



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 22, 2023

Free Flow Power Project 101, LLC c/o Rye Development
Attn: Erik Steimle
830 NE Holladay Street
Portland, OR 97232

Re: Water Quality Certification Order No. **21703** (FERC No. 14861 & Corps No. 202100572),
Goldendale Energy Storage Project, Klickitat County, Washington

Dear Erik Steimle:

On May 23, 2022, Free Flow Power Project 101, LLC c/o Rye Development submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Goldendale Energy Storage Project, Klickitat County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies, with conditions, that the work described in the Water Quality Certification Request and supplemental documents 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 enclosed Water Quality Certification Order (WQC Order).**

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Loree' Randall at 360-485-2796. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Joenne McGerr, Program Manager
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9489 0090 0027 6094 0258 33

Sent via e-mail: erik@ryedevelopment.com

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e-cc: Jess Jordan, U.S. Army Corps of Engineers
Michael Tust, FERC
Chairman Gerald Lewis, Confederated Tribes and Bands of the Yakama Nation
Bridget Moran, American Rivers
Simone Anter, Columbia Riverkeeper
Rebecca Ponzio, Washington Environmental Council
Patricia Arnold, Friends of the White Salmon River
Margie Van Cleve, Sierra Club Washington State
Patrick Verhey, WDFW
Loree' Randall, Ecology
ECYREFEDPERMITS@ecy.wa.gov

**In The Matter of Granting a Water Quality
Certification to Goldendale Energy Storage Project
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120,
RCW 90.48.260 and Chapter 173-201A WAC**

Free Flow Power Project 101, LLC c/o Rye Development
Attn: Erik Steimle
830 NE Holladay Street
Portland, OR 97232

WQC ORDER No.	21703
FERC Reference No.	14861
Corps Reference No.	202100572
Site Location	Goldendale Energy Storage Project, approximately 8 miles southeast of the City of Goldendale, Klickitat County, Washington. WRIA 30

Free Flow Power Project 101, LLC (c/o Rye Development) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act to the Department of Ecology (Ecology) for the Goldendale Energy Storage Project, southeast of the City of Goldendale, Klickitat County, Washington. The key processing dates are referenced below:

- On 4/21/2022, the Free Flow Power Project 101, LLC (c/o Rye Development) submitted a pre-filing meeting request.
- On 5/23/2022, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 8/15/2022, Ecology issued a public notice for the project.

The proposed project is to build a pumped-water storage system capable of generating energy through release of water from an upper reservoir downhill to a lower reservoir. The reservoirs would be off-stream of the Columbia River, with no river or stream impoundments, and vertically separated by 2,400 feet of elevation. The lower reservoir would be located on a portion of the former Columbia Gorge Aluminum (CGA) smelter site. Water to fill the pumped storage system would be drawn from an existing pump station adjacent to an intake pool off-stream from the Columbia River, under a permit that once served the aluminum plant. The pumped storage system would be initially filled then, as needed, would periodically need supplemental fills to offset water lost from evaporation or leakage from the system.

Project activities involve the construction of the upper and lower reservoirs, an underground conveyance system leading from the upper reservoir to an underground powerhouse with

generating/pumping facilities, an underground conveyance system from the powerhouse to the lower reservoir, an access tunnel, a combination underground and overhead transmission line, a substation, and accompanying facilities.

The project would use off-peak energy (i.e., energy available during periods of low electrical demand) to pump water from the lower reservoir to the upper reservoir and generate energy by passing the water from the upper to the lower reservoir through generating units during periods of high electrical demand. Power would be sent from the generators to an underground transformer cavern adjacent to the powerhouse. From there, power would be transmitted via an underground transmission line through the combined access/transmission tunnel to where the line emerges and becomes an overhead transmission line near the west side of the lower reservoir and extends to an outdoor substation/switchyard. From the substation, power would be transmitted through overhead transmission line routed across the Columbia River to BPA's existing John Day Substation.

To construct the lower reservoir, the Project Proponent would need to remove and dispose of the contents of the West Surface Impoundment (WSI), a waste disposal site, address any associated contaminated soils, and decommission and replace 15 groundwater monitoring wells associated with the closed Columbia Gorge Aluminum (CGA) smelter. The WSI was closed in 2004 under the Resource Conservation and Recovery Act (RCRA). It is anticipated that construction of the lower reservoir may require dewatering in an area containing fluoride and sulfate above applicable standards in groundwater. Ecology is currently working with the liable parties for the CGA site to investigate contamination and develop a site-wide cleanup plan. The Project Proponent is seeking a prospective purchaser consent decree to define the cleanup actions needed for the portion of the site they propose to lease for the lower reservoir construction.

No new roads would be constructed to build the project. Access to the upper and lower reservoir sites would be from public roads and private roads (i.e., private road off John Day Dam Road to access the lower reservoir site and private road off Hoctor Road to access the upper reservoir site).

The proposed project would be located along the Columbia River, primarily in Klickitat County, Washington, approximately 8 miles southeast of the City of Goldendale, on John Day Dam Road and adjacent to the former CGA smelter site. The proposed project area encompasses approximately 681.6 acres. The project area includes 621.9 acres of private lands primarily owned by NSC Smelter, LLC, and an existing utility right-of-way owned by Bonneville Power Administration (BPA).

Authorities

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

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.
4. Conformance with Washington’s prohibition on discharges that cause or tend to cause pollution of waters of the state of Washington. RCW 90.48.080.
5. The Project Proponent of the project authorized is responsible for obtaining all other permits, licenses, and certifications that may be required by federal, state, local or tribal authorities.

