



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 24, 2023

Olympic Pipeline Company LLC
ATTN: Edward Smith
600 SW 39th St., Suite 275
Renton, WA 98057

Re: Water Quality Certification Order No. 21695, Corps No. 202200878, Olympic MP 229.61
Schoolhouse Creek Depth of Cover Restoration Project, Cowlitz County, Washington

Dear Edward Smith:

On November 10, 2022, Olympic Pipeline Company LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Olympic MP 229.61 Schoolhouse Creek Depth of Cover Restoration Project, Cowlitz 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, HQ
Shorelands and Environmental Assistance Program

Enclosure 1

By certified mail: 9489 0090 0027 6383 9287 60

WQC Order No. 21695, Corps No. 202200878

Aquatics ID No. 142079

April 24, 2023

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Sent via e-mail: edward.smith@bp.com

E-cc: Brad Johnson, U.S. Army Corps of Engineers
Carla Woodworth, GeoEngineers, Inc.
Loree' Randall, Ecology
Kerry Carroll, Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A)	WQC ORDER No. 21695
WATER QUALITY CERTIFICATION TO)	Corps Reference No. 202200878
Olympic Pipeline Company LLC)	Olympic MP 229.61 Schoolhouse Creek Depth of
pursuant to 33 U.S.C. 1341 (FWPCA §)	Cover Restoration Project located within
401), RCW 90.48.120, RCW 90.48.260 and)	Schoolhouse Creek, Kalama, Cowlitz County,
Chapter 173-201A WAC)	Washington

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Olympic Pipeline Company LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Olympic MP 229.61 Schoolhouse Creek Depth of Cover Restoration Project, Cowlitz County, Washington. The following required processing dates are referenced below:

- On September 30, 2022, the Olympic Pipeline Company LLC submitted a pre-filing meeting request.
- On November 10, 2022, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On November 22, 2022, Olympic Pipeline Company LLC submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On January 23, 2023, 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. 12.
- On February 21, 2023, Ecology issued a public notice for the project.

This project proposes to restore depth of cover over our exposed 14-inch petroleum products pipeline at our crossing of Schoolhouse Creek by restoring the creek channel, extending approximately 70 feet downstream and 60 feet upstream of the pipeline crossing. Steps and pools will be created using a series of log and boulder steps downstream of the pipeline to restore approximately 2 feet of sediment cover over the pipeline.

The project site is located near 220 Sauvola Road, Schoolhouse Creek, Cowlitz County, Washington, Section 21, Township 6N., Range 1W., within Water Resource Inventory Area (WRIA) 27, Lewis River Watershed.

With this WQC Order, Ecology is granting Olympic Pipeline Company LLC's request for a Section 401 Water Quality Certification for the Olympic MP 229.61 Schoolhouse Creek Depth of Cover

Restoration project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on November 10, 2022, and the following supporting documentation:

1. Updated Critical Areas Report and Mitigation Plan received March 3, 2023.
2. Wetland Mitigation Bank Use Plan received March 28, 2023.
3. Water Quality Monitoring Plan (WQMP) received April 13, 2023.

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, Olympic Pipeline Company 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 Olympic Pipeline Company 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 Olympic Pipeline Company LLC for the Olympic MP 229.61 Schoolhouse Creek Depth of Cover 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. WQC Order No. **21695** will remain valid for the duration of the associated DA permit. Olympic Pipeline Company 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 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 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 Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
<https://elaho.wa.gov/content/11>

Address and Location Information

Street Address:

Department of Ecology

Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Pollution Control Hearings Board

1111 Israel RD SW
STE 301
Tumwater, WA 98501

Mailing Addresses:

Department of Ecology

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

Pollution Control Hearings Board

PO Box 40903
Olympia, WA 98504-0903

E-Mail Address:

Department of Ecology

Not currently available (see WAC 371-08)

Pollution Control Hearings Board

Pchb-shbappeals@elaho.wa.gov

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>

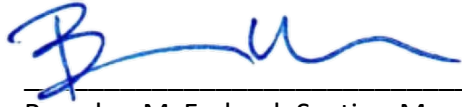
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Signature



Brenden McFarland, Section Manager
Environmental Review and Transportation Section, HQ
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Department of Ecology

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Date