



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
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November 22, 2021

SNBL USA Ltd
Attn: Steven Meyer
21070 88th Place West
Edmonds, WA 98026

RE: Water Quality Certification Order No. 20705 for Corps Reference No. NWS-2021-430, SNBL Everett Project, Snohomish County, Washington

Dear Steven Meyer:

On August 6, 2021, SNBL USA Ltd submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the SNBL Everett project, Snohomish County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the Joint Aquatic Resource Permit Application (JARPA) and the public notice 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 Doug Gresham at (425) 429-1846 or e-mail doug.gresham@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar".

11/22/2021

Joe Burcar, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office Department of Ecology

Date

Enclosure

Sent via email to: slmeyer14@yahoo.com

ecc: Amanda Nadjkovic, Corps of Engineers
Loree' Randall, Ecology
Jacob Prater, Talasaea Consultants
ECYREFEDPERMITS@ECY.WA.GOV

IN THE MATTER OF GRANTING A)	WQC ORDER No. 20705
WATER QUALITY)	Corps Reference No. NWS-2021-430
CERTIFICATION TO)	SNBL Everett located in wetlands, Everett,
SNBL USA Ltd)	Snohomish County, Washington.
pursuant to 33 U.S.C. 1341 (FWPCA)	
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

SNBL USA Ltd
Attn: Steven Meyer
21070 88th Place West
Edmonds, WA 98026

On August 6, 2021, SNBL USA Ltd submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the SNBL Everett project, located in Snohomish County, Washington. The following processing dates are referenced below:

- On July 28, 2021, Ecology received a USACE (Corps) Permit Notification that indicated that the Corps was processing the project under a Nationwide Permit (NWP) 39, which requires an individual Section 401 from Ecology.
- On August 31, 2021, Ecology issued a public notice for the project.

The proposed project involves constructing an industrial warehouse (193,630 ft²) and an associated access road and parking areas within the eastern portion of the site. Additional features on the site will include interior circulation routes, truck loading/unloading zones, parking, pedestrian walkways, and utility and stormwater facilities.

This project will directly impact 923 ft² of wetland (Wetland A) and indirectly impact 2,886 ft² of wetland (Wetlands F and J). The project site is located at 4000 Seaway Boulevard in Everett, Snohomish County, Washington, Section 2, Township 28 N., Range 4 E., within Water Resource Inventory Area (WRIA) 7 Snohomish.

With this Order, Ecology is granting SNBL USA Ltd's request for a Section 401 Water Quality Certification for the SNBL Everett project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on August 6, 2021 and the Special Conditions below.

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, SNBL USA Ltd 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 SNBL USA Ltd 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.

Special Conditions:

1. The Project Proponent shall follow the steps below to record a restrictive covenant for the SNBL Everett on-site wetland mitigation site:
 - a. Request a restrictive covenant template from Ecology or use an appropriate alternative to develop a draft restrictive covenant.
 - b. Send the draft restrictive covenant to Ecology for review and then incorporate Ecology's edits prior to recording.
 - c. Record the restrictive covenant with the Snohomish County Recording Office, Registrar of Deeds, or other official responsible for maintaining records for, or interest in, real property.
 - d. Record the restrictive covenant with a figure that corresponds with the legal description showing the area that is being protected, a copy of this Order, and a site map showing the location of wetlands and their buffers that are being protected.
 - e. Send a copy of the recorded restrictive covenant to Ecology.
2. Prior to impacting wetlands, the Project Proponent shall submit to Ecology documentation from the bank sponsor verifying the purchase of 923 ft² of wetland mitigation bank credits (credits) from the Skykomish Habitat Wetland Mitigation Bank. This documentation must include the Ecology Order Number, Order issuance date, impact acreage, the amount of credits required by the Order, and date of credit purchase.

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 SNBL USA Ltd for the SNBL Everett 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. 20705 will remain valid for the duration of the associated DA permit. SNBL USA Ltd 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 WQC Order to:

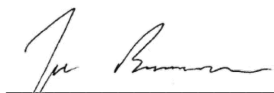
Doug Gresham
Department of Ecology
(425) 429-1846
doug.gresham@ecy.wa.gov

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

Dated this 22nd day of November, 2021 at the Department of Ecology, Shoreline, Washington



Joe Burcar, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office