



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

January 10, 2023

City of Renton  
ATTN: Joe Stowell, Wastewater Utility Engineering Manager  
1055 South Grady Way  
Renton, WA 98057

Re: Water Quality Certification Order No. **21524** (Corps No. **NWS-2019-0144-a**), Thunder Hills Sewer Interceptor Rehabilitation Project, City of Renton, King County, Washington

Dear Joe Stowell:

On August 1, 2022, the City of Renton submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Thunder Hills Sewer Interceptor Rehabilitation project, in the City of Renton, 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 Neil Molstad at [neil.molstad@ecy.wa.gov](mailto:neil.molstad@ecy.wa.gov) or (425) 389-5549. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Sent via e-mail: [jstowell@rentonwa.gov](mailto:jstowell@rentonwa.gov)

Enclosure (1)

*WQC Order No. 21524, Corps No. NWS-2019-0144-a*  
*Aquatics ID No. 137057*  
*January 10, 2023*  
*Page 2 of 2*

E-cc: Samantha Stanford, U.S. Army Corps of Engineers  
Jesse Newman, City of Renton  
Dana Mock, Department of Ecology  
Neil Molstad, Department of Ecology  
Loree' Randall, Department of Ecology  
ECYREFEDPERMITS@ecy.wa.gov



<b>IN THE MATTER OF GRANTING A</b>	)	<b>WQC ORDER No. 21524</b>
<b>WATER QUALITY CERTIFICATION TO</b>	)	<b>Corps Reference No. NWS-2019-0144-a</b>
City of Renton	)	<i>Thunder Hills Sewer Interceptor Rehabilitation</i>
pursuant to 33 U.S.C. 1341 (FWPCA §	)	<i>Project, located within Thunder Hills Creek, its</i>
401), RCW 90.48.120, RCW 90.48.260 and	)	<i>tributaries, and associated wetlands,</i>
Chapter 173-201A WAC	)	<i>City of Renton, King County, Washington</i>

City of Renton  
Attn: Joe Stowell, Wastewater Utility Engineering Manager  
1055 South Grady Way  
Renton, WA 98057

On August 1, 2022, the City of Renton submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Thunder Hills Sewer Interceptor Rehabilitation Project, located in the City of Renton, King County, Washington. The following required processing dates are referenced below:

- On June 29, 2022, the City of Renton submitted a pre-filing meeting request.
- On November 30, 2022, 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 Nos. 14 and 58, which requires an individual Section 401 WQC.
- On October 19, 2022, Ecology issued a public notice for the project.

This project proposes to replace approximately 1,469 lineal feet (LF) of existing 12 inch diameter pipe with new 12 inch pipe, rehabilitate approximately 1,404 LF of existing 12 inch & 10 inch diameter sewer pipe, install 8 new manholes along the pipeline, rehabilitate an existing gravel maintenance road adjacent to the sewer interceptor, and install stream and habitat enhancement plantings. 0.025 acres of impacts to Category III wetlands will be mitigated through the purchase of credits from the Springbrook Mitigation Bank. The project will also have temporary impacts to Thunder Hills Creek and a small amount of permanent impact to one of its tributaries.

The project site is located along and underneath Thunder Hills Creek between Interstate 405 and the intersection of Grant Avenue South and South 18<sup>th</sup> Street in the City of Renton, King County, Washington, Section 20, Township 23 N., Range 05 E., within Water Resource Inventory Area (WRIA) 9 (Duwamish-Green).

With this Order, Ecology is granting the City of Renton's request for a Section 401 Water Quality Certification for the Thunder Hills Sewer Interceptor Rehabilitation project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on August 1, 2022, and the following supporting documentation:

1. Washington Department of Fish and Wildlife Hydraulic Project Approval for the Thunder Hills Sanitary Sewer Interceptor Replacement Project, issued July 12, 2019 and expiring July 11, 2024.
2. *Technical Memorandum – Thunder Hills Creek Sanitary Sewer Interceptor Rehabilitation Springbrook Creek Mitigation Bank Use Plan* updated May 29, 2019.
3. USACE Permit Notification for Reference Number NWS-2019-0144-a, dated November 30, 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, the City of Renton 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 the City of Renton 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.

#### **Special Conditions: Wetland Compensatory Mitigation**

1. The City of Renton shall mitigate wetland impacts as described in the *Technical Memorandum – Thunder Hills Creek Sanitary Sewer Interceptor Rehabilitation Springbrook Creek Mitigation Bank Use Plan* updated May 29, 2019 and the USACE Permit Notification for Reference Number NWS-2019-0144-a, dated November 30, 2022.
  - *Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When adequate mitigation is provided, the impacts are not considered significant enough to water quality, at least in the long-term. The water quality standards, along with mitigation, protect wetlands as well as permitting some level of degradation where unavoidable or necessary.*
  - *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.*

2. Prior to impacting wetlands, the City of Renton shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.021 wetland mitigation bank credits (credits) from the Springbrook 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.

- *Justification - This condition is necessary to ensure the compensatory mitigation was actually provided by the bank.*
- *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.*

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 City of Renton for the Thunder Hills Sewer Interceptor Rehabilitation 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. **21524** will remain valid for the duration of the associated DA permit. The City of Renton should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto: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://eluhho.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://elaho.wa.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@elaho.wa.gov](mailto:pchb-shbappeals@elaho.wa.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:

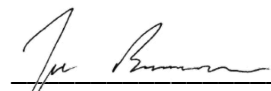
Neil Molstad  
Department of Ecology – Northwest Region Office  
PO Box 330316  
Shoreline, WA 98133-9716  
[neil.molstad@ecy.wa.gov](mailto:neil.molstad@ecy.wa.gov)

### **More Information**

- **Pollution Control Hearings Board Website**  
<http://www.elaho.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



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

January 10, 2023

Date