



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 2, 2020

Robert Woeck
WSDOT
600 108th Avenue NE, Suite 405
Bellevue, WA 98004

Re: Administrative Order No. 19388 to permanently fill/impact 1.13 acres of non-federally regulated wetlands for the I-405 NE 85th Street Interchange and Inline Station Project in King County, Washington

Dear Robert Woeck:

The Department of Ecology (Ecology) received your Joint Aquatic Resources Permit Application (JARPA) on April 23, 2020, requesting authorization to proceed with proposed work in non-federally regulated wetlands. Ecology has determined that the proposed work, as conditioned by the enclosed Administrative Order (Order), will comply with applicable provisions of Chapter 90.48 RCW and other applicable requirements of state law.

This approval is subject to the conditions contained in the enclosed Order. **You must familiarize yourself with and abide by the conditions in the Order, including all notification requirements.** If you have any questions, please contact Caroline Corcoran at (425) 649-7004 or caco461@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Enclosure

cc: Sandra Manning, U.S. Army Corps of Engineers
e-cc: ECY RE FED PERMITS

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) Corps Ref # NWS-2020-372-DOT
WASHINGTON STATE DEPARTMENT OF)
TRANSPORTATION)
FOR AN ADMINISTRATIVE ORDER TO) ORDER #19388
CONDUCT WORK IN NON-FEDERALLY)
REGULATED WETLANDS)

TO: Robert Woeck
WSDOT
600 108th Avenue NE, Suite 405
Bellevue, WA 98004

This is an Administrative Order requiring Washington State Department of Transportation (WSDOT) to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions which are described below. RCW 90.48.120(1) authorizes Ecology to issue Administrative Orders requiring compliance whenever it determines that a person has violated or creates a substantial potential to violate any provision of Chapter 90.48 RCW.

Ecology received the WSDOT Joint Aquatic Resources Permit Application on April 23, 2020, requesting an Administrative Order to impact 1.13 acres of non-federally regulated wetlands to construct the WSDOT I-405 85th Street Interchange and Inline Station project in King County. On November 1, ~~2020~~ 2019 [BKM], the U.S. Army Corps of Engineers (Corps) indicated that they would not be taking jurisdiction on these wetlands. The sites are located east of I-405 directly north and south of NE 85th Street, Section 4, Township 25N, Range 5E, King County, WRIA 8.

This Administrative Order authorizes 1.13 acres of non-federally regulated wetland impacts at the project location. No compensatory mitigation is required.

For purposes of this Order, the term “Applicant” shall mean WSDOT and its agents, assigns, and contractors.

In view of the foregoing and in accordance with RCW 90.48.120(1):

IT IS ORDERED that the Applicant shall comply with the following:

A. General Conditions:

1. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA received by Ecology on April 23, 2020 or as otherwise approved by Ecology.
2. The Applicant shall provide access to the project site upon request by Ecology.

3. Copies of this Order shall be kept on the job site and readily available for reference by Ecology personnel, the construction superintendent, construction managers and foremen, and state and local government inspectors.
4. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines further actions are necessary to implement the water quality laws of the state. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.
5. The Applicant shall ensure that all appropriate project engineers and contractors at the project site have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.

B. Notification Requirements:

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Caroline Corcoran at Ecology's Northwest Regional Office in writing at least three (3) days prior to the start of construction at the project site.
2. The Applicant shall provide written notification to Caroline Corcoran in writing within fourteen (14) days after completion of construction at the project site.

NOTE: These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Order. 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 both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Caroline Corcoran
Department of Ecology
NWRO
3190 160th Ave SE
Bellevue, WA 98008
425-649-7004
Caroline.corcoran@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
<http://www.eluho.wa.gov/Board/PCHB>
- **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**
<https://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>

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DATED September 2 at Lacey, Washington.



Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program