



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 14, 2022

King County Wastewater Treatment Division
ATTN: Jacob Sheppard
201 South Jackson St., Mailstop KSC-NR-0505
Seattle, WA 98104

Re: Amendment to 401 Water Quality Certification Order No. 18205 for U.S. Army Corps of Engineers Reference No. NWS-2016-1132, North Mercer Island Interceptor and Enatai Interceptor Upgrade, King County, Washington

Dear Jacob Sheppard:

Enclosed is an amendment to Water Quality Certification Order No. 18205, issued on August 26, 2020, for the above project. We have also included a strikeout version of the Water Quality Certification that reflects the changes made. All other conditions of Water Quality Certification No. 18205 remain in effect.

The purpose of this amendment is to extend the in-water work window in Condition C.2.c.

If you have any questions, please contact Loree' Randall at (360) 485-2796 or loree.randall@ecy.wa.gov. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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

Sent via e-mail: Jacob.sheppard@kingcounty.gov

1st Amendment to Order No. 18205

North Mercer Island Interceptor and Enatai Interceptor Upgrade

Aquatics ID No. 136441, Corps No. NWS-2016-1132

December 14, 2022

Page 2 of 2

Enclosure

E-cc: Jacalen Printz, U.S. Army Corps Engineers

Stewart Reinbold, WA Department of Fish and Wildlife

Sherri Gallant, WA Department of Natural Resources Karen

Walter, Muckleshoot Indian Tribe

Maria Sandercock, Ecology

Doug Gresham, Ecology

Shawn McKone, Ecology

Laura Inouye, Ecology

ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A)
WATER QUALITY CERTIFICATION TO)
King County Wastewater Treatment)
Division)
In accordance with 33U.S.C. 1341)
(FWPCA §401), RCW 90.48.120, RCW)
90.48.260 and Chapter 173-201A WAC)

WQC ORDER No. 18205, 1st Amendment
Corps Reference No. NWS-2016-1132

King County Wastewater Treatment Division
Attn: Jacob Sheppard
201 South Jackson St., Mailstop KSC-NR-0505
Seattle, WA 98104

On August 26, 2020, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to King County Wastewater Treatment Division for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

On November 28, 2022, Ecology received a request for a two months extension for in-water work.

Order No. 18205 dated August 26, 2020, is hereby amended as follows:

I. Condition number C.2.c which reads:

c. Lake Washington, East Channel (east shore): between July 16 and December 31 of any year for Horizontal Directional Drilling staging and pullback activities.

Is replaced with:

d. Lake Washington, East Channel (east shore): between July 16 and February 28 of any year for Horizontal Directional Drilling staging and pullback activities.

No other conditions or requirements of the above referenced Order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

Failure to comply with this amended Order may result in the issuance of civil penalties or other actions whether administrative or judicial, to enforce the terms of this amended Order.

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://eluhwa.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 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 -355. “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, Suite 301
Tumwater, WA 98501

Filing electronically

Email Address:

Pchb-shbappeals@eluhwa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of 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:

Loree' Randall
Department of Ecology, HQ
PO Box 47600
Olympia, WA 98504-7600
(360) 485-2796
Loree.randall@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>

Signature



December 14, 2022

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

Date

This document shows the activities and conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for information purposes only.

IN THE MATTER OF GRANTING A WATER)	ORDER No. 18205 – 1st Amendment
QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2016-1132
King County Wastewater Treatment)	North Mercer Island Interceptor and Enatai
Division)	Interceptor Upgrade Project; Wetlands,
in accordance with 33 U.S.C. 1341)	Unnamed Tributary to Lake Washington, Mercer
(FWPCA § 401), RCW 90.48.120, RCW)	Slough, and Lake Washington; located in King
90.48.260, and Chapter 173-201A WAC)	County, Washington.

King County Wastewater Treatment Division
ATTN: Jacob Sheppard
201 South Jackson Street, Mailstop: KSC-NR-0505
Seattle, WA 98104

On February 20, 2020, the Department of Ecology (Ecology) received King County Wastewater Treatment Division's request for a Section 401 Water Quality Certification (WQC) for the North Mercer Island Interceptor and Enatai Interceptor Upgrade project. The U.S. Army Corps of Engineers (Corps) issued a joint public notice for the project on November 4, 2019.

