



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

May 14, 2025

City of Marysville
Attn: Bryan Milligan
501 Delta Avenue
Marysville, WA 98270

Re: Water Quality Certification Order No. **23562** (Corps No. **NWS-2024-119**), Marysville Riverwalk Brownfields Redevelopment, Snohomish County, Washington

Dear Bryan Milligan:

On February 25, 2025, the City of Marysville submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Marysville Riverwalk Brownfields Redevelopment, Snohomish County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions 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 Doug Gresham at (425) 429-1846 or send an email to 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

Enclosure (1)

WQC Order No. 23562, Corps No. NWS-2024-119

Aquatics ID No. 143536

May 14, 2025

Page 2 of 2

By certified mail: 9171 9690 0935 0233 1814 29

Sent via e-mail: bmilligan@marysvillewa.gov

E-cc: Ryan Conchoit, U.S. Army Corps of Engineers

Andrea Bachman, Perteet

Shelby Burgess, Snoqualmie Tribe

Erin Hanlon Brown, Ecology

Doug Gresham, Ecology

ecyrefedpermits@ecy.wa.gov

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

City of Marysville
Attn: Bryan Milligan
501 Delta Avenue
Marysville, WA 98270

WQC Order No.	23562
Corps Reference No.	NWS-2024-119
Site Location	Marysville Riverwalk Brownfields Redevelopment, located within Wetlands, Marysville, Snohomish County, Washington.

City of Marysville submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Marysville Riverwalk Brownfields Redevelopment, Snohomish County, Washington. The required processing dates are listed below:

- On 2/6/2024, the City of Marysville submitted a pre-filing meeting request.
- On 2/25/2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 4/9/2025, the U.S. Army Corps of Engineers (Corps) issued a joint public notice.
- Ecology’s “Reasonable Period of Time” for this project has been established as 2/25/2026.

The proposed Marysville Riverwalk Brownfield Redevelopment project aims to convert light industrial lands into multi-family housing, a hotel, a youth sports and recreation facility, restaurants, a family entertainment center, along with improved public access to the waterfront and open space amenities.

This site is located along Ebey Slough and will require raising it above the Base Flood Elevation (BFE) of 13 feet as defined by FEMA. Approximately 200,000 cubic yards of fill material will be imported in three phases of construction to elevate the lowest floors of the new buildings above the BFE. Before filling the site, approximately 1,530 cubic yards of petroleum-contaminated soil will be removed from four locations identified in previous environmental studies. Other work that will occur before filling the site includes relocating the City’s Public Works Department, demolishing structures, and relocating utilities (electrical, stormwater, and sewer).

The reconfiguration of stormwater drainages and fillings will impact a total of 345 ft² of Wetland 1, 12,890 ft² of Wetland 2, and 14,870 ft² of the Wetland 2 buffer. These wetland impacts will be mitigated by obtaining credits from the City's advance mitigation site at the Qwuloolt Estuary Restoration area and by enhancing native vegetation within Wetland 2.

The project site is located at 80 Columbia Avenue and 60 State Avenue, in Marysville, Snohomish County, Washington, Section 33, Township 30 N., Range 5 E., within Water Resource Inventory Area (WRIA) 07 Snohomish.

With this WQC Order, Ecology is granting with conditions City of Marysville's request for a Section 401 Water Quality Certification for the Marysville Riverwalk Brownfields Redevelopment project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 2/25/2025.

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, the City of Marysville 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 City of Marysville 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 City of Marysville 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. **23562** will remain valid until 4/30/2029.
 - 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. City of Marysville shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to doug.gresham@ecy.wa.gov prior to the starting of any work authorized by this WQC Order. If the Federal Agency determines the proposed project does not require a Federal permit, the City of Marysville shall immediately inform Ecology.
 - 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 City of Marysville 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 doug.gresham@ecy.wa.gov. 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 City of Marysville 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.

5. The Project Proponent shall mitigate wetland impacts as described in the Mitigation Site Use Plan, dated July 29, 2024, updated December 9, 2024, or 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.

6. Prior to impacting wetlands, the Project Proponent shall submit to Ecology the following as proof of advance mitigation credit withdrawal:

- a. A ledger showing that the required amount of credits have been deducted from the advance wetland mitigation site.
 - b. The ledger must include the Order number, Order issuance date, impact acreage, the amount of credits required by the Order, and the date the credits were deducted.
- Justification - This condition is necessary to ensure the compensatory mitigation was actually provided by the advance mitigation site.
 - 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), and WAC 173-201A-300.

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 City of Marysville for the Marysville Riverwalk Brownfields Redevelopment 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 by 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.

Address and Location Information

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 Address:

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

Mailing Address:

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

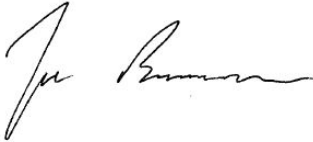
More Information

- **Pollution Control Hearings Board Website**
<https://eluhc.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 14th day of May 2025 at the Department of Ecology, Shoreline Washington.



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