



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 15, 2024

Olympic Pipe Line Company LLC
ATTN: Ernest Falcon
600 SW 39th Street, Suite 275
Renton, WA 98057

Re: Water Quality Certification Order No. **22502** (Corps No. **NWS-2022-0502**), Olympic MP 185.2, Newaukum River Crossing, Pipeline Replacement and Permanent Restoration, Lewis County, Washington

Dear Ernest Falcon:

On 12/1/2023, Olympic Pipe Line Company LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Olympic MP 185.2, Newaukum River Crossing, Pipeline Replacement and Permanent Restoration, Lewis County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions 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) 791-0575. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Brenden McFarland, Section Manager

WQC Order No. 22502, Corps No. NWS-2022-0502

Aquatics ID No. 141801

July 15, 2024

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Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9489 0090 0027 6381 5321 67

Sent via e-mail: Ernest.Falcon@bp.com

E-cc: Danette Guy, U.S. Army Corps of Engineers
Terry Zimmerman, Olympic Pipe Line Company LLC
Lisa Bona, GeoEngineers Inc
Kerry Carroll, Ecology
Loree' Randall, Ecology
ECYREFEDPERMITS@ecy.wa.gov

**In The Matter of Granting a Water Quality
Certification With Conditions to Olympic Pipe Line Company LLC
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC**

Olympic Pipe Line Company LLC
Attn: Ernest Falcon
600 SW 39th Street, Suite 275
Renton, WA 98057

WQC Order No.	22502
Corps Reference No.	NWS- 2022-0502
Site Location	Olympic MP 185.2, Newaukum River Crossing, Pipeline Replacement and Permanent Restoration located within Newaukum River, Chehalis, Lewis County, Washington.

Olympic Pipe Line Company LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Olympic MP 185.2, Newaukum River Crossing, Pipeline Replacement and Permanent Restoration, Lewis County, Washington. The following required processing dates are listed below:

- On 3/6/2023, the Olympic Pipe Line Company LLC submitted a pre-filing meeting request.
- On 8/30/2023, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under the Nationwide Permit Program and requires an individual Section 401.
- On 12/1/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- Ecology’s “Reasonable Period of Time” for this project has been established as 3/30/2024.
- On 1/22/2024, Ecology issued a public notice for the project.

This project includes installation of a 1,043-foot-long replacement pipeline section beneath the Newaukum River using HDD methods and tie-in to the existing pipeline. Removal of the decommissioned pipeline section beneath the river and removal of the non-native materials placed during short-term depth of cover restoration on the riverbed after the replacement pipeline is installed and during a permitted in-water work window. Removal of the non-native angular rock placed in the buried groins in the floodplain installed during short-term depth of

cover restoration and permanent restoration and mitigation of short-term temporal impacts from the non-native angular rock placed for the short-term depth of cover restoration.

The project site is located at 0 North Fork Road, 272 Taylor Road, and 300 Taylor Road, in Chehalis, Newaukum River, Lewis County, Washington, Section 18 and 19, Township 13 N., Range 01W., within Water Resource Inventory Area (WRIA) 23 Upper Chehalis.

With this WQC Order, Ecology is granting with conditions Olympic Pipe Line Company LLC's request for a Section 401 Water Quality Certification for the Olympic MP 185.2, Newaukum River Crossing, Pipeline Replacement and Permanent Restoration project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 12/1/2023, and the following supporting documentation:

1. Visual Water Quality Monitoring Plan dated 2/05/2024.
2. HDD Design Services Report dated 11/28/2022.

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, Olympic Pipe Line 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 Pipe Line 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.

Special Condition:

1. Any work that causes distressed or dying fish or discharges of oil, fuel, or other chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, immediately notify Ecology's Regional Spill Response Office at 360-407-6300 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. You will also need to notify the Washington Emergency Management Division at 1-800-258-5990, for spills to water only.
 - Justification - This condition is necessary to prevent oil and hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported,

the quicker it can be addressed, resulting in less harm. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.

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 with conditions to the Olympic Pipe Line Company LLC for the Olympic MP 185.2, Newaukum River Crossing, Pipeline Replacement and Permanent 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. **22502** will remain valid for the duration of the associated DA permit. Olympic Pipe Line Company LLC 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.
- 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://eluh0.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:

Kerry Carroll
Department of Ecology
(360) 791-0575
Kerry.carroll@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://eluh0.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 15th day of July, 2024 at the Department of Ecology, Lacey, Washington.



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program