



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Southwest Region Office

PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

November 8, 2022

LGI Homes-Washington, LLC  
Attn: Paul Lymberis  
12951 NE Bel-Red Road, Suite 150  
Bellevue, WA 98005

Re: Administrative Order No. 21458 to permanently fill/impact 0.19 acres of non-federally regulated wetlands, which are waters of the state, to construct Meadow Brook 152nd in Pierce County, Washington

Dear Paul Lymberis:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on September 12, 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 Zach Meyer at 360-481-9885 or [zachary.meyer@ecy.wa.gov](mailto:zachary.meyer@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Lauren Driscoll, Section Manager  
Wetland Section  
Shorelands and Environmental Assistance Program

Enclosure

Sent via email to: Paul Lymberis, LGI Homes, [Paul.lymberis@lgihomes.com](mailto:Paul.lymberis@lgihomes.com)

ec: Vanessa Lewis, LGI Homes  
Amanda Nadjkovic, U.S. Army Corps of Engineers  
Scott Sissons, Pierce County  
Bryan Peck, Habitat Technologies  
[ECYREFEDPERMITS@ECY.WA.GOV](mailto:ECYREFEDPERMITS@ECY.WA.GOV)

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF ISSUING AN ) ORDER No. 21458  
ADMINISTRATIVE ORDER TO ) Corps Ref. No. NWS-2021-450  
LGI HOMES – Washington, LLC ) Meadow Brook 152nd, Wetlands located  
pursuant to RCW 90.48.120 and WAC 173-201A ) in Pierce County, Washington.

TO: LGI Homes – Washington, LLC  
Attn: Paul Lymberis  
12951 NE Bel-Red Road, Suite 150  
Bellevue, WA 98005

This is an Administrative Order requiring LGI Homes- Washington, LLC 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 May 28, 2021, concluding that Wetland Z is not waters of the U.S. On September 12, 2022, Ecology received a request to impact 0.19 acres of non-federally regulated wetlands, which are waters of the state, to construct Meadow Brook 152nd in Pierce County. The project is located at 8701 152nd St. E, Puyallup, WA 98375, Section 21 Township 19 North, Range 04 East, Pierce County, WRIA 12 Chambers-Clover.

This Administrative Order authorizes 0.19 acres of Category 4 wetland impacts at the project location. Mitigation for this proposal will consist of the purchase of 3.15 Acre Points from the Pierce County In-Lieu-Fee Program as outlined in the In-Lieu Fee (ILF) Use Plan for Parcel 0419212048, 8701 - 152nd Street East South Hill Area of Pierce County, Washington prepared by Habitat Technologies dated August 3, 2022.

For purposes of this Order, the term “Project Proponent” shall mean LGI Homes – Washington, LLC 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 on September 12, 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 zachary.meyer@ecy.wa.gov. Any submittals shall reference Order No. 21458.
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.

**C. Wetland Mitigation Conditions:**

1. The Project Proponent shall mitigate wetland impacts as described in *In-Lieu Fee (ILF) Use Plan Parcel 0419212048 8701 - 152nd Street East South Hill Area of Pierce County, Washington* (hereafter called the "mitigation plan") prepared by Habitat Technologies, dated August 3, 2022, 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 revision to the mitigation plan for review and approval before implementing the changes.
3. The Project Proponent shall obtain a Statement of Sale from the Sponsor as documentation of purchase of 3.15 acre credits for this impact project. The Project

- Proponent shall submit a copy of the Statement of Sale to Ecology (see A.2) within 60 days of receipt or before impacting wetlands, whichever is sooner. 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 Project Proponent.
4. 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.
  5. 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. Meadow Brook 152nd
    - b. When ILF 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 Meadow Brook 152nd is complete and the required credits are purchased.

6. 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.

#### **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 of this Order. The appeal process is governed by RCW 43.21B and WAC 371-08 WAC. "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:

[www.eluhwa.gov/content/11](http://www.eluhwa.gov/content/11)

#### Filing by mail

##### Mailing Address:

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

#### Filing electronically

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

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

##### Street Address:

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

### 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:


Zach Meyer  
Department of Ecology  
Southwest Regional Office  
300 Desmond Drive, Lacey, WA 98503  
360-481-9885  
[zachary.meyer@ecy.wa.gov](mailto:zachary.meyer@ecy.wa.gov)

### More information

- **Pollution Control Hearings Board Website**  
[https:// eluho.wa.gov/content/11](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 173-201A 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 8th day of November 2022, at the Department of Ecology, Lacey, Washington.



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Lauren Driscoll, Section Manager  
Wetlands Section  
Shorelands and Environmental Assistance Program