With this Water Quality Certification Order (WQC Order), Ecology is granting with conditions, Free Flow Power Project 101, LLC (c/o Rye Development) request for a Section 401 Water Quality Certification for the Goldendale Energy Storage Project located in Klickitat County. Ecology has determined that the proposed discharges will comply with all applicable state water quality standards and other appropriate requirements of State law, provided the project is conducted in accordance with the WQC request that Ecology received on 5/23/2022, supporting documents referenced in Table 1 below, **and the conditions of this WQC Order.**

Table 1 Supporting Documents

Date Received	Document Type	Title and Date	Author
5/23/2022	Other	Draft Dam Safety Program, May 2022	ERM-West, Inc.
2/24/2023	Wetland Delineation	Wetlands and Waters Delineation Report Rev 3, January 2023	ERM-West, Inc.
05/04/2023	Stormwater Pollution Prevention Plan	Draft Stormwater Pollution Prevention Plan Rev 2, May 4, 2023	ERM-West, Inc.
05/04/2023	Plan Other	Draft Dewatering Plan Rev 2, May 4, 2023	ERM-West, Inc.
05/04/2023	Water Quality Monitoring	Draft Water Quality Monitoring Plan Rev 2, May 4, 2023	ERM-West, Inc.

05/08/2023	Mitigation Plan	Draft Mitigation and Planting Plan Rev 2, May 2023	ERM-West, Inc.
05/08/2023	Other	Ecology Water Resources Program Application for a Surface Reservoir Permit Rev 1	Rye Development, Erik Steimle or ERM, Dylan Stankus
05/08/2023	JARPA	Revised JARPA Rev 2, May 8, 2023	Rye Development, Erik Steimle

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize Free Flow Power Project 101, LLC (c/o Rye Development) to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC) or other appropriate requirements of State law. Furthermore, nothing in this Section 401 Water Quality Certification absolves the Free Flow Power Project 101, LLC (c/o Rye Development) from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Water Quality Certification Conditions

The following conditions will be incorporated into the FERC license and the Corps permit and strictly adhered to by the Free Flow Power Project 101, LLC (c/o Rye Development).

Specific condition justifications and citations are provided below each condition.

A. General Conditions

1. In this WQC Order, the term “Project Proponent” shall mean the Free Flow Power Project 101, LLC (c/o Rye Development) and its agents, assignees, and contractors.
 - Justification - Ecology needs to identify that conditions of this WQC Order apply to anyone conducting work on behalf of the Project Proponent to ensure compliance with the water quality standards and other applicable state laws.
 - Citation - 40 CFR 121.1(j), Chapter 90.48 RCW, RCW 90.48.080, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC, Chapter 173-201A WAC, and WAC 173-225-010.

2. All submittals required by this WQC Order shall be sent to Ecology's Headquarters Office, Attn: Federal Permit Manager, via e-mail to fednotification@ecy.wa.gov and cc to loree.randall@ecy.wa.gov. The submittals shall be identified with WQC Order No. 21703 and include the Project Proponent's name, FERC license number, Corps permit number, project name, project contact, and the contact phone number.
 - Justification - Ecology needs to identify where information and submittals are to be submitted to be in compliance with the requirements of this WQC Order.
 - Citation - Chapter 90.48 RCW, RCW 90.48.120, RCW 90.48.260, Chapter 173-201A WAC, and WAC 173-225-010.
3. Work authorized by this WQC Order is limited to the work described in the WQC request package received by Ecology on 5/23/2022, and the supporting documentation identified in Table 1.
 - Justification - Ecology has the authority to prevent and control pollution of state waters. By authorizing a discharge into a water of the state, through a WQC, Ecology is certifying the project as proposed will not negatively impact water quality. Therefore, it is imperative the project is conducted as it was presented during the review process. Any deviations from information within the WQC Request package and this WQC Order must be disclosed prior to the initiation of the planned work and may require a new WQC request.
 - Citation - 40 CFR 121.5, 40 CFR 121.10, 40 CFR 121.11, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC, Chapter 173-201A WAC, Chapter 173-204 WAC, and WAC 173-225-010.
4. The Project Proponent shall provide Ecology documentation for review before undertaking any major changes to the proposed project that could significantly and adversely affect water quality, other than those project changes required by this WQC Order.
 - Justification - Ecology has independent authority to enforce our 401 certification conditions issued through this WQC Order pursuant to RCW 90.48, and has independent state authority to ensure protection of state water quality. To ensure the project will comply with water quality standards in the event of any major changes, Ecology must be able to review the scope of work involved in the construction and operation of the project, otherwise all work must stop and a new 401 certification pre-filing meeting, followed by a new WQC request (after requisite 30-days) is required.
 - Citation - 40 CFR 121.1(k) and (n), 40 CFR 121.3, 40 CFR 121.5, 40 CFR 121.11, Chapter 90.48 RCW, and Chapter 173-201 WAC.

5. The Project Proponent shall keep copies of this WQC Order 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.
 - Justification - All parties (including on-site contractors) must be aware of and comply with the WQC Order for the protection of water quality.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
6. The Project Proponent shall hire third party personnel, with a Certified Erosion and Sediment Control Lead (CESL) certification, to:
 - a. Conduct site inspections and monitoring during construction.
 - b. Provide notification required by this WQC Order and other water quality permits.
 - c. Ensure that all plans and reports are submitted to Ecology as required by this WQC Order and other water quality permits.
 - d. Submit (per A.2.) monthly written project status reports of the construction activities and changes that occurred on site. The frequency of these reports may be adjusted as the project evolves.
 - Justification - Ecology must have a third party person on site that has the authority to oversee the project to prevent and control pollution of state waters. Requiring a third party will allow for a neutral party to oversee the work and reports back to Ecology thus ensuring work is conducted in a manner that meets this WQC Order and water quality requirements.
 - Citation - 40 CFR 121.5, 40 CFR 121.10, 40 CFR 121.11, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.120, RCW 90.48.260, Chapter 173-200 WAC, Chapter 173-201A WAC, Chapter 173-204 WAC, and WAC 173-225-010.
7. The Project Proponent shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, and/or necessary data collection, to ensure that conditions of this WQC Order are being met.
 - Justification - Ecology must be able to investigate and inspect construction sites and facilities for compliance with all state rules and laws.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.090, RCW 90.48.120, Chapter 173-201A WAC, and WAC 173-225-010.

