



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

October 23, 2024

Washington Department of Transportation
Attn: Rob Thomas
777 108th Ave NE Ste 800
Bellevue, WA 98004

Re: Third Amendment to 401 Water Quality Certification Order No. 16156 for U.S. Army Corps of Engineers Reference No. NWS-2017-827-DOT, I-405 Renton to Bellevue, SR 169 to I-90 Stage 1 located within multiple waterbodies, City of Bellevue, King County, Washington

Dear Rob Thomas:

Enclosed is an amendment to Water Quality Certification Order No. 16156, issued on December 20, 2018, 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. 16156 remain in effect.

The purpose of this amendment is to adjust the in-water work window for streams Stream 7.7a, Gypsy Creek (UNT.08.LW.0283), Stream 10.0, and Stream 8.15 so work can be completed while the streams are still diverted and allow the diversions to be removed later this year. The project has required multiple design adjustments due to challenges working in a constrained section of the 405 corridor and this has resulted in delays to project construction. Condition C.2 will be amended to extend the work windows and include window extension updates in the WQMPP.

If you have any questions, please contact Penny Kelley at 360-280-8856. The enclosed Amendment may be appealed by following the procedures described in the Amendment.

Third Amendment to Order No. 16156
Aquatics No. 135683, Corps No. NWS-2017-827-DOT
October 23, 2024
Page 2 of 2

Sincerely,



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

Enclosure (2)

By certified mail: 9489 0090 0027 6391 8522 79

Sent via e-mail: ThomasR@wsdot.wa.gov

E-cc: Martin Fox, Muckleshoot Indian Tribe
Sandi Manning, U.S. Army Corps of Engineers
Bethany Scoggins, WDFW
Caroline Corcoran, Ecology
Penny Kelley, Ecology
Erin Hanlon Brown, Ecology
ecyrefedpermits@ecy.wa.gov

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

Washington Department of Transportation
Attn: Rob Thomas
777 108th Ave NE Ste 800
Bellevue, WA 98004

WQC Order No.	16156, Third Amendment
Corps Reference No.	NWS-2017-827-DOT
Site Location	I-405 Renton to Bellevue, SR 169 to I-90 Stage 1 project located within multiple waterbodies, City of Bellevue, King County, Washington.

On December 20, 2018, the Washington Department of Ecology (Ecology) issued a 401 Water Quality Certification to the Washington Department of Transportation for the above-referenced project pursuant to the provisions of 33 U.S.C. 1341 (FWPCA § 401).

Ecology received a request on September 23, 2024, to amend the existing fish windows to allow work to be completed in isolated stream channels and remove the temporary stream diversion later in the 2024 construction season. The project has required multiple design adjustments due to challenges working in a constrained section of the 405 corridor and this has resulted in construction delays.

WQC Order No. 16156 dated December 20, 2018, is hereby amended as follows:

I. Condition number C.2 which reads:

In-water work is subject to a fishery closure window determined by Washinton Department of Fish & Wildlife's Hydraulic Project Approval (HPA). All in-water work shall be completed only within the work window of June 15 to August 31 within the wetted perimeter of May Creek, only between September 30 for work within the wetted perimeter of the F type state waters, other than May Creek, and only between May 15 to September 30 for work within the wetted perimeter of the N type state waters of any given year. A one time exception is granted for UNT.08.LW.0283 (Gypsy creek) allowing work to occur within the wetted perimeter from January 2, 2024 to September 30, 2024. Any project change that requires a new or revised HPA should be sent to Ecology for review.

Is replaced with:

In-water work is subject to a fishery closure window determined by Washington Department of Fish & Wildlife's Hydraulic Project Approval (HPA). All in-water work shall be completed within the following work windows of any given year:

- June 15 to August 31 within the wetted perimeter of May Creek,
- June 15 to September 30 within the wetted perimeter of F type state waters (other than May Creek),
- May 15 to September 30 within the wetted perimeter of N type state waters,

Exceptions to the existing fish windows are granted for the construction season of 2024:

- UNT.08.LW.0283 (Gypsy Creek) - January 2 to November 1
- Stream 7.7a – June 15 to November 1
- Stream 10.0 – June 15 to November 8
- Stream 8.15 – May 15 to December 31

If work needs to be conducted outside of these windows the applicant shall update the WQMPP for this project and submit it to Ecology.

