



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

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

February 27, 2025

Astronics Advanced Electronic Systems  
Attn: David J. Rhoden  
12950 Willows Road NE  
Kirkland, WA 98034

Re: Termination of Section 401 Water Quality Certification Order No. 13151

Dear David Rhoden:

For the reasons stated below, the Department of Ecology (Ecology) hereby terminates Section 401 Water Quality Certification Order No. 13151, pursuant to RCW 90.48.120.

### **Project Background**

On February 22, 2016, Ecology issued a Section 401 WQC to Astronics Advanced Electronic Systems for the expansion of Astronics buildings and parking area in wetlands, Kirkland, King County, Washington. Ecology is terminating Order No. 13151 because the project did not proceed as planned and the associated U.S. Army Corps of Engineers Section 404 permit expired on February 14, 2025.

### **Your right to appeal**

You have a right to appeal this Termination letter 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 Termination letter:

- File your notice of appeal and a copy of this Termination letter 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 Termination letter on the Department of Ecology by 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.

## Address and Location Information

### 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](mailto:ecologyappeals@ecy.wa.gov)

If you have questions, please contact Dana Mock at 360-742-2826 or [dana.mock@ecy.wa.gov](mailto:dana.mock@ecy.wa.gov).

Sincerely,



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

Enclosures: Section 401 Water Quality Certification Order No. 13151

By Certified Mail: 91 7199 9991 7036 8715 4867



Termination of Section 401 Water Quality Certification Order No. 13151  
Aquatics No. 135110, Corps No. NWS-2014-283  
February 27, 2025  
Page 3 of 3

Sent by email to: [David.Rhoden@astronics.com](mailto:David.Rhoden@astronics.com)

E-cc: Shane Shelburne, U.S. Army Corps of Engineers  
Dana Mock, Ecology  
Joe Burcar, Ecology  
Neil Molstad, Ecology  
Austin Schmalz, Ecology  
Erin Hanlon Brown, Ecology  
[Ecyrefedpermits@ecy.wa.gov](mailto:Ecyrefedpermits@ecy.wa.gov)



**IN THE MATTER OF GRANTING A ) ORDER #13151**  
**WATER QUALITY ) Corps Reference #NWS-2014-283**  
**CERTIFICATION TO ) Expansion of Astronics Building and Parking**  
**Astronics Advanced Electronic ) Area Project; Wetlands, Kirkland, King County,**  
**Systems ) Washington.**  
in accordance with 33 U.S.C. 1341 )  
(FWPCA § 401), RCW 90.48.120, RCW )  
90.48.260 and Chapter 173-201A WAC )

TO: Tim Borland  
Astronics Advanced Electronic Systems  
12950 Willows Road NE  
Kirkland, WA 98034

On September 29, 2014, Astronics Advanced Electronic Systems submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification. A request to withdraw and re-apply for a 401 Certification was submitted on August 26, 2015. The U.S. Army Corps of Engineers (Corps) distributed a joint public notice regarding the request for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on March 2, 2015. On September 4, 2015, Ecology issued a second public notice.

The operations expansion would include construction of a three-story, 130,000-square-foot building, parking area, and associated infrastructure.

Mitigation for the 0.7 acre of Category III wetland fill would include purchase of credits from the King County Mitigation Reserves In-Lieu Fee Program. Additionally, 2,280 square feet of riparian buffer would be restored on site.

The project is located at 12950 Willows Road NE, Kirkland, King County, Washington, in wetlands, Section 22, T. 26N, R. 5E, WRIA 8.

**AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has examined 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.

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 not violate 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 the Applicant to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments occurring because of project construction or operations.

**A. General Conditions:**

- A1. For purposes of this Order, the term "Applicant" shall mean Astronics Advanced Electronic Systems and its agents, assignees and contractors.
- A2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Northwest Regional Office, Attn: 401/CZM Federal Project Manager, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452. Any submittals shall reference Order #13151 and Corps Reference #NWS-2014-283.
- A3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on September 29, 2014. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
- A4. Within 30 days of receipt of an updated JARPA, 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.
- A5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue an individual Section 404 permit.
- A6. The Applicant shall provide to Ecology's 401/CZM Federal Permit Manager a copy of the final Corps permit within 2 weeks of receipt of the permit. A copy shall be submitted per condition A2 above.

