



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

September 15, 2022

Washington Department of Transportation
ATTN: Jeff Sawyer
PO Box 47440-7440
Olympia, WA 98504-7440

RE: Water Quality Certification Order No. **21390** for Corps Reference No.
NWS-2022-105-DOT, I-5, Mounts Rd to Steilacoom-DuPont Rd – Corridor
Improvements project in Pierce County Washington

Dear Jeff Sawyer:

On February 2, 2022, the Washington Department of Transportation (WSDOT) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the I-5, Mounts Rd to Steilacoom-DuPont Rd – Corridor Improvements project located in Pierce County, Washington.

WSDOT is proposing to construct a continuous through lane between the vicinity of Mounts Road (Exit 116) and Thorne Lane (Exit 123).

On behalf of the state of Washington, the Department of Ecology certifies that the work described in the WQC request and supporting 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 Caroline Corcoran at (425) 457-3378 or caroline.corcoran@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described within the Order.

I-5, Mounts Rd to Steilacoom-DuPont Rd – Corridor Improvements Project
Order No. 21390, Corps No. NWS-2022-105-DOT
September 15, 2022
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Sincerely,



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Enclosure

e-cc: Susan Buis, Corps of Engineers
ecyrefedpermits@ecy.wa.gov
Loree' Randall – HQ, SEA
Erika Whitney, WSDOT
Victoria Book, WSDOT
David Molenaar, WSDOT
Hannah Thatcher, WSDOT



IN THE MATTER OF GRANTING A)	ORDER No. 21390
WATER QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2022-105-DOT
Washington Department of)	I-5, Mounts Rd to Steilacoom-Dupont Rd –
Transportation)	Corridor Improvements project located within
pursuant to 33 U.S.C. 1341 (FWPCA §)	WRIA 12 , DuPont and Joint Base Lewis-
401), RCW 90.48.120, RCW 90.48.260 and)	McChord, Pierce County, Washington
Chapter 173-201A WAC)	

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On February 2, 2022, the Washington Department of Transportation (WSDOT) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the I-5, Mounts Rd to Steilacoom-Dupont Rd – Corridor Improvements project located in Pierce County, Washington. The following required processing dates are referenced below:

- On August 2, 2022, 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 No. NWP 14 and requires an individual Section 401.
- Within the August 2, 2022 email notification, the Corps also provided the “Reasonable Period of Time” (deadline) for the WQC of February 2, 2023.
- On August 22, 2022 Ecology issued a public notice for the project.

The Project proposes to provide a continuous through lane between the vicinity of Mounts Road (Exit 116) and Thorne Lane (Exit 123) which would be used for HOVs between Mounts Road and Thorne Lane in the northbound direction and between Thorne Lane and Steilacoom-Dupont Road in the southbound direction. The proposed project includes the following elements:

- Demolition of a functionally obsolete existing bridge over I-5 at Steilacoom-DuPont Road, and replacement with longer and higher bridges to accommodate the proposed additional I-5 lands and minimum vertical clearances over I-5.
- Add a new northbound auxiliary lane from Center Drive (Exist 118) to Steilacoom-Dupont Road (Exit 119).
- Reconstruction of the interchange ramps to connect to the new bridges over I-5.
- Construction of a new intersection between Steilacoom-DuPont Road and Wilmington Drive.

- Construct two noise walls
- Stormwater management, illumination, traffic signals, Intelligent Transportation Systems, and signing would also be included in the project.

The work will result in temporary, permanent, and indirect impacts to wetlands. Compensatory wetland mitigation will be provided at the Clear Creek Riverside Advance Wetland Mitigation Site within the Puyallup-White River Watershed, Water Resource Inventory Area (WRIA) 10.

The project site is located on I-5 generally between Main Gate (Exit 120) and the Mounts Road Interchange (Exit 116) in Dupont and Joint Base Lewis-McChord, Pierce County, Washington, Sections 25, 34, 35, and 36, Township 19 N., Range 1 E., and Section 30, Township 19 N., Range 2 E., within the Chambers-Clover Watershed, WRIA 12.

With this Order, Ecology is granting WSDOT's request for a Section 401 Water Quality Certification for the I-5, Mounts Rd to Steilacoom-Dupont Rd – Corridor Improvements project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 2, 2022, and the following supporting documents referenced in Table 1 below:

Table 1. Supporting documents

Date Received	Document Type	Title & Date	Author
02/02/2022	Joint Aquatic Resources Permit Application (JARPA) Form	JARPA, I-5, Mounts Rd to Steilacoom-Dupont Rd – Corridor Improvements, dated 02/02/2022	WSDOT
02/02/2022 08/17/2022 (update)	Drawings	JARPA drawings, I-5, Mounts Rd to Steilacoom-Duponts Rd- Corridor Improvements, dated 08/17/2022	WSDOT
02/02/2022	Wetland Impacts and Mitigation Memo	I-5 JBLM Congestion Relief Project Wetland Impacts and Mitigation Memo, dated 05/28/2019	Parametrix

02/02/2022	Wetland Delineation Addendum	Addendum to Wetland Stream Delineation Report: Interstate 5 JBLM Vicinity Congestion Relief Project, South Study Area, dated October 2018	Parametrix
02/02/2022	Wetlands Table	Attachment 4 – Impact details for Section 404/10 & 401 PCN	WSDOT
09/12/2022	Final Wetland Mitigation Plan	I-5 JBLM Mounts Rd to Steilacoom-Dupont Rd Corridor Improvements Final Wetland Mitigation Plan, dated September 8, 2022	WSDOT

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, 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 WSDOT 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 WSDOT for the I-5, Mounts Rd to Steilacoom-Dupont Rd – Corridor Improvements 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. **21390** will remain valid for the duration of the associated DA permit. WSDOT 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. 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

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department 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:

Caroline Corcoran
Department of Ecology
435-457-3378
Caroline.corcoran@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<http://www.eluho.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



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

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Date