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 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

Contact Information

Please direct all questions about this Order to:

Penny Kelley
Department of Ecology
360-280-8856
penny.kelley@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>

Signature

Dated this 23rd day of October 2024 at the Department of Ecology, Lacey, Washington.



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

This document shows the activities and conditions that have been amended since the original Order was issued. Therefore, it is not the official certification and should be used for informational purposes only. Conditions modified in the 1st Amendment are highlighted in blue. Conditions modified in the 2nd Amendment in Red. Conditions modified in the 3rd Amendment are in Green.

<p>IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO Washington Department of Transportation in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC</p>	<p>) ORDER # 16156, First Amendment, Second Amendment, Third Amendment) Corps Reference No. NWS-2017-827-DOT) An eight mile section of I-405 Renton to Bellevue, SR 169 to I90, Stage 1, crossing approximately 20 streams emptying into Lake Washington, located in King County, Washington.</p>
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Washington Department of Transportation
 Attn: Sean Quarrie
 66 108th Avenue NE
 Suite 405
 Bellevue, WA 98004

The Washington Department of Transportation (WSDOT) has requested a Section 401 Water Quality Certification (WQC) from the Department of Ecology (Ecology) for an eight mile section of I-405 Renton to Bellevue, SR 169 to I90, Stage 1. The U.S. Army Corps of Engineers (Corps) issued a joint public notice for the project on December 27, 2017.

WSDOT is proposing to make several roadway, structural, drainage, and fish passage improvements on an 8 mile section of I-405 between the State Road (SR) 169 Interchange in Renton north to the I-90 interchange in Bellevue, between milepost (MP) 3.8 and MP 11.9 to improve safety and relieve congestion.

Improvements aimed at capacity issues, include one new lane in each direction, additional high occupancy vehicle (HOV) lanes, and express toll lanes (ETL) in the appropriate locations within the corridor. In addition, the project will restripe portions of the existing pavement width narrowing the lanes, construct retaining walls to accommodate widening, construct new parking and ride lot and enhance an existing lot, constructing up to 7 new bridges and widening 2 over existing I-405.

Stage 1 construction work will entail the following:

- The Project will add new capacity to create a dual express toll lane system between State Route (SR) 169 in Renton and I-90 in Bellevue.
- A new auxiliary lane southbound from I-90 to 112th Avenue Southeast.
- Four new noise walls
- Improves three interchanges, including, Northeast 44th Street in Renton, and 112th Avenue Southeast and Coal Creek Parkway in Bellevue.

- Improved fish passage
- Builds portions of the Eastside Rail Corridor regional trail
- Evaluating new direct access ramps at 112th Avenue Southeast in Bellevue and Northeast 44th Street in Renton.
- Install stormwater facilities
- Restripe the ramp from SB I-405 to EB I-90 to create a two-lane ramp; realign the NB I-405 to EB I-90 ramp including new structures over the EB I-90 off-ramp to Factoria Blvd. and Richards Road.

WSDOT has minimized wetland impacts through highway alignment adjustments, steepening side slopes, adding retaining walls, reducing lane widths from 12 to 11 feet, adjusting on and off ramp alignments, working in the median, and changes to roadside barrier and wall types. To compensate for unavoidable wetland impacts, WSDOT proposes to mitigate for stream impacts and providing compensatory wetland mitigation.

This project is located on I-405 within the Cities of Renton and Bellevue, King County, WA.

WRIA: 8 Watershed Name – Lake Washington/Cedar/Sammamish

Sections 5, 8, and 17

T23N R4E

Sections 4, 9, 16, 17, 20, 29, and 32

T24N R5E

AUTHORITIES

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this application 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 (FWPCA §§ 301, 302, 303, 306 and 307);
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; and
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.

WATER QUALITY CERTIFICATION CONDITIONS

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will comply with applicable water quality standards and other appropriate requirements of state law. 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, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize WSDOT 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 certification absolves Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments resulting from project construction or operations.