8. The Project Proponent shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand relevant conditions of this WQC Order and all permits, approvals, and documents referenced in this WQC Order. The Project Proponent shall provide Ecology a signed statement (see Attachment A for an example) before construction begins.
 - Justification - Ecology needs to ensure that anyone conducting work at the project, on behalf of the Project Proponent, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
9. This WQC 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 WQC Order.
 - Justification - Ecology has the authority to prevent and control pollution of state waters, and to protect designated uses. By authorizing a discharge into a water of the state, through a water quality certification, Ecology is certifying the project as proposed will not negatively impact state water quality and will comply with the state's water quality requirements. Therefore, it is imperative the project is conducted as it was presented during the review process, and as conditioned herein.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.120, Chapter 173-200 WAC, Chapter 173-201A WAC, WAC 173-201A-300(2)(e)(i), WAC 173-201A-310, WAC 173-204-120, and WAC 173-225-010.
10. Failure of any person or entity to comply with the WQC Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the state's water quality standards and the conditions of this WQC Order.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses. Ecology has independent state authority to ensure protection of state water quality. Civil penalties and other enforcement actions are the primary means of securing compliance with water quality requirements.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.037, RCW 90.48.080, RCW 90.48.120, RCW 90.48.140, RCW 90.48.142, RCW 90.48.144, and WAC 173-225-010.

11. The Project Proponent shall send (per A.2.) a copy of the final Federal license and permit to Ecology's Federal Permit Manager within two weeks of receiving it.

- Justification - This condition is needed to ensure that all the conditions of the WQC Order have been incorporated into the federal permit.
- Citation - 40 CFR 121.10, 40 CFR 121.11, and Chapter 90.48 RCW.

12. This WQC Order will automatically transfer to a new owner or operator if:

- a. A Request for Transfer of Order form is completed between the Project Proponent and new owner or operator with the specific transfer date of the WQC Order's obligations, coverage, and liability and submitted to Ecology per condition A.2. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
- b. A copy of this WQC Order is provided to the new owner or operator.
- c. Ecology does not notify the new Project Proponent that a new WQC Order is required to complete the transfer.
 - Justification - Ecology has independent state authority to ensure protection of state water quality. Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
 - Citation - 40 CFR 121.5, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.

B. Permits or Authorizations

1. This Certification does not authorize any discharge of waters that cause or tend to cause pollution, as determined by Ecology, to waters of the state, including the Swale Creek drainage and discharges to groundwater. All applicable water quality permits required under the Water Pollution Control Act (RCW 90.48), or the federal Clean Water Act, must be obtained by the project proponent prior to discharge.
 - a. The project proponent must submit a complete application to Ecology for a National Pollutant Discharge Elimination System (NPDES) discharge permit, per WAC 173-220, at least 180 days prior to any discharge of wastewater to the Swale Creek Drainage.

- b. If proposing to discharge wastewater to ground, the proponent must submit a complete application to Ecology for a State Waste Discharge permit, per WAC 173-216, at least 60 days prior to discharging to ground.
 - c. The Project Proponent must provide all known, available, and reasonable methods of prevention, control, and treatment to any discharge of waters from the reservoir, per WAC 173-216, and as approved by Ecology prior to discharge, irrespective of any additional requirements to obtain applicable water quality permits.
 - Justification - Ecology must protect waters of the state and prevent potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, RCW 90.48.260, Chapter 173-200 WAC, WAC 173-200-040, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, Chapter 173-216 WAC, Chapter 173-220 WAC, and WAC 173-225-010.
 2. The Project Proponent shall obtain and comply with the conditions of the following permits for this project:
 - a. Construction Stormwater General Permit and a Companion Order to address known contamination in the vicinity of the lower reservoir.
 - b. Sand and Gravel General Permit, unless a portable concrete batch plant with a current permit will be used.
 - Justification - Ecology requires general permits to limit the discharge of pollutants to surface waters and limits the discharge of pollutants to surface and ground water. Ecology must prevent potential discharges of pollution that can affect water quality and protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, RCW 90.48.260, Chapter 173-200 WAC, WAC 173-200-040, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-220, and WAC 173-225-010.
 3. The Project Proponent shall obtain and comply with a Surface Reservoir Permit for this project prior to filling the reservoirs.

- Justification - Ecology must promote and protect the interests of the public waters of the state and preserve its natural resources and aesthetic values. A reservoir permit will be required whenever it is proposed to construct a barrier across a stream, channel, or water course, and which will actually retain for a beneficial use a portion of the annual runoff of the stream or water course. This will also apply to a reservoir adjacent to a stream channel when water will be required to fill the reservoir in addition to constant diversion to keep it full.
 - Citation - Chapter 90.03 RCW, RCW 90.03.005, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, RCW 90.48.260, Chapter 90.54 RCW, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, Chapter 508-12 WAC, and WAC 508-12-260.
4. The Project Proponent shall implement an Ecology approved Cleanup Action Plan in accordance with the schedule as required under a Model Toxics Control Act order or decree prior to conducting any ground disturbing construction activities within the CGA Site.
- Justification - Ecology will require any cleanup action be protective of human health and the environment, including setting appropriate soil, groundwater, sediment, and surface water cleanup levels (where applicable). This includes requiring that all applicable, relevant, and appropriate requirements are met – which includes the state’s water quality standards.
 - Citation - Chapter 70A.305 RCW, Chapter 70A.300 RCW, Chapter 90.48 RCW, Chapter 173-200 WAC, Chapter 173-201A WAC, Chapter 173-204 WAC, Chapter 173-303 WAC, and Chapter 173-340 WAC

C. Water Quality Criteria and Monitoring

1. This WQC Order does not authorize the Project Proponent to exceed applicable water quality standards beyond the limits established in Chapter 173-201A WAC, except as authorized by this WQC Order.
- Justification - This condition ensures compliance with water quality standards to protect surface waters of the state. Ecology must protect waters of the state from potential discharges of pollution that can affect water quality and protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
2. Water Quality of the reservoir water to be discharged to Swale Creek shall meet the following limits, along with the specified water quality criteria within the NPDES permit for this discharge.

