiled below the OHWM unless authorized by Ecology.
40. A pre-dredge meeting is required to be convened prior to the start of dredging. A **Dredging and Disposal Workplan** (Workplan) shall be submitted to Ecology per Condition A2 at least two weeks prior to the pre-dredge meeting. The Dredging and Disposal Workplan

(Workplan) shall include the following:

- a. General information including schedule, primary contact, and hours of operation
- b. Dredged quantities and disposal location, including any upland locations.
- c. Dredging procedures and sequence
- d. Equipment list
- e. A description of the BMPs to be used for dredging, dewatering, transloading, and disposal.

41. Barges shall not be allowed to ground-out during in-water construction.

42. Barges shall be kept free of material that could be blown into the water.

F. Wetland mitigation conditions

1. The Project Proponent shall mitigate wetland impacts as described in Bank Use Plan – Wetland Mitigation, dated August 11, 2021, (hereafter called the “Mitigation Plan”) as identified in Table 1 or as required by this Order.
2. The Applicant shall submit any proposed changes to the Mitigation Plan in writing to Ecology (see A.2) for review and approval, before implementing the changes.
3. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of .98 wetland mitigation bank credits (credits) from the Coweeman River Mitigation Bank. This documentation must include the Ecology Order Number, Order issuance date, impact acreage, the amount of credits required by the Order, and date of credit purchase.
4. Unless otherwise authorized by this WQC Order, the Applicant shall complete the purchase of credits before impacting wetlands or Ecology could use its discretionary authority to require the Project Proponent to provide additional compensation to account for additional temporal loss of wetland functions.
5. If the Applicant has not purchased credits within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:
 - a. Spirit Lake Tunnel Intake Gate Replacement project
 - b. When bank credits will be purchasedWith the:
 - c. Reason for the delay
 - d. Expected date of completion

6. The Applicant shall submit an updated written notification every 12 months thereafter until Spirit Lake Tunnel Intake Gate Replacement project is complete and the required credits are purchased.
7. The Applicants obligation to compensate for wetland impacts under Condition F.1 is not met until the Applicant has received written notice from Ecology that the obligation is met.

G. 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 response and cleanup materials available on site to respond to any release of petroleum products or any other material into waters of the state.
3. 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.
4. Work causing distressed or dying fish and 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 Ecology's Federal Permit Manager per condition A2 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 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 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.
5. 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.

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 WQC Order to:

Kerry Carroll
Department of Ecology
360-407-7503
Kerry.carroll@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>

SIGNATURE

Dated this 23rd day of December 2021 at the Department of Ecology, Lacey Washington



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

Attachment A

**Statement of Understanding
Water Quality Certification Conditions**

Spirit Lake Tunnel Intake Gate Replacement Project

Water Quality Certification WQC Order # 20778

As the Applicant for Spirit Lake Tunnel Intake Gate Replacement project, I have read and understand the conditions of Washington State Department of Ecology WQC Order # 20778 and any permits, plans, documents, and approvals referenced in the WQC Order. I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this WQC Order and any permits, plans, documents, and approvals referenced in the WQC Order.

Signature

Date

Title

Phone

Company