A. General Conditions

1. In this Order, the term “Applicant” shall mean the WSDOT and its agents, assignees, and contractors.
2. All submittals required by this Order shall be sent to the HQ Office, Attn: Federal Permit Manager, P.O. Box 47600, Olympia, WA 98504 or via e-mail to fednotification@ecy.wa.gov and cc to hema461@ecy.wa.gov. The submittals shall be identified with Order 16156 and include the Applicant name, project name, project contact, and the contact’s phone number.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on September 19, 2017, updated materials submitted on November 9, 2018 and the I-405 Program Culvert Plan submitted November 27, 2018.
4. The Applicant shall submit final design drawing and plans for work in May Creek and Johns Creek to Ecology for review and approved prior to any construction within those creeks.
5. The Applicant shall obtain Ecology review and approval before undertaking any changes to the proposed project that might significantly and adversely affect water quality, other than those project changes required by this Order.
6. Within 30 days of receipt of any updated information, Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
7. This Order shall be rescinded if the Corps of Engineers does not issue an Individual Section 404 Water Quality permit.
8. The Applicant shall send (per A.2.) a copy of the Corps Section 404 Permit to Ecology’s Federal Permit Manager within two weeks of receiving it.
9. The Applicant shall keep copies of this 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.

10. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
11. 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.
12. 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.
13. The Applicant 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 Order and all permits, approvals, and documents referenced in this Order. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each signatory that s/he has read and understands the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.
14. This 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 Order.
15. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

B. Notification Requirements

1. Notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager or via e-mail to fednotification@ecy.wa.gov and cc to Project Manager, Marc J. Hershfield, at hema461@ecy.wa.gov. Notifications shall be identified with Order No. 16156 and include the Applicants name, project name, project location, project contact and the contact's phone number.
 - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any of this Orders conditions.
 - a. In addition to the phone or e-mail notification, the Applicant 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.

- 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 for each in-water work window.
 - d. At least seven (7) days prior to completing each wetland and stream mitigation site.
 - e. At least seven (7) days prior to starting construction of the Mercer Slough Stormwater Facility
 - f. At least seven (7) days within project completion.
2. Ecology has received and reviewed the *DRAFT I-405 Program Culvert Plan, November 2018* (hereafter called the “culvert plan”) for the I-405 Renton to Bellevue Project Contract 2.
- a. Prior to implementing either option identified in chapter 5 of the draft culvert plan the Applicant shall submit written notification and final design and plans to Ecology for review and approval. Upon receipt of the information, Ecology (within 30 days) will determine if the selected option requires a water quality certification or if a modification to this Order is required.
 - b. The Applicant shall submit annual status reports regarding the implementation of the culvert plan by December 31 of any given year (starting December 31, 2019) until the plan has fully been implemented. The status report should include at least:
 - i. Documentation of the progress towards implementing the culvert plan;
 - ii. Identify upcoming activities for the coming year; and
 - iii. Summarize all coordination efforts pertaining to implementation of the plan.

C. Timing

1. This Order will expire when all its conditions have been met and upon receipt of a closeout letter from Ecology.
2. ~~In-water work is subject to a fishery closure window determined by Washington Department of Fish & Wildlife’s Hydraulic Project Approval (HPA). All in-water work shall be completed only within the work window of June 15 to August 31 within the wetted perimeter of May Creek, only between September 30 for work within the wetted perimeter of the F-type state waters, other than May Creek, and only between May 15 to September 30 for work within the wetted perimeter of the N-type state waters of any given year. Any project change that requires a new or revised HPA should be sent to Ecology for review.~~
2. ~~In-water work is subject to a fishery closure window determined by Washington Department of Fish & Wildlife’s Hydraulic Project Approval (HPA). All in-water work shall be completed only within the work window of June 15 to August 31 within the wetted~~

~~perimeter of May Creek, only between September 30 for work within the wetted perimeter of the F type state waters, other than May Creek, and only between May 15 to September 30 for work within the wetted perimeter of the N type state waters of any given year. A one time exception is granted for UNT.08.LW.0283 (Gypsy creek) allowing work to occur within the wetted perimeter from January 2, 2024 to September 30, 2024. Any project change that requires a new or revised HPA should be sent to Ecology for review.~~

2. In-water work is subject to a fishery closure window determined by Washington Department of Fish & Wildlife's Hydraulic Project Approval (HPA). All in-water work shall be completed within the following work windows of any given year:
 - June 15 to August 31 within the wetted perimeter of May Creek,
 - June 15 to September 30 within the wetted perimeter of F type state waters (other than May Creek),
 - May 15 to September 30 within the wetted perimeter of N type state waters.

