



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 25, 2023

King County
Department of Natural Resources and Parks
Wastewater Treatment Division
ATTN: Jacob Sheppard
201 South Jackson Street, #500
Seattle, WA 98104

Re: Second Amendment to 401 Water Quality Certification Order No. **20466**
(Corps No. **NWS-2020-535-WRD**), Coal Creek Trunk Upgrade project, King County,
Washington

Dear Jacob Sheppard:

Enclosed is the second amendment to Water Quality Certification Order No. 20466, issued on January 31, 2022, 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. 20466 remain in effect.

The purpose of this amendment is to update the in-water work window to match the Hydraulic Project Approval and the U.S. Army Corps of Engineers permit.

If you have any questions, please contact Doug Gresham at (425) 429-1846 or doug.gresham@ecy.wa.gov. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Sincerely,

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

Enclosure (2)

Second Amendment to WQC Order No. 20466, Corps No. NWS-2020-535-WRD
Aquatics ID No. 140005
May 25, 2023
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By certified mail: 9171 9690 0935 0233 1186 16

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

E-cc: Andrew Shuckhart, U.S. Army Corps of Engineers
Rose Whitson, Jacobs
Martin Fox, Muckleshoot Indian Tribe
Stewart Reinbold, Department of Fish and Wildlife
Loree' Randall, Department of Ecology
Doug Gresham, Department of Ecology
Amy Jankowiak, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov

In The Matter of Granting a Water Quality
Certification to King County Department of Natural Resources and
Parks, Wastewater Treatment Division
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120,
RCW 90.48.260 and Chapter 173-201A WAC

King County
Department of Natural Resources and Parks
Wastewater Treatment Division
Attn: Jacob Sheppard
201 South Jackson Street, #500
Seattle, WA 98104

WQC Order No.	20466, Second Amendment
Corps Reference No.	NWS-2020-535-WRD
Site Location	Coal Creek Trunk Upgrade project located within Bellevue, King County, Washington.

On January 31, 2022, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to King County Department of Natural Resources and Parks, Wastewater Treatment Division for the above reference project pursuant to the provision of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request April 25, 2023, to update the in-water work window to match the Hydraulic Project Approval and the U.S. Army Corps of Engineers permit.

WQC Order No. 20466 dated January 31, 2022, is hereby amended as follows:

01. Condition number C.2.a. which reads:

All activities within Coal Creek shall be conducted between July 1 and August 31 of any year; and,

Is replaced with:

All activities within Coal Creek Shall be conducted between June 16 and September 15 of any year; and,

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 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 Addresses:

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 Chapter 371-08 WAC)

Pollution Control Hearings Board

Pchb-shbappeals@elaho.wa.gov

Contact Information

Please direct all questions about this WQC Order to:

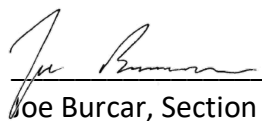
Doug Gresham
Department of Ecology
(425) 429-1846
Doug.gresham@ecy.wa.gov

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>

Signature

Dated this 25th day of May, 2023 at the Department of Ecology, Shoreline, Washington



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

This document shows the conditions that have been amended since the original Order was issued on January 31, 2022. Therefore it is not the official certification and should only be used for informational purposes.

June 16, 2022 First Amendment changes are reflected in Red

May 25, 2023 Second Amendment changes are reflected in Blue.

IN THE MATTER OF GRANTING A) WQC ORDER No. 20466, Second Amendment
WATER QUALITY) Corps Reference No. NWS-2020-535-WRD
CERTIFICATION TO) Coal Creek Trunk Upgrade Project, located in
King County Department of Natural) Bellevue, King County, Washington.
Resources and Parks, Wastewater)
Treatment Division)
pursuant to 33 U.S.C. 1341 (FWPCA)
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

King County Department of Natural Resources and Parks
Wastewater Treatment Division
Attn: Jacob Sheppard
201 S Jackson Street, #500
Seattle, WA 98104

On June 2, 2021, the King County Department of Natural Resources and Parks, Wastewater Treatment Division (King County DNRP) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Coal Creek Trunk Upgrade project, located in King County, Washington. On June 9, 2021, Ecology issued a public notice for the project.