The proposed project entails improvements to an existing sewage conveyance system, including retrofitting the North Mercer Pump Station and outfall, decommissioning an existing sewer line, constructing 17,210 linear feet of new sewer pipe, re-aligning an existing utility segment (Enatai Interceptor), and rehabilitating 3,900 linear feet of existing sewer pipe. Restoration and enhancement activities include wetland, wetland buffer, riparian, and nearshore enhancement, as well as nearshore restoration. The project is located in the cities of Bellevue and Mercer Island, Sections 1, 7, 8, and 12, Township 24N, Range 4E and 5E, WRIA 8 and Lake Washington/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 application 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 (FWPCA §§ 301, 302, 303, 306, and 307).
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).

WATER QUALITY CERTIFICATION CONDITIONS

With this Certification and through issuance of this Order, Ecology certifies it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will comply with applicable water quality standards and other appropriate requirements of state law. 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, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize King County Wastewater Treatment Division 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 certification absolves Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

A. General Conditions

1. In this Order, the term "Applicant" shall mean the King County Wastewater Treatment Division and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to Northwest Regional Office, Attn: Federal Permit Manager, Shorelands and Environmental Assistance Program, 3190 160th Avenue SE, Bellevue, WA 98008 or via email to fednotification@ecy.wa.gov and cc to Rebekah.Padgett@ecy.wa.gov. The submittals shall be identified with Order No. 18205 and include the Applicant name, project name, project contact, and the contact phone number.
3. Work authorized by this Order is limited to the work described in the following:
 - Joint Aquatic Resource Permit Application (JARPA) received by Ecology on February 20, 2020; and
 - Applicant Response to Project Comments from Ecology, received by Ecology on July 30, 2020.
4. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.

5. Within 30 days of receipt of any updated information, Ecology will determine if the revised project requires a new public notice and Water Quality Certification or if a modification to this Order is required.
6. This Order is not effective until the Corps issues a permit for this project.
7. The Applicant shall send (per A2) a copy of the final Corps permit to Ecology's Federal Permit Manager within two weeks of receiving it.
8. The Applicant shall keep copies of this 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.
9. 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 conditions of this Order are being met.
10. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines 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.
11. 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.
12. The Applicant shall ensure all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents, and approvals. These statements shall be provided to Ecology per condition A2 at least 7 days prior to start of in-water work.
13. This 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 Order.

14. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

15. 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 Order's obligations, coverage, and liability is submitted to Ecology per condition A2;
- b. A copy of this Order is provided to the new owner or operator; and
- c. If Ecology does not notify the new Applicant that this Order must be modified to complete the transfer.

16. Conditions in this Order apply to all planned phases of the construction and the mitigation for this project.

B. Notification Requirements

1. The following notification shall be made via phone or email (email is preferred) to Ecology's Federal Permit Manager via email to fednotification@ecy.wa.gov and cc: to Rebekah.Padgett@ecy.wa.gov. Notifications shall be identified with Order No. 18205 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 of this Orders conditions.
 - 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 for each in-water work window.
 - d. At least seven (7) days prior to completing each restoration or enhancement site.
 - e. At least seven (7) days of each in-water work window.
2. For violations of state water quality standards or when the project is out of compliance with any conditions of this Order, in addition to the phone or email notification 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 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 Order is valid until the Applicant meets all its requirements and the applicant has received written notification from Ecology to that effect.
2. The following in-water work windows shall apply to this project unless otherwise approved by Ecology:
 - a. Lake Washington East Channel (east shore): between July 16 and September 30 of any year for dredging, pipe installation, and restoration activities.
 - b. Lake Washington, East Channel (middle and west shore): between July 16 and January 31 of any year for dredging, pipe installation, and restoration activities.
 - c. Lake Washington, East Channel (east shore): between July 16 and ~~December 31~~ **February 28** of any year for Horizontal Directional Drilling staging and pullback activities.
 - d. Lake Washington, Enatai swim beach: between July 16 and December 31 of any year.
 - e. Lake Washington, Enatai shoreline: between July 16 and August 31 of any year.
 - f. North Mercer Pump Station Stream: between July 1 and August 31 of any year.
 - g. Mercer Slough: between July 1 and December 31 of any year.
 - h. Elliott Bay: between August 1 and February 15 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 Order does not authorize the Applicant to exceed applicable turbidity standards beyond the limits established in WAC 173-201A-200(1)(e)(i) and WAC 173-201A-210(1)(e)(i), or for pH beyond the limits established in WAC 173-201A-200(1)(g).