- A7. Copies of this Order shall be kept 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.
- A8. 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.
- A9. 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.
- A10. The Applicant shall ensure that all appropriate project engineers and contractors at the project site 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 project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project or mitigation sites.
- A11. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state (including wetlands) or related aquatic resources, except as specifically provided for in conditions of this Order.
- A12. Failure of any person or entity to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce its terms.

**B. Native Planting Conditions:**

- B1. Except as modified by this Order, the native planting area is described in *Critical Areas Mitigation Plan, Astronics Expansion Project, City of Kirkland, Project File # ZON15-00875* - Talasaea Consultants, Inc., dated 8 December 2015 (hereafter, Mitigation Plan).
- B2. In addition to conditions in the above-referenced planting plan, the following requirements shall be conditions of this Order:
  - a. As-Built Report (Year 0): A report documenting the topographic contours and plants installed in the mitigation areas must be prepared when site construction and planting are completed. The report shall include the following:
    - i. Vicinity map showing site access.

- ii. Drawings that clearly identify in plain view the location and square footage of the planted area.
- iii. The installed planting scheme showing approximate locations of plants and the time of planting.
- iv. Photographs of planting areas taken from permanent reference points.
- v. Locations of photo points and sampling sites.
- vi. A description of any changes to the mitigation plan that occurred during construction.
- vii. Provisions for maintenance and monitoring of plants.

A copy of the as-built report shall be sent to Ecology's Northwest Regional Office, per Condition A2, within 60 days of completing installation of the mitigation measures.

- b. Monitoring: The condition of riparian plantings shall be recorded in years 1, 3, and 5 after the Year 0 report. Monitoring reports should document plant survival and vigor and include representative photos from permanent locations. Copies of all monitoring reports shall be submitted to Ecology per Condition A2 above by December 31 of each year that they are due.

- c. Performance Standards:

The project shall meet the following performance standards:

- Planting survival and cover shall meet the performance standards listed in Mitigation Plan Objective A (pp. 5-6).
  - Invasive non-native species shall meet the performance standards listed in Mitigation Plan Objective B (p. 6) except that cover of Japanese knotweed shall be 0% for each year during the monitoring period.
- d. Maintenance: The Applicant is responsible for maintenance and protection of the native vegetation planting area both throughout and after the 5-year monitoring period for riparian plantings. All plants that fail to survive for one (1) year after planting shall be replaced before or at the beginning of the next growing season.

### **C. Wetland Compensatory Mitigation Conditions:**

- C1. The Applicant shall mitigate wetland impacts as described in the following, (hereafter together called the "ILF Use Plan"), or as revised and approved by Ecology:
  - *Astronics Expansion Project In-Lieu-Fee Use Plan*, dated April 30, 2015.
  - Email from Jennifer Marriott, Talasaea Consultants, Inc., to Paul Anderson, Ecology, RE: *Astronics Mitigation Report (TAL-1467)*, including attachments (revised *Table 4 Credit/Debit Wetland Scores* and revised *Summary of Credits and Debits*), dated February 11, 2016.

- C2. The Applicant shall obtain a Statement of Sale from the Sponsor as documentation of purchase of 16.291 acre-credits for this impact project (see A2). A copy of the Statement of Sale must be submitted to Ecology (see A2) within 60 days of receipt by the Applicant or before impacting wetlands, whichever is sooner for the debit project.
- a. Documentation from the Sponsor shall include:
    - i. Ecology's Order number.
    - ii. Order issuance date.
    - iii. Description of mitigation credits purchased,.
    - iv. Signatures from the Sponsor and the Applicant.
- C3. The Applicant shall notify and submit in writing to Ecology (see A2) any proposed changes to the amount of wetland impacts, revision to the ILF Use Plan, and/or submittal of new information (see B2) for review and approval before work begins.
- C4. The Applicant shall complete the purchase of credits before the impacts to wetlands occur, or Ecology may require additional compensation to account for additional temporal loss.

