



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

June 24, 2008

**REGISTERED MAIL**  
**RB 252 945 647 US**

Sea Breeze Olympic Converter, L.P.  
ATTN: Ms. Resja Campfens  
Lobby Box 91, Suite 1400  
333 Seymour Street  
Vancouver, British Columbia V6B 5A6

RE: Water Quality Certification Order No. **5671** and Coastal Zone Management consistency determination for Corps Public Notice No. NWS-2006-0595-SO, for the Port Angeles – Juan de Fuca Transmission Cable Project, Port Angeles, Clallam County, Washington

Dear Ms. Campfens:

On August 31, 2007, Sea Breeze Olympic Converter, L.P., submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the federal Clean Water Act for the proposed installation of a 550-megawatt (MW) High-Voltage Direct Current Light (HVDC Light) power transmission system that will extend from the City of Port Angeles, Clallam County, Washington, through Port Angeles Harbor and the Strait of Juan de Fuca to Victoria, British Columbia, Canada. A revised JARPA for this proposal was submitted to Ecology on November 1, 2007. The U.S. Army Corps of Engineers issued a public notice on January 16, 2008, for the proposed project.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice 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 conditions contained in the enclosed Order.

On January 18, 2008, Sea Breeze Olympic Converter, LP, submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with the applicant's determination that the proposed work is consistent with Washington's CZMP. This concurrence is based upon the applicant's compliance

with all applicable enforceable policies of the CZMP, including Section 401 of the Federal Water Pollution Control Act.

If you have any questions, please contact Lori Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Perry J Lund, Unit Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

PJL:LO:dn  
Enclosure

cc: Olivia Romano, U.S. Army Corps of Engineers  
Attached List

e-cc: Loti Ochoa, Ecology, SWRO SEA  
Loree' Randall, Ecology, HQ SEA  
Rick Mraz, Ecology, SWRO SEA  
Laura Inouye, Ecology, HQ SEA  
Jeff Stewart, Ecology, SWRO SEA  
Deborah Cornett, Ecology, SWRO WQ  
Cynthia Erickson, Ecology, SWRO TCP

**IN THE MATTER OF GRANTING A ) ORDER # 5671**  
**WATER QUALITY ) Corps Reference No. NWS-2006-0595-SO**  
**CERTIFICATION TO ) for the installation of a 550 megawatt (MW)**  
**Sea Breeze Olympic Converter LP ) High Voltage Direct Current Light (HVDC**  
in accordance with 33 U.S.C. 1341 ) Light) electrical transmission system extending  
(FWPCA § 401), RCW 90.48.120, RCW ) from the City of Port Angeles, through Port  
90.48.260 and Chapter 173-201A WAC ) Angeles Harbor and the Strait of Juan de Fuca, to  
) Victoria, British Columbia, Canada.  
)

TO: Sea Breeze Olympic Converter LP  
ATTN: Ms. Resja Campfens  
Lobby Box 91, Suite 1400, 333 Seymour Street  
Vancouver, British Columbia V6B5A6

On August 31, 2007, Sea Breeze Olympic Converter LP submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A revised JARPA was submitted to Ecology on November 1, 2007. A public notice regarding the request was distributed by the U.S. Army Corps of Engineers (Corps) for the above-referenced project pursuant to the provisions Chapter 173-225 WAC on January 16, 2008.

The project is proposing to construct a 550-megawatt (MW) 30.9 mile High-Voltage Direct Current Light (HVDC Light) power transmission system extending from Victoria, British Columbia, Canada to Port Angeles, Clallam County, Washington. Approximately 10.5 miles of the cable will be located within Washington State waters.

The project is located in the Strait of Juan de Fuca and Port Angeles Harbor, Port Angeles, Clallam County, WA, NE Quarter Section 1, Township 30 North, Range 6 West; WRIA 18, Elwha-Dungeness Watershed.

