



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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January 31, 2022

King County Department of Natural Resources and Parks
Wastewater Treatment Division
Attn: Jacob Sheppard
201 S Jackson Street, #500
Seattle, WA 98104

RE: Water Quality Certification Order No. 20466 for Corps Reference No. NWS-2020-535-WRD, Coal Creek Trunk Upgrade Project, King County, Washington

Dear Jacob Sheppard:

On June 2, 2021, King County Department of Natural Resources and Parks, Wastewater Treatment Division submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Coal Creek Trunk Upgrade project, 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 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".

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

Enclosure

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

ecc: Rory Lee, Corps of Engineers
Rose Whitson, Jacobs
Martin Fox, Muckleshoot Indian Tribe
Stewart Reinbold, Washington Department of Fish and Wildlife
Rebekah Padgett, Ecology
Doug Gresham, Ecology
Amy Jankowiak, Ecology
Grant Yang, Ecology
Loree' Randall, Ecology
ECY RE FEDPERMITS

IN THE MATTER OF GRANTING A) WQC ORDER No. 20466
WATER QUALITY) Corps Reference No. NWS-2020-535-WRD
CERTIFICATION TO) Coal Creek Trunk Upgrade Project, located in
 King County Department of Natural) Bellevue, King County, Washington.
 Resources and Parks, Wastewater)
 Treatment Division)
 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, #500
 Seattle, WA 98104

On June 2, 2021, the King County Department of Natural Resources and Parks, Wastewater Treatment Division (King County DNRP) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Coal Creek Trunk Upgrade project, located in King County, Washington. On June 9, 2021, Ecology issued a public notice for the project.

The project is proposing to replace the north segment of the existing Coal Creek Trunk sewer pipe with a new pipe, in order to meet existing and future capacity needs. The new pipe would be installed using trenchless methods where feasible and would follow an arc to the north and east of the Coal Creek ravine. Some segments of the proposed pipe alignment are not suitable for trenchless installation and would be installed using an open-cut method. To continue collecting local flows, King County also proposes to install new local connections, using a combination of open-cut and trenchless methods, and to repurpose a short segment of the existing pipeline into a local line. Restoration at Coal Creek, relocation of Tributary 1, and bank stabilization elements also will be conducted.

Approximate amounts of impacts are as follows:

- 225 square feet (sf) of temporary stream for construction;
- 8,220 sf of permanent stream for stream restoration;
- 10,639 sf of temporary stream for stream restoration;
- 832 sf of permanent Category III wetland for construction;
- 4,466 sf of short-term, temporary Category III wetland for construction;
- 18,318 sf of long-term, temporary Category II/III wetland for construction;
- 2,703 sf permanent Category III wetland for mitigation/restoration;
- 83,308 sf of short-term, temporary Category II/III wetland for mitigation/restoration;
- 120,329 sf temporary wetland and stream buffer; and,
- 6,081 sf permanent wetland and stream buffer.

On-site mitigation for temporal loss from temporary wetland impacts as well as permanent impacts will be addressed through wetland creation and enhancement. This includes approximately: 46,215 sf of wetland creation, 80,684 sf of wetland enhancement, and 74,206 sf of combined stream and wetland buffer enhancement. This mitigation will be at and adjacent to the Eastside Interceptor Connection, located along the northern end of the project and extending generally west to east to the south of Coal Creek Parkway SE from the intersection of 119th Avenue SE to the condominiums at 4515 125th Avenue SE, Bellevue, King County. Additionally, approximately 2,030 sf of in-place wetland restoration and 74,033 sf of in-place buffer restoration would be conducted sitewide.

The project site is a linear corridor that generally follows Coal Creek Parkway SE from I-405 to near the intersection of Forest Drive SE. This site impacts Coal Creek and Tributary 1, as well as seven wetlands (Wetlands A, D/E, H, I, J, R, and S) in Bellevue, King County, Washington, Sections 16, 21, and 22, Township 24 N., Range 5 E., within Water Resource Inventory Area (WRIA) 8 Cedar-Sammamish.

