



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

June 13, 2012

Randy Miller
Environmental Scientist, Staff
Williams Gas Pipelines
295 Chipeta Way
Salt Lake City, UT 84108

RE: Water Quality Certification Order #9206 for U.S. Army Corps of Engineers
Reference #NWS-2011-581, North Seattle Delivery Lateral Expansion Project, in
Snohomish County, Washington

Dear Mr. Miller:

On June 23, 2011, Northwest Pipeline GP 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 above 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.

If you have any questions, please contact Rebekah Padgett at (425) 649-7129. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Erik Stockdale, Unit Supervisor
Northwest Regional Office
Shorelands and Environmental Assistance Program

ES:rrp:cja

Enclosure

By certified mail: 7011 0470 0003 3720 9657



cc: Olivia Romano, U.S. Army Corps of Engineers
Carolyn Last, Edge Environmental, Inc.
Jamie Bails, Washington Department of Fish and Wildlife
Sean Callahan, NOAA Fisheries
Karen Myers, USFWS
Doug Sipe, FERC

e-cc: Patrick McGraner – NWRO
Patricia Lambert – NWRO
Loree' Randall – HQ
Raman Iyer – NWRO
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF GRANTING A) ORDER #9206
WATER QUALITY) Corps Reference #NWS-2011-581
CERTIFICATION TO) North Seattle Delivery Lateral Expansion
NORTHWEST PIPELINE GP) Project; Snohomish County, 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: Randy Miller
Environmental Scientist, Staff
Williams Gas Pipelines
295 Chipeta Way
Salt Lake City, UT 84108

On June 23, 2011, Northwest Pipeline GP submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification. A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on July 19, 2011.

The expansion replaces a 2.2-mile section of existing 8-inch-diameter pipeline with 20-inch-diameter pipeline in order to increase delivery capacity. Of the 2.2 miles of existing pipeline, 1.99 miles will be removed and 0.21 mile will be abandoned in place. Additional work includes:

- Installation of new appurtenances
- Modifications to existing appurtenances
- Modifications to existing facilities
- Installation of a new aboveground pig launch/receiver and crossover facility
- Restoration of the right-of-way and temporary work areas

The project will cross 13 waterbody and jurisdictional wetland systems for a total of 2,795.6 feet. The six waterbodies will be crossed using a dry open-cut crossing method (fluming or dam and pump).

Approximately 6 acres of wetlands will be temporarily impacted as a result of this project, including 4.36 acres of palustrine emergent wetlands, 0.23 acre of riverine wetlands, 0.63 acre of palustrine scrub shrub wetlands, and 0.78 acre of palustrine forested wetlands.

Mitigation includes implementation of instream habitat enhancement at East Fork Evans Creek and Evans Creek to restore the Evans Creek channel and to increase access to upstream habitats. Temporal wetland impacts to palustrine forested and scrub shrub wetlands and buffers will be mitigated through purchase of 1.36 credits at the Snohomish Basin Wetland Bank.

The project is located along a 2.2-mile corridor of Northwest Pipeline right-of-way in Snohomish County, Washington, wetlands and multiple creeks, Sections 16, 17, and 18, T. 27 N., R. 6E., WRIA 7.

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; 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 meet the 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.

A. General Conditions:

- A1. For purposes of this Order, the term "Applicant" shall mean Northwest Pipeline GP 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 160th Avenue SE, Bellevue, WA 98008-5452. Any submittals shall reference Order #9206 and Corps Reference #NWS-2011-581.

- A3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on June 23, 2011. 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. 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.
- A6. 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.
- A7. 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.
- A8. 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.
- A9. 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.
- A10. 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. Mitigation Conditions:

- B1. The Applicant shall mitigate impacts as described in the following documents, or as modified by this Order or revised and approved by Ecology:
- *Wetland, Waterbody, and Critical Area Buffer Mitigation Plan, North Seattle Delivery Lateral Expansion Project* (hereafter called the "Mitigation Plan") prepared by Williams Northwest Pipeline GP and dated November 2011.
 - *Wetland Bank Use Plan, North Seattle Delivery Lateral Expansion Project* (hereafter called the "Wetland Bank Use Plan"), prepared by Williams Northwest Pipeline GP, dated April 2012.
 - *Evans Creek Fish Passage Restoration Plan, North Seattle Delivery Lateral Expansion Project* (hereafter called the "Restoration Plan"), prepared by Williams Northwest Pipeline GP, dated May 2012.
- B2. The Applicant shall submit any changes to the Mitigation Plan, Wetland Bank Use Plan, or Restoration Plan in writing to Ecology (see A2) for review and approval before work begins.
- B3. In addition to mitigation measures described in the above-referenced documents, the following requirement shall be conditions for the development and mitigation sites:
- a. Proof of Mitigation Bank Credit Purchase: Prior to impacting wetlands, including buffers, associated with the construction of the project, the Applicant shall submit the following to Ecology per Condition A2:
 - i. The Applicant shall obtain and submit registered documentation from the bank sponsor identifying the first permit requiring a minimum of 1.36 credits for the project to Ecology (see A2). This documentation must be submitted to Ecology (see A2) within 60 days of the issuance of this certification. This documentation must be registered at the Snohomish County Auditor's office and must include the Corps Reference #NWS-2011-581 showing the date that the Corps 404 permit is issued, Ecology Order #9206 showing that the Order was issued on June 13, 2012, and the amount of credits required by the permit.
 - ii. The Applicant shall notify Ecology (see A2) of any changes to the amount of wetland impacts, revision of the mitigation plan, and submittal of new information being registered at the Snohomish County Auditor's office.