- a. Temperature - February 15 through June 1, the 7-day average daily maximum temperature value must not exceed 16°C (60.8°F).
 - b. pH – pH shall be within the range of 6.5 to 8.6 with a human-caused variation within the above range of less than 0.2 units.
 - c. DO – 10 mg/l or 95% saturation.
 - Justification - This condition ensures compliance with water quality standards to protect surface waters of the state. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-204-400, and WAC 173-225-010.
3. The Project Proponent shall conduct water quality monitoring as described in the WQMP Plan, identified in Table 1 (hereafter referred to as the WQMP), unless otherwise required in the WQC Order or NPDES permit(s) issued for this project.
- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.
 - Citation - RCW 90.48, RCW 90.48.030, Chapter 173-201A WAC, 173-201A-300-330 and WAC 173-225-010.
4. The Project Proponent shall revise the Draft Water Quality Monitoring Plan (Plan), identified in Table 1, to be consistent with the conditions of this WQC Order and with any NPDES permit issued for this project. The revised Plan shall be submitted to Ecology’s Federal Permit Manager (per Condition A.2 of this Order) for review at least 30 days prior to beginning any work covered by this WQC Order.
- Justification - This condition is necessary to ensure that the monitoring and BMPs that are proposed by the Project Proponent and authorized by Ecology are conducted to protect water quality. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

5. Monitoring results shall be submitted annually or as required by the NPDES permit(s) to Ecology's Federal Permit Manager, per condition A.2 and the requirements of the permit(s).
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
6. Ecology may ask or could use its discretionary authority to require the Project Proponent to provide mitigation and/or additional monitoring if the monitoring results indicate that the water quality standards have not been met.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and ensure that aquatic life and beneficial uses are protected.
 - Citation - RCW 90.48, RCW 90.48.010, RCW 90.48.030, RCW 90.48.080, RCW 90.48.120, Chapter 173-201A WAC, 173-201A-300-330 WAC, and Chapter 173-204 WAC.

D. Plans to be Implemented by the Project Proponent

1. Revised or additional plans are required from the Project Proponent throughout this document. These plans shall be provided to Ecology for review (Per A.2.), either prior to commencing construction or as specified for each plan below. It is the Project Proponent's responsibility to provide the information in a timely manner.
 - Justification - Ecology needs to be aware of any proposed changes to the project by reviewing any updated or new plans to ensure that the conditions of this WQC Order and the water quality standards and other applicable state laws are met.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
2. The Project Proponent shall finalize the following plans and implement them once Ecology has provided written notification that our review has been completed:
 - a. Goldendale Draft Mitigation and Planting Plan Rev 2
 - b. Goldendale Draft SWPPP (CSGP) Rev 2
 - c. Goldendale Draft Dewatering Plan Rev 2

d. Goldendale Draft WQ Monitoring Plan Rev 2

- Justification - Ecology needs to be provided the final plans for the project to ensure that the conditions of this WQC Order can be and the water quality standards and other applicable state laws are met.
- Citation - Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.

3. The Project Proponent shall prepare plans describing the cleanup actions and WSI closure in accordance with the requirements and schedule put forth in the Model Toxics Control Act order or decree. These plans at a minimum shall meet the requirements of WAC 173-340-400 and Chapter 173-303 WAC, and include detailed engineering design documents and specific protocols for implementation of the Cleanup Action Plan

- Justification - Ecology must ensure that the cleanup actions are designed, constructed and operated in a manner that is consistent with the Cleanup Action Plan, accepted engineering practice, and the requirements of applicable or relevant and appropriate state and federal law.
- Citation – Chapter 70.105 RCW, Chapter 70A.305 RCW, Chapter 90.48 RCW, Chapter 173-201A WAC, Chapter 173-225 WAC, Chapter 173-340 WAC, and Chapter 173-303 WAC.

E. Notification Requirements

1. The following notifications shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Permit Manager via e-mail to fednotification@ecy.wa.gov and cc to lore.randall@ecy.wa.gov. Notifications shall be identified with WQC Order No. 21703, FERC No. 14861, Corps Reference No. NWS-202100572, and include the Project Proponent name, project name, project location, project contact and the phone number.
 - a. Immediately following a violation of state water quality standards or when the project is out of compliance with any conditions of this WQC Order;
 - b. At least ten (10) days prior to all pre-construction meetings;
 - c. At least ten (10) days prior to starting construction; and,
 - d. At least thirty (30) days prior to operation.

- Justification - Ecology must be aware of when a project starts and ends and whether there are any issues. This allows Ecology to evaluate compliance with the state water quality requirements.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.120, Chapter 173-201A WAC, WAC 173-201A-300 - 330, Chapter 173-204 WAC, and WAC 173-225-010.
2. In addition to the phone or e-mail notification required under D.1.a. above, the Project Proponent shall 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.
- Justification - Ecology has independent state authority to ensure protection of state water quality. This condition is intended to assure the Project Proponent remains in full compliance with state water quality requirements for the duration of the project.
 - Citation - Chapter 90.48 RCW, RCW 90.48.120, Chapter 173-201A WAC, and WAC 173-225-010.
3. If the project construction has not started within 13 months of issuance of this WQC Order, the Project Proponent shall submit per Condition A.2 a written construction status report and submit status reports every 12 months until construction begins.
- Justification - Ecology must be aware of when a project starts and ends and whether there are any issues. This allows Ecology to evaluate compliance with the state water quality requirements.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.120, Chapter 173-201A WAC, WAC 173-201A-300 - 330, Chapter 173-204 WAC, and WAC 173-225-010.

