



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 6, 2023

King County
ATTN: Tom Bloxton
201 South Jackson Street, Suite 5600
Seattle, WA 98104

Re: Water Quality Certification Order No. **22373** (Corps No. **NWS-2022-0463-WRD**), Stossel Right Bank Improvement, King County, Washington

Dear Tom Bloxton:

On July 19, 2023, King County submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Stossel Right Bank Improvement, 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 Sonia Mendoza at (360) 918-1342. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

WQC Order No. 22373, Corps No. NWS-2022-0463-WRD
Aquatics ID No. 136591
December 6, 2023
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Enclosure (1)

By certified mail: 9489 0090 0027 6383 2201 23

Sent via e-mail: tbloxton@kingcounty.gov

E-cc: Rory Lee, U.S. Army Corps of Engineers
Sonia Mendoza, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

King County
Attn: Tom Bloxton
201 South Jackson Street, Suite 5600
Seattle, WA 98104

WQC Order No.	22373
Corps Reference No.	NWS-2022-0463-WRD
Site Location	Stossel Right Bank Improvement project located within Snoqualmie River, Carnation, King County, Washington.

King County submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Stossel Right Bank Improvement project, King County, Washington. The following required processing dates are listed below:

- On April 28, 2023, the King County submitted a pre-filing meeting request.
- On July 19, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On April 29, 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. 3 and requires an individual Section 401.
- On July 25, 2023, Ecology issued a public notice for the project.

This project proposes to repair a flood protection facility and includes additional habitat enhancement to the Stossel RB Revetment on the Snoqualmie River, from River mile (RM) 22.5 to 22.7. The proposed project includes 540 lineal feet of revetment improvements, an additional 385 lineal feet of in-water large wood enhancement, and approximately one acre of uplands that will be temporarily impacted during construction for staging and access. The project will substantively reconstruct the existing rock revetment with a habitat-friendly design including 780 cubic yards (CY) of large wood. The repair is to address significant ongoing and potential future bank erosion and to maintain protection provided by the Stossel RB Revetment. All repairs and habitat enhancements will remain within the original 1964 revetment footprint.

The project site is located within Snoqualmie River at 7110 310th Avenue Northeast in Carnation, King County, Washington, Section 9, Township 25 N., Range 07 E., within Water Resource Inventory Area (WRIA) 7 - Snohomish.

With this WQC Order, Ecology is granting King County's request for a Section 401 Water Quality Certification for the Stossel Right Bank Improvement project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on July 19, 2023, and the following supporting documentation:

1. E-mail to Ecology dated July 19, 2023, regarding the project's Draft Water Quality Protection and Monitoring Plan.

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, King County 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 King County 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 King County for the Stossel Right Bank Improvement 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. **22373** will remain valid for the duration of the associated DA permit. King County should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it. To transfer this Order to a new owner or operator, complete a Request for Transfer of Order form following the instructions at the top of the form. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>.

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 information 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.

WQC Order No. 22373, Corps No. NWS-2022-0463-WRD

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- Serve a copy of your notice of appeal and this Order on the Department of Ecology mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.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:

Sonia Mendoza
Department of Ecology

(360) 918-1342


Sonia.mendoza@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://elaho.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>
- **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 6th day of December 2023 at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program