- iii. The Applicant shall complete the purchase of mitigation bank credits before the impacts to wetlands occur or Ecology may require additional compensation to account for additional temporal loss.

Implementation

- B4. Unless otherwise approved by Ecology in writing, the Applicant shall purchase mitigation bank credits as proposed before impacting wetlands in order to account for additional temporal loss of wetland functions.
- B5. If the restoration of the impacted site(s) cannot be completed within 13 months of the date of this Order, the Applicant shall inform Ecology, in writing, of the status of
 - a) Any and all wetlands within the pipeline corridor that were impacted by construction of the North Seattle Delivery Expansion Project.With the:
 - b) Reason for the delay.
 - c) Expected date of completion.

The Applicant shall submit an updated written notification every 12 months thereafter until the North Seattle Delivery Expansion Project and restoration are complete.

- B6. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers and above the 100-year floodplain.
- B7. The Applicant shall ensure that no material is stockpiled within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology-approved Mitigation Plan.
- B8. The Applicant shall ensure that no construction debris is deposited within existing wetlands and their buffers at the wetland mitigation site(s) at any time, unless provided for in the Ecology approved Mitigation Plan.
- B9. The Applicant shall not use Polyacrylamide on exposed or disturbed soil at the mitigation site(s).
- B10. The Applicant shall not use hay or straw on exposed or disturbed soil at the restoration site(s).
- B11. If seeding is used at the wetland restoration site, the seed mix must contain native, annual, non-invasive plant species as specified in the Mitigation Plan.

- B12. Upon completion of site-grading and prior to planting, the Applicant shall submit to Ecology written confirmation that the finished grades are consistent with the original contours prior to site disturbance per the approved Mitigation Plan or subsequent Ecology-approved plan changes. Written confirmation can be in the form of a signed letter from the surveyor or project engineer indicating how final elevations were confirmed and whether those elevations are consistent with the original contours.
- B13. Until the Applicant has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Applicant's obligation under Condition B1 to mitigate for impacts is not met.

Riparian Planting

- B14. All disturbance areas shall be replanted with plant densities consistent with the Restoration Plan, Sheet 4 of 27.
- B15. In addition to conditions in the above-referenced sheets, 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 plan 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 photopoints, 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:
- Survival of plantings after two years: 90%; survival after three years: 85%; and survival after four years and beyond: 80%. Percent cover may be substituted for survival after year 3 if individual plants are difficult to locate. Mean percent cover of planted species shall be no less than 40% at year 5.
- 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. Water Quality Condition:

- C1. Elliott, Anderson, East Fork Evans, East Branch of West Fork of Evans, and Evans Creeks, and the Unnamed Tributary to Anderson Creek, are classified as "Core Summer Salmonid Habitat" and the criteria of that class apply except as specifically modified by this Order. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-200(1)(e)(i).
- C2. The Applicant shall implement in-water construction water quality sampling and monitoring per the *Water Quality Monitoring Plan, North Seattle Delivery Lateral Expansion Project* (hereafter called the "Water Quality Monitoring Plan") prepared by Northwest Pipeline, GP, and dated February 2012, or as modified by this Order or revised and approved by Ecology.
- C3. Locations of samples: At a minimum, sampling shall take place at the point of compliance as specified in WAC 173-201A-200(1)(e)(i), which allows a 100-foot temporary area of mixing for turbidity in waterbodies flowing 10 cubic feet per second (cfs) or less, and 200 feet downstream for waterbodies flowing between 10 and 100 cfs, resulting from disturbance of in-place sediments in Elliott, Anderson, East Fork Evans, East Branch of West Fork of Evans, and Evans Creeks, and the Unnamed Tributary to Anderson Creek. Background samples shall be collected outside the area of influence of the in-water work. Background samples shall be collected at the same frequency as the point of compliance samples.
- C4. Sampling for turbidity shall be taken at each in-stream construction location. Sampling shall occur every two (2) hours throughout the first day of in-water construction activity at each location of in-stream work. Subsequent sampling shall occur at a minimum of three (3) times per day during in-water activity if no exceedances are detected. Sampling shall increase if turbidity exceedances occur.

