



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 24, 2021

United Parcel Service Inc.
ATTN: Heather Rugnetta
6235 N. Basin Avenue
Portland, OR 97217

RE: Water Quality Certification Order No. **20744** for Corps Reference No. NWS-2020-865,
UPS Kelso Distribution Warehouse, Cowlitz County, Washington

Dear Heather Rugnetta:

On July 30, 2021, the United Parcel Service Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the UPS Kelso Distribution Warehouse, Cowlitz County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies 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 conditions contained in the enclosed Order.

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

If you have any questions about this decision, please contact Lori Kingsbury by e-mail at lori.kingsbury@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Perry J Lund", written over a circular blue stamp.

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

Enclosure

UPS Kelso Distribution Warehouse
Order No. 20744
Corps No. NWS-2020-865
September 24, 2021
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e-cc: James Carsner, Corps of Engineers
Steffanie Taylor, Ecological Land Services Inc.
Heather Rugnetta, BT-OH, LLC.
Loree' Randall, Ecology
Lori Kingsbury, Ecology, SWRO
Miranda Adams, Ecology, SWRO
ecyrefedpermits@ecy.wa.gov – Aquatics No. 139372

IN THE MATTER OF GRANTING A)	ORDER No. 20744
WATER QUALITY)	Corps Reference No. NWS-2020-865
CERTIFICATION TO)	UPS Kelso Distribution Warehouse located
United Parcel Service Inc.)	within Wetlands, Kelso, Cowlitz County,
pursuant to 33 U.S.C. 1341 (FWPCA)	Washington
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

United Parcel Service Inc.
ATTN: Heather Rugnetta
6235 N. Basin Avenue
Portland, OR 97217

On July 30, 2021, the United Parcel Service Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the UPS Kelso Distribution Warehouse, Cowlitz County, Washington. The following required processing dates are referenced below:

- On June 30, 2021, the United Parcel Service Inc. submitted a pre-filing meeting request.
- On August 10, 2021, the United Parcel Service Inc. submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On August 11, 2021, Ecology issued a public notice for the project.
- On August 30, 2021, the U.S. Army Corps of Engineers (Corps) sent an email notification to United Parcel Service Inc. and Ecology that they are reviewing the project for authorization under Nationwide Permit 39 which requires an individual WQC.
- Within the August 30th notification, the Corps also provided the “Reasonable Period of Time” (deadline) for the WQC of December, 8, 2021.

This project proposes to construct a 23,714 sq. ft. (0.54-acre) parcel distribution facility with associated parking, utilities, and stormwater detention pond. The combined building envelope of the warehouse and parking lot spans approximately 2.65 acres of the 5.48-acre parcel.

The project will directly impact 0.49 acres of Category IV wetlands for the placement of the stormwater detention pond; and will indirectly impact 0.34 acres of Category IV wetlands. Mitigation to compensate for the wetland impacts will be satisfied through the purchase of 0.505 credit from the Coweeman River Joint Wetland Conservation Bank.

The purpose of the proposed project is to update the existing UPS facility to meet the City of Kelso’s projected 5 - 10 year need. The new facility will bring new technology and provide more efficient package handling.

The project site is located within wetlands, south of 1699 South 13th Avenue, Kelso, Cowlitz County, Washington, Section 35, Township 8N, Range 2W, within Water Resource Inventory Area (WRIA) 26 Lower Cowlitz River Watershed.

With this Order, Ecology is granting United Parcel Service Inc.'s request for a Section 401 Water Quality Certification for the UPS Kelso Distribution Warehouse project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on July 30, 2021, and the following supporting documentation:

- Stormwater Pollution Prevention Plan (SWPP) sent to Ecology via e-mail on August 10, 2021. SWPP contains Best Management Practices (BMPs) to treat, control and manage water quality discharge for the project.

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, United Parcel Service Inc. must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize United Parcel Service Inc. 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). Furthermore, nothing in this Section 401 Water Quality Certification absolves the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted to the United Parcel Service Inc. for the UPS Kelso Distribution Warehouse project.

This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. Order No. **20744** will remain valid for the duration of the associated DA permit. United Parcel Service Inc. should send a copy of the final DA permit to fednotification@ecy.wa.gov within two weeks of receiving it.

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 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 both 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

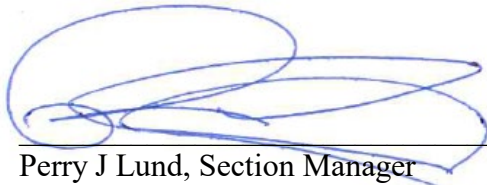
Lori Kingsbury
Department of Ecology
PO Box 47775
Olympia, WA 98504-7775
Lori.kingsbury@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **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



Perry J Lund, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office
Department of Ecology

September 24, 2021
Date