



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
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January 25, 2022

Puget Sound Energy
Attn: Brad Strauch
6500 Ursula Place S
Seattle, WA 98108

RE: Water Quality Certification Order No. 20989 for Corps Reference No. NWS-2021-705, Energize Eastside - Redmond Segment, King County, Washington

Dear Brad Strauch:

On July 19, 2021, Puget Sound Energy submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for Energize Eastside - Redmond Segment, 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 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".

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

Enclosure

e-cc: Colleen Anderson, Corps of Engineers
Kim Anderson, AECOM
Marissa Gifford, HDR, Inc.
Karen Worcester, Aerotek
Loree' Randall, Ecology
Grant Yang, Ecology
Rebekah Padgett, Ecology
Dana Mock, Ecology
Amy Jankowiak, Ecology
ECY RE FEDPERMITS – ID #140712

IN THE MATTER OF GRANTING A) WQC ORDER No. 20989
WATER QUALITY) Corps Reference No. NWS-2021-705
CERTIFICATION TO) Energize Eastside -- Redmond Segment,
Puget Sound Energy) Wetlands 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)

Puget Sound Energy
Attn: Brad Strauch
6500 Ursula Place S
Seattle, WA 98108

On July 19, 2021, Puget Sound Energy submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act to the Department of Ecology (Ecology) for the Energize Eastside – Redmond Segment project, King County, Washington. The following processing dates are referenced below:

- On August 4, 2021, the U.S. Army Corps of Engineers (Corps) sent a permit notification to Ecology, indicating that they would be processing the project under Nationwide Permit (NWP) # 57
- On August 25, 2021, Ecology issued a public notice for the project.

The project proposes to upgrade approximately two miles of existing 115 kV lines with 230 kV lines between the Sammamish substation and the Redmond/Bellevue city boundary. This upgrade includes replacing existing wood H-frame poles (which have 2-3 poles each) with steel monopoles within Puget Sound Energy's existing transmission line corridor. Permanent impacts associated with the installation of three new poles will occur within Wetland ARDE8, a large Category II slope wetland; permanent impact area is approx. 170 square feet/0.004 acres of palustrine emergent wetland with a total fill volume of approx. 160 cubic yards. These impacts will be partially offset by the removal of 4 poles from the wetland; total area of fill removed from Wetland ARDE8 is approx. 15 square feet.

20,490 square feet of permanent conversion impacts associated with tree trimming/tree removal in wetlands will occur in Wetlands ARDE7, ARDE8, CR02, and CR04. Temporary impacts occurring within wetlands ARDE8 and CR01 will be approximately 53,030 square feet. Wetland buffer impacts for the project will include 50 square feet of permanent impacts, 31,690 square feet of permanent conversion impacts, and 48,460 square feet of temporary buffer impacts.

Puget Sound Energy is proposing on-site enhancement in wetland ARDE8 as well as the purchase of mitigation bank credits from the Keller Farm Mitigation Bank to compensate for permanent impacts to wetlands and associated buffer areas, and for vegetation conversion associated with removal of trees. Impacts to wetlands within the City of Redmond will be mitigated south of the Sammamish Substation as a component of the Willows Creek Relocation project (Corps Reference #NWS-2020-1041).

The project site is a two mile corridor. One terminus of the project site, and the location of the majority of wetland impacts, is located at 9221 Willows Road NE – Sammamish Substation Property, Wetlands and Willows Creek, King County, Washington, Sections 3 & 10, Township 25 N., Range 5E., within Water Resource Inventory Area (WRIA) 8 – Cedar-Sammamish Watershed.

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;
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; and,
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, Puget Sound Energy’s request for a Section 401 Water Quality Certification for the Energize Eastside – Redmond Segment project, Wetlands and Willows Creek located in King County. Ecology has determined that the proposed discharge(s) 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 July 19, 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
September 14, 2021	Emergency Spill Response and Remedial Action Summary	Emergency Spill Response and Remedial Action Summary, Sammamish Substation, Redmond, Washington for Puget Sound Energy (dated November 10, 2011)	GeoEngineers, Inc.