The project is proposing to replace the north segment of the existing Coal Creek Trunk sewer pipe with a new pipe, in order to meet existing and future capacity needs. The new pipe would be installed using trenchless methods where feasible and would follow an arc to the north and east of the Coal Creek ravine. Some segments of the proposed pipe alignment are not suitable for trenchless installation and would be installed using an open-cut method. To continue collecting local flows, King County also proposes to install new local connections, using a combination of open-cut and trenchless methods, and to repurpose a short segment of the existing pipeline into a local line. Restoration at Coal Creek, relocation of Tributary 1, and bank stabilization elements also will be conducted.

Approximate amounts of impacts are as follows:

- 225 square feet (sf) of temporary stream for construction;
- 8,220 sf of permanent stream for stream restoration;
- 10,639 sf of temporary stream for stream restoration;
- 832 sf of permanent Category III wetland for construction;
- 4,466 sf of short-term, temporary Category III wetland for construction;
- 18,318 sf of long-term, temporary Category II/III wetland for construction;
- 2,703 sf permanent Category III wetland for mitigation/restoration;
- 83,308 sf of short-term, temporary Category II/III wetland for mitigation/restoration;
- 120,329 sf temporary wetland and stream buffer; and,
- 6,081 sf permanent wetland and stream buffer.

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On-site mitigation for temporal loss from temporary wetland impacts as well as permanent impacts will be addressed through wetland creation and enhancement. This includes approximately: 46,215 sf of wetland creation, 80,684 sf of wetland enhancement, and 74,206 sf of combined stream and wetland buffer enhancement. This mitigation will be at and adjacent to the Eastside Interceptor Connection, located along the northern end of the project and extending generally west to east to the south of Coal Creek Parkway SE from the intersection of 119th Avenue SE to the condominiums at 4515 125th Avenue SE, Bellevue, King County. Additionally, approximately 2,030 sf of in-place wetland restoration and 74,033 sf of in-place buffer restoration would be conducted sitewide.

The project site is a linear corridor that generally follows Coal Creek Parkway SE from I-405 to near the intersection of Forest Drive SE. This site impacts Coal Creek and Tributary 1, as well as seven wetlands (Wetlands A, D/E, H, I, J, R, and S) in Bellevue, King County, Washington, Sections 16, 21, and 22, Township 24 N., Range 5 E., within Water Resource Inventory Area (WRIA) 8 Cedar-Sammamish.

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 project proponent 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, King County DNRP's request for a Section 401 Water Quality Certification for the Coal Creek Trunk Upgrade project, located in King County. Ecology has determined that the proposed discharges will comply with all applicable state water quality requirements, provided the project is conducted in accordance with the

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Section 401 Water Quality Certification request that Ecology received on June 2, 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
January 19, 2021	State Environmental Policy Act (SEPA)	SEPA environmental checklist for Coal Creek Trunk Upgrade, dated January 8, 2021	King County Department of Natural Resources and Parks, Wastewater Treatment Division
January 19, 2021	State Environmental Policy Act (SEPA)	SEPA determination of non-significance for Coal Creek Trunk Upgrade, dated January 19, 2021	King County Department of Natural Resources and Parks, Wastewater Treatment Division
June 2, 2021	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA for Coal Creek Trunk Upgrade, signed on May 27, 2020	King County Department of Natural Resources and Parks, Wastewater Treatment Division
June 2, 2021	Drawings	JARPA drawings for Coal Creek Trunk Upgrade, Sheets 1 through 29, dated September 25, 2020	King County Department of Natural Resources and Parks, Wastewater Treatment Division
June 2, 2021	Biological Assessment	Biological Evaluation for Coal Creek Trunk Upgrade, dated May 26, 2020	CH2M Hill Engineers, Inc.
June 2, 2021	Memorandum	Tributary 2 and Tributary 0272 Fish Passage Crossing Concept, Memorandum from Nich VanBuecken, CH2M Hill Engineers, Inc., to Ron Bard, Brown and Caldwell, for Coal Creek Trunk Upgrade Project, Phase 3, Task 304.01.06,	CH2M Hill Engineers, Inc.

