



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

April 13, 2023

WA Department of Transportation
ATTN: Angie Haffie
11018 NE 51st Circle
Vancouver, WA 98682-6686

Re: Water Quality Certification Order No. **21687** (Corps No. **NWS-2019-0921-DOT**), SR 14/I-205 to SE 164th Avenue Auxiliary Lane in Clark County, Washington

Dear Angie Haffie:

On February 14, 2023, the WA Department of Transportation submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the SR 14/I-205 to SE 164th Avenue Auxiliary Lane in Clark County, Washington.

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 Penny Kelley at 360-280-8856. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Enclosure 1

WQC Order No. 21687, Corps No. NWS-2019-0921-DOT
Aquatics ID No. 139759
April 13, 2023
Page 2 of 2

By certified mail: 9489 0090 0027 6383 9288 21

Sent via e-mail: haffiea@wsdot.wa.gov

E-cc: Jennifer Lang, U.S. Army Corps of Engineers
Caroline Corcoran, Ecology
Loree' Randall, Ecology
Penny Kelley, Ecology
ECYREFEDPERMITS@ecy.wa.gov

IN THE MATTER OF GRANTING A)	WQC ORDER No. 21687
WATER QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2019-0921-DOT
WA Department of Transportation)	<i>SR 14/I-205 to SE 164th Avenue Auxiliary Lane</i>
pursuant to 33 U.S.C. 1341 (FWPCA §)	<i>located within wetlands in Clark County,</i>
401), RCW 90.48.120, RCW 90.48.260 and)	<i>Washington</i>
Chapter 173-201A WAC)	

WA Department of Transportation
Attn: Angie Haffie
11018 NE 51st Circle
Vancouver, WA 98682-6686

WA Department of Transportation (WSDOT) submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the SR 14/I-205 to SE 164th Avenue Auxiliary Lane project in Clark County, Washington. The following required processing dates are referenced below:

- On January 3, 2023, WSDOT submitted a pre-filing meeting request.
- On February 14, 2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On March 20, 2023, Ecology issued a public notice for the project.

This project proposes to construct auxiliary lanes in both directions on SR 14 between from milepost 5.98 to milepost 8.75, increasing the number of lanes from 2 to 3 in each direction. The westbound SR 14 off-ramps will be modified to help improve traffic flow exiting on to I-205 for both northbound and southbound directions. Additional project elements also include constructing noise walls, stormwater facilities, new roadside drainage ditches, extending 2 culverts to the north and building 4 energy dissipater pads at the downstream end of 4 culverts that convey unnamed streams or drainages under SR 14. The project will result in unavoidable impacts to wetlands that will be mitigated for at the Columbia River Wetland Mitigation Bank and temporary impacts will be restored on site.

The project site is located on SR 14 starting at milepost 5.98 and extending to milepost 8.75 located in Clark County, Washington, Section 1, 2, and 3, Township 1-0N., Range 2-0E., within Water Resource Inventory Area (WRIA) 28 Salmon-Washougal.

With this WQC Order, Ecology is granting WSDOT's request for a Section 401 Water Quality Certification for the SR 15/I-205 to SE 164th Avenue Auxiliary Lane project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on February 14, 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, WSDOT 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 WSDOT for the SR 14/I-205 to SE 164th Avenue Auxiliary Lane 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. **21687** 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://eluh.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://eluho.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@eluho.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:

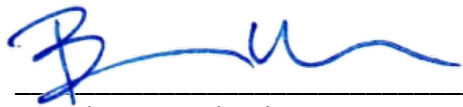
Penny Kelley
Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
penny.kelley@ecy.wa.gov

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 & Transportation, HQ
Shorelands and Environmental Assistance Program
Department of Ecology

April 13, 2023

Date