



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 5, 2023

Clark Regional Wastewater District
ATTN: Heath Henderson
8000 NE 52nd Court
Vancouver, WA 98665

Re: Water Quality Certification Order No. **22150** (Corps No. **NWS-2021-471**), Mt. Vista Trunk Upgrade, Clark County, Washington

Dear Heath Henderson:

On December 2, 2022, Clark Regional Wastewater District submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Mt. Vista Trunk Upgrade, 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 Meghan Tait at 360-210-2783. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Maria Sandercock, Section Manager
Southwest Region Office
Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 9489 0090 0027 6094 0258 88

WQC Order No. 22150, Corps No. NWS-2021-471

Aquatics ID No. 141136

September 5, 2023

Page 2 of 2

e-cc: Ari Sindel, U.S. Army Corps of Engineers
Loree' Randall, Ecology
Meghan Tait, Ecology
Lori White, Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

Clark Regional Wastewater District
ATTN: Heath Henderson
8000 NE 52nd Court
Vancouver, WA 98665

WQC Order No.	22150
Corps Reference No.	NWS-2021-471
Site Location	Mt. Vista Trunk Upgrade located within Wetland A, Vancouver, Clark County, Washington.

Clark Regional Wastewater District submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Mt. Vista Trunk Upgrade, Clark County, Washington. The following required processing dates are listed below:

- On 9/30/2022, 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. 58 and requires an individual Section 401.
- On 10/5/2022, the Clark Regional Wastewater District submitted a pre-filing meeting request.
- On 12/2/2022, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 12/8/2022, Ecology issued a public notice for the project.

This project proposes to replace roughly 1,140 linear feet of an existing 10-inch diameter sewer line with a 15-inch sewer line with the same alignment. Work would include excavation within the original alignment, removal of the existing pipe, and the replacement of bedding material and soils to bring the site back to the original grade. Removal and replacement of the existing trunk sewer pipe will cause temporary impacts within Wetland A and its buffer, which will be restored following project construction.

The project site is located at 14218 NE 35th Ave, Wetland A, Clark County, Washington, Section 24, Township 3 N., Range 1 E., within Water Resource Inventory Area (WRIA) 28 Salmon Washougal.

With this WQC Order, Ecology is granting Clark Regional Wastewater District's request for a Section 401 Water Quality Certification for the Mt. Vista Trunk Upgrade project, provided that

the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 12/2/2022, and the following supporting documentation:

1. Wetland delineation submitted to Ecology on 8/3/2023, titled Critical Areas Report, dated April 28, 2023, prepared by Ecological Land Services.
2. Drawings submitted to Ecology on 8/3/2023, dated May 2023, prepared by Consor.
3. JARPA submitted to Ecology on 8/3/2023, dated July 31, 2023, prepared by Clark County Regional Wastewater District.
4. Wetland mitigation plan submitted to Ecology on 8/8/2023, titled Mount Vista Trunk Upgrade Temporary Wetland Impact Restoration Memo, dated July 20, 2023, prepared by Clark County Public Works.

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, Clark Regional Wastewater District 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 Clark Regional Wastewater District 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 Clark Regional Wastewater District for the Mt. Vista Trunk Upgrade 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. **22150** will remain valid for the duration of the associated DA permit. Clark Regional Wastewater District 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 information 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 mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.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:

Meghan Tait

Department of Ecology

360-210-2783

Meghan.Tait@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://elaho.wa.gov>
- **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>

WQC Order No. 22150, Corps No. NWS-2021-471

Aquatics ID No. 141136

September 5, 2023

Page 5 of 5

Signature

Dated this 5th day of September 2023, at the Department of Ecology, Lacey, Washington.



Maria Sandercock, Section Manager

Southwest Region Office

Shorelands and Environmental Assistance Program