F. Timing

1. This WQC Order is effective upon issuance of the FERC license for this project and will remain valid for the duration of the associated license for the project.
- Justification - Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
 - Citation - Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.

2. It is estimated that the initial fill quantity of 7,640 acre-feet at a rate of 21 cubic feet per second (cfs) will take approximately 6 months. The Project Proponent must plan for this to occur across a 2-calendar-year period (e.g., about 3 months at the end of one calendar year, and the first 3 months of the subsequent calendar year) to comply with the consumptive use quantity authorized by the KPUD water right.
 - Justification - Ecology must promote and protect the interests of the public waters of the state and preserve its natural resources and aesthetic values. Currently available consumptive portions of KPUD's water right total 4,137 acre-feet per year, thus requiring the reservoir to be filled across two or more calendar years.
 - Citation - Chapter 90.03 RCW, RCW 90.03.005, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, RCW 90.48.260, Chapter 90.54 RCW, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, Chapter 508-12 WAC, and WAC 508-12-260.

G. Construction

General Conditions

1. Construction stormwater, sediment, and erosion control Best Management Practices (BMPs) suitable to prevent exceedances of state water quality standards shall be in place before starting construction and shall be maintained throughout the duration of the activity.
 - Justification - Disturbed areas without appropriate BMPs and construction methods can discharge excess sediment to waters of the state and degrade water quality. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, Chapter 90.48.030 RCW, Chapter 90.48.080 RCW, Chapter 173-201A WAC, Chapter 173-201A-300-330 WAC, Chapter 173-204-120 WAC, and Chapter 173-225-010 WAC.
2. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
 - Justification - Ensures that the project proponent preserves sensitive areas from discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

3. Within the project limits¹ all environmentally sensitive areas including, but not limited to, wetlands, wetland buffers, riparian buffers and mitigation areas shall be fenced with high visibility construction fencing (HVF), prior to commencing construction activities. All field staff shall be trained to recognize HVF, understand its purpose and properly install it in the appropriate locations. HVF shall be maintained until all work is completed.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
4. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
5. All construction debris, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
 - Justification - Ecology must be assured that the Project Proponent is managing and disposing of material to protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
6. Applicant shall ensure that fill (soil, gravel, or other material) placed for the proposed project does not contain toxic materials in toxic amounts.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

¹ Project limits include mitigation sites, staging areas, borrow sources, and other sites developed or used to support project construction.

- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300-330, WAC 173-204-120, and WAC 173-225-010.

7. If seeding is used for temporary erosion control, it must be a seed mix consisting of native, annual, non-invasive plant species.

- Justification - Establishment of native species are a necessary element of wetland mitigation. Planting mixes must not contain non-native, invasive species, including noxious weeds since they will inhibit the success of the mitigation site and plan. Noxious weeds are a subset of invasive species that have been classified according to the seriousness of the threat they pose. Governments and landowners are required to control them.
- Citation - 40 CFR 131.12, Chapter 16-228-1400 WAC, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, WAC 173-225-010, and WAC 173-226-110.

Equipment and Maintenance

8. Stock piles and staging areas must be located a minimum of 25-feet, from waters of the state, including wetlands and their buffers, unless otherwise requested by the Project Proponent.

- Justification - Requiring a minimum setback ensures that material will not end up in waters of the state. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

9. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

10. Trucks hauling soil or contaminated media off site shall implement protective measures to avoid dust escaping or leaching.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 70.105D RCW, RCW 90.48, 90.48, RCW 90.48.030, Chapter 173-200 WAC, Chapter 173-201A WAC, WAC 173-201A-300-330, Chapter 173-204 WAC, and WAC 173-225-010.
11. No equipment shall enter, operate, be stored, or parked within any sensitive area except as specifically provided for in this WQC Order.
- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
12. 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.
- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, Chapter 173-200, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
13. Wash water containing oils, grease, or other hazardous materials resulting from washing of equipment or working areas shall not be discharged into state waters. The Project Proponent shall set up a designated area for washing down equipment.
- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
14. A separate area shall be set aside, which does not have any possibility of draining to surface waters, for the wash-out of concrete delivery trucks, pumping equipment, and tools.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

15. Concrete process water shall not enter waters of the state unless treated to meet the requirements of the Construction Stormwater General Permit or the Sand and Gravel General Permit, whichever is most protective. Any concrete process/contact water discharged from a confined area with curing concrete shall be contained and treated to meet state water quality standards or applicable permit requirements prior to discharge.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-200 WAC, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, Chapter 173-220 WAC, and WAC 173-225-010.

16. All excavated sediment shall be disposed upland in an approved disposal site, unless otherwise authorized by this WQC Order.

- Justification - Ecology must be assured that the Project Proponent is managing and disposing of sediment to protect water quality and beneficial uses.
- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

Dewatering

17. Turbid de-watering water associated with construction shall not be discharged directly to waters of the state, including wetlands, unless it meets the limitations set in applicable discharge permits.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, C Chapter 173-200 WAC, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, Chapter 173-220 WAC, and WAC 173-225-010.