2. The Applicant shall conduct water quality monitoring as described in the approved Final *North Mercer Island Interceptor and Enatai Interceptor Upgrade Project Water Quality Monitoring and Protection Plan* (hereafter referred to as the WQMPP), prepared by Confluence Environmental Company, and dated August 2020.
3. The Applicant must provide, in writing, any changes or additions to the WQMPP and obtain approval from Ecology's Federal Permit Manager prior to implementation of the changes or additions.
4. Monitoring results shall be submitted monthly to Ecology's Federal Permit Manager, per condition A2.
5. Mitigation and/or additional monitoring may be required if the monitoring results indicate the water quality standards have not been met.
6. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity shall be considered an exceedance of the standard.
7. If water quality exceedances for turbidity or pH 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.

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 ordinary high-water mark (OHWM) of any waterbody.
4. The Applicant 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 marked with high-visibility 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.*
 - 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 5a 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. 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. Turbid dewatering water from the in-lake containment area for the pipeline replacement at the Enatai Beach Park Swim Beach may be discharged within the turbidity curtain. No other turbid dewatering water shall be discharged directly to waters of the state, unless otherwise approved by Ecology.
10. 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

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.

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.

11. All equipment being used below the OHWM shall utilize biodegradable hydraulic fluid.

Equipment & Maintenance

12. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state, including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Manager before placing the staging area in the 50-foot setback area.
13. 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.
14. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this Order.
15. 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.
16. 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.
17. 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.
18. Barges shall not be allowed to ground-out during in-water construction.
19. Barges shall be swept, as necessary, and kept free of material that could be blown into water.
20. No return water is allowed to discharge from the barge(s) into waters of the state.
21. Turbidity curtains shall be utilized for all in-water activities in Lake Washington, unless otherwise approved by Ecology.

22. Turbidity curtains shall be properly deployed and maintained in order to minimize turbidity and re-suspension.

23. Turbidity curtains may only be removed after water quality sampling shows that water quality has returned to allowable limits according to WAC 173-201A-200(1)(e)(i).

Horizontal Directional Drilling

24. Drilling mud shall be handled in such a way that it does not enter waters of the state.

Dock Demolition

25. During project demolition, a containment boom and absorbent pads shall be placed around the perimeter of the work area to capture wood debris and other materials released into the waters as a result of construction activities. All accumulated debris shall be collected and disposed of upland at an approved disposal site.

26. The Applicant shall use tarps or other containment method when cutting or drilling over water to prevent debris, sawdust, and other materials from entering the water.

27. The Applicant shall have a boat available on site at all times to retrieve debris from the water.

Bulkhead Demolition

28. All saw cut water and debris generated from saw cutting activities that occur above water shall be contained and disposed of appropriately with no possible entry to waters of the state.

29. All excavated sediment shall be disposed upland in an approved disposal site.

Pipe Replacement across Stream, Outfalls, and Stream Bypass

30. Pipe replacement and outfall work across the stream shall be conducted in the dry or in isolation from stream flow.

31. Stream flow isolation work shall not scour the stream channel or banks of the water body in which the work is being done.

32. 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.

33. Excavation of the stream trench will occur from above OHWM. No construction equipment will be operated in the streambed.

34. The streambed shall be returned to pre-project condition at project completion.
35. The amount and duration of in-stream work with machinery shall be limited to the minimum necessary to complete the work.

Bank Stabilization, Pipe Bedding Backfill Placement, and Gravel Placement

36. When placing material (e.g., sand, pipe bedding, and gravel), the bucket or other means of delivery shall be set as close as possible to the substrate surface, and placement shall be conducted slowly in order to minimize turbidity.
37. The Applicant shall place any sand, pipe bedding, and gravel in such a way as to minimize turbidity. No end dumping of material is allowed.
38. No stockpiling of material (sand, pipe bedding, and gravel) in water is allowed.

Piling Removal

39. Piles removed from the substrate shall be moved immediately from the water onto a barge or onto upland.
40. The pile shall not be shaken, hosed off, left hanging to drip or any other action intended to clean or remove adhering material from the pile.
41. During pile removal, containment booms and absorbent sausage booms shall be placed around the perimeter of the in-water work area and upland storage area, if used, to capture wood debris, oil, and other materials from being released into marine waters.
42. All excavated piles and debris that is collected shall be disposed upland in an approved disposal site.
43. If a barge is used to remove piles, the work surface on the barge deck shall include containment for piles and any liquid or sediment removed during pulling of the piling.
44. Sediments spilled on work surfaces shall be contained and disposed of with the pile debris at an approved upland disposal site.
45. Water left in the containment on the barge shall not be discharged into waters of the state.

