



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 3, 2022

Puget Sound Energy
Attn: Kerry Kriner
PO Box 97034, EST 4W
Bellevue, WA 98009

RE: Water Quality Certification Order No. 20988 for Corps Reference No. NWS-2020-1040,
Sammamish-Juanita 115kV Transmission Line, King County, Washington

Dear Kerry Kriner:

On August 10, 2021, Puget Sound Energy submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sammamish-Juanita 115kV Transmission Line, 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

Sent via electronic mail to: kerry.kriner@pse.com

e-cc: Colleen Anderson, Corps of Engineers
Kerry Lyste, Stillaguamish Tribe
Kelsey Taylor, Snoqualmie Tribe
Miles Penk, Washington Department of Fish and Wildlife
Rebekah Padgett, Ecology
Loree' Randall, Ecology
Grant Yang, Ecology
Amy Jankowiak, Ecology
ECY RE FEDPERMITS

IN THE MATTER OF GRANTING A) WQC ORDER No. 20988
WATER QUALITY) Corps Reference No. NWS-2020-1040
CERTIFICATION TO) Sammamish-Juanita 115kV Transmission Line,
Puget Sound Energy) Wetlands, Streams R-2, R-3, KC-1, and York
pursuant to 33 U.S.C. 1341 (FWPCA) Creek located in King County, Washington.
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

Puget Sound Energy
Attn: Kerry Kriner
PO Box 97034, EST 4W
Bellevue, Washington 98009

On August 10, 2021, Puget Sound Energy (PSE) 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 Sammamish-Juanita 115kV Transmission Line, King County, Washington. The following processing dates are referenced below:

- On November 4, 2020, the U.S. Army Corps of Engineers (Corps) sent a permit notification to Ecology that indicated that they are processing the project under Nationwide Permit (NWP) #12 and #14; this was later amended by e-mail on April 19, 2021, to indicate that it would fall under NWP #57.
- On September 20, 2021, Ecology issued a public notice for the project.

The project proposes to construct a new 115 kV transmission line between the Sammamish Substation that is located in the City of Redmond and the Juanita Substation located in the City of Kirkland. The approximately five mile transmission line will be supported by a combination of new and replacement poles that will loop through the Totem Substation in the City of Kirkland. Within the City of Redmond and unincorporated King County, a construction access and maintenance road will be installed by widening 1.6 miles of an existing rail ballast to provide safe access to the transmission line. PSE will replace seven culverts under the existing rail ballast as part of the ballast widening for the access road construction, including replacement of four culverts with fish passable culverts.

Within the project corridor, permanent impacts to wetlands will include 215 square feet of fill (160 square feet within the City of Redmond and 55 square feet within the City of Kirkland). This includes impacts from partial encroachment of five new poles into the edges of three wetlands, the replacement of six poles in two wetlands, the installation of one new pole in a wetland, and encroachment of the gravel construction access and maintenance road into the edge of one wetland. The project will temporarily impact approximately 71,085 square feet of wetlands and 150 square feet of streams.

Permanent impacts to wetlands in the project corridor will be mitigated for through the purchase of mitigation bank credits. Mitigation for impacts to wetlands within the City of Redmond will also be

provided south of the Sammamish Substation as a component of the Willows Creek Relocation project (Corps Reference #NWS-2020-1041). All short-term temporary wetland impacts will be restored on site within one complete growing season after completion of the project and will not require compensatory mitigation.

The project site is located along a 5-mile stretch, with one end of the project at 9221 Willows Road-NE, Sammamish Substation property, Wetlands, Streams R-2, R-3, KC-1, and York Creek, King County, Washington, Section 3, Township 25 N., Range 5 E., 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 Sammamish-Juanita 115kV Transmission Line, Wetlands, Streams R-2, R-3, KC-1, and York 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 August 10, 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
August 10, 2021	Wetland Delineation	Puget Sound Energy Sammamish-Juanita Transmission Line Project Wetland and Stream Delineation Report for U.S. Army Corps of Engineers, Final (dated July 2020)	AECOM
August 10, 2021	Wetland Delineation	Puget Sound Energy Sammamish-Juanita Transmission Line Project Wetland and Stream Delineation Report for U.S. Army Corps of Engineers, Final, Appendix B Final Data Forms (dated July 2020)	AECOM
August 10, 2021	State Environmental Policy Act Determination of Non-Significance	Determination of Non-Significance (dated November 2020)	City of Kirkland
August 10, 2021	Mitigation Plan	Puget Sound Energy Sammamish-Juanita Transmission Line Wetland Mitigation Bank Use Plan Revision—April 2021 (dated April 2021)	AECOM
August 10, 2021	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA (dated August 10, 2021)	Puget Sound Energy
January 18, 2022	Water Quality Monitoring and Protection Plan	Sammamish-Juanita 115kv Transmission Line Project, Water Quality Monitoring and Protection Plan for 401 WQC (dated January 18, 2022)	Otak, Inc.