The cable will be buried three to five feet deep in a trench into the sea floor for most of its length. Up to 29,000 cubic yards of sediment will be temporarily displaced by the cable installation. The sea floor sediment that is disturbed during trenching would fall back into the trench and bury the cable immediately after the cable is placed in the trench. Transition from land to the marine environment will occur through a horizontally directionally drilled hole extending from Liberty Street in the City of Port Angeles under the bluff and the near-shore environment to an exit point about 1500 feet waterward of the Mean High Water (MHW) line, in a water depth of about - 42 feet mean Low Lower Water (MLLW) line. About 40 cubic yards of marine sediment will be excavated at the HDD exit point. These sediments will be placed on a boat/barge and will be used to backfill the HDD pit. In areas where the sea bed is too rocky, the cable will be laid on the sea floor without trenching. To protect the cable in these areas, a concrete or grout blanket or mattress will be placed over the cable.

## **AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, 16 U.S.C. § 1456, 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, 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 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 as a result of project construction or operations.

## **General Conditions:**

1. For purposes of this Order, the term "Applicant" shall mean Sea Breeze Olympic Converter LP and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Southwest Regional Office, Attn: Federal Permit Coordinator, SEA Program, P.O. Box 47775, Olympia, WA 98504-7775. Any submittals shall reference Order No. **5671** and Corps No. **NWS-2006-0595-SO**.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on August 31, 2007, and as revised on November 1, 2007. 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.

4. 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.
5. This Order shall be rescinded if the U.S. Army Corps of Engineers does not issue a Section 404 permit.
6. This Order does not exempt, and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000.00) per violation for each day of continuing noncompliance.

**B. Water Quality Conditions:**

1. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-210(1)(e)(i).
2. Turbidity shall be assessed and recorded at a minimum of every four (4) hours during daylight hours when in-water activities are being conducted. Monitoring points shall be at the point of compliance as specified in WAC 173-201A-210(1)(e)(i), which allows a radius of a 150-foot temporary area of mixing from the in-water activities. The Applicant must monitor the water for any visual signs of turbidity at the point of compliance.
  - a. For this project, the following is considered to be an exceedance of the water quality turbidity standard:
    - i. If project-related turbidity is visible at a 150 feet radius from the in-water activity.
3. If water quality exceedances are observed outside of the point of compliance, work shall cease immediately and the Applicant or the contractor shall assess the cause of the water quality problem and take immediate action to stop, contain, correct the problem and/or prevent further water quality turbidity exceedances. If an exceedance occurs, the Applicant shall follow the protocols and notification procedures below:
  - a. Notification of exceedances that are detected through water quality monitoring shall be made to Ecology within 24 hours of occurrence. Notification shall be made per Condition A2 above. The Applicant shall, at a minimum, provide Ecology with the following information:
    - i. A description of the nature and cause of non-compliance, including the quantity and quality of any unauthorized discharges;
    - ii. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance; and,
    - iii. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the non-compliance.
    - iv. In addition, within five (5) days after notification of an exceedance, the Applicant shall submit a written report to Ecology that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, photographs, and any other pertinent information.
4. Mitigation and/or additional monitoring may be required if water quality standards are not met.

**C. Document Submittals Required:**

1. Additional Plans and Reports are required of the Applicant. The Applicant shall prepare and submit the following plans to Ecology's Federal Permit Coordinator per condition A2 above.

a. HDD Implementation Plan

- i. The HDD Implementation Plan will be submitted to Ecology for a minimum 30 day review period prior to the start of construction. The Implementation Plan shall include:
  - Contingency Measures that will be taken should the drilling fail. Contingency measures shall include a discussion of how many times the HDD will be attempted and alternative methods for anchoring the cable if needed.
  - Location of HDD entry and exit points. The exit point shall be located in water deep enough to minimize the potential for wave scour. If that is not possible, the HDD plan shall address the reason for an alternative exit point and provide a plan to monitor for scouring.
  - Size and depth of pit.
  - Preventative measures that will be in place to prevent seepage of drilling fluid and any corrective measures that may be taken if there is a "frac-out";

