



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

August 8, 2022

Community Transit  
Attn: Tate Johnson  
7100 Hardeson Road  
Everett, WA 98203

Re: Administrative Order No. **21259** to permanently fill/impact 0.09 acres of non-federally regulated wetlands, which are waters of the state, for the Community Transit Vehicle Storage and Training Facility in Snohomish County, Washington

Dear Tate Johnson:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on July 7, 2022 requesting authorization for proposed work in non-federally regulated wetlands, which are waters of the state. Ecology has determined that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. **You must familiarize yourself with and abide by the conditions in the Order, including all notification requirements.** If you have any questions, please contact Doug Gresham at (425) 429-1846 or [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar", positioned above a horizontal line.

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

Community Transit

August 8, 2022

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Enclosure (1)

Sent via email to: [Tate.johnson@commtrans.org](mailto:Tate.johnson@commtrans.org)

ecc: Amanda Nadjkovic U.S. Army Corps of Engineers  
John Laufenberg, Wetland Resources  
Doug Gresham, Department of Ecology  
ECY RE FED PERMITS

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF ISSUING AN  
ADMINISTRATIVE ORDER TO  
Community Transit  
Pursuant to RCW 90.48.120 and WAC 173-201A

) ORDER No. 21259  
) Corps Ref. No. NWS-2022-397  
) Vehicle Storage and Training Facility,  
) Wetlands A and B, located in  
) Snohomish County, Washington

TO: Community Transit  
Attn: Tate Johnson  
7100 Hardeson Road  
Everett, WA 98203

This is an Administrative Order requiring Community Transit to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(2) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

The U.S. Army Corps of Engineers (Corps) issued a jurisdictional determination on June 1, 2022, concluding that Wetlands A and B are not waters of the U.S. On July 7, 2022, Ecology received a request to impact 0.09 acres of non-federally regulated wetlands, which are waters of the state, to construct the Vehicle Storage and Training Facility in Snohomish County.

The project is located at 2501 W Casino Road in Everett, Snohomish County, Section 14, Township 28N., Range 4E., and WRIA 7-Snohomish.

This Administrative Order authorizes 0.09 acres of Category IV wetland impacts at the project location. Mitigation for this impact involves: purchasing 0.076 credits from the Skykomish Habitat Mitigation Bank.

For purposes of this Order, the term "Project Proponent" shall mean Community Transit and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(2):

IT IS ORDERED that the Project Proponent shall comply with the following:

**A. General Conditions:**

1. The Project Proponent shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology July 7, 2022 or as otherwise approved by Ecology.

2. For purposes of this Order, all submittals required by its conditions shall be sent to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) and cc to [doug.gresham@ecy.wa.gov](mailto:doug.gresham@ecy.wa.gov). Any submittals shall reference Order No. 21259.
3. The Project Proponent shall provide access to the project site upon request by Ecology.
4. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and forepersons, and state and local government inspectors.
5. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.
6. The Project Proponent shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.

**B. Notification Requirements:**

1. The Project Proponent shall provide written notification to Ecology in accordance with condition A.2. for the following activities:
  - a. Immediately following a violation of the state water quality standards or when the project is out of compliance with any condition of this Order.
  - b. At least seven (7) days prior to conducting work activities in wetlands.
  - c. Within seven (7) days of completing work activities in wetlands.

**C. Wetland Mitigation Conditions:**

1. The Project Proponent shall mitigate wetland impacts as described in the *Mitigation Bank Use Plan for Community Transit Vehicle Storage and Training Facility* prepared by Wetland Resources, dated June 8, 2022 (hereafter called the "Mitigation Plan"), or as revised and approved by Ecology.

2. The Project Proponent shall notify and submit in writing to Ecology (see A.2) any proposed changes to the amount of wetland impacts or revisions to the mitigation plan before implementing the changes.
3. Until the Project Proponent has received written notice from Ecology that the Mitigation Plan has been fully implemented, the Project Proponent's obligation under Condition C.1 to mitigate for wetland impacts is not met.
4. Prior to impacting wetlands, the Project Proponent shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.076 mitigation bank credits (credits) from the Skykomish Habitat 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.
5. The Project Proponent shall complete the purchase of credits before the impacts to wetlands occur, or Ecology may require additional compensation to account for temporal loss of wetland functions.
6. If the Project Proponent has not purchased credits within 13 months of the date of this Order, the Project Proponent shall inform Ecology, in writing, of the status of:
  - a. Community Transit Vehicle Storage and Training Facility
  - b. When bank credits will be purchased

With the:

- c. Reason for the delay
- d. Expected date of completion

The Project Proponent shall submit an updated written notification every 12 months thereafter until the Community Transit Vehicle Storage and Training Facility is complete and the required credits are purchased.

#### **D. Timing**

1. This Order is valid until the Project Proponent meets all its requirements and the Project Proponent has received written notification from Ecology to that effect.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

### 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. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21B.001(2). More information is available at <https://eluhwa.gov/content/11>.

To appeal, you must do all of the following within 30 days of the date of receipt of this Order:

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.
- Serve a copy of your notice of appeal and this Order on the Department of 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 RCW 43.21B and WAC 371-08.

### Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:  
<https://eluhwa.gov/content/11>

#### Filing by mail

##### Mailing Address:

Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

#### Filing in person (or by certified mail/courier)

##### Street Address:

Pollution Control Hearings Board  
1111 Israel RD SW  
STE 301  
Tumwater, WA 98501

#### Filing electronically

##### E-mail Address:

[pchb-shbappeals@eluhwa.gov](mailto:pchb-shbappeals@eluhwa.gov)

### Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

#### Filing by mail

##### Mailing Address:

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

#### Filing in person (or by certified mail/courier) 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:

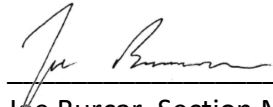
Doug Gresham  
Department of Ecology  
Northwest Region Office  
(425) 429-1846  
doug.gresham@ecy.wa.gov

### More information

- **Pollution Control Hearings Board Website**  
<https://elaho.wa.gov/content/11>
- **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 8 day of August, 2022 at the Department of Ecology, Shoreline, Washington

A handwritten signature in black ink, appearing to read "Joe Burcar", is written over a horizontal line.

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