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 project proponent 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, King County DNRP's request for a Section 401 Water Quality Certification for the Coal Creek Trunk Upgrade project, located in King 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 June 2, 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
January 19, 2021	State Environmental Policy Act (SEPA)	SEPA environmental checklist for Coal Creek Trunk Upgrade, dated January 8, 2021	King County Department of Natural Resources and Parks, Wastewater Treatment Division
January 19, 2021	State Environmental Policy Act (SEPA)	SEPA determination of non-significance for Coal Creek Trunk Upgrade, dated January 19, 2021	King County Department of Natural Resources and Parks, Wastewater Treatment Division
June 2, 2021	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA for Coal Creek Trunk Upgrade, signed on May 27, 2020	King County Department of Natural Resources and Parks, Wastewater Treatment Division
June 2, 2021	Drawings	JARPA drawings for Coal Creek Trunk Upgrade, Sheets 1 through 29, dated September 25, 2020	King County Department of Natural Resources and Parks, Wastewater Treatment Division
June 2, 2021	Biological Assessment	Biological Evaluation for Coal Creek Trunk Upgrade, dated May 26, 2020	CH2M Hill Engineers, Inc.
June 2, 2021	Memorandum	Tributary 2 and Tributary 0272 Fish Passage Crossing Concept, Memorandum from Nich VanBuecken, CH2M Hill Engineers, Inc., to Ron Bard, Brown and Caldwell, for Coal Creek Trunk Upgrade Project, Phase 3, Task 304.01.06, dated December 18, 2019	CH2M Hill Engineers, Inc.
December 17, 2021	Wetland Delineation and Mitigation Plan	Final Critical Areas Report, Coal Creek Trunk Upgrade, dated December 6, 2021	CH2M Hill Engineers, Inc.
January 21, 2022	Water Quality Monitoring and Protection Plan	Water Quality Monitoring and Protection Plan, Rev. 1, Coal Creek Trunk Upgrade, dated January 20, 2022	CH2M Hill Engineers, Inc.

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 King County DNRP 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 King County DNRP.

A. General Conditions:

1. In this WQC Order, the term “Project Proponent” shall mean the King County Department of Natural Resources and Parks, Wastewater Treatment Division, 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 doug.gresham@ecy.wa.gov and Rebekah.Padgett@ecy.wa.gov. The submittals shall be identified with WQC Order #20466 and include the Project Proponent’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 June 2, 2021, and the supporting documentation identified in Table 1.
4. The Project Proponent 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 Project Proponent 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 Project Proponent 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 Project Proponent 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 Project Proponent shall provide Ecology documentation for review 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 Project Proponent 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 doug.gresham@ecy.wa.gov and Rebekah.Padgett@ecy.wa.gov. Notifications shall be identified with WQC Order #20466, Corps reference #NWS-2020-535-WRD, and include the Project Proponent 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; and,
 - d. Within seven (7) days of completing each in-water work window.
2. In addition to the phone or e-mail notification required under B.1.a. above, the Project Proponent 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 Project Proponent 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) 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 unless otherwise approved by Ecology:
 - a. All activities within Coal Creek shall be conducted between July 1 and August 31 of any year; and,
 - b. All activities within Tributary 1 shall be conducted between July 1 and September 30 of any year.
3. Any project change that requires a new or revised Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife should be sent to Ecology for review before the change is implemented. Proposed changes shall be implemented only with written approval from Ecology.

D. Water Quality Monitoring & Criteria:

1. This WQC Order does not authorize the Project Proponent to exceed applicable water quality standards beyond the limits established in WAC 173-201A-200.
2. If water quality exceedances for turbidity are observed outside the point of compliance, work shall cease immediately and the Project Proponent 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.

3. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity, shall be considered an exceedance of the standard.
4. The Project Proponent conduct water quality monitoring as described in the approved *Water Quality Monitoring and Protection Plan, Coal Creek Trunk Upgrade*, prepared by CH2M HILL Engineers, Inc., dated January 20, 2022 (hereafter referred to as the WQMPP).
5. Monitoring results shall be submitted monthly to Ecology's Federal Permit Manager, per condition A.2.
6. Ecology may ask or could use its discretionary authority to require the Project Proponent 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 Project Proponent 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), 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.

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

- 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. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
 7. 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.
 8. 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.
 9. 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.
 10. All equipment being used below the ordinary high water mark shall utilize biodegradable hydraulic fluid.