August 11, 2021	General Construction and Access Plan	Appendix A: General Construction and Access <i>from</i> Energize Eastside Final Environmental Impact Statement (dated March 2018)	Puget Sound Energy
August 11, 2021	Critical Areas Impact Assessment	Puget Sound Energy Energize Eastside—Redmond Critical Areas Impact Assessment Final, Puget Sound Energy (dated May 2021)	AECOM
August 11, 2021	Mitigation Plan	Conceptual Mitigation Plan Energize Eastside Project—Redmond Segment, Redmond, Washington (dated May 26, 2021)	HDR
June 15, 2021	Pre-Filing Meeting Request	Pre-Filing Meeting Request for Clean Water Act Section 401 Water Quality Certification, WA State Department of Ecology (dated June 15, 2021)	HDR Engineering, Inc, on behalf of Puget Sound Energy
July 19, 2021	Wetland and Stream Delineation Report	PSE Energize Eastside Project Redmond Segment—Wetland & Stream Delineation Report for U.S. Army Corps of Engineers (dated June 24, 2021)	The Watershed Company & AECOM
July 19, 2021	Mitigation Bank Use Plan	Mitigation Bank Use Plan, Puget Sound Energy—Enerize Eastside Redmond Segment, Redmond, Washington, USACE #NWS-2021- (dated June 29, 2021)	HDR
July 19, 2021	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA (dated July 19, 2021)	Puget Sound Energy

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Puget Sound Energy 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 Puget Sound Energy from

liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

The following conditions will be incorporated into the Corps permit and strictly adhered to by the Puget Sound Energy.

A. General Conditions

1. In this WQC Order, the term “Applicant” shall mean the Puget Sound Energy 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 Leah.Beckett@ecy.wa.gov. The submittals shall be identified with WQC Order No. 20989 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 July 19, 2021, 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 being 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 and approval before undertaking any major changes to the proposed project that could significantly and 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. Nothing in this WQC Order waives Ecology's discretionary authority to issue additional Orders if Ecology determines that further actions are necessary to implement the water quality laws of the state.
14. 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 Leah Beckett@ecy.wa.gov. Notifications shall be identified with WQC Order No. 20989, 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

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 effective upon issuance of the U.S. Corps of Engineers (Corps) permit for this project and will remain valid for the duration of the associated permit for the project.

D. 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 General 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 staked and flagged in areas of high wildlife use, prior to commencing construction activities. Construction activities include equipment staging, materials storage, and work vehicle parking. Note: This 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.

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

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

- 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. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this WQC Order.
13. 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.
14. 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.

E. Wetland Mitigation Conditions

Conditions for On-Site Mitigation

1. The Applicant shall mitigate wetland impacts as described in the Conceptual Mitigation Plan Energize Eastside Project—Redmond Segment, Redmond, Washington (hereafter called the “Mitigation Plan 1”) as identified in Table 1 or as required by this Order or revised and approved by Ecology.

2. The Applicant shall submit the final wetland mitigation plan to Ecology for review and approval prior to project implementation.
3. The Applicant shall submit any proposed changes to the Mitigation Plan 1 in writing to Ecology (see A.2) for review and approval before implementing the changes.
4. The Applicant shall have a qualified wetland professional at the wetland mitigation site to supervise during construction and planting.

Implementation

5. Unless otherwise approved by Ecology in writing, the Applicant shall begin the compensatory mitigation project before, or concurrently with, impacting wetlands, or Ecology could use its discretionary authority to require the Applicant to provide additional compensation to account for additional temporal loss of wetland functions.
6. If the mitigation site(s) cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of:
 - a. Energize Eastside—Redmond Segment
 - b. On-site mitigation area at Wetland ARDE8/Willows CreekWith the:
 - c. Reason for the delay.
 - d. Expected date of completion.
 - e. The Applicant shall submit an updated written notification every 12 months thereafter until the Energize Eastside—Redmond Segment and on-site enhancement mitigation are complete.
7. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands or their buffers and landward of the 100-year floodplain, unless otherwise provided for in the Mitigation Plan 1.
8. The Applicant shall ensure that no material is stockpiled within existing wetlands or their buffers at the wetland mitigation site(s) at any time, unless otherwise provided for in the Mitigation Plan 1.
9. The Applicant shall ensure that no construction debris is deposited within existing wetlands or their buffers at the wetland mitigation site(s) at any time, unless otherwise provided for in the Mitigation Plan 1.
10. The Applicant shall not use polyacrylamide at the mitigation site(s).
11. The Applicant shall not use hay or straw on exposed or disturbed soil at the mitigation site(s), unless otherwise approved by Ecology.