18. Clean de-watering water associated with construction activities that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
19. Dewatering water may not be discharged to waters of the state unless it meets Water Quality Standards (Chapter 173-201A WAC and Chapter 173-200 WAC) or permit limits at the point of discharge, unless otherwise authorized by this WQC Order. Dewatering water from the CGA Site may not be discharged to waters of the state unless it meets Model Toxics Control Act cleanup levels including those for surface water and sediment (Chapter 173-340 and Chapter 173-204).
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation – Chapter 70A.305 RCW, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-200 WAC, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-340.
20. The dewatering outfall or method of discharge shall be designed and operated so as not to cause erosion or scour in state waters, banks, or vegetation.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
21. All equipment associated with dewatering activities shall be properly operated and maintained.
 - Justification - Maintained equipment is less likely to fail or leak pollutants. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

Contaminated Material Management

22. Contaminated materials are known to be present within the project site. Contaminated materials shall be managed in accordance with the detailed cleanup plans specified in Condition D.3 of this WQC Order.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
- Citation - Chapter 70.105D RCW, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-200 WAC, Chapter 173-201A WAC, WAC 173-201A-300 - 330, Chapter 173-204 WAC, and WAC 173-225-010.

23. Remedial actions to address contaminated materials shall be implemented per the requirements of this WQC Order, water quality permits, Cleanup Action Plan and implementing MTCA order or decree, and the detailed cleanup plans specified in Condition D.3 of this WQC Order. Contaminated materials shall be managed and disposed of in accordance with state and local regulations.

- Justification - Ecology must be assured that the Project Proponent is managing and disposing of contaminated materials to protect water quality and beneficial uses.
- Citation - Chapter 70.105D RCW, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-200 WAC, Chapter 173-201A WAC, WAC 173-201A-300 - 330, Chapter 173-204 WAC and WAC 173-225-010.

24. Post-removal soil sampling shall be conducted per the Cleanup Action Plan, implementing MTCA order or decree, and detailed cleanup plans specified in Condition D.3 of this WQC Order.

- Justification - This condition is necessary to ensure that contaminated materials with the potential to impact water quality and beneficial uses have been addressed.
- Citation - Chapter 70.105D RCW, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-200 WAC, Chapter 173-201A WAC, WAC 173-201A-300 - 330, Chapter 173-204 WAC and WAC 173-225-010.

25. If new information regarding contamination at the project site is discovered, including the nature, quantity, migration, pathway, or mobility of hazardous substances, it must be reported to Ecology (per A.2.). Ecology will direct additional remedial action under the MTCA order or decree.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
- Citation - Chapter 70.105D RCW, RCW 90.48, 90.48, RCW 90.48.030, Chapter 173-200 WAC, Chapter 173-201A WAC, WAC 173-201A-300-330, Chapter 173-204 WAC, and WAC 173-225-010.

H. Aquatic Resource Mitigation Conditions

1. The Project Proponent shall mitigate aquatic resource impacts as described in Draft Mitigation and Planting Plan Rev 2 (hereafter called the "Mitigation Plan") as identified in Table 1 or as required by this WQC Order.
 - Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When adequate mitigation is provided, the impacts are not considered significant enough to water quality, at least in the long-term. The water quality standards, along with mitigation, protect wetlands as well as permitting some level of degradation where unavoidable or necessary.
 - Citation - 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.
2. The Project Proponent shall have a qualified professional at the Aquatic Resource mitigation site to supervise during construction and planting.
 - Justification - Mitigation success is critical to achieving control of pollution. Supervision of qualified professionals helps ensure success.
 - Citation - 40 CFR 131.12, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.
3. Unless otherwise authorized by this WQC Order, the Project Proponent shall begin the compensatory mitigation project concurrently with, impacting aquatic resources S7 and S8. Otherwise, Ecology may require the Project Proponent to provide additional compensation to account for additional temporal loss of aquatic resource functions.
 - Justification - Mitigation that is not emplaced concurrent with impacts will result in degradation of existing beneficial uses of the wetlands affected by the proposed action.

- Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.
4. To minimize sediment releases, re-introduction of water into the mitigation stream channel shall be done gradually, and at a rate not higher than the normal flow.
- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300-330, WAC 173-204-120, and WAC 173-225-010.
5. The Project Proponent shall not use hay or straw on exposed or disturbed soil at the mitigation site(s), unless otherwise provided for in the Mitigation Plan.
- Justification - Straw can be a source of noxious weeds which are a subset of invasive species that have been classified according to the seriousness of the threat they pose. Governments and landowners are required to control them. Noxious weeds can inhibit the success of a mitigation site. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - WAC 16-228-1400, WAC 173-225-010, and WAC 173-226-110 WAC.
6. Aquatic herbicides can be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category.
- a. Applicators are required to be permitted under Ecology's Noxious Weed Control Permit.
 - b. Applicators shall comply with all conditions of the Noxious Weed Control Permit.
 - Justification - Noxious weeds are a subset of invasive species that have been classified according to the seriousness of the threat they pose. Governments and landowners are required to control them. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - WAC 16-228-1400, WAC 173-225-010, and WAC 173-226-110.

7. If weed-barrier fabric is used on the site, the Project Proponent shall use only water-permeable, fully biodegradable, non-toxic weed-barrier fabric for the entire-site and/or individual plant weed control. If use of non-biodegradable plastic weed-barrier fabric is proposed in the mitigation plan approved by Ecology, it shall be used only at the base of individual plants and shall be removed before it starts to break down, before it interferes with plant growth, or before the end of the monitoring period, whichever comes first.
 - Justification - The establishment of hydrophytic vegetation and substrate characteristics, is a necessary element of the mitigation plan and is promoted by weed suppression. Suppression of weeds is necessary until hydrophytic vegetation is established, after which time the presence of the fabric will hinder vegetation establishment and may affect mitigation success.
 - Citation - 40 CFR 131.12, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.
8. If solid or mesh plant protector tubes are used on the mitigation site(s), Ecology strongly recommends that the Project Proponent use fully biodegradable options. If non-biodegradable plant protection options are used, they shall be removed before they interfere with plant growth or before the end of the monitoring period, whichever comes first.
 - Justification - This requirement provides assurance that the mitigation site has the best chance at being successful in achieving wetland conditions. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - 40 CFR 131.12, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), and WAC 173-201A-300.
9. Treated water added to the mitigation stream alignment from the upper reservoir shall be discharged in a manner and at a rate not higher than the normal flow to prevent erosion or scour to the channel, banks, or vegetation.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.

