



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 27, 2021

Sunlight Electric Inc.
ATTN: Serghei Comarnitchi
2804 E 65th Ave., Suite D
Vancouver, WA 98661

RE: Water Quality Certification Order No. **20776** for Corps Reference No. **NWS-2020-1114**,
Sunlight Electric Site Plan, Clark County, Washington

Dear Serghei Comarnitchi:

On July 13, 2021, Sunlight Electric Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sunlight Electric Site Plan, Clark 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", is written over a circular blue stamp.

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

Enclosure

Sunlight Electric Site Plan
Order No. 20776
Corps No. NWS-2020-1114
October 27, 2021
Page 2 of 2

e-cc: Jim Carsner, Corps of Engineers
Megan, Mill, Ecological Land Services Inc.
Loree' Randall, Ecology, HQ-SEA
Lori Kingsbury, Ecology, SWRO-SEA
Miranda Adams, Ecology, SWRO-SEA
ecyrefedpermits@ecy.wa.gov – Aquatics No. 139779

IN THE MATTER OF GRANTING A)	ORDER No. 20776
WATER QUALITY)	Corps Reference No. NWS-2020-1114
CERTIFICATION TO)	Sunlight Electric Site Plan located within
Sunlight Electric Inc.)	Wetlands, City of Vancouver, Clark County,
pursuant to 33 U.S.C. 1341 (FWPCA)	Washington
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

Sunlight Electric Inc.
ATTN: Serghei Comarnitchi
2804 E 65th Ave., Suite D
Vancouver, WA 98661

On July 13, 2021, Sunlight Electric Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Sunlight Electric Site Plan, Clark County, Washington. The following required processing dates are referenced below:

- On December 1, 2020, the Sunlight Electric Inc. submitted a pre-filing meeting request.
- On July 28, 2021, Sunlight Electric Inc. submitted additional information, and the Department of Ecology (Ecology) considered the request valid on this date.
- On August 9, 2021, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under Nationwide Permit 39 and requires an individual Section 401.
- Within the August 10, 2021 e-mail, the Corps provided the “Reasonable Period of Time” (deadline) for the WQC of November 26, 2021.
- On August 3, 2021, Ecology issued a public notice for the project.

This project proposes to construct two commercial warehouses with associated interior parking lots and loading areas, utilities, a stormwater detention pond, and road frontage enhancements, which will result in impacts to a Category III wetland.

The project will directly impact 0.34 acres of Category III wetlands, and indirectly impact 0.22 acres of Category III wetlands. To compensate for the wetland impacts, the Applicant will purchase 0.56 Credits from the Terrace Mitigation Bank.

The project site is located within wetlands at 7508 NE 88th Street, Vancouver, Clark County, Washington; Section 5, Township 2N, Range 2E, WRIA 28, Salmon -Washougal Watershed.

With this Order, Ecology is granting Sunlight Electric Inc.’s request for a Section 401 Water Quality Certification for the Sunlight Electric Site Plan project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on July 13, 2021, and the following supporting documentation:

1. Revised Final Mitigation and Bank Use Plan updated May 2021.
2. E-mail sent to Ecology on July 28, 2021 containing BMP Memo.

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, Sunlight Electric 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 Sunlight Electric 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 Sunlight Electric Inc. for the Sunlight Electric Site Plan 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. **20776** will remain valid for the duration of the associated DA permit. Sunlight Electric 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 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.

Filing an appeal with the PCHB:

Mailing Address:

Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

Street Address:

Pollution Control Hearings Board
1111 Israel RD SW
STE 301
Tumwater, WA 98501

Serving a copy of the appeal on Ecology:

Mailing Address:

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

Street Address:

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

CONTACT INFORMATION

Please direct all questions about this Order to:

Lori Kingsbury

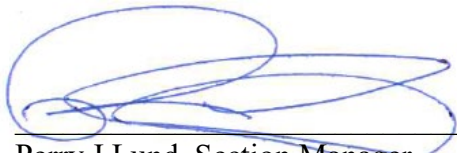
Department of Ecology
PO Box 47775
Olympia, WA 98504-7775
Lori.kingsbury@ecy.wa.gov

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

October 27, 2021
Date