



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

July 3, 2024

Bobby Wolford Trucking & Demolition, Inc.
ATTN: Bobby Wolford
22014 W. Bostian Road
Woodinville, WA 98072

Re: Water Quality Certification Order No. **22874**, Corps No. **NWS-2021-37**,
Klock Property Skykomish Oxbow Restoration, Snohomish County, Washington

Dear Bobby Wolford:

On January 23, 2024, Bobby Wolford Trucking & Demolition, Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Klock Property Skykomish Oxbow Restoration, Snohomish 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 have read, are familiar with, and are able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Doug Gresham at (425) 429-1846 or Doug.Gresham@ecy.wa.gov. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

Joe Burcar, Section Manager
Northwest Region Office
Shorelands and Environmental Assistance Program

WQC Order No. 22874, Corps No. NWS-2021-37
Aquatics ID No. 141396
July 3, 2024
Page 2 of 2

Enclosure (1)

By certified mail: 9171 9690 0935 0233 1416 83

Sent via e-mail: bobbythetrucker@gmail.com

E-cc: Matt Kuziinsky and Greg Summers, Anchor QEA LLC
Brett Shattuck, Tulalip Tribe
Ryan Cochoit, U.S. Army Corps of Engineers
Yvonne Vallette, EPA
Doug Gresham, Ecology
Loree' Randall, Ecology
ECYREFEDPERMITS@ecy.wa.gov

**In The Matter of Granting a Water Quality
Certification with Conditions to Bobby Wolford Trucking & Demolition,
Inc. pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120,
RCW 90.48.260 and Chapter 173-201A WAC**

Bobby Wolford Trucking & Demolition, Inc.
ATTN: Robert Wolford
22014 W. Bostian Road
Woodinville, WA 98072

WQC Order No.	22874
Corps Reference No.	NWS-2021-37
Site Location	Klock Property Skykomish Oxbow Restoration located in Snohomish County, Washington

Bobby Wolford Trucking & Demolition, Inc. submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act to the Department of Ecology (Ecology) for the Klock Property Skykomish Oxbow Restoration located in Snohomish County, Washington. The U.S. District Court issued a Consent Decree requiring the Klock Property Skykomish Oxbow Restoration by Bobby Wolford Trucking & Demolition, Inc. and the Tulalip Tribe, which is being enforced by the U.S. Environmental Protection Agency. The following required processing dates are listed below:

- On January 12, 2024, Bobby Wolford Trucking & Demolition, Inc. submitted a pre-filing meeting request.
- On January 23, 2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On April 25, 2024, Bobby Wolford Trucking & Demolition, Inc. submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On April 25, 2024, the U.S. Army Corps of Engineers (Corps) sent a permit notification to Ecology that indicated that they are processing the project under Nationwide Permit (NWP) Program.
- On May 6, 2024, Ecology issued a public notice for the project.
- Ecology’s “Reasonable Period of Time” for this project has been established as October 22, 2024.

The project proposes to restore the hydrologic connection to an oxbow of the Skykomish River, reconnect and restore the natural stream flow of a small tributary stream on the site, and

restore connection with wetlands located on the project site. This will be accomplished by removing approximately 12,093 cubic yards of fill from wetlands and waters and approximately 31,693 cubic yards of fill from uplands; recontouring the land; removing culverts; and constructing at-grade crossings, channel daylighting, and riparian plantings.

The project site is located at 25231 Ben Howard Road, along the Skykomish River, Snohomish County, Washington, Section 3, Township 27 N., Range 7 E., within Water Resource Inventory Area (WRIA) 07 – Snohomish

With this WQC Order, Ecology is granting with conditions Bobby Wolford Trucking & Demolition, Inc.'s request for a Section 401 Water Quality Certification for the Klock Property Skykomish Oxbow Restoration project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on January 23, 2024, and the following supporting documentation:

1. Consent Decree for Klock Property Skykomish Oxbow Restoration Project, received on January 24, 2024.
2. Klock Property Ecosystem Restoration-Basis of Design, received on January 24, 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, Bobby Wolford Trucking & Demolition, Inc. 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 Bobby Wolford Trucking & Demolition, Inc. 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 Bobby Wolford Trucking & Demolition, Inc. from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Special Conditions

1. 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. **22874** will remain valid for the duration of the associated Corps permit for the project or until March 14th, 2026.

- Justification – Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
 - Citation – Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.
2. Bobby Wolford Trucking & Demolition, Inc. shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to Federal Permit Manager prior to the starting of any work authorized by this WQC Order.
- Justification - This condition is needed to ensure that the federal permit has been issued and all the conditions of the WQC Order have been included into the federal permit.
 - Citation - 40 CFR 121.10, 40 CFR 121.11, and Chapter 90.48 RCW.
3. To transfer this WQC Order to a new owner or operator Bobby Wolford Trucking & Demolition, Inc. shall:
- a. Complete a Request for Transfer of Order with a specific transfer date of the WQC Order's obligations, coverage, and liability and submit it to Ecology at fednotification@ecy.wa.gov and cc to Federal Permit Manager. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
 - b. Provide a copy of this WQC Order to the new owner or operator; and
 - c. The transfer is not considered valid until the Project Proponent receives written notification from Ecology that the transfer has been approved.
- Justification – Ecology has independent state authority to ensure protection of state water quality. Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
 - Citation – 40 CFR 121.5, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
4. 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. If such work, conditions, or discharges occur, immediately notify 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 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.

- Justification - This condition is necessary to prevent oil and 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. 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 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.

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 Bobby Wolford Trucking & Demolition, Inc. for the Klock Property Skykomish Oxbow Restoration project.

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 360-407-6831 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:

Doug Gresham
Department of Ecology
(425) 429-1846
Doug.Gresham@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>

Signature

DATED this 3rd day of July, 2024, at the Department of Ecology, Shoreline, Washington.



Joe Burcar, Section Manager
Northwest Region Office
Shorelands and Environmental Assistance Program