12. Aquatic herbicides can be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.
 - a. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit.
 - b. Applicators shall comply with all conditions of the Noxious Weed Control Permit.
13. If weed-barrier fabric is used on the site, the Applicant shall use only water-permeable, fully biodegradable, non-toxic weed-barrier fabric for the entire-site and/or individual plant weed control, unless otherwise approved by Ecology. If non-biodegradable plastic weed-barrier fabric is approved by Ecology, it shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
14. If seeding is used for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species, unless otherwise approved by Ecology.
15. The Applicant shall not use solid or mesh plant protector tubes at the mitigation site(s) unless otherwise provided for in the Mitigation Plan 1.
16. The Applicant shall place permanent signs and fencing at the mitigation area's boundaries, including buffers, consistent with the number and spacing designated by the City of Redmond.
17. Upon completion of site grading and prior to planting, the Applicant shall submit to Ecology written confirmation (email or signed letter) from a surveyor or project engineer that the finished grades are consistent with the approved Mitigation Plan 1 or subsequent Ecology-approved changes. The confirmation should also indicate how final elevations were determined.
18. After completing construction and planting of the mitigation sites(s), the Applicant shall submit to Ecology (see A.2) an as-built report, including plan sheets, documenting site conditions at Year Zero. The as-built report must:
 - a. Be submitted within 90 days of completing construction and planting.
 - b. Include the information listed in Attachment B (Information Required for As-built Reports).
 - c. Include documentation of the recorded legal site protection mechanism required in Condition 19.
19. The Applicant shall follow the steps below to record a permanent site protection mechanism for the On-site mitigation area at wetland ARDE8/Willows Creek:
 - a. Request a template from Ecology or use an appropriate alternative to develop a draft site protection mechanism.
 - b. Send the draft site protection mechanism to Ecology for review and approval.

- c. Record the Ecology-approved site protection mechanisms with the County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
- d. Record the site protection mechanism with a figure that corresponds with the legal description showing the area that is being protected, a copy of this Order, and a site map showing the location of wetlands and their buffers that are being protected.
- e. Send a copy of the recorded site protection mechanism to Ecology with the As-Built Report (see E.18), unless otherwise approved by Ecology.

Monitoring and Maintenance

20. The Applicant shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan 1's performance standards. If an irrigation system is installed, it shall be removed by the end of year three unless otherwise approved by Ecology.
21. The Applicant shall monitor the mitigation site for a minimum of 5 years. The Applicant shall use the monitoring methods described on page(s) 38-39 of the Mitigation Plan 1.
22. The Applicant shall submit to Ecology (see A.2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, 4, 5. The monitoring reports must:
 - a. Be submitted by December 31 of each monitoring year.
 - b. Include the information listed in Attachment C (Information Required for Monitoring Reports).
23. The Applicant shall implement the Mitigation Plan 1's contingency measures if the Mitigation Plan 1's goals, objectives, or performance standards are not being met.
24. Prior to implementing contingency measures not specified in the Mitigation Plan 1, the Applicant shall consult with and obtain written approval from Ecology regarding the contingency measures.
25. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the current or upcoming planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
26. If the Applicant has not met all compensatory mitigation conditions by the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both. Conditions include specifications in the approved Mitigation Plan 1, such as performance standards for the mitigation site.
27. The Applicant's obligation to compensate for wetland impacts under Condition E.1 is not met until the Applicant has received written notice from Ecology that the obligation is met.

Off-Site Mitigation Conditions

28. The Applicant shall mitigate wetland impacts as described in Mitigation Bank Use Plan Puget Sound Energy—Energize Eastside Redmond Segment, Redmond, Washington (hereafter called the “Mitigation Plan 2”) as identified in Table 1 or as required by this Order or revised and approved by Ecology.
29. The Applicant shall submit any proposed changes to the Mitigation Plan 2 in writing to Ecology (see A.2) for review and approval before implementing the changes.
30. Prior to impacting wetlands along the Energize Eastside project corridor, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.005 wetland mitigation bank credits (credits) from the Keller Farm Mitigation Bank to compensate for 0.004 acres of permanent impacts. 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.
31. 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 Applicant to provide additional compensation to account for additional temporal loss of wetland functions.
32. 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) Energize Eastside—Redmond Segment
 - b) When bank credits will be purchasedWith the:
 - c) Reason for the delay
 - d) Expected date of completionThe Applicant shall submit an updated written notification every 12 months thereafter until Energize Eastside—Redmond Segment is complete and the required credits are purchased.
33. The Applicant’s obligation to compensate for wetland impacts under E.28 is not met until the Applicant has received written notice from Ecology that the obligation is met.

