



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

March 29, 2022

SML Seattle Modern Living, LLC
Attn: Michael Lai
1700 21st Avenue South, Suite 203
Seattle, WA 98144

**RE: Water Quality Certification Order No. 20697 for Corps Reference No. NWS-2021-628, 5143
South Director Street Project, King County, Washington**

Dear Michael Lai:

On June 15, 2021, SML Seattle Modern Living, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the South Director Street project, King 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 at Doug.Gresham@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described within the Order.

Sincerely,

Handwritten signature of Joe Burcar in black ink.

3/29/2022

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

Date

Enclosure

Sent via email to: MichaelLai@mlcompanies.co

SML Seattle Modern Living, LLC

March 29, 2022

Page 2

E-cc: Kelsey Rogers, Corps of Engineers
Christy Carr, City of Seattle
Loree' Randall, Amy Jankowiak, Rebekah Padgett: Ecology
Jennifer Marriott, Wet.land LLC
ECY RE FEDPERMITS

IN THE MATTER OF GRANTING A) WQC ORDER No. 20697
WATER QUALITY) Corps Reference No. NWS-2021-628
CERTIFICATION TO) 5143 South Director Street located in King
SML Seattle Modern Living, LLC) County, Washington.
pursuant to 33 U.S.C. 1341 (FWPCA)
§ 401), RCW 90.48.120, RCW 90.48.260)
and Chapter 173-201A WAC)

SML Seattle Modern Living, LLC
Attn: Michael Lai
1700 21st Avenue South, Suite 203
Seattle, WA 98144

On June 15, 2021, SML Seattle Modern Living, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the 5143 South Director Street project, located in King County, Washington.

- On October 28, 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 August 31, 2021, Ecology issued a public notice for the project.

The proposed project involves constructing 6 rowhouses as affordable housing. The project site is located at 5143 South Director Street in Seattle on a 0.10-acre lot (Parcel # 4265700135). This project impacts a 1,853 ft² portion of a larger Category IV wetland, and will be mitigated by purchasing 1.8 units from the King County In-Lieu Fee Program. This property is situated in King County, Washington, Section 35, Township 24 N., Range 4 E., within Water Resource Inventory Area (WRIA) 8 Cedar-Sammamish.

With this WQC Order, Ecology is granting Seattle Modern Living, LLC’s request for a Section 401 Water Quality Certification for the 5143 South Director Street project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments that Ecology received on June 15, 2021, and the following supporting documentation:

Table 1. Supporting Documents

Date Received	Document Type	Title & Date	Author
June 15, 2021	Wetland Delineation	Critical Areas Report for 5143 South Director Street, dated May 4, 2021	Wet.land LLC
June 15, 2021	Wetland Delineation	Wetland Delineation letter for 5143 South Director Street, dated May July 5, 2019	Altmann Oliver Associates, LLC
June 15, 2021	Mitigation Plan	In-Lieu Fee Plan for 5143 South Director Street, dated April 9, 2021	Wet.land LLC

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, Seattle Modern Living, 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 Seattle Modern Living, 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.

Special Conditions:

1. The Seattle Modern Living, LLC shall mitigate wetland impacts as described in the In-Lieu Fee Plan for 5143 South Director Street as identified in Table 1 or as modified by this Order.
2. The Seattle Modern Living, LLC shall obtain a Statement of Sale from the Sponsor as documentation of purchase of 1.8 credits for this impact project. The Project Proponent shall submit a copy of the Statement of Sale to Ecology within 60 days of receipt. Documentation from the Sponsor shall include:
 - a. Ecology's Order number,
 - b. Order issuance date,
 - c. Description of mitigation credits purchased,
 - d. Signatures from the Sponsor and the Applicant

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 Order is granted to the Seattle Modern Living, LLC for the 5143 South Director Street 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. WQC Order No. 20697 will remain valid for the duration of the associated DA permit. Seattle Modern Living, 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
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
Northwest Regional Office
(425) 429-1846
doug.gresham@ecy.wa.gov

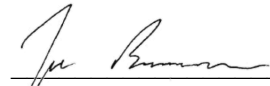
MORE INFORMATION

- **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 29th day of March, 2022 at the Department of Ecology, Shoreline, Washington



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