



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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March 8, 2022

David Gashler  
PO Box 432  
Springville, UT 84663

RE: Water Quality Certification Order No. **21057** for Corps Reference No. **202100184**, Jenna Acres, Pierce County, Washington

Dear David Gashler:

On September 10, 2021, David Gashler submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Jenna Acres, Pierce 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 cursive script that reads "Gary D. Graff".

Gary Graff, Section Manager  
Shorelands and Environmental Assistance Program

Enclosure

David Gashler

March 8, 2022

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e-cc: Jenae Churchill, Corps of Engineers  
Alex Callender, LSNW Inc.  
Emily Arteche, City of Edgewood  
Silas Read, City of Edgewood  
Lori Kingsbury, Ecology, SWRO SEA  
Zach Meyer, Ecology, SWRO SEA  
Rick Mraz, Ecology, HQ SEA  
ECY RE FEDPERMITS

**IN THE MATTER OF GRANTING A ) ORDER No. 21057**  
**WATER QUALITY ) Corps Reference No. 202100184**  
**CERTIFICATION TO ) Jenna Acres located within Puyallup River**  
David Gashler ) *Watershed, Edgewood, Pierce County,*  
pursuant to 33 U.S.C. 1341 (FWPCA ) *Washington*  
§ 401), RCW 90.48.120, RCW 90.48.260 )  
and Chapter 173-201A WAC )

David Gashler  
PO Box 432  
Springville, UT 84663

On September 10, 2021, David Gashler submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Jenna Acres, Pierce County, Washington. The following processing dates are referenced below:

- On **February 26, 2021**, the U.S. Army Corps of Engineers (Corps) notified Ecology that they are reviewing the project for authorization under Nationwide Permit #29 and an individual Section 401 is required.
- On October 8, 2021, Ecology issued a public notice for the project.

This project proposes to develop a four-parcel subdivision of single-family residences with on-site septic systems in Edgewood. The project proposed to discharge up to 50 cubic yards of fill into the Category IV Wetland A and B, with impacts of approximately 1,391 square feet in order to create the subdivision.

A compensatory mitigation plan for the 2.83-acre parcel proposes to create a new wetland area around the existing Wetland C at a ratio of 1.5 to 1 creation, resulting in a total of 2,085.5 square feet of mitigation planned. The mitigation plan will feature the planting of native plants and the creation of a wetland buffer. Monitoring of the wetland will occur over the next ten years.

The project site is located at 1419 114th Ave, Puyallup River Watershed, Pierce County, Washington, Section 44 and 3, Township 20 N., Range 4 E., within Water Resource Inventory Area (WRIA) 10 Puyallup-White.

With this Order, Ecology is granting David Gashler's request for a Section 401 Water Quality Certification for the Jenna Acres project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments that Ecology received on September 10, 2021, and the following supporting documentation:

1. E-mail letter to Ecology dated September 10, 2021, regarding the project's Wetland Analysis Report.
2. E-mail letter to Ecology dated September 10, 2021, regarding the project's Wetland Mitigation Report.

3. E-mail letter to Ecology dated September 10, 2021, regarding the project's SEPA Environmental Checklist.
4. E-mail letter to Ecology dated October 5, 2021, regarding the project's Best Management Practices.
5. E-mail letter to Ecology dated, January 11, 2022, regarding the project's SEPA exemption determination.
6. E-mail letter to Ecology dated, February 24, 2022, regarding the project's Revised Wetland Mitigation Report.

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, David Gashler must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

**Special Condition:**

1. The project proponent shall implement the requirements set forth in the revised Wetland Mitigation plan submitted to Ecology on February 15, 2022.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize David Gashler 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 David Gashler for the Jenna Acres 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. **21057** will remain valid for the duration of the associated DA permit. David Gashler should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto: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:

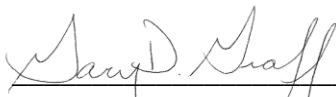
Jennifer Riedmayer  
Department of Ecology  
PO Box 47600  
Olympia, WA 98504-7600  
Jennifer.Riedmayer@ecy.wa.gov

#### **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**



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

March 8, 2022  
Date