- C5. Visual monitoring (inspections) of both the work area and the areas upstream and downstream of the work area shall be completed during and between sampling efforts for turbidity. Inspections of these areas shall occur during work activity and every one (1) hour throughout all in-water construction activity. Visual monitoring shall increase if turbidity exceedances occur.
- C6. Reporting: If no exceedances are detected, results of water quality sampling shall be forwarded to Ecology on a bi-weekly basis in accordance to Condition A2.
- C7. Notification of exceedances: Notification of exceedances that are detected through water quality sampling shall be made to Ecology within 24 hours of occurrence. Notification shall be made with reference to Order #9206, Attn: 401/CZM Federal Project Manager, by telephone at (425) 649-7129 or (425) 649-7000, or by fax to (425) 649-7098. The Applicant shall, at a minimum, provide Ecology with the following information:
- i. A description of the nature and cause of exceedance.
 - ii. The period of non-compliance, including exact dates, duration, and times and/or the anticipated time when the Applicant will return to compliance.
 - 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 exceedance, turbidity results and location, photographs, and any other pertinent information.
- C8. The release of hydrostatic test water and trench dewatering activities shall be visually monitored in order to ensure that no erosion or sedimentation of wetlands, waterbodies, or other sensitive areas occurs and that turbid water is not discharged to waters of the state. If turbidity is observed, the dewatering operations shall be adjusted in order to ensure that there is no further discharge to waters of the state.
- D. Conditions for Construction Activities:**
- 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 on land so that it cannot enter a waterway or cause water quality degradation to state waters.
- 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. Work in or near the water that may affect fish migration, spawning, or rearing shall cease immediately upon a determination by Ecology that fisheries resources may be adversely affected.
- D8. All manmade debris that has been deposited below the Ordinary High Water Line within the construction work area shall be removed and disposed of upland such that it does not enter waters of the state. Concrete rubble, metal debris, and other debris in the construction work corridor that has washed into wetland and freshwater areas shall be removed from the project area.
- D9. Clean Fill Criteria: Applicant shall ensure that fill (soil) placed for the proposed project does not contain toxic materials in toxic amounts.
- D10. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Sensitive areas to be protected from disturbance shall be delineated and marked with brightly colored construction fence, so as to be clearly visible to equipment operators. Equipment shall enter and operate only within the delineated clearing limits, corridors and stockpile areas.
- D11. Trench breakers shall be installed where necessary in order to prevent wetlands from draining through the pipeline trench and to maintain hydrologic integrity.
- D12. Applicant shall use low-ground-weight construction equipment or pre-fabricated equipment mats or similar measures where necessary in order to minimize ruts or mixing of the topsoil and subsoil in wetlands.
- D13. Drilling mud shall be handled in such a way that it does not enter waters of the state.
- D14. Trench or stream dewatering shall be conducted in order to prevent discharges of turbid water to waters of the state, including wetlands.

- D15. At completion of each stream crossing, flume pipes shall be lifted out of the streambed. Flume pipes may not be dragged from the streambed.
- D16. Hydrostatic test water shall be obtained from municipal sources and may not be withdrawn from surface waters without prior approval from Ecology.
- D17. Discharges from pipeline hydrostatic testing shall be discharged to dewatering structures on the uplands and may not be discharged to waters of the state.

E. Emergency/Contingency Measures:

- E1. The Applicant shall implement the *Spill Plan for Oil and Hazardous Materials, North Seattle Delivery Lateral Expansion Project, Snohomish County, Washington*, prepared by Northwest Pipeline, GP, received by Ecology on June 23, 2011, or as modified by this Order or revised and approved by Ecology.
- 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 this document have been met.

G. Reporting and Notification Requirement Conditions

G1. The Applicant shall provide to Ecology's 401/CZM Federal Permit Manager a copy of the final FERC certificate within 2 weeks of receipt of the certificate. A copy shall be submitted per condition A2 above.

G2. Applicant shall provide notice to Ecology's 401/CZM Federal Project Manager:

- At least three (3) days prior to the start of each construction season.
- Within 14 days after completion of construction for each season at the project site.

Notification, referencing Corps Reference #NWS-2011-581, Order #9206 can take place by telephone to (425) 649-7129 or (425) 649-7000, fax to (425) 649-7098, or in writing.

G3. The Applicant shall notify Ecology's 401/CZM Federal Permit Manager at least seven (7) days prior to beginning of any hydrostatic testing of the pipeline.

G4. 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 planting is complete.

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 all 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.) E-mail 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>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p>Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p>Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903</p>



Erik Stockdale, Unit Supervisor
Wetlands/401 Unit
Shorelands and Environmental Assistance Program
Northwest Regional Office

6-13-2012

June 13, 2012

ATTACHMENT A

**NORTHWEST PIPELINE GP
NORTH SEATTLE DELIVERY LATERAL EXPANSION PROJECT
Water Quality Certification Order #9206**

**Statement of Understanding of
Water Quality Certification Conditions**

I have read and understand the conditions of Order #9206 Section 401 Water Quality Certification for the Northwest Pipeline GP North Seattle Delivery Lateral Expansion Project. I have also read and understand all permits, plans, documents, and approvals associated with the project referenced in this Order.

Signature

Date

Title

Company