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		dated December 18, 2019	
December 17, 2021	Wetland Delineation and Mitigation Plan	Final Critical Areas Report, Coal Creek Trunk Upgrade, dated December 6, 2021	CH2M Hill Engineers, Inc.
January 21, 2022	Water Quality Monitoring and Protection Plan	Water Quality Monitoring and Protection Plan, Rev. 1, Coal Creek Trunk Upgrade, dated January 20, 2022	CH2M Hill Engineers, Inc.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize King County DNRP 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 King County DNRP 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 King County DNRP.

A. General Conditions:

1. In this WQC Order, the term “Project Proponent” shall mean the King County Department of Natural Resources and Parks, Wastewater Treatment Division, 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 doug.gresham@ecy.wa.gov and Rebekah.Padgett@ecy.wa.gov. The submittals shall be identified with WQC Order #20466 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 June 2, 2021, and the supporting documentation identified in Table 1.
4. The Project Proponent 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.

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5. The Project Proponent 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 Project Proponent 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 Project Proponent 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 Project Proponent shall provide Ecology documentation for review 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 Project Proponent shall send (per A.2.) a copy of the final Corps permit to Ecology's Federal Permit Manager within two weeks of receiving it.

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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 doug.gresham@ecy.wa.gov and Rebekah.Padgett@ecy.wa.gov. Notifications shall be identified with WQC Order #20466, Corps reference #NWS-2020-535-WRD, and include the Project Proponent 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; and,
 - d. Within seven (7) days of completing each in-water work window.
2. In addition to the phone or e-mail notification required under B.1.a. above, the Project Proponent 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 Project Proponent shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction and mitigation are completed.

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C. Timing:

1. This WQC Order is effective upon issuance of the U.S. Corps of Engineers (Corps) individual 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 Coal Creek shall be conducted between ~~June 16~~ **July 1** and **September 15** ~~August 31~~ of any year; and,
 - b. All activities within Tributary 1 shall 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 Project Proponent to exceed applicable water quality standards beyond the limits established in WAC 173-201A-200.
2. If water quality exceedances for turbidity are observed outside the point of compliance, work shall cease immediately and the Project Proponent 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.
3. Visible turbidity anywhere beyond the temporary area of mixing (point of compliance) from the activity, shall be considered an exceedance of the standard.
4. The Project Proponent conduct water quality monitoring as described in the approved *Water Quality Monitoring and Protection Plan, Coal Creek Trunk Upgrade*, prepared by CH2M HILL Engineers, Inc., dated January 20, 2022 (hereafter referred to as the WQMPP).
5. Monitoring results shall be submitted monthly to Ecology's Federal Permit Manager, per condition A.2.

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6. Ecology may ask or could use its discretionary authority to require the Project Proponent 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 Project Proponent 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 fenced with high visibility construction 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 2.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.

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.

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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.
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. Turbid de-watering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.
9. 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 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.
10. All equipment being used below the ordinary high water mark shall utilize biodegradable hydraulic fluid.

Equipment & Maintenance

- ~~11. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands.~~
- ~~12.~~11. 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.
- ~~13.~~12 No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this WQC Order.
- ~~14.~~13 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.
- ~~15.~~14 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 Project Proponent shall set up a designated area for washing down equipment.

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- ~~16~~.15 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.
- ~~17~~.16 All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
- ~~18~~.17 All concrete shall be completely cured prior to coming into contact with water.
- ~~19~~.18 Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and disposed of appropriately with no possible entry to state waters.

F. Wetland Mitigation Conditions:

- 1. The Project Proponent shall mitigate wetland impacts as described in the *Final Critical Areas Report–Coal Creek Trunk Upgrade* (hereafter called the “Mitigation Plan”) as identified in Table 1 or as modified by this Order or revised and approved by Ecology.
- 2. The Project Proponent 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. The Project Proponent shall have a qualified wetland professional at the wetland mitigation site to supervise during construction and planting.

