



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341*

December 30, 2021

King County Department of Natural Resources and Parks
Wastewater Treatment Division
Attn: Jacob Sheppard
201 S Jackson Street
Seattle, WA 98104

Re: Water Quality Certification Order No. 20856 for Corps Reference No. NWS-2021-743, Interbay Conveyance Rehabilitation and Odor Control Project in King County, Washington

Dear Jacob Sheppard:

On October 27, 2021, King County Department of Natural Resources and Parks submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Interbay Conveyance Rehabilitation and Odor Control, King County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Joint Aquatic Resource Permit Application (JARPA) and the public notice 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. 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 light blue horizontal line.

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

Enclosure

King County Department of Natural Resources and Parks
Wastewater Treatment Division
December 30, 2021
Page 2

Sent via email to: jacob.sheppard@kingcounty.gov

ecc: Rory Lee, U.S. Army Corps of Engineers
 Benn Burke, Parametrix
 Grant Yang, Ecology TCP
 Rebekah Padgett, Ecology SEA
 Amy Janowiak, Ecology WQ
 ECYREFEDPERMITS@ECY.WA.GOV

IN THE MATTER OF GRANTING A) ORDER No. 20856
WATER QUALITY) Corps Reference No. NWS-2021-743
CERTIFICATION TO) Interbay Conveyance Rehabilitation and Odor
King County Department of Natural) Control located within Seattle, King County,
Resources and Parks) Washington
pursuant to 33 U.S.C. 1341 (FWPCA)
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC

King County Department of Natural Resources and Parks
Wastewater Treatment Division
Attn: Jacob Sheppard
201 S Jackson Street
Seattle, WA 98104

On October 27, 2021, King County Department of Natural Resources and Parks (King County DNRP) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Interbay Conveyance Rehabilitation and Odor Control project in King County, Washington. The following processing dates are referenced below:

- On August 25, 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 #58 and requires an individual Section 401.
- On November 18, 2021, Ecology issued a public notice for the project.

King County DNRP proposes to upgrade its sewer pipeline system in the Interbay neighborhood of Seattle from West Armory Way to the northwest corner of the Interbay Golf Center. The existing pipeline system in this area that was built in the 1960's, so it requires improvements and upgrades in order to operate reliably. This project includes rehabilitation of the 48- inch dual force mains, rehabilitation of the Elliott Bay Interceptor Section 8 (EBI 8) gravity pipe, rehabilitation of the force main discharge structure (FMDS), construction of a new odor control facility (OCF), and improving vehicular access to the FMDS site via West Armory Way. The 5,969 ft² of temporary wetland impacts will be restored as mitigation.

The project site is located east of the Interbay BNSF Balmer Rail Yard and west of the Interbay Golf Center and Interbay Athletic Complex and extends to the West Armory Way cul-de-sac within King County, Washington, Section 23, Township 25N., Range 3 E., within Water Resource Inventory Area (WRIA) 8 Cedar Sammamish.

With this Order, Ecology is granting King County DNRP's request for a Section 401 Water Quality Certification for the Interbay Conveyance Rehabilitation and Odor Control project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on October 27, 2021 and the following supporting documentation:

1. *Interbay Conveyance Rehabilitation and Odor Control Project-Wetland Delineation Report and Conceptual Mitigation Plan*, dated July 2021, prepared by Parametrix.
2. *Interbay Conveyance Rehabilitation and Odor Control Project-Planting Plan Drawings*, dated June 2021, prepared by Parametrix.
3. *SEPA Determination of Non-Significance for Interbay Conveyance Rehabilitation and Odor Control Project*, dated June 11, 2021, prepared by King County.

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, King County DNRP 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 King County DNRP 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 King County DNRP for the Interbay Conveyance Rehabilitation and Odor Control 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. 20856 will remain valid for the duration of the associated DA permit. King County DNRP 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:

Doug Gresham
Department of Ecology
Northwest Regional Office
(425) 429-1846
Doug.Gresham@ecy.wa.gov

MORE INFORMATION

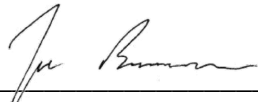
- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>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

SIGNATURE

DATED this 30th day of December, 2021, at Shoreline, Washington.



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