



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

June 24, 2005

**REGISTERED MAIL**  
**RR 359 893 607 US**

Toby Schwalbe  
Northwest Pipeline Corporation  
295 Chipeta Way  
Salt Lake City UT 84108

Dear Mr. Schwalbe:

RE: **Order # 2511**  
**U.S. Army Corps of Engineers Reference # 200000892**  
**Water Quality Certification and Coastal Zone Management Consistency** for White River Replacement Project, consisting of construction of three engineered log jams in White River, King County, Washington.

The request for certification for proposed work in and adjacent to the White River has been reviewed. On behalf of the State of Washington, we certify that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as the State response to the Corps of Engineers.

Pursuant to 16 U.S.C. 1456 et. seq. (Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended), Ecology concurs with the applicant's determination that this work will be consistent with the approved Washington State Coastal Zone Management Program. This concurrence is based upon the applicant's compliance with all applicable enforceable policies of the Coastal Zone Management Program, including Section 401 of the Federal Water Pollution Control Act.

This certification is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Alice Kelly at (425) 649-7145. Written comments can be sent to her at the Department of Ecology, 3190 – 160<sup>th</sup> Ave. SE, Bellevue, WA 98008. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Jeannie Summerhays  
Section Manager  
Shorelands and Environmental Assistance Program

JS:AK:rc  
Enclosure

cc: Olivia Romano – Corps of Engineers  
Margaret Hill – Ecology  
Karen Walter – Muckleshoot Indian Tribe  
Larry Fisher – WDFW

Krista Rave-Perkins – EPA  
Yvonne Oliva – Ecology  
Mary Bloomstran – Golder Assoc.



**IN THE MATTER OF GRANTING A ) ORDER # 2511**  
**WATER QUALITY CERTIFICATION ) U.S. Army Corps Reference # 20000892**  
**TO ) Construction of three engineered log jams for**  
**Northwest Pipeline Corporation ) habitat enhancement in the White River; located**  
in accordance with 33 U.S.C. 1341 ) in Section 27, T. 21 N., R. 5 E., King County,  
FWPCA § 401, RCW 90.48.120, RCW ) Washington.  
90.48.260 and Chapter 173-201A WAC )

TO: Toby Schwalbe  
Northwest Pipeline Corporation  
295 Chipeta Way  
Salt Lake City, UT 84108

On June 6, 2005, the U.S. Army Corps of Engineers re-issued Nationwide Permit (NWP) 12 “Utility Line Activities,” NWP 27 “Stream and Wetland Restoration Activities,” and NWP 33 “Temporary Construction, Access, and Dewatering” to Northwest Pipeline Corporation for removal of 665 feet of existing abandoned pipeline, installation of temporary access bridges, temporary stockpiles of excavated material on the gravel bars, removal of the existing erosion prevention structure (North Bank structure), and installation of three engineered log jams. During review of the project, the Department of Ecology (Ecology) determined that an individual Section 401 water quality certification would be required for this project. Ecology issued a public notice pursuant to the provisions of 33 U.S.C. 1341 (FWPCA §401) on May 4, 2005. No comments were received.

The original Nationwide Permit was issued on March 26, 2003, and Water Quality Certification Order 03SEANR-5873 was issued on December 12, 2003. The 2003 Certification authorized the removal of the abandoned 26” pipeline, removal of the north bank structure, and removal of sheet pile from the south bank, with attendant temporary access bridge installation and stockpiling of material on gravel bars. This work is proposed to be completed in 2005, along with the construction of the three engineered log jams authorized by this Certification. Work completed so far includes the successful horizontal directional drill of the 30” pipeline under the White River in 2004.

**AUTHORITIES:**

For purposes of this Order, the term “Applicant” shall mean Northwest Pipeline Corporation and its agents, assigns, and contractors.

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 investigated 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. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 303, 306 and 307);

2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and with other appropriate requirements of state law; 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.

**CONDITIONS OF ORDER # 2511 AND WATER QUALITY CERTIFICATION:**

In view of the foregoing and in accordance with 33 U.S.C. 1341, RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC, water quality certification is granted to the Applicant subject to the following conditions:

**A. No Impairment of Water Quality:**

- A1. The White River is classified as Class AA waters of the state (under the classification system in the 1997 version of Chapter 173-201A WAC). Certification of this proposal does not authorize Northwest Pipeline Corporation to exceed applicable state water quality standards (Chapter 173-201A WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(1) and WAC 173-201A-040 shall apply to this project, unless otherwise authorized by Ecology. Nothing in this certification shall absolve Northwest Pipeline Corporation from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

**B. Notification:**

- B1. The Applicant shall submit an updated application to Ecology if the information contained in the April 2005 JARPA and accompanying documents is altered by route modification or facility relocation submittals to the federal agency and/or state agencies. Within 30 days of receipt of an updated application Ecology will determine if a modification to this Order is required. All submittals shall be sent to Department of Ecology, Federal Permit Coordinator, 3190 160<sup>th</sup> Avenue SE, Bellevue, WA 98008-5452.
- B2. The Applicant shall provide notice to Ecology's Alice Kelly at least 3 days prior to the start of construction in waters of the state. Notification can take place by e-mail to [akel461@ecy.wa.gov](mailto:akel461@ecy.wa.gov), telephone to (425) 649-7145, fax to (425) 649-7098, or in writing.

