



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

February 24, 2022

Clark Public Utilities
ATTN: Ryan Kerr
PO Box 89000
Vancouver, WA 98668

RE: Water Quality Certification Order No. **21040** for Corps Reference No. **202100860**, Heye Meyer Substation, Clark County, Washington

Dear Ryan Kerr:

On August 30, 2021, Clark Public Utilities submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Heye Meyer Substation, 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 Jennifer Riedmayer at (360) 995-3252. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

A handwritten signature in black ink that reads "Gary D. Graff".

Gary Graff, Section Manager
Shorelands and Environmental Assistance Program
Southwest Regional Office

Enclosure

e-cc: James Carsner, Corps of Engineers
Garrett Jordan, Olson Environmental, LLC
Lori Kingsbury, Ecology, SWRO SEA
Miranda Adams, Ecology, SWRO SEA
ECY RE FEDPERMITS

IN THE MATTER OF GRANTING A)	ORDER No. 21040
WATER QUALITY)	Corps Reference No. 202100860
CERTIFICATION TO)	<i>Heye Meyer Substation located within Lower</i>
Clark Public Utilities)	<i>Salmon Creek Watershed, Battle Ground Clark</i>
pursuant to 33 U.S.C. 1341 (FWPCA)	<i>County, Washington</i>
§ 401), RCW 90.48.120, RCW 90.48.260)	
and Chapter 173-201A WAC)	

Clark Public Utilities
 Attn: Ryan Kerr
 PO Box 89000
 Vancouver, WA 98668

On August 30, 2021, Clark Public Utilities submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Heye Meyer Substation, Clark County, Washington. The following processing dates are referenced below:

- On **December 3, 2021**, the U.S. Army Corps of Engineers (Corps) notified Ecology that they are reviewing the project for authorization under Nationwide Permit #57 and an individual Section 401 is required.
- On January 24, 2022, Ecology issued a public notice for the project.

This project proposes to expand the existing electrical substation within the site footprint. The expansion consist of replacing a portion of the existing substation equipment and will install seven new switch towers and four new power circuit breakers. The project also expands the existing gravel surface and fencing around the property to approximately 9.2 acres. Additional work proposed includes replacing the power poles and overhead lines and constructing a stormwater facility on site.

The project will have a direct impact to 0.47 acres to Wetland A and Wetland B by filling and grading in the area with approximately 1,500 cubic yards of crushed rock and structural fill. The project also has an indirect impact to 0.50 acres of a Category 3 wetland. Offsite mitigation for this proposal will consist of 1.95 acres of created/re-established or rehabilitated wetlands at the Remy Consolidated Mitigation Site located in Battle Ground, WA.

The project site is located at 2017 SE Grace Avenue, Battle Ground, Lower Salmon Creek Watershed, Clark County, Washington, Section 11, Township 3N., Range 2 E., within Water Resource Inventory Area (WRIA) 28 Salmon-Washougal Watershed.

With this Order, Ecology is granting Clark Public Utilities’s request for a Section 401 Water Quality Certification for the Heye Meyer Substation project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments that Ecology received on August 30, 2021, and the following supporting documentation:

1. E-mail letter to Ecology dated August 30, 2021, regarding the project's Mitigation Plan.
2. E-mail letter to Ecology dated, August 30, 2021, regarding the project's Wetland Delineation and Assessment.
3. E-mail letter to Ecology dated January 6, 2022, regarding the project's revised Wetland Mitigation Plan.
4. E-mail letter to Ecology dated January 11, 2022, regarding the project's SEPA determination.
5. E-mail letter to Ecology dated January 24, 2022, regarding the project Best Management Practices.

Based on the information submitted, Ecology has determined that the discharge(s) from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, Clark Public Utilities 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 Clark Public Utilities 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 Clark Public Utilities for the Heye Meyer Substation 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. **21040** will remain valid for the duration of the associated DA permit. Clark Public Utilities 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:

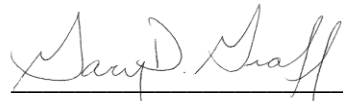
Jennifer Riedmayer
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
Jennifer.Riedmayer@ecy.wa.gov

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



Gary Graff, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology

February 24, 2022

Date