Implementation

- 4. Unless otherwise authorized by Ecology in writing, the Project Proponent shall begin the compensatory mitigation project before, or concurrently with, impacting wetlands, or Ecology could use its discretionary authority to require the Project Proponent to provide additional compensation to account for additional temporal loss of wetland functions.
 - 5. If the mitigation site(s) cannot be completed within 13 months of the date of this Order, the Project Proponent shall inform Ecology, in writing, of the status of:
 - a. Coal Creek Trunk Upgrade.
 - b. On-site mitigation area.
- With the:
- c. Reason for the delay.
 - d. Expected date of completion.

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- e. The Project Proponent shall submit an updated written notification every 12 months thereafter until the Coal Creek Trunk Upgrade and on-site mitigation area are complete.
6. The Project Proponent shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands or their buffers and landward of the 100-year floodplain, unless otherwise provided for in the Mitigation Plan.
7. The Project Proponent shall ensure that no material is stockpiled within existing wetlands or their buffers at the wetland mitigation sites at any time, unless otherwise provided for in the Mitigation Plan.
8. The Project Proponent shall ensure that no construction debris is deposited within existing wetlands or their buffers at the wetland mitigation sites at any time, unless otherwise provided for in the Mitigation Plan.
9. The Project Proponent shall not use polyacrylamide at the mitigation site(s).
10. The Project Proponent shall not use hay or straw on exposed or disturbed soil at the mitigation site(s), unless otherwise allowed for in the Mitigation plan.
11. If seeding is used for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species, unless otherwise approved by Ecology.
12. The Project Proponent shall place permanent signs and fencing at the mitigation area's boundaries, including buffers, consistent with the number and spacing designated by the City of Bellevue.
13. Upon completion of site grading and prior to planting, the Project Proponent shall submit to Ecology written confirmation (email or signed letter) from a surveyor or project engineer that the finished grades are consistent with the approved Mitigation Plan and also indicate how final elevations were determined.
14. After completing construction and planting of the mitigation sites, the Project Proponent shall submit to Ecology (see A.2) an as-built report, including plan sheets, documenting site conditions at Year Zero. The as-built report must:
 - a. Be submitted within 90 days of completing construction and planting.
 - b. Include the information listed in Attachment B (Information Required for As-built Reports).

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15. Site Protection: The wetland mitigation site, located within the Coal Creek Natural Area, shall remain a natural area per the stipulations of King County Resolution 34571 (Forward Thrust Park Bond Resolution) and per RCW 36.89.050, as transferred to the City of Bellevue in 2005 the area transferred shall continue to be used for the same purpose.

Monitoring and Maintenance

16. The Project Proponent shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards. If an irrigation system is installed, it shall be removed by the end of year three unless Ecology authorizes in writing the system to remain for a longer period.
17. The Project Proponent shall monitor the mitigation site for a minimum of 10 years. The Project Proponent shall use the monitoring methods described on pages 91, and 98-102 of the Mitigation Plan.
18. The Project Proponent shall submit to Ecology (see A.2) monitoring reports documenting mitigation site conditions for years 1, 2, 3, 5, 7, and 10. The monitoring reports must:
 - a. Be submitted by December 31 of each monitoring year.
 - b. Include the information listed in Attachment C (Information Required for Monitoring Reports).
19. The Project Proponent shall implement the Mitigation Plan's contingency measures if the Mitigation Plan's goals, objectives, or performance standards are not being met.
20. Prior to implementing contingency measures not specified in the Mitigation Plan, the Project Proponent shall consult with and obtain written approval from Ecology for the contingency measures.
21. When necessary to meet the performance standards, the Project Proponent shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the current or upcoming planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
22. If the Project Proponent has not met all compensatory mitigation conditions by the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both. Conditions include specifications in the approved Mitigation Plan, such as performance standards for the mitigation site.

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23. The Project Proponents obligation to compensate for wetland impacts under Condition F.1 is not met until the Project Proponent has received written notice from Ecology that the obligation is met.

G. Emergency/Contingency Measures

1. The Project Proponent shall develop and implement a spill prevention and containment plan for this project.
2. The Project Proponent 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 Project Proponent 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.