



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 15, 2023

URTC Northwest, LLC
ATTN: Josh Oliva
915 W 11th Street
Vancouver, WA 98660

Re: Water Quality Certification Order No. **21782** (Corps No. **202100991**), Union Ridge Town Center, Clark County, Washington

Dear Josh Oliva:

On January 30, 2023, URTC Northwest, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Union Ridge Town Center, 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 Lori White at (564) 669-1396. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Loree' Randall, Section Manager
Federal Permitting Section, HQ
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: 9489 0090 0027 6383 9285 55

WQC Order No. 21782, Corps No. 202100991

Aquatics ID No. 141235

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Sent via e-mail: josho@hspre.com

E-cc: Jim Carsner, U.S. Army Corps of Engineers
Stacey Reed, AKS Engineering & Forestry
Lori White, Ecology
ECYREFEDPERMITS@ecy.wa.gov

In The Matter of Granting a Water Quality
Certification to URTC Northwest, LLC
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120,
RCW 90.48.260 and Chapter 173-201A WAC

URTC Northwest, LLC
Attn: Josh Oliva
915 W 11th Street
Vancouver, WA 98660

WQC Order No.	21782
Corps Reference No.	202100991
Site Location	Union Ridge Town Center located within Wetland B, Ridgefield, Clark County, Washington.

URTC Northwest, LLC submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Union Ridge Town Center project, Clark County, Washington. The following required processing dates are listed below:

- On 9/28/2022, the URTC Northwest, LLC submitted a pre-filing meeting request.
- On 1/30/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 3/24/2023 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. 14 and requires an individual Section 401.
- On 4/5/2023, Ecology issued a public notice for the project.

This project proposes to extend N 56th Place and N 53rd Avenue to provide access from Pioneer Street to planned future commercial properties. The extension will permanently impact category IV wetland (Wetland B). The N 56th Place crossing will be about 70 ft wide and include sidewalk, planter strips, and two travel lanes. An existing 18 inch diameter culvert that discharges stormwater runoff into a stormwater facility and then into Wetland B will be extended under the new roadway.

The project site is located within Wetland B at 5694 Pioneer Street, in Ridgefield, Clark County, Washington, Section 21, Township 4 N., Range 1 E., within Water Resource Inventory Area (WRIA) 27 Lewis.

With this WQC Order, Ecology is granting with conditions URTC Northwest, LLC's request for a Section 401 Water Quality Certification for the Union Ridge Town Center project, provided that

the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 1/30/2023, and the following supporting documentation:

1. Ecology received a revised, Union Ridge Town Center 56th Place Extension Mitigation Bank Use Plan, dated March 2023.
2. E-mail letter to Ecology dated 4/13/2023, regarding the project's Wetland Mitigation Credit Buy/Sell Agreement, East Fork Lewis Mitigation Bank.
3. E-mail letter to Ecology dated 5/22/2023, regarding the issued DNS SEPA Determination.

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, URTC Northwest, LLC 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 URTC Northwest, LLC 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.

1. The Project Proponent shall mitigate wetland impacts as described in Union Ridge Town Center 56th Place Extension Mitigation Bank Use Plan, Ridgefield, Washington (hereafter called the "Mitigation Plan").
 - 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. The Project Proponent shall submit any proposed changes to the Mitigation Plan in writing to Ecology for review, following the process outlined in the Mitigation Plan, before implementing the changes.

- Justification – When adequate mitigation is provided, the water quality impacts are offset and not considered significant, at least in the long-term. Changes to impacts or mitigation must be considered when evaluating mitigation adequacy.
 - 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, the Project Proponent shall complete the purchase of credits before impacting wetlands or Ecology could use its discretionary authority to require the Project Proponent 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.
4. 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) Union Ridge Town Center project
 - b) When bank credits will be purchased
- With the:
- c) Reason for the delay
 - d) Expected date of completion
- 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 with conditions to the URTC Northwest, LLC for the Union Ridge Town Center 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. WQC Order No. **21782** will remain valid for the duration of the associated DA permit. URTC Northwest, LLC 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 Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21b.001(2).

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 Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal with the PCHB:

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

Address and Location Information

Street Addresses:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Pollution Control Hearings Board

1111 Israel RD SW
STE 301
Tumwater, WA 98501

Mailing Addresses:

Department of Ecology

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

Pollution Control Hearings Board

PO Box 40903
Olympia, WA 98504-0903

E-Mail Address:

Department of Ecology

Not currently available (see Chapter 371-08 WAC)

Pollution Control Hearings Board

Pchb-shbappeals@elaho.wa.gov

Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-7668 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Contact Information

Please direct all questions about this WQC Order to:

Lori White
Department of Ecology
564-669-1396
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

Dated this 15th day of June, 2023 at the Department of Ecology, Lacey, Washington.



Loree' Randall, Section Manager
Federal Permitting Section
Shorelands and Environmental Assistance Program