



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 17, 2022

Williams Northwest Pipeline LLC
ATTN: Halli Harris
295 Chipeta Way
Salt Lake City, UT 84108

Re: Water Quality Certification Order No. **21302** Corps No. **202100771**,
Molasses Creek Restoration Project, King County, Washington

Dear Halli Harris:

On December 17, 2021, Williams Northwest Pipeline LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Molasses Creek Restoration 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 enclosed Water Quality Certification Order (WQC Order).

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Kerry Carroll at (360) 407-7503. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

WQC No 21302, Corps No. 202100771

Aquatics ID. 139563

October 17, 2022

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Enclosure

E-cc: Andrew Shuckhart, U.S. Army Corps of
Dana West, Arcadis U.S. Inc
Fereshteh Dehkordi, King County
Kate Macneal, King County
Loree' Randall, Ecology
Kerry Carroll, Ecology
ECYREFEDPERMITS@ecy.wa.gov



IN THE MATTER OF GRANTING A) **ORDER No. 21302**
WATER QUALITY CERTIFICATION TO) **Corps Reference No. 202100771**
Williams Northwest Pipeline LLC) Molasses Creek Restoration Project located
pursuant to 33 U.S.C. 1341 (FWPCA §) within Molasses Creek, Renton, King County,
401), RCW 90.48.120, RCW 90.48.260 and) Washington
Chapter 173-201A WAC)

Williams Northwest Pipeline LLC
Attn: Halli Harris
295 Chipeta Way
Salt Lake City, UT 84108

On December 17, 2021, Williams Northwest Pipeline LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Molasses Creek Restoration Project, King County, Washington. The following required processing dates are referenced below:

- On October 20, 2020, the Williams Northwest Pipeline LLC submitted a pre-filing meeting request.
- On December 15, 2021, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit No. 27.
- On December 17, 2021, Ecology Received a JARPA request for a Section 401 Water Quality Certification.
- On December 21, 2021, Ecology notified the Corps that the project requires an individual Section 401.
- On December 21, 2021, Ecology issued a public notice for the project.
- On May 16, 2022, the Corps provided the “Reasonable Period of Time” (deadline) for the WQC of September 16, 2022, and on September 1, 2022, the Corps approved an extension request until December 16, 2022.

This project proposes to enhance stream habitat and natural environment in the vicinity of the pipeline infrastructure by integrating additional structural and hydraulic complexity to the stream section and enhancing the associated riparian environment. Improvements will be made to an approx. 250-300 feet section of the stream and adjacent areas.

The project site is located off 138th Place SE in Renton, Molasses Creek, King County, Washington, Section 27, Township 23N., Range 5E., within Water Resource Inventory Area (WRIA) 8, Cedar-Sammamish.

With this Order, Ecology is granting Williams Northwest Pipeline LLC's request for a Section 401 Water Quality Certification for the Molasses Creek Restoration project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on December 17, 2021, and the revised JARPA and revised attachments submitted on August 1, 2022.

1. Benthic Macroinvertebrate Tech Memo and Monitoring Plan, Revision 1, submitted August 1, 2022.
2. Water Quality Monitoring and Protection Plan (WQMPP), Revision 1, submitted August 1, 2022.
3. Aquatic Area Replanting and Mitigation Plan, Revision 1, submitted August 1, 2022.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Williams Northwest Pipeline LLC must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Williams Northwest Pipeline LLC to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted to the Williams Northwest Pipeline LLC for the Molasses Creek Restoration project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. 21302 will remain valid for the duration of the associated DA permit. Williams Northwest Pipeline LLC should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

Your right to appeal

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21b.001(2). More information is available at <https://eluh.wa.gov/content/11>.

To appeal, you must do all of the following within 30 days of the date of receipt of this Order:

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). “Filing” means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. “Notice of appeal” is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of 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 RCW 43.21B and WAC 371-08.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:

<https://eluhwa.gov/content/11>

Filing by mail

Mailing Address:

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Filing in person (or by certified mail/courier)

Street Address:

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

Filing electronically

E-mail Address:

pchb-shbappeals@eluhwa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department Ecology per WAC 371-08-305(10).

Filing by mail

Mailing Address:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Filing in person (or by certified mail/courier)

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:

Kerry Carroll
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
Kerry.carroll@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/content/11>
- **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



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

October 17, 2022

Date