Mitigation Site Monitoring and Maintenance

10. After completing construction and planting of the mitigation sites(s), the Project Proponent shall submit to Ecology (see A.2) an as-built report, including plan sheets, documenting site conditions at Year Zero. The as-built report must:
 - a. Be submitted within 90 days of completing construction and planting.
 - b. Include the information listed in Attachment B (Information Required for As-built Reports).
 - Justification - This condition is necessary to ensure the mitigation site was constructed and planted per the approved mitigation plan and serves as a baseline for monitoring performance standards, which must be met to ensure success of the mitigation site.
 - Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 and WAC 173-225-010.
11. The Project Proponent shall water and maintain all mitigation site plantings so as to meet the Mitigation Plan's performance standards. If an irrigation system is installed, it shall be removed by the end of year three unless otherwise provided for in the Mitigation Plan.
 - Justification - Designing and implementing an appropriate maintenance plan is crucial to the success of a mitigation site.
 - Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.
12. The Project Proponent shall monitor the mitigation site for a minimum of five (5) years. The Project Proponent shall use the monitoring methods described on pages 14-26 of the Mitigation Plan.
 - Justification - A monitoring plan describes the methods used to collect and analyze data needed to show that performance standards are being met. Monitoring plans are necessary to track environmental changes at mitigation sites to ensure success of the mitigation site.
 - Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 and WAC 173-225-010.
13. The Project Proponent shall submit to Ecology (see A.2) monitoring reports documenting mitigation site conditions annually for years 1, 2, 3, and 5. The monitoring reports must:

- a. Be submitted by December 31 of each monitoring year.
 - b. Include the information listed in Attachment C (Information Required for Monitoring Reports).
 - Justification - Monitoring reports track the environmental progress of the mitigation site, and are necessary to track environmental changes at mitigation sites to ensure success of the mitigation site.
 - Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 and WAC 173-225-010.
14. Prior to implementing contingency measures not specified in the Mitigation Plan, the Project Proponent shall consult with Ecology.
- Justification - A contingency plan is necessary in case the actions undertaken for the mitigation fail or only partially succeed. A contingency plan contains corrective measures that will be taken if monitoring indicates that performance standards are not being met. The contingency plan should outline the steps that will be taken for each performance standard if it is not met.
 - Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 and WAC 173-225-010.
15. When necessary to meet the mitigation performance standards, the Project Proponent shall replace dead or dying plants with the same species, or an appropriate native plant alternative, during the current or upcoming planting season and note species, numbers, and approximate locations of all replacement plants in the subsequent monitoring report.
- Justification - Performance standards must be met to ensure success of the mitigation site.
 - Citation - 40 CFR 131.12, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 and WAC 173-225-010.
16. If the Project Proponent has not met all compensatory mitigation conditions by the end of the monitoring period, Ecology may require additional monitoring, additional mitigation, or both. Conditions include specifications in the approved Mitigation Plan, such as performance standards for the mitigation site.

- Justification - If the mitigation site is not meeting all compensatory mitigation conditions, then the water quality impacts will not be offset by the mitigation.
- Citation - 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 and WAC 173-225-010.

17. While construction is occurring, the project proponent shall have a qualified wetland professional, use the currently approved federal wetland delineation manual and appropriate regional supplement to delineate wetlands W6, W1, and W2 every year during the wettest portion of the growing season and for five years after construction has been completed to ensure the wetlands' hydrology is not impacted by the project. Wetland delineation reports must be submitted to Ecology each year by December 31 for review.

- Justification - Ecology must ensure that the construction of the project does not impact unintended waters of the state in order to ensure and protect our states water quality standards.
- Citation - 40 CFR 131.12, Chapter 47.85.040 RCW, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300 and WAC 173-225-010.

I. Emergency/Contingency Measures

1. The Project Proponent shall provide a Spill Control Plan for review by Ecology 30 days prior to commencing construction. The Spill Control Plan shall include protocols for handling and containing hazardous material during project construction, operation, and maintenance. The Spill Control Plan shall address potential issues resulting from spills during construction operation, or maintenance. The plan shall include:
 - a. a description of project operations;
 - b. the general types of oil or hazardous materials in use and stored;
 - c. a project plan map indicating hazardous substance storage areas;
 - d. materials handling procedures and storage requirements;
 - e. spill cleanup procedures for areas and processes in which spills may occur;
 - f. training of key personnel in the implementation of the plan;

- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.
4. Discharges of oil, fuel, or chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, the Project Proponent shall notify Ecology's Federal Permit Manager, per condition A.2, and immediately take the following actions:
- a. Cease operations at the location of the non-compliance.
 - b. Assess the cause of the water quality problem and take appropriate measures to correct the problem and prevent further environmental damage.
 - c. 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.
 - d. Immediately notify Ecology's Regional Spill Response Office and the Washington State Department of Fish and Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems.
 - e. Immediately notify the National Response Center at 1-800-424-8802, for actual spills to water only.
 - Justification - This condition is necessary to prevent oil and hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.
5. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g., drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

- Justification - Oil and hazardous materials spills cause environmental damage. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.

