



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

February 6, 2024

Kittitas County Public Works  
ATTN: Mark Cook  
411 North Ruby Street, Suite 1  
Ellensburg, WA 98926

Re: Water Quality Certification Order No. **22490** (Corps No. **NWS-2023-0614**), Liberty Road Swauk Creek Bridge Replacement project, Kittitas County, Washington

Dear Mark Cook:

On August 9, 2023, Kittitas County Public Works submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Liberty Road Swauk Creek Bridge Replacement project, Kittitas 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 Ryan Anderson at (509) 379-1917. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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Lori White, Section Manager  
Central Region Office  
Shorelands and Environmental Assistance Program

Enclosure (1)

By certified mail: [9589 0710 5270 0589 5646 48]

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February 6, 2024  
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Sent via e-mail: Mark.Cook@co.kittitas.wa.us

E-cc: Jennifer Bader, Jacobs  
Jenae Churchill, U.S. Army Corps of Engineers  
Loree' Randall, Department of Ecology  
Ryan Anderson, Department of Ecology  
ECYREFEDPERMITS@ecy.wa.gov

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

Kittitas County Public Works  
Attn: Mark Cook  
411 North Ruby Street, Suite 1  
Ellensburg, WA 98926

<b>WQC Order No.</b>	22490
<b>Corps Reference No.</b>	NWS-2023-0614
<b>Site Location</b>	Liberty Road Swauk Creek Bridge Replacement project located within Wetlands, Swauk Creek and Williams Creek, Cle Elum, Kittitas County, Washington.

Kittitas County Public Works submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Liberty Road Swauk Creek Bridge Replacement project, Kittitas County, Washington. The following required processing dates are listed below:

- On 5/23/2023, the Kittitas County Public Works submitted a pre-filing meeting request.
- On 8/9/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 11/1/2023 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 27 and requires an individual Section 401.
- On 11/7/2023, Ecology issued a public notice for the project.
- Ecology’s “Reasonable Period of Time” for this project has been established as 2/29/2024.

This project proposes to discharge up to 1,632 cubic yards of dredge and fill material into 0.03 acres of wetlands, 0.14 acres of Swauk Creek, and 800-square feet of Williams Creek to replace the existing bridge, install a temporary bridge, and stream habitat restoration.

The project site is located near Cle Elum, Wetlands, Swauk Creek and Williams Creek, Kittitas County, Washington, Section 10, Township 20 N., Range 17 E., within Water Resource Inventory Area (WRIA) 39 – Upper Yakima River.

With this WQC Order, Ecology is granting with conditions Kittitas County Public Works' request for a Section 401 Water Quality Certification for the Liberty Road Swauk Creek Bridge Replacement project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 8/9/2023, and the following supporting documentation:

1. On 1/22/2024, Ecology received a Hydraulic Project Approval (HPA) that Washington Department of Fish and Wildlife issued on 1/11/2024.
2. On 1/23/2024, Ecology received a Water Quality Monitoring and Protection Plan (WQMPP), prepared by Jacobs Engineering Group, dated 1/23/2024.

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, Kittitas County Public Works 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 Kittitas County Public Works 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 Condition:**

1. Any work that causes distressed or dying fish or discharges of oil, fuel, or other chemicals into state waters or onto land with a potential for entry into state waters is prohibited<sup>1</sup>. If such work, conditions, or discharges occur, immediately notify<sup>2</sup> Ecology's Regional Spill Response Office at 360-407-6300 and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems. You will also need to notify the Washington Emergency Management Division<sup>3</sup> at 1-800-258-5990, for spills to water only. This condition is necessary to prevent oil and other hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm.

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<sup>1</sup> RCW 90.48

<sup>2</sup> WAC 173-303-145

<sup>3</sup> RCW 90.56.280

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 Kittitas County Public Works for the Liberty Road Swauk Creek Bridge Replacement 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. **22490** will remain valid for the duration of the associated DA permit. Kittitas County Public Works should send a copy of the final DA permit to [fednotification@ecy.wa.gov](mailto:fednotification@ecy.wa.gov) within two weeks of receiving it. To transfer this Order to a new owner or operator, complete a Request for Transfer of Order form following the instructions at the top of the form. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>.

## 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](mailto: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:

Ryan Anderson  
Department of Ecology  
(509) 379-1917  
[Ryan.Anderson@ecy.wa.gov](mailto:Ryan.Anderson@ecy.wa.gov)

## More Information

- [Pollution Control Hearings Board Website](https://eluhho.wa.gov)  
<https://eluhho.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)  
<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)  
<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)  
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>

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- [Chapter 90.48 RCW – Water Pollution Control](http://app.leg.wa.gov/RCW/default.aspx?cite=90.48)  
<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)  
<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)  
<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)  
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

## Signature

Dated this 6<sup>th</sup> day of February 2024 at the Department of Ecology, Union Gap, Washington.



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Lori White, Section Manager  
Central Region Office  
Shorelands and Environmental Assistance Program