Exceptions to the existing fish windows are granted for the construction season of 2024:

- UNT.08.LW.0283 (Gypsy Creek) – January 2 to November 1
- Stream 7.7a – June 15 to November 1
- Stream 10.0 – June 15 to November 8
- Stream 8.15 – May 15 to December 31

If work needs to be conducted outside of these windows, the applicant shall update the WQMPP for this project and submit it to Ecology.

D. Water Quality Monitoring & Criteria

~~1. The following water bodies: Stream 4.61, Johns Creek, Clover Creek, May Creek, UNT 08.LW.0283, UNT 08.LW.0283, UNT 08.LW.7.7A, UNT 08.LW.7.7, UNT 08.LW.7.8, Stream 8.05, Stream 8.12, Stream 8.15, Stream 8.22, Stream 8.31, Stream 8.55, Stream 8.7, Stream 8.9, Lakehurst Creek, Stream 9.8, Stream 9.9, Stream 10.0, Coal Creek, Richards Creek, Stream 11.8. are categorized as Salmonid Spawning, Rearing, and Migration and the criteria of the categorization apply as described in WAC 173-201A-200.~~

1. The following water bodies: Stream 4.61, Johns Creek, Clover Creek, May Creek, UNT 08.LW.0283, UNT 08.LW.0283, UNT 08.LW.7.7A, UNT 08.LW.7.7, UNT 08.LW.7.8, Stream 8.15, Stream 8.55, Stream 8.7, Stream 8.9, Lakehurst Creek, Stream 9.8, Stream 9.9, Stream 10.0, Coal Creek, Richards Creek, and natural drainages 8.05, 8.12, 8.22 and 8.31 are categorized as Salmonid Spawning, Rearing, and Migration and the criteria of the categorization apply as described in WAC 173-201A-200.

2. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A,
3. The Applicant shall submit a Water Quality Monitoring and Protection Plan (WQMPP) to the Federal Permit Manager for review and approval at least 20 days prior to beginning work for each activity below the ordinary high water line (OHWL), in-water and over-water. **Work is not authorized to begin until approval is received.** At a minimum, the WQMPP shall include:
 - a. The names(s) and phone numbers (s) of the Pollution control inspector and the person responsible for on-site monitoring and report;
 - b. The BMPs and procedures to be used to protect water quality during specific proposed below the ordinary high water mark, in-water and over-water activities;
 - c. A water sampling plan for turbidity and pH, which include sample locations and frequency;
 - d. Sampling locations for turbidity shall include, but are not limited to; background, half the distance to the point of compliance and at the point of compliance, unless otherwise approved by Ecology.
 - e. A map with numbered or named sampling locations associated with the in-water work activities.
 - f. Contingencies during in-water work activities
4. Ecology must approve, in writing, any changes or additions to the WQMPP.
5. Monitoring results shall be submitted monthly to the Ecology Federal Permit Manager, per condition A.2.
6. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

E. Construction

General Conditions

1. The Applicant shall comply with the conditions of the current Construction Stormwater Permit (National Pollutant Discharge Elimination System – NPDES) issued for this project.
2. 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

¹ Project limits include mitigation sites, staging areas, borrow sources, and other sites developed or used to support project construction.

construction (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.
3. 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.
 4. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
 5. 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.
 6. 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.
 7. 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.
 8. All equipment being used below the ordinary high water mark shall utilize bio-degradable hydraulic fluid.

Equipment & Maintenance

9. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Manager before placing the staging area in the setback area.

² A stage is part of a project that has been separated into at least two distinct areas to be built during separate timeframes.