Your right to appeal

You have a right to appeal this Order 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 Order:

- File your notice of appeal and a copy of this Order with the PCHB (see filing options 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 Order on the Department of 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.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:

<https://elaho.wa.gov/content/11>

Address and Location Information

Street Address:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Pollution Control Hearings Board

1111 Israel RD SW
STE 301
Tumwater, WA 98501

Mailing Addresses:

Department of Ecology

Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

Pollution Control Hearings Board

PO Box 40903
Olympia, WA 98504-0903

E-Mail Address:

Department of Ecology

Not currently available (see WAC 371-08)

Pollution Control Hearings Board

Pchb-shbappeals@elaho.wa.gov

Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Contact Information

Please direct all questions about this WQC Order to:

Loree' Randall
Department of Ecology
360-485-2796
Loree.randall@ecy.wa.gov

More Information

- **[Pollution Control Hearings Board Website](http://www.elaho.wa.gov/content/11)**
<http://www.elaho.wa.gov/content/11>

- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

Signature

Dated this 22nd day of May 2023, at the Department of Ecology, Olympia, Washington.



Joenne McGerr
Program Manager
Shorelands and Environmental Assistance Program

Attachment A

**Statement of Understanding
Water Quality Certification Conditions**

Goldendale Energy Storage Project

Water Quality Certification WQC Order No. 21703

As the Project Proponent for Goldendale Energy Storage project, I have read and understand the conditions of Washington State Department of Ecology WQC Order No. 21703, and any permits, plans, documents, and approvals referenced in the WQC Order. I have and will continue to ensure that all project engineers, contractors, and other workers at the project site with authority to direct work have read and understand the conditions of this WQC Order and any permits, plans, documents, and approvals referenced in the WQC Order.

Signature

Date

Title

Phone

Company

Aquatics Id: 139382

Attachment B

Information Required for As-built Reports

Goldendale Energy Storage Project

Ecology Order # 21703

And

Corps Reference # 202100572

Ecology requires the following information for as-built reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

1. Project name.
2. Ecology Order number and the Corps reference number.
3. Name and contact information of the person preparing the as-built report. Also, if different from the person preparing the report, include the names of:
 - a) The applicant
 - b) The landowner
 - c) Qualified professional on site during construction of the mitigation site(s).
4. Date the report was produced.

Mitigation Project Information

5. Brief description of the **final** mitigation project with any changes from the approved plan made during construction. Include:
 - a) **Actual** area of stream and buffer establishment.
 - b) Important dates, including:
 - i. Start of project construction.
 - ii. When work on the mitigation site began and ended.
 - iii. When different activities such as grading, removal of invasive plants, installing plants, and installing habitat features began and ended.
6. Description of any problems encountered and solutions implemented (with reasons for changes) during construction of the mitigation site(s).
7. List of any follow-up actions needed, with a schedule.

8. Vicinity map showing the geographic location of the site(s) with landmarks.
9. Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
 - a) Boundary of the site(s).
 - b) Topography (with a description of how elevations were determined).
 - c) Installed planting scheme (quantities, densities, sizes, and approximate locations of plants, as well as the source(s) of plant material).
 - d) Location of habitat features.
 - e) Location of permanent photo stations and any other photos taken.

Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions after the site work is completed.

10. Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction from which each photo was taken. Photo pans are recommended.

Attachment C

Information Required for Monitoring Reports

Goldendale Energy Storage Project

Ecology Order # 21703

And

Corps Reference # 202100572

Ecology requires the following information for monitoring reports submitted under this Order. Ecology will accept additional information that may be required by other agencies.

Background Information

1. Project name.
2. Ecology Order number and the Corps reference number.
3. Name and contact information of the person preparing the monitoring report. Also, if different from the person preparing the report, include the names of:
 - a) The applicant
 - b) The landowner
 - c) The party responsible for the monitoring activities
4. Dates the monitoring data were collected.
5. Date the report was produced.

Mitigation Project Information

6. Brief description of the mitigation project, including area and mitigation type(s) (re-establishment, rehabilitation, creation, enhancement, preservation, upland, buffers).
7. Description of the monitoring approach and methods. For each performance standard being measured provide the following information:
 - a) Description of the sampling technique (e.g., monitoring point for soil or hydrology, line or point intercept method, ocular estimates in individually placed plots). If you are using a standardized technique, provide a reference for that method.
 - b) Size and shape of plots or transects.
 - c) Number of sampling locations and how you determined the number of sampling locations to use.
 - d) Percent of the mitigation area being sampled.

- e) Locations of sampling (provide a map showing the locations), how you determined where to place the sampling locations (e.g., simple random sample), and whether they are permanent or temporary.
 - f) Schedule for sampling (how often and when).
 - g) Description of how the data was evaluated and analyzed.
8. Summary table(s) comparing performance standards with monitoring results and whether each standard has been met.
 9. Discussion of how the monitoring data were used to determine whether the site(s) is meeting performance standards.
 10. Goals and objectives and a discussion of whether the project is progressing toward achieving them.
 11. Summary, including dates, of management actions implemented at the site(s), for example, maintenance and corrective actions.
 12. Summary of any difficulties or significant events that occurred on the site that may affect the success of the project.
 13. Specific recommendations for additional maintenance or corrective actions with a timetable.
 14. Photographs taken at permanent photo stations and other photographs, as needed. Photos must be dated and clearly indicate the direction the camera is facing. Photo pans are recommended.
 15. Vicinity map showing the geographic location of the site(s) with landmarks.
 16. Mitigation site map(s), 8-1/2" x 11" or larger, showing the following:
 - a) Boundary of the site(s).
 - b) Location of permanent photo stations and any other photos taken.
 - c) Data sampling locations, such as points, plots, or transects.
 - d) Approximate locations of any replanted vegetation.
 - e) Changes to site conditions since the last report, such as areas of regrading, shift in habitat features, or a change in water regime.

Include the month and year when each map was produced or revised. The site map(s) should reflect on-the-ground conditions during the most recent monitoring year.