



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 8, 2023

Rite Menter Investments Inc.
ATTN: Roy Heikkala
PO Box 211
Vancouver, WA 98666

Re: Water Quality Certification Order No. **21628** (Corps No. **NWS-2022-0883**), Able Fence,
Clark County, Washington

Dear Roy Heikkala:

On January 9, 2023, Rite Menter Investments Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Abel Fence, Clark County, Washington.

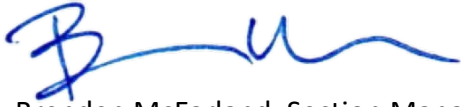
This project proposes to create a trucking transportation facility on an agricultural portion of a parcel with an existing single-family residence. The new facility will include two warehouses, an office, a parking lot, a sidewalk, a drain field, stormwater pond, a biofiltration swale, and a paved truck turnaround area. An existing 0.82-acre category IV emergent, slope wetland exists onsite. Approximately 0.56 acre of direct and indirect wetland (0.36 acre direct and 0.20-acre indirect wetland impacts, respectively) impacts are proposed for impact due to the need for the turnaround area. Impacts are to be mitigated by the purchase of 0.40 bank credits from Terrace a Mitigation Bank.

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 enclosed Water Quality Certification Order (WQC Order).

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Lori White at (564) 669-1396. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,



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

By certified mail 9489 0090 0027 6383 9289 37

Sent via e-mail: royheikkala@gmail.com

Enclosure

E-cc: Jim Carsner, U.S. Army Corps of Engineers
Loree' Randall, Ecology
Lori White, Ecology
Megan Tait, Ecology
Lori Kingsbury, Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A)	WQC ORDER No. 21628
WATER QUALITY CERTIFICATION TO)	Corps Reference No. NWS 2022-0883
Rite Menter Investments Inc.)	<i>Able Fence located within Wetland A, near</i>
pursuant to 33 U.S.C. 1341 (FWPCA §)	<i>Ridgefield, Clark County, Washington</i>
401), RCW 90.48.120, RCW 90.48.260 and)	
Chapter 173-201A WAC)	

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Rite Menter Investments Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Abel Fence project, in Clark County, Washington. The following required processing dates are referenced below:

- On December 9, 2022, Rite Menter Investments Inc. submitted a pre-filing meeting request.
- On January 9, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On January 10, 2023, Rite Menter Investments Inc. submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On December 27, 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. 39 and requires an individual Section 401.
- On January 18, 2023, Ecology issued a public notice for the project.

This project proposes to create a trucking transportation facility on an agricultural portion of a parcel with an existing single-family residence. The new facility will include two warehouses, an office, a parking lot, a sidewalk, a drain field, stormwater pond, a biofiltration swale, and a paved truck turnaround area. An existing 0.82-acre category IV emergent, slope wetland exists onsite. Impacts are to be mitigated by the purchase of bank credits from a mitigation bank.

The project site is located at 18506 NE 10th Ave in Ridgefield, Clark County, Washington, Section 10, Township 03 N., Range 01 E., within Water Resource Inventory Area (WRIA) 28 Salmon - Washougal.

With this Order, Ecology is granting Rite Menter Investments Inc.'s request for a Section 401 Water Quality Certification for the Able Fence project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on January 9, 2023, and the following supporting documentation:

1. Drawing of engineer stormwater pond, submitted to Ecology on January 24, 2023.
2. Revised Bank Use Plan, submitted to Ecology on January 24, 2023.
3. Grading plan sheets, submitted to Ecology on January 24, 2023.
4. Supplemental wetland delineation information, submitted to Ecology on February 3, 2023.
5. Bank Use Credit reservation letter, submitted to Ecology on February 21, 2023.

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, Rite Menter Investments Inc. 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 Rite Menter Investments Inc. 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. Rite Menter Investments Inc. shall mitigate wetland impacts as described in the Mitigation Plan for Able Fence, prepared by Ecological Land Services, dated January 24, 2023, or as required by this WQC Order.
 - *Justification - Alteration of water quality necessitates the use of mitigation as a method of controlling pollution. When adequate mitigation is provided, the impacts are not considered significant enough to water quality, at least in the long-term. The water quality standards, along with mitigation, protect wetlands as well as permitting some level of degradation where unavoidable or necessary.*
 - *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.*
2. Prior to impacting Wetland A, Rite Menter Investments Inc. shall submit to Ecology documentation from the bank sponsor verifying the purchase of 0.40 wetland mitigation bank credits from the Terrace Wetland Mitigation Bank. This documentation must include the Ecology WQC Order Number, WQC Order issuance date, impact acreage, the amount of credits required by the WQC Order, and date of credit purchase.

- *Justification - This condition is necessary to ensure the compensatory mitigation was actually provided by the bank.*
 - *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.*
3. Unless otherwise authorized by this WQC Order, Rite Menter Investments Inc. shall complete the purchase of credits before impacting wetlands. Otherwise, Ecology may require Rite Menter Investments Inc. to provide additional compensation to account for additional temporal loss of wetland functions.
- *Justification - Mitigation that is not emplaced concurrent with impacts will result in degradation of existing beneficial uses of the wetlands affected by the proposed action through temporal loss of functions.*
 - *Citation – 33 CFR 332, 40 CFR 131.12, 40 CFR 230, subpart J, RCW 47.85.040, Chapter 90.48 RCW, Chapter 90.54 RCW, Chapter 90.74 RCW, Chapter 173-201A WAC, WAC 173-201A-260 (3)(i-ii), WAC 173-201A-300, and WAC 173-225-010.*

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 Rite Menter Investments Inc. for the Able Fence 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. 21628 will remain valid for the duration of the associated DA permit. Rite Menter Investments Inc. 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://elaho.wa.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.wa.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.wa.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:

Lori White
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
lori.white@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
Department of Ecology

March 8, 2023
Date