



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 12, 2023

Cascade Natural Gas Corporation
Attn: Kathleen Campbell
8113 W Grandridge Blvd
Kennewick, WA 99336-7166

Re: Water Quality Certification Order No. **22005** (Corps No. **NWS-2023-0260**), Cascade Natural Gas Anacortes Lateral Upgrade and Replacement Project, Skagit County, Washington

Dear Kathleen Campbell:

On 3/27/2023, Cascade Natural Gas Corporation (CNG) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Cascade Natural Gas Anacortes Lateral Upgrade and Replacement Project, Skagit 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 the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Kerry Carroll at (360) 791-0575. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Loree' Randall, Section Manager
Federal Permitting Section
Shorelands and Environmental Assistance Program

Enclosure (2)

By certified mail: 9489 0090 0027 6383 6850 38

WQC Order No. 22005, Corps No. NWS-2023-0260

Aquatics ID No. 142345

July 12, 2023

Page 2 of 2

Sent via e-mail: Kathleen.campbell@mdu.com

E-cc: Kristin Murray, U.S. Army Corps of Engineers
Kristen Currens, MacKay Sposito
Alexis Casey, MacKay Sposito
Kerry Carroll, Ecology
ECYREFEDPERMITS@ecy.wa.gov

**In The Matter of Granting a Water Quality
Certification to Cascade Natural Gas Corporation
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC**

Cascade Natural Gas Corporation
Attn: Kathleen Campbell
8113 W Grandridge Blvd
Kennewick, WA 99336-7166

WQC Order No.	22005
Corps Reference No.	NWS-2023-0260
Site Location	Cascade Natural Gas Anacortes Lateral Upgrade and Replacement Project located within several drainage ditches, Burlington and Sedro-Woolley, Skagit County, Washington.

Cascade Natural Gas Corporation (CNG) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Cascade Natural Gas Anacortes Lateral Upgrade and Replacement Project, Skagit County, Washington. The following required processing dates are referenced below:

- On 1/25/2023, CNG submitted a pre-filing meeting request.
- On 3/27/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 3/28/2023, CNG submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 4/5/2023 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. NWP #12 and requires an individual Section 401.
- On 4/7/2023 Ecology notified the Corps that the project requires an individual Section 401 and the reasonable period of time for this project ends on 10/3/2023.
- On 6/16/2023, Ecology issued a public notice for the project.

This project proposes to replace 6.4 miles of 8-inch high pressure pipe with a 20-inch high pressure pipe. The existing 8-inch pipeline will be removed where required for construction of the new pipeline and abandoned in place and sealed where it is not removed.

The project site begins at the City of Sedro-Woolley at 48.516439 latitude and -122.238490 longitude and proceeding southwesterly, passing north of the City of Burlington, and ending

near the intersection of Josh Wilson Road and Pulver Road at approximately 48.486161 latitude and -122.351472 longitude in Skagit County, Washington, within Water Resource Inventory Area (WRIA) 3 Skagit River Basin.

With this WQC Order, Ecology is granting CNG's request for a Section 401 Water Quality Certification for the Cascade Natural Gas Anacortes Lateral Upgrade and Replacement Project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 3/27/2023, and the following supporting documentation:

1. Dewatering Plan revised, dated, and received on May 17, 2023.
2. Horizontal Direction Drilling Inadvertent Release Contingency Plan revised May 2023, received on May 17, 2023.
3. Water Quality Monitoring and Protection Plan revised and received June 26, 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, CNG 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 CNG 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 CNG for the Cascade Natural Gas Anacortes Lateral Upgrade and Replacement 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. **22005** will remain valid for the duration of the associated DA permit. CNG 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 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>

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

Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Contact Information

Please direct all questions about this WQC Order to:

Kerry Carroll
Department of Ecology
360-407-7503
Kerry.Carroll@ecy.wa.gov

More Information

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

WQC Order No. 22005, Corps No. NWS-2023-0260

Aquatics ID No. 142345

July 12, 2023

Page 5 of 5

- **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

Dated this 12th day of July 2023, at the Department of Ecology, Lacey, Washington.

A handwritten signature in black ink, appearing to read "Loree' Randall". The signature is written in a cursive, flowing style.

Loree' Randall, Section Manager

Federal Permitting Section, HQ

Shorelands and Environmental Assistance Program

Attachment A

Statement of Understanding Water Quality Certification

Cascade Natural Gas Anacortes Lateral Upgrade and Replacement Project
Cascade Natural Gas Corporation

Water Quality Certification WQC Order No. 22005
and
Corps Reference No. NWS-2023-0260

As the Project Proponent for the Cascade Natural Gas Anacortes Lateral Upgrade and Replacement Project, I have read and understand the Washington State Department of Ecology WQC Order No. 22005, 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 WQC Order and any permits, plans, documents, and approvals referenced in the WQC Order.

Signature

Date

Title

Phone

Company