



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 31, 2025

City of La Center
Attn: Tony Cooper
214 E 4th Street
La Center, Washington 98629

Re: Water Quality Certification Order No. **24028** (Corps No. **NWS-2025-324**), Brezee Creek Culvert Replacement / 4th Street Widening, Clark County, Washington

Dear Tony Cooper:

On April 2, 2025, the City of La Center submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Brezee Creek Culvert Replacement / 4th Street Widening, Clark 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 Lydia Albright at Lydia.Albright@ecy.wa.gov or (360) 870-2983. 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 (1)

WQC Order No. 24028, Corps No. NWS-2025-324

Aquatics ID No. 140850

July 31, 2025

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By certified mail: 9489 0090 0027 6381 5545 34

Sent via e-mail: acooper@ci.lacenter.wa.us

E-cc: Brody Garner, U.S. Army Corps of Engineers
April Silva, PBS Engineering and Environmental LLC
Tom Dee, PBS Engineering and Environmental LLC
Erin Hanlon Brown, Ecology
Lydia Albright, Ecology
Lizzie Carp, Ecology
ecyrefedpermits@ecy.wa.gov

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

City of La Center
Attn: Tony Cooper
214 E 4th Street
La Center, Washington 98629

| | |
|----------------------------|---|
| WQC Order No. | 24028 |
| Corps Reference No. | NWS-2025-324 |
| Site Location | Brezee Creek Culvert Replacement / 4 th Street Widening located within wetlands and Brezee Creek, La Center, Clark County, Washington. |

City of La Center submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Brezee Creek Culvert Replacement / 4th Street Widening, Clark County, Washington. The required processing dates are listed below:

- On January 16, 2025, the City of La Center submitted a pre-filing meeting request.
- On April 2, 2025, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On April 16, 2025, the City of La Center submitted additional information, and the Department of Ecology (Ecology) considered the Request valid on this date.
- On April 21, 2025, the U.S. Army Corps of Engineers (Corps) sent an email notification to Ecology that they are reviewing the project for authorization under the Nationwide Permit (NWP) Program.
- On May 13, 2025, Ecology issued a public notice for the project.
- Ecology's "Reasonable Period of Time" for this project has been established as August 19, 2025.

This project proposes to implement habitat improvements to Brezee Creek and transportation to the E 4th Street corridor. In-water work will consist of removing the culvert and associated fill located approximately 300 feet upstream from the E 4th Street, removing Mill Pond Dam and culvert, and constructing approximately 140 feet of a new stream channel where the two structures were previously located. A bridge will be constructed on E 4th Street to provide unencumbered fish passage for anadromous salmonids to 2.4 miles of spawning and rearing habitat within Brezee Creek.

Prior to conducting any work in water, the work areas will be isolated from the flowing stream using sandbag cofferdams upstream and downstream of the work areas. Fish will be removed from the isolated work areas using a combination of seining and electrofishing and then released downstream of the work areas in accordance with the WSDOT Fish Exclusion Protocols and Standards. Temporary diversion pipes will be utilized to convey stream flows around the work areas. If required, pumps will be used to dewater the work areas.

Fill from both onsite, and from an offsite source will be used. A total of 48.5 cubic yards of fill will be placed in Wetland A for the final road grade. Wetland B will have a total of 24.5 cubic yards of fill and Wetland C will have a total of 24.5 cubic yards of fill for channel realignment and bank stabilization.

The project site is located at La Center, within wetlands and Brezee Creek, Clark County, Washington, Section 3, Township 4 N., Range 1 E., within Water Resource Inventory Area (WRIA) 27 Lewis.

With this WQC Order, Ecology is granting with conditions the City of La Center's request for a Section 401 Water Quality Certification for the Brezee Creek Culvert Replacement / 4th Street Widening project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on April 2, 2025, and the following supporting documentation:

1. The Wetland Mitigation Plan *Critical Areas Impacts and Restoration, Brezee Creek Culvert Replacement/4th Street Widening Project La Center, Washington* dated June 2025 prepared by Apex.

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 La Center 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 the City of La Center 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 City of La Center 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. **24028** will remain valid until September 30, 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. City of La Center shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc Lydia.Albright@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 La Center 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 the City of La Center 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 Lydia.Albright@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 La Center 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 following in-water work windows apply to the project:

- All activities within the wetted perimeter of Brezee Creek may be conducted between July 1 – September 30 of any year.
 - Justification - This condition is reaffirming the project will take place during a time period that will not harm fish or other aquatic species.
 - Citation - Chapter 77.55 RCW, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300, WAC 173-201A-330, WAC 173-225-010, and Chapter 220-660 WAC.

6. The City of La Center shall conduct water quality monitoring as described in the approved Visual Water Quality Monitoring Plan dated March 19, 2025.

- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.
- Citation - RCW 90.48, RCW 90.48.030, Chapter 173-201A WAC, 173-201A-300-330 and WAC 173-225-010.

7. All concrete shall be completely cured prior to coming into contact with water.
 - 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.
8. To minimize sediment releases into downstream water, water reintroduced to the channel shall be done gradually and at a rate not exceeding the normal stream flow.
 - Justification - Maintaining natural stream flow rate is important for maintaining beneficial uses and preventing water quality impacts. 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.
9. Temporary cofferdams, bladder dams, super sack dams, floating turbidity curtains, and bypasses used to divert water around the work area shall be in place prior to initiation of work below the OHWM. These shall be properly deployed and maintained in order to minimize turbidity and re-suspension of sediment.
 - Justification - This condition ensures containment and limits movement of sediment that could cause water quality exceedances. 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.

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 La Center for the Brezee Creek Culvert Replacement / 4th Street Widening 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:

Lydia Albright

Department of Ecology

360-870-2983

Lydia.Albright@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>

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- **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 31st day of July, 2025 at the Department of Ecology, Lacey, Washington.



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