



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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February 22, 2019

Williams/Northwest Pipeline LLC
Attn: Toby Schwalbe
295 Chipeta Way
Salt Lake City, UT 84108

RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 16216,
FERC Docket No. CP17-441-000 North Seattle Lateral Upgrade Project, Snohomish
County, Washington

Dear Toby Schwalbe:

On March 6, 2018, the Department of Ecology (Ecology) received the Joint Aquatic Resources Permit Application (JARPA) for the North Seattle Lateral Upgrade Project (Project) requesting a Cleanwater Act Section 401 Water Quality Certification (WQC). Ecology issued a Public Notice (PN) for the above-referenced Project on May 16, 2018.

The proposed Project entails the removal of up to 5.82 miles of Northwest's existing 8 inch diameter natural gas pipeline, replacing it with a 20 inch diameter pipeline, upgrading the existing North Seattle/Everett delivery meter station, installing a new mainline valve, and installing a new pig launcher/receiver site at the terminus of the 20 inch pipeline. The Project will affect 15 waterbodies and temporarily impact 5.65 acres of wetlands and is located from Milepost 1.94 to Milepost 7.76 between Cathcart and Maltby in section 18, Township 27N, Range 6E, WRIA 7 and 8 in Snohomish County, Washington.

Pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW, and Chapter 173-201A WAC, Ecology is denying without prejudice the North Seattle Lateral Upgrade Project request for a WQC. Receipt of a denial without prejudice does not preclude you from resubmitting a request for a WQC at a later date.

If you have any questions, please contact Kerry Carroll at Kerry.carroll@ecy.wa.gov or (360) 407-7503. The Enclosed Order may be appealed by following the procedures described in the Order.



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Sincerely,



Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program

Enclosure

By certified mail #: 9489-0090-0027-6066-3560-40

cc: Doug Cotton, FERC
Jerry Gregory, U.S. Army Corps of Engineers
Karen Walters, Muckleshoot Indian Tribe

e-cc: ecyrefedpermits@ecy.wa.gov
Randy Middaugh, Snohomish County
Doug Gresham, Ecology, NWRO
Joe Burcar, Ecology, NWRO
Loreé Randall, Ecology, HQ
Kerry Carroll, Ecology, HQ
Kate Thompson, Ecology, HQ

IN THE MATTER OF DENYING)	ORDER No. 16216
SECTION 401 WATER QUALITY)	FERC Docket No. CP17-441-000
CERTIFICATION TO)	North Seattle Lateral Upgrade Project,
Williams/Northwest Pipeline LLC)	Snohomish County, Washington
in accordance with 33 U.S.C. 1341 (FWPCA)	
§ 401), RCW 90.48.260 and Chapter 173-)	
201A WAC)	

Williams/Northwest Pipeline LLC
 Attn: Toby Schwalbe
 295 Chipeta Way
 Salt Lake City, UT 84108

On March 6, 2018, the Department of Ecology (Ecology) received the Joint Aquatic Resources Permit Application (JARPA) for the North Seattle Lateral Upgrade Project (Project) requesting a Cleanwater Act Section 401 Water Quality Certification (WQC). Ecology issued a Public Notice (PN) for the Project on May 16, 2018 pursuant to the provisions of Chapter 173-225 WAC.

The proposed Project entails the removal of up to 5.82 miles of Northwest's existing 8 inch diameter natural gas pipeline, replacing it with a 20 inch diameter pipeline, upgrading the existing North Seattle/Everett delivery meter station, installing a new mainline valve, and installing a new pig launcher/receiver site at the terminus of the 20 inch pipeline. The Project will affect 15 waterbodies and temporarily impact 5.65 acres of wetlands and is located from Milepost 1.94 to Milepost 7.76 between Cathcart and Maltby in section 18, Township 27N, Range 6E, WRIA 7 and 8 in Snohomish County, Washington.

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 request 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.

Pursuant to the foregoing authorities and in accordance with 33 U.S.C. § 1341, RCW 90.48.260, RCW 43.21C.060, Chapter 173-200 WAC and Chapter 173-201A WAC, as more fully explained below, Ecology is denying Williams/Northwest Pipeline LLC's request for Section 401 Water Quality Certification without prejudice.

1. A final State Environmental Policy Act (SEPA) determination for the project has not been issued; and
2. There is not an approved mitigation plan for the project.

With the Clean Water Act one year statutory time frame approaching, Ecology has determined that there is insufficient time to work out the details needed to get reasonable assurance that the Project will meet state water quality laws. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW and Chapter 173-201A WAC, Williams/Northwest Pipeline LLC's request for a WQC is denied without prejudice.

Receipt of a denial without prejudice does not preclude you from resubmitting a request for a WQC at a later date, at which time we will resume our review of the Project.

YOUR RIGHT TO APPEAL

You have a right to appeal this Denial Order (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:

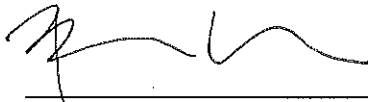
- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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, Suite 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>

SIGNATURE



2-22-19

Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology

Date