b. Final Sampling Plan and Sediment Characterization

- i. Sediment sampling will be conducted along the cable route, which is to be trenched, between the entrance of Port Angeles Harbor and the HDD exit hole. Sampling shall be conducted as defined in the *Preliminary Sediment Sampling Plan* dated March 24, 2007. The final Sampling Plan shall be provided to Ecology for review at least 120 days prior to construction.
- ii. The Sediment Characterization will be provided to Ecology for review and approval at least 30 days prior to construction. Based on the results of the analysis, Ecology will provide final approval of the corridor footprint. Ecology may also require additional BMPs, monitoring, and/or mitigation based on the results.

**D. Timing:**

1. This Order is valid until all compliance requirements in this document have been met.
2. In-water work shall be subject to the timing limitations imposed by the most current Hydraulic Project Approval (HPA) issued by the Washington Department of Fish and Wildlife's (WDFW) for this project.

**E. Notification Requirements:**

1. Written notification (FAX, e-mail, or mail) shall be made to Ecology's Federal Project Coordinator in accordance with condition A.2 above for the following activities:
  - a. At least ten (10) days prior to the pre-construction meeting
  - b. At least ten (10) days prior to the onset of any work on site

- c. At least ten (10) days prior to the onset of in-water work, including wetlands
- d. At least ten (10) days prior to the onset of work at the wetland mitigation site
- e. Immediately following a violation of the state water quality standards or any condition of this Order

## **F. Construction Conditions:**

### **General**

1. All work in and near the water shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMP's) suitable to prevent exceedances of state water quality standards shall be in place before starting clearing, filling, and grading work and shall be maintained throughout construction.
2. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors, and stockpile sites shall be clearly marked. Sensitive areas and their buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing or flagging that identifies sensitive area boundaries. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.
3. During construction, the Applicant shall comply with all stormwater requirements within the current NPDES Construction Stormwater General Permit issued for this project.
4. The Applicant shall establish a separate contained area for washing down vehicles and equipment, which does not have any possibility of draining to surface waters and wetlands. No wash water containing sediments, oils, grease, or other hazardous materials resulting from wash down of the work area, tools, and equipment, including concrete delivery trucks or other equipment used for concrete work, shall not be discharged into state waters or storm drains.
5. Machinery and equipment used during upland activities shall be serviced, fueled, and maintained on uplands in a confined area in order to prevent containment to waters of the state. Fueling areas will be provided with adequate spill containment. Fueling equipment and vehicles within 100 feet of state waters and wetlands is not allowed.
6. No existing shoreline material (i.e., logs, rocks, gravel cobbles, woody debris, or other bed material) shall be relocated or used as bulkhead armor, as fill, or for any other purpose.
7. All construction debris shall be properly disposed of on land so that it cannot cause water quality degradation to state waters.
8. Turbid water generated from construction activities, including turbid de-watering water, shall not be discharged directly into waters of the state. Turbid water shall be pumped to an upland area to allow the turbid water to settle. The discharge from the upland areas shall meet water quality criteria at the point of discharge into surface waters and/or wetlands.

9. Clean de-watering water that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state.
10. If pipeline anchoring is needed, the Applicant shall use pre-cast concrete/grout blankets unless otherwise approved by Ecology. All concrete/grout must be poured in the dry, or within confined waters not being dewatered, and must be completely cured for seven days prior to coming into contact with waters of the state.

#### **In and Over-Water Work**

11. For the portion of the cable that will be buried in a trench, a seaplow shall be used to minimize the dispersion of sediments in the project area. If that is not possible, the Applicant shall provide Ecology's Federal Permit Coordinator with documentation regarding the alternative method to be used and the reason for its use.
12. Work surface on the cable laying vessel or on uplands shall include a containment basin for the sediment that is to be removed from the drill hole. Containment basins may be constructed of durable plastic sheeting with sidewalls supported by hay bales or support structure to contain all sediment.

