



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

February 8, 2024

Town of Waterville
ATTN: Mayor Jill Thompson
104 East Locust Street
Waterville, WA 98858

Re: Water Quality Certification Order No. **22495** (Corps No. **NWS-2023-0627**), Waterville
Wastewater Treatment Plant Design, Douglas County, Washington

Dear Mayor Jill Thompson:

On 8/10/2023, Town of Waterville submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Waterville Wastewater Treatment Plant Design, Douglas 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 Alicia Schulz at (509) 379-4541. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Enclosure (1)

By certified mail: [9589 0710 5270 0589 5646 31]

WQC Order No. 22495, Corps No. NWS-2023-0627

Aquatics ID No. 142272

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Sent via e-mail: watervillemayor@nwi.net

E-cc: Dave Moore, U.S. Army Corps of Engineers
Nate Schmidt, Department of Fish and Wildlife
Loree' Randall, Department of Ecology
Alicia Schulz, Department of Ecology
ECYREFEDPERMITS@ecy.wa.gov

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

Town of Waterville
Attn: Mayor Jill Thompson
104 East Locust Street
Waterville, WA 98858

WQC Order No.	22495
Corps Reference No.	NWS-2023-0627
Site Location	Waterville Wastewater Treatment Plant Design located within Wetlands, Waterville, Douglas County, Washington.

Town of Waterville submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Waterville Wastewater Treatment Plant Design, Douglas County, Washington. The following required processing dates are listed below:

- On 12/22/2022, the Town of Waterville submitted a pre-filing meeting request.
- On 8/10/2023, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 8/16/2023, 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. 59 and requires an individual Section 401.
- On 10/16/2023, Town of Waterville submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On 10/17/2023, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as 2/13/2024.

This project proposes to construct a new wastewater treatment plant to replace undersized existing facility and reduce groundwater contamination. Up to 600 cubic yards of dredge and fill material will be placed over 4,200 square feet of wetlands. Up to 2,000 square feet of that total will be temporary impacts from pipe trenching for the new treatment facility.

The project site is located near Waterville, Wetlands, Douglas County, Washington, Section 27 and 34, Township 25 N., Range 22 E., within Water Resource Inventory Area (WRIA) 44 – Moses Coulee.

With this WQC Order, Ecology is granting with conditions Town of Waterville's request for a Section 401 Water Quality Certification for the Waterville Wastewater Treatment Plant Design project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 8/10/2023, and the following supporting documentation:

1. E-mail letter to Ecology dated 10/16/2023, regarding the project's wetland mitigation plan.

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, Town of Waterville 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 Town of Waterville 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. 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 prohibited¹. If such work, conditions, or discharges occur, immediately notify² 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 Division³ 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.

¹ RCW 90.48

² WAC 173-303-145

³ RCW 90.56.280

2. The Project Proponent shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, and/or necessary data collection, to ensure that conditions of this WQC Order are being met.
 - Justification - Ecology must be able to investigate and inspect construction sites and facilities for compliance with all state rules and laws.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.090, RCW 90.48.120, Chapter 173-201A WAC, and WAC 173-225-010.
3. Work within the wetted perimeter of the wetlands and streams shall be conducted after late June. Work within the wetted perimeter of the wetlands and drainage channels shall not be conducted between April – June of any year.
 - Justification - This condition reaffirms the project will take place during a time period that will not harm beneficial uses.
 - Citation - Chapter 77.55 RCW, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-200, WAC 173-201A-300, WAC 173-201A-330, WAC 173-225-010, and Chapter 220-660 WAC.
4. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
 - Justification - Ensures that the project proponent preserves sensitive areas from discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
5. Work within the waters of the state shall be conducted in the dry or during periods of low flow to the extent practicable.
 - Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300-330, WAC 173-204-120, and WAC 173-225-010.
6. The Project Proponent shall mitigate wetland impacts as described in the *Critical Area Report for Wastewater Treatment Plant Design*, dated October 2023 and associated drawings (hereafter called the “Mitigation Plan”) as required by this 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.
7. The Project Proponent shall submit any proposed changes to the Mitigation Plan in writing to Ecology for review, as described 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.

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 Town of Waterville for the Waterville Wastewater Treatment Plant Design 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. **22495** will remain valid for the duration of the associated DA permit. Town of Waterville should send a copy of the final DA permit to 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://eluh0.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 360-407-6831 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:

Alicia Schulz

Department of Ecology

509-379-4541

alicia.schulz@ecy.wa.gov

More Information

- **Pollution Control Hearings Board Website**
<https://eluh0.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>

Signature

Dated this 8th day of February 2024 at the Department of Ecology, Union Gap, Washington.



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