Equipment & Maintenance

11. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands.
12. 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.
13. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this WQC Order.
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.

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

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 Project Proponent shall set up a designated area for washing down equipment.
16. 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.
17. All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
18. All concrete shall be completely cured prior to coming into contact with water.
19. 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.

F. Wetland Mitigation Conditions:

1. The Project Proponent shall mitigate wetland impacts as described in the *Final Critical Areas Report–Coal Creek Trunk Upgrade* (hereafter called the “Mitigation Plan”) as identified in Table 1 or as modified by this Order or revised and approved by Ecology.
2. The Project Proponent 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. The Project Proponent shall have a qualified wetland professional at the wetland mitigation site to supervise during construction and planting.

Implementation

4. Unless otherwise authorized by Ecology in writing, the Project Proponent shall begin the compensatory mitigation project before, or concurrently with, 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 mitigation site(s) cannot be completed within 13 months of the date of this Order, the Project Proponent shall inform Ecology, in writing, of the status of:
 - a. Coal Creek Trunk Upgrade.
 - b. On-site mitigation area.

With the:

- c. Reason for the delay.
- d. Expected date of completion.

- e. The Project Proponent shall submit an updated written notification every 12 months thereafter until the Coal Creek Trunk Upgrade and on-site mitigation area are complete.
6. The Project Proponent 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.
7. The Project Proponent shall ensure that no material is stockpiled within existing wetlands or their buffers at the wetland mitigation sites at any time, unless otherwise provided for in the Mitigation Plan.
8. The Project Proponent shall ensure that no construction debris is deposited within existing wetlands or their buffers at the wetland mitigation sites at any time, unless otherwise provided for in the Mitigation Plan.
9. The Project Proponent shall not use polyacrylamide at the mitigation site(s).
10. The Project Proponent shall not use hay or straw on exposed or disturbed soil at the mitigation site(s), unless otherwise allowed for in the Mitigation plan.
11. 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.
12. The Project Proponent 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 Bellevue.
13. Upon completion of site grading and prior to planting, the Project Proponent 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 and also indicate how final elevations were determined.
14. After completing construction and planting of the mitigation sites, the Project Proponent 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).
15. Site Protection: The wetland mitigation site, located within the Coal Creek Natural Area, shall remain a natural area per the stipulations of King County Resolution 34571 (Forward Thrust Park Bond Resolution) and per RCW 36.89.050, as transferred to the City of Bellevue in 2005 the area transferred shall continue to be used for the same purpose.

Monitoring and Maintenance

16. The Project Proponent shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards. If an irrigation system is installed, it shall be removed by the end of year three unless Ecology authorizes in writing the system to remain for a longer period.
17. The Project Proponent shall monitor the mitigation site for a minimum of 10 years. The Project Proponent shall use the monitoring methods described on pages 91, and 98-102 of the Mitigation Plan.
18. The Project Proponent shall submit to Ecology (see A.2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, 5, 7, and 10. 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).
19. The Project Proponent shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
20. Prior to implementing contingency measures not specified in the Mitigation Plan, the Project Proponent shall consult with and obtain written approval from Ecology for the contingency measures.
21. When necessary to meet the performance standards, the Project Proponent 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.
22. If the Project Proponent 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, such as performance standards for the mitigation site.
23. The Project Proponents obligation to compensate for wetland impacts under Condition F.1 is not met until the Project Proponent has received written notice from Ecology that the obligation is met.

G. Emergency/Contingency Measures

1. The Project Proponent shall develop and implement a spill prevention and containment plan for this project.

2. The Project Proponent 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 Project Proponent 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 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

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:

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

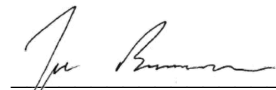
MORE INFORMATION

- **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 31st day of January, 2022, at the Department of Ecology, Shoreline, Washington



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

Attachment B

Information Required for As-built Reports

Coal Creek Trunk Upgrade
Ecology Order # 20466
and
Corps Reference #NWS-2020-535-WRD

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

Coal Creek Trunk Upgrade
Ecology Order #20466
and
Corps Reference #NWS-2020-535-WRD

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.