F. 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 A.2. 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 WQC Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this WQC 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 WQC Order:

- File your appeal and a copy of this WQC 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 WQC 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

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:

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

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:

Leah Beckett
Department of Ecology
425-324-5590
Leah.Beckett@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

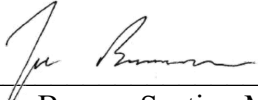
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>

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 25th day of January, 2022, at the Department of Ecology, Shoreline, Washington.



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

Attachment A

**Statement of Understanding
Water Quality Certification Conditions**

Energize Eastside—Redmond Segment

Water Quality Certification WQC Order No. 20989

As the Applicant for Energize Eastside—Redmond Segment project, I have read and understand the conditions of Washington State Department of Ecology WQC Order No. 20989, 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 _____

Attachment B
Information Required for As-built Reports

Energize Eastside—Redmond Segment
Ecology Order No. 20989
And
Corps Reference No. NWS-2021-705

Ecology requires the following information for as-built reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

- 1) Project name.
- 2) Ecology Order number and the Corps reference number.
- 3) Name and contact information of the person preparing the as-built report. Also, if different from the person preparing the report, include the names of:
 - a) The applicant
 - b) The landowner
 - c) Wetland professional on site during construction of the mitigation site(s).
- 4) Date the report was produced.

Mitigation Project Information

- 5) Brief description of the **final** mitigation project with any changes from the approved plan made during construction. Include:
 - a) **Actual** acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
 - b) Important dates, including:
 - i. Start of project construction.
 - ii. When work on the mitigation site began and ended.
 - iii. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.
 - 6) Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the mitigation site(s).
 - 7) List of any follow-up actions needed, with a schedule.
 - 8) Vicinity map showing the geographic location of the site(s) with landmarks.
 - 9) Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
 - a) Boundary of the site(s).
 - b) Topography (with a description of how elevations were determined).
 - c) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material).
 - d) Location of habitat features.
 - e) Location of permanent photo stations and any other photos taken.
- Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions after the site work is completed.

- 10) Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction from which each photo was taken. Photo pans are recommended.
- 11) A copy of any deed notifications, conservation easements, or other approved site protection mechanism.

Attachment C
Information Required for Monitoring Reports

Energize Eastside - Redmond Segment
Ecology Order No. 20989
And
Corps Reference No. NWS-2021-705

Ecology requires the following information for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

- 1) Project name.
- 2) Ecology Order number and the Corps reference number.
- 3) Name and contact information of the person preparing the monitoring report. Also, if different from the person preparing the report, include the names of:
 - a) The applicant
 - b) The landowner
 - c) The party responsible for the monitoring activities.
- 4) Dates the monitoring data were collected.
- 5) Date the report was produced.

Mitigation Project Information

- 6) Brief description of the mitigation project, including acreage of Cowardin classes and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
- 7) Description of the monitoring approach and methods. For each performance standard being measured provide the following information:
 - a) Description of the sampling technique (e.g., monitoring point for soil or hydrology, line or point intercept method, ocular estimates in individually placed plots). If you are using a standardized technique, provide a reference for that method.
 - b) Size and shape of plots or transects.
 - c) Number of sampling locations and how you determined the number of sampling locations to use.
 - d) Percent of the mitigation area being sampled.
 - e) Locations of sampling (provide a map showing the locations), how you determined where to place the sampling locations (e.g., simple random sample), and whether they are permanent or temporary.
 - f) Schedule for sampling (how often and when).
 - g) Description of how the data was evaluated and analyzed.
- 8) Summary table(s) comparing performance standards with monitoring results and whether each standard has been met.

- 9) Discussion of how the monitoring data were used to determine whether the site(s) is meeting performance standards.
- 10) Goals and objectives and a discussion of whether the project is progressing toward achieving them.
- 11) Summary, including dates, of management actions implemented at the site(s), for example, maintenance and corrective actions.
- 12) Summary of any difficulties or significant events that occurred on the site that may affect the success of the project.
- 13) Specific recommendations for additional maintenance or corrective actions with a timetable.
- 14) Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction the camera is facing. Photo pans are recommended.
- 15) Vicinity map showing the geographic location of the site(s) with landmarks.
- 16) Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
 - a) Boundary of the site(s).
 - b) Location of permanent photo stations and any other photos taken.
 - c) Data sampling locations, such as points, plots, or transects.
 - d) Approximate locations of any replanted vegetation.
 - e) Changes to site conditions since the last report, such as areas of regrading, a shift in the location of Cowardin classes or habitat features, or a change in water regime.Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions during the most recent monitoring year.