



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 23, 2021

503 Battle Ground Subdivision, LLC
ATTN: Tim Ralston and Lucas Ralston
735 SW 20th Place, Suite 220
Portland, OR 97205

RE: Water Quality Certification Order No. **20795** for Corps Reference No. **NWS-2019-948**,
503 Battle Ground Project, Clark County, Washington

Dear Tim Ralston and Lucas Ralston:

On July 13, 2021, 503 Battle Ground Subdivision, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the 503 Battle Ground, 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 blue circular stamp or seal.

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

Enclosure

Project Name, Aquatics No. 137809
Order No. 20795
Corps No. NWS-2019-948
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e-cc: James Carsner, Corps of Engineers
PBS Engineering and Environmental Inc., Brian Bieger
Loree' Randall, Ecology/HQ
Lori Kingsbury, Ecology/SWRO
Miranda Adams, Ecology/SWRO
ECY RE FEDPERMITS – Aquatics No. 137809

IN THE MATTER OF GRANTING A) ORDER No. 20795
WATER QUALITY) Corps Reference No. NWS-2019-948
CERTIFICATION TO) 503 Battle Ground located within Wetlands,
503 Battle Ground Subdivision LLC) Battle Ground, Clark County, Washington
pursuant to 33 U.S.C. 1341 (FWPCA)
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

503 Battle Ground Subdivision LLC
ATTN: Tim Ralston and Lucas Ralston
20709 SW 10th Ave
Battle Ground, WA 98604

On July 13, 2021, 503 Battle Ground Subdivision LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the 503 Battle Ground, Clark County, Washington. The following required processing dates are referenced below:

- On June 7, 2021, the 503 Battle Ground Subdivision LLC submitted a pre-filing meeting request.
- On August 23, 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 29 and requires an individual Section 401.
- Within the August 23, 2021 e-mail, the Corps also provided the “Reasonable Period of Time” (deadline) for the WQC of November 1, 2021.
- On September 23, 2021, 503 Battle Ground Subdivision LLC submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On September 28, 2021, Ecology issued a public notice for the project.
- On October 22, 2021, the Corps of Engineers sent an e-mail notification extending the reasonable period of time to January 21, 2022.

This project proposes to construct a single family residential development that would include 117 single-family residential lots and 5 multi-family apartments for a total of 186 residential units. Construction will occur in consecutive phases with full build out being achieved after Phase 6.

The project will directly impact 0.40 acres of Category III and IV wetlands. The project will also indirectly impact 1.73 acres of Category III and IV wetlands. Offsite mitigation for this proposal will consist of created/re-established or rehabilitated wetlands at the Remy Consolidated Mitigation Site located in Battle Ground, Clark County.

Two features in the project area (Wetland D and associated ditch) are non-federally regulated waters but are considered waters of the state under Washington state law. Impacts to these features were authorized by Ecology under separate cover (see Ecology Administrative Order No. 20123).

The project site is located at 2709 SW 10th Avenue, Battle Ground, Clark County, Washington; NE Quarter of Section 10, Township 3N, Range 2E; WRIA 28 Salmon-Washougal Watershed.

With this Order, Ecology is granting 503 Battle Ground Subdivision LLC's request for a Section 401 Water Quality Certification for the 503 Battle Ground 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:

- Final Wetland Mitigation Plan, Battle Ground 503 Project, Revised May 24, 2021;
- Best Management Practices (BMPs) and drawings sent to Ecology via e-mail on September 23, 2021.
- Mitigation Area Transfer Notice, dated August 13, 2021, documenting 3.905 acres of dedicated mitigation area at the Remy Farm Consolidated Mitigation Site.

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, 503 Battle Ground Subdivision LLC 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 503 Battle Ground Subdivision LLC 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 503 Battle Ground Subdivision LLC for the 503 Battle Ground 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. **20795** will remain valid for the duration of the associated DA permit. 503 Battle Ground Subdivision LLC 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, Suite 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

November 23, 2021

Date