#### **G. Emergency/Contingency Measures:**

1. The Applicant shall develop and implement a Spill Prevention and Containment Plan for all aspects of this project, and shall have spill cleanup materials and an emergency call list available on site.
2. During construction, a containment boom and absorbent pads shall be available on the project site at all times to contain spills and capture any debris and other materials released into the waters as a result of construction activities. All accumulated debris shall be collected and disposed of in an approved upland disposal facility.
3. The Applicant shall have a boat available and on site during in-water activities to retrieve any debris entering the water.
4. 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, including wetlands, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant or operator shall immediately take the following actions:
  - a. Cease operations that are causing the compliance problem.
  - 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 finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.

- d. 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.
- e. Immediately notify Ecology's Southwest Regional Spill Response Office at (360) 407-6300 and the Washington State Department of Fish and Wildlife of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.
- f. Submit a detailed written report to Ecology's Federal Permit Coordinator 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.

5. 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, including wetlands.
6. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology's Southwest Regional Spill Response Office at 360-407-6300.

#### **H. Appeal Process:**

You have a right to appeal this Order. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

#### **1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:

The Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board  
4224 - 6th Ave SE Rowe Six, Bldg 2  
Lacey, WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:

The Department of Ecology  
Appeals Coordinator  
PO Box 47608  
Olympia, WA 98504-7608

Deliver your appeal in person to:

OR The Department of Ecology  
Appeals Coordinator  
300 Desmond Dr SE  
Lacey, WA 98503

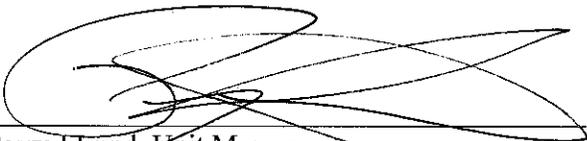
**3. And send a copy of your appeal to:**

Lori Ochoa  
Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Lacey, WA 98504-7775

*For additional information visit the Environmental Hearings Office Website. <http://www.eho.wa.gov>  
To find laws and agency rules visit the Washington State Legislature Website  
<http://www.l.leg.wa.gov/CodeReviser>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

DATED this 24 day of JUNE, 2008 at Lacey, Washington.

  
Perry J Lund, Unit Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office



**Attachment # A**

Sea Breeze Olympic Converter LP  
Juan de Fuca Cable Crossing  
Water Quality Certification Order # **5671**

Statement of Understanding  
Water Quality Certification Conditions

I, \_\_\_\_\_, state that, I will be involved as an agent or contractor for Sea Breeze Olympic Converter LP in the construction and/or installation of a high voltage direct current electrical transmission cable across the Strait of Juan de Fuca from approximately 0.9 miles east of Ediz Hook point, Port Angeles, Clallam County, Washington to the Canada/United States boundary. I further state that I have read and understand the relevant conditions of the Washington Department of Ecology Water Quality Certification Order #5671 and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Title

\_\_\_\_\_  
Phone

\_\_\_\_\_  
Company



ECOLOGY AND ENVIRONMENT INC  
ATTN CAMERON FISHER  
720 3RD AVE SUITE 1700  
SEATTLE WA 98104

WASHINGTON STATE  
DEPT OF FISH AND WILDLIFE COASTAL  
ATTN DAVID MOLENAAR  
48 DEVONSHIRE RD  
MONTESANO WA 98563

DEPARTMENT OF NATURAL RESOURCES  
AQUATIC LANDS DIVISION  
PO BOX 47000  
OLYMPIA WA 98504

CITY OF PORT ANGELES  
COMMUNITY AND ECONOMIC DEVELOPMENT  
ATTN SUE ROBARDS  
PO BOX 1150  
PORT ANGELES WA 98362-0217

CLALLAM CO PUBLIC UTILITIES DISTRICT  
PO BOX 1090  
PORT ANGELES WA 98362-0207

BONNEVILLE POWER ADMINISTRATION  
ATTN STACY MASON  
7710 NE GREENWOOD DR  
PO BOX 61409  
VANCOUVER WA 98666-1409

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50 NORTH LAURA ST  
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