**C. Water Quality Sampling and Monitoring:**

- C1. Short-Term Modification to the Water Quality Standards: Construction activities waterward of the ordinary high water mark may cause water quality effects that will exceed the state water quality criteria specified in WAC 173-201A. Per WAC 173-201A-110, Ecology may grant a modification to the standards to allow for exceedances of the criteria on a short-term basis when necessary to accommodate essential activities. The White River is classified as Class AA and the criteria of that class apply except as specifically modified by this Order. Turbidity in Class AA waters shall not exceed 5 NTU over background when the background turbidity is 50 NTU or less, or have more than a 10 percent increase in turbidity when the background turbidity is more than 50 NTU.

Mixing zones (or zones of disturbance) can be authorized to allow for temporary exceedances of certain water quality standards in state waters immediately adjacent to a permitted project, after all known, available, and reasonable methods of prevention, control and treatment have been implemented. For this project, a mixing zone of 600 feet from the downstream edge of the in-water activities is considered reasonably sufficient to allow for temporary water quality exceedances. Within the mixing zone, the Class AA standard for turbidity is waived. All other applicable water quality standards shall remain in effect within the mixing zone and all other water quality standards are to be met outside of the authorized mixing zone.

- C2. This modification shall remain in effect for the entire duration of time necessary to complete the work. However the waiver of specified standards within the mixing zone is intended for brief periods of time (such as a few hours or a day) and is not an authorization to exceed those standards for the entire duration of construction. In no case does the waiver authorize degradation of water quality that significantly interferes with or becomes injurious to characteristic water uses, including fisheries habitat, or causes long-term harm to the White River.

C3. Water Quality Sampling and Monitoring:

The Applicant shall comply with the "White River Replacement Project Water Quality Monitoring Plan" dated March 2005, with the following additions and clarifications:

- a) **Engineered Log Jams:** Turbidity monitoring shall take place during all phases of in-water construction and activity below the Ordinary High Water Mark while installing the engineered log jams. Monitoring shall take place a minimum of 4 times per day, in accordance with the sampling described in Section 1.2.1, p. 2 of the Water Quality Monitoring Plan.

- b) The Environmental Inspector shall visually inspect for turbidity in between sampling times. If visual inspection indicates an elevation in turbidity, samples shall be collected even if it is not the designated time of day for collection.
- c) Results of water quality sampling shall be forwarded to Department of Ecology on a weekly basis to Alice Kelly at e-mail [akel461@ecy.wa.gov](mailto:akel461@ecy.wa.gov) or fax (425) 649-7098.

**E. Construction:**

- E1. All construction debris or deleterious material shall be properly disposed of on land more than 200 feet from any waterway, so as not to cause water quality degradation to state waters.
- E2. All excess excavated material shall be disposed of above the 100-year floodplain and shall be contained so as to prevent its re-entry into waters of the state.
- E3. Erosion control devices suitable to prevent exceedances of state water quality standards shall be in place before starting project construction and shall be maintained throughout construction.
- E4. At the completion of construction, hydroseeding may be done to stabilize slopes and soils until other required planting is completed. Hydroseed mix shall consist of native, non-invasive, or annual plant species only.
- E5. Discharges from any pipeline hydrostatic testing shall be either discharged upland, or tested and, if necessary, treated prior to discharge into waters of the state.
- E6. 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.
- E7. Construction Stormwater and Erosion Control: Work in or near waters of the state shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment and erosion control Best Management Practices suitable to prevent exceedances of state water quality standards shall be in place before starting construction or excavation.

- E8. 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. Excavators or mechanical equipment working in or adjacent to waters of the state must be steam-cleaned before coming on-site. The use of non-petroleum based hydraulic oils in equipment is a recommended BMP for in-water construction.

**F. Emergency/Contingency Measures:**

- F1. In the event that the Applicant is unable to comply with any of the permit terms and conditions due to any cause, the applicant shall:
- Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
  - Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-Hour Spill Response Team at (425) 649-7000, and within 24 hours to Ecology's Alice Kelly at (425) 649-7145.
  - Submit a detailed written report to Ecology within five days that describes the nature of the violation, 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.

- F2. 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.

**G. General Conditions:**

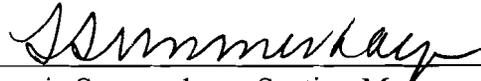
- G1. This certification does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
- G2. The Applicant will be out of compliance with this certification if the project is constructed and/or operated in a manner not consistent with the project description contained in the Public Notice for certification, or as otherwise approved by Ecology. Additional mitigation measures may be required through other local, state, or federal requirements.

- G3. This Order is valid for a period of not more than five years after the signature dated on the last page of this Order. The Applicant shall reapply with an updated application for certification if five years elapse between the date of the issuance of this Order and the beginning of construction and/or discharge for which the federal license or permit is being sought.
- G4. The Applicant will be out of compliance with this certification and must reapply with an updated application if the information contained in the Public Notice is voided by subsequent submittals to the federal agency. Any future action at this project location, emergency or otherwise, that is not defined in the Public Notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.
- G5. 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 foremen, and state and local government inspectors. To avoid violations or non-compliance with this Order, the applicant shall ensure that project managers, construction superintendents, and other responsible parties have read and understand relevant aspects of this Order, and any subsequent revision or Ecology-approved plans.
- G6. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
- G7. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines 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), or if additional conditions are necessary to further protect the public interest.
- G8. Liability: 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) per violation for each day of continuing noncompliance.
- G9. This Water Quality Certification does not confer right of access to property not owned by the applicant. It is the applicant's responsibility to obtain ownership or legal access.

**Appeal Process:**

Any person aggrieved by this Order may obtain review thereof by appeal, within thirty (30) days of receipt of this Order, to the Washington Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, P.O. Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

Dated 6/24/05 at Bellevue, Washington.



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Jeannie Summerhays, Section Manager  
Shorelands and Environmental Assistance Program  
Department of Ecology  
State of Washington