**D. Conditions for Construction Activities:**

**General Conditions:**

- D1. Applicant shall obtain and comply with a Construction Stormwater General Permit for this project.
- D2. Construction stormwater, sediment, and erosion control best management practices (BMPs; *e.g.*, filter fences, etc.) suitable to prevent exceedances of state water quality standards shall be in place before starting construction at the site.
- D3. Sediment and erosion control measures shall be inspected and maintained prior to and during project implementation.
- D4. All construction debris shall be properly disposed of in a manner to prevent it from entering the wetlands and/or wetland buffers.
- D5. Machinery and equipment used during construction shall be serviced, fueled, and maintained upland, unless otherwise approved by Ecology, in order to prevent contamination to any surface water.
- D6. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall be contained for proper disposal, and shall not be discharged into state waters or storm drains.



D7. Clean Fill Criteria: Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.

**E. Emergency/Contingency Measures:**

E1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project.

E2. The Applicant shall have adequate and appropriate spill response materials on hand to respond to emergency release of petroleum products or any other material into waters of the state.

E3. 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.

E4. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant shall immediately take the following actions:

- a. Cease operations at the location of the violation or spill.
- b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage.
- c. Notify Ecology of the failure to comply. All oil spills shall be reported immediately to Ecology's 24-Hour Spill Response Team at 1-800-258-5990, **and** within 24 hours of spills or other events to Ecology's 401/CZM Federal Project Manager at (425) 649-7129 or (425) 649-7000.
- d. 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.

Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

**F. Timing Requirements**

F1. This Order is valid until all compliance requirements in the Order have been met and the applicant has received written notification from Ecology to that effect.

**G. Reporting and Notification Requirement Conditions**

- G1. Applicant shall provide notice to Ecology’s 401/CZM Federal Project Manager:
- At least three (3) days prior to the start of construction.
  - Within 14 days after completion of construction at the project site.
- Notification, referencing Corps Reference #NWS-2014-283, Order #13151 can take place by telephone to (425) 649-7129 or (425) 649-7000, fax to (425) 649-7098, or in writing.
- G2. If the project construction is not completed within 13 months of issuance of this Order, the Applicant shall submit per Condition A2 a written construction status report and submit status reports every 12 months until construction and mitigation plantings are completed.

**YOUR RIGHT TO APPEAL**

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. 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 both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

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

**ADDRESS AND LOCATION INFORMATION**

Street Addresses	Mailing Addresses
<p><b>Department of Ecology</b>                      Attn: Appeals Processing Desk                      300 Desmond Drive SE                      Lacey, WA 98503</p> <p><b>Pollution Control Hearings Board</b>                      1111 Israel Road SW                      STE 301                      Tumwater, WA 98501</p>	<p><b>Department of Ecology</b>                      Attn: Appeals Processing Desk                      PO Box 47608                      Olympia, WA 98504-7608</p> <p><b>Pollution Control Hearings Board</b>                      PO Box 40903                      Olympia, WA 98504-0903</p>

## CONTACT INFORMATION

Please direct all questions about this Order to:

Rebekah Padgett  
Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008  
(425) 649-7129  
[rebekah.padgett@ecy.wa.gov](mailto:rebekah.padgett@ecy.wa.gov)

## MORE INFORMATION

### Pollution Control Hearings Board Website

[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)

### Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

### Chapter 371-08 WAC – Practice And Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

### Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

### Chapter 173-204 WAC – Sediment Management Standards

[www.ecy.wa.gov/biblio/wac173204.html](http://www.ecy.wa.gov/biblio/wac173204.html)

### Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

[www.ecy.wa.gov/biblio/wac173200.html](http://www.ecy.wa.gov/biblio/wac173200.html)

### Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

[www.ecy.wa.gov/biblio/wac173201A.html](http://www.ecy.wa.gov/biblio/wac173201A.html)

## SIGNATURE



Erik Stockdale, Section Manager  
Shorelands and Environmental Assistance Program  
Northwest Regional Office

2-22-2016

Date