Dredging

46. All dredging is to be done using a clamshell dredge. **Use of any other type of dredge requires preapproval from Ecology.**

47. All dredged material shall be disposed of at the Elliott Bay open-water disposal site. **Use of any other type of disposal method or location requires pre-approval by Ecology.**
48. At least 14 days prior to starting the dredging activity, the Applicant shall submit a *Dredging and Disposal Workplan* to Ecology for review and approval, per condition A2.
49. The *Dredging and Disposal Workplan* shall include the following:
 - a. General information including schedule, primary contact, and hours of operation;
 - b. Dredged quantities and disposal location;
 - c. Dredging procedures and sequence;
 - d. Equipment list; and
 - e. A description of the BMPs to be used to filter dewatering material on the barges.
50. Dredging operations shall be conducted in a manner that minimizes the disturbance and siltation of adjacent waters and prevents the accidental discharge of petroleum products, chemicals or other toxic or deleterious substances into state waters.
51. Dredged material shall not be temporarily or permanently stockpiled below the OHWM.
52. All debris larger than two (2) feet in any dimension shall be removed from the dredged sediment prior to disposal at the open water site. Similar-sized debris floating in the dredging or disposal area shall be removed.
53. Dredged material shall be placed onto a bottom dump barge and transported by tugboat to the open water disposal site. The barges shall not be overfilled to prevent barge overflow. Barges may not dewater during transit.
54. If temporary holding barges are utilized on site, the barges shall have sidewalls to contain the material, and the barges shall not be overfilled to prevent barge overflow. Additional BMPs shall be implemented to allow filtering so as to prevent exceedances of water quality standards.
55. Barges are not allowed to dewater during transit.
56. A pre-dredge meeting is required to be convened prior to the start of dredging.
57. Prior to each dredging cycle, the Applicant shall contact the Dredged Material Management Program agencies to determine whether additional sediment testing is required. If additional testing is required, no dredging or disposal shall be conducted

until the material has been tested and a suitability determination has been issued. This area ranks moderate in potential for contamination and the recency determination extends until August 2021. Contact the Dredged Material Management Office for a possible extension on this permit.

F. Restoration and Enhancement

1. The Applicant shall implement restoration and enhancement activities per the *North Mercer Island Interceptor and Enatai Interceptor Upgrade Project Restoration and Ecological Enhancement Plan*, prepared by Confluence Environmental Company, dated August 2020 [hereafter referred to as "Restoration Plan"], or as modified by this Order or revised and approved by Ecology.
2. The Applicant shall submit any changes to the Restoration Plan in writing to Ecology (see condition A2) for review and approval prior to implementing the change.
3. The Applicant shall replace all significant trees removed within the Mercer Slough wetland area at a 2:1 ratio in order to compensate for temporal loss.
4. The Applicant shall submit an As-Built Report per condition A2 within 90 days of completion of construction, describing any changes in construction related to the mitigation components, and including photos of the plantings, substrate enhancement, and large woody debris.
5. The Applicants shall submit monitoring reports by July 31 and December 31 of each year, to Ecology (see condition A2) documenting mitigation site conditions for years 1 and 2, and then annually for years 3, 4, and 5. The reports shall include monitoring results for the plants and substrate enhancement (including the gravel depth along transects and photos). The reports shall include a discussion on whether the Restoration Plan's goals, objectives, or performance standards are being met.
5. If the Applicant has not met all conditions, including performance standards for the restoration and enhancement sites at the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both.

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 cleanup material available on site at all times during construction.

3. The Applicant shall have adequate and appropriate spill response materials available on site to respond to any release of petroleum products or any other material into waters of the state.
4. 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.
5. 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 B1 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.
6. 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.

Attachment A

**Statement of Understanding
Water Quality Certification Conditions**

North Mercer Island Interceptor and Enatai Interceptor Upgrade Project
Water Quality Certification Order No. 18205
and
Corps Reference No. NWS-2016-1132

As the Applicant for the North Mercer Island Interceptor and Enatai Interceptor Upgrade project, I have read and understand the conditions of Washington State Department of Ecology Order No. 18205, and any permits, plans, documents, and approvals referenced in the 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 Order and any permits, plans, documents, and approvals referenced in the Order.

Signature Date

Title Phone

Company