10. 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.
11. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this Order.
12. 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.
13. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.
14. 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.

Bridge Construction and Demolition

15. No structural material may enter water of the state during bridge demolition activities.
16. During demolition, structures shall be removed from the banks, existing roads, or from adjacent bridges whenever possible. When necessary, equipment may operate below the OHWL, provided the work is consistent with the project's most recent HPA.
17. The Applicant shall minimize disturbance of vegetation when constructing the temporary work platforms for bridge construction and demolition activities.
18. Ground improvement activities for the new bridge shall not cause exceedence of water quality standards for turbidity.
19. All forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
20. All concrete shall be completely cured prior to coming into contact with water.
21. 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.

22. Placement of recycled concrete shall not be used in locations associated with streams, wetlands or groundwater will not be permitted.
23. All saw cut water and debris generated from saw cutting activities that occur above water shall be contained and disposed of appropriately with no possible entry to waters of the state.
24. All excavated sediment shall be disposed upland in an approved disposal site.
25. If drilled shafts are used for the project, a separate concrete containment and disposal plan will be included in the TESC plan.
26. If synthetic or mineral slurries are used in the drilled shafts, the slurry water (process water) shall not be discharged to waters of the state, including wetlands, or infiltrated in upland areas. The slurry shall be contained and disposed of at an approved site and the Applicant shall notify Ecology on the location of the disposal site.

Culvert Work & Stream Bypass

27. All culvert work shall be conducted in the dry or in isolation from stream flow, unless otherwise authorized by Ecology.
28. Stream flow isolation work shall not scour the stream channel or banks of the water body in which the work is being done.
29. To minimize sediment releases into downstream water, water reintroduced to the channel shall be done gradually and at a rate not exceeding the normal stream flow.
30. Culverts shall be installed to avoid inlet scouring and prevent downstream bank erosion.
31. Fill associated with culvert installation shall be protected from erosion to the 100-year peak flow.

Bank Stabilization

32. Prior to returning stream flow to the de-watered work area, all proposed bank protection measures shall be in place.

Ground Improvements

33. Ground improvement activities shall not cause exceedence of water quality standards for turbidity.

F. Compensatory Mitigation Conditions

1. The Applicant shall mitigate wetland and stream impacts as described in the *I-405 Renton to Bellevue Express Toll Lanes Wetland and Stream Mitigation Report* (hereafter called

the “mitigation report”) prepared by Rob Thomas of the I-405/SR 167 Design Build Program, dated, December 2018 or as revised and approved by Ecology.

2. Prior to impacting wetlands, the Applicant shall submit to Ecology documentation from the bank sponsor verifying the purchase of Springbrook Creek Wetland Mitigation Bank credits specified in the mitigation report. This documentation must include the permit number, permit issuance date, impact acreage, the amount of credits required by the permit, and date of credit purchase.
3. The Applicant shall complete the purchase of credits before the impacts to wetlands occur or Ecology may require additional compensation to account for temporal loss of wetland functions.
4. If the credits are not purchased within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
 - a) I-405 Renton to Bellevue Express Toll Lanes
 - b) When bank credits will be purchasedWith the:
 - c) Reason for the delay
 - d) Expected date of completion.The Applicant shall submit an updated written notification every 12 months thereafter until the I-405 Renton to Bellevue Express Toll Lanes is complete and the required credits are purchased.
5. The Applicant shall notify Ecology of any changes to the amount of wetland impacts, or revisions to the mitigation plan, in writing to Ecology for review and approval before work begins.
6. Until the Applicant has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Applicant's obligation under Condition F.1 to mitigate for wetland impacts is not met.

G. Emergency/Contingency Measures

1. The Applicant shall develop and implement a spill prevention and containment plan for this project and shall have spill cleanup material available on site at all times during construction.
2. Work causing distressed or dying fish, 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 Applicant shall notify the Ecology Federal Permit Manager per condition B.1.a. 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/or 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, Washington State Department of Fish & Wildlife and Washington Emergency Management Division (1-800-258-5990) 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.
3. Notify Ecology's Regional Spill Response Office (425-649-7000) 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.