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 Puget Sound Energy.

A. General Conditions

1. In this WQC Order, the term “Applicant” shall mean 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 and Rebekah.Padgett@ecy.wa.gov. The submittals shall be identified with WQC Order #20988 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 August 10, 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 and Rebekah.Padgett@ecy.wa.gov. Notifications shall be identified with WQC Order #20988 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.
 - d. Within seven (7) days of completing in-water work activities.
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.
2. The following in-water work windows apply to the project unless otherwise approved by Ecology:
 - a. All activities within the Streams KC-1, R-3, R-2, and York Creek may 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 Applicant to exceed applicable water quality standards beyond the limits established in WAC 173-201A.
2. This WQC Order does not authorize the Applicant to exceed applicable turbidity standards beyond the limits established in Chapter 173-201A-200(1)(e)(i) WAC.
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 *Sammamish-Juanita 115kv Transmission Line Project, Water Quality Monitoring and Protection Plan for 401 WQC, prepared by Otak, Inc., dated January 18, 2022 (WQMPP)*, as proposed and approved by Ecology.
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 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 5.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.

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.

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. All equipment being used below the ordinary high water mark shall utilize biodegradable hydraulic fluid.

Equipment & Maintenance

9. 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.
10. 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.
11. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this WQC Order.
12. 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.
13. 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.
14. 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.
15. If cast in place, wet concrete/grout shall be prevented from entering waters of the state. Forms for any concrete/grout structure shall be constructed to prevent leaching of wet concrete/grout. Impervious materials shall be placed over any exposed concrete/grout not lined with the forms that will come in contact with state waters. Forms and impervious materials shall remain in place until the concrete/grout is fully cured.
16. Concrete process water shall not be allowed to enter waters of the state. Any process water/contact water shall be routed to a contained area for treatment and shall be disposed of at an upland location.
17. Clean Fill Criteria: Applicant shall ensure that fill (sand, gravel, or other material) placed for the proposed project does not contain toxic materials in toxic amounts.

Culvert Work & Stream Bypass

18. All culvert work shall be conducted in the dry or in isolation from stream flow.
19. Stream flow isolation work shall not scour the stream channel or banks of the water body in which the work is being done.
20. 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.
21. Culverts shall be installed to avoid inlet scouring and prevent downstream bank erosion.
22. Fill associated with culvert installation shall be protected from erosion to the 100-year peak flow.

F. Wetland Mitigation Conditions

1. The Applicant shall mitigate wetland impacts as described in Puget Sound Energy Sammamish-Juanita Transmission Line Wetland Mitigation Bank Use Plan Revision—April 2021 (hereafter called the “Mitigation Plan”) as identified in Table 1 or as required by this Order or revised and approved by Ecology.
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 0.006 (245 sqft) wetland mitigation bank credits (credits) from the Keller Farm 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 Applicant 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) Sammamish-Juanita 115kV Transmission Line
 - b) When bank credits will be purchasedWith the:
 - c) Reason for the delay
 - d) Expected date of completion

The Applicant shall submit an updated written notification every 12 months thereafter until Sammamish-Juanita 115kV Transmission Line is complete and the required credits are purchased.

6. The Project Proponent's obligation to compensate for wetland impacts under 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 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 Order to:

Leah Beckett
Department of Ecology
(425) 324-5590
Leah.Beckett@ecy.wa.gov

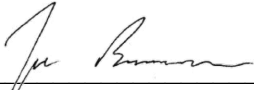
More Information

- **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 3rd day of February 2022, at the Department of Ecology, Shoreline, Washington.



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

