



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

April 21, 2014

Department of Ecology
RECEIVED

APR 24 2014

Shorelands & Environmental
Assistance Program

City of Richland
Attn: Aaron Lambert
3100 George Washington Way
Richland, WA 99354

RE: Order # 10664 – Authorization for work in isolated wetlands for the Central Washington Transfer Terminal Railroad Embankment Project.

Dear Mr. Lambert:

The request for certification for proposed work in isolated wetlands in the Horn Rapids Industrial Park area has been reviewed. On behalf of the State of Washington, we certify that the proposed work, as conditioned by the enclosed Order, will comply with applicable provisions of 90.48. RCW, WAC 173-201A 260 and other appropriate requirements of State Law.

This authorization is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Catherine Reed at (509) 575-2616. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Gary Graff, PWS
Regional Section Manager
Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 7009 2250 0004 4951 1836

cc: Premier Excavation - Todd Johnson
RGW Enterprises – Roger Wright
Corps of Engineers – Tim Erkel
Ecology SEA HQ – Jessica Hausman



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) ORDER # 10664
The City of Richland)
FOR AN ADMINISTRATIVE ORDER TO)
CONDUCT WORK IN ISOLATED WETLANDS)

TO: City of Richland
Attn: Aaron Lambert
3100 George Washington Way
Richland, WA 99354

This is an Administrative Order requiring the city of Richland 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 SEPA documents in late 2013 and the application for a Construction Stormwater Permit for the Central Washington Transfer Terminal Railroad Embankment project in late February 2014 from the project contractor. While reviewing the permit application, it was determined that the grading project will require fill to be placed in approximately 2720 square feet of a category III isolated wetland. (The isolated wetland determination by the Corps of Engineers was made in 2008, but the Corps reference number from that determination is not currently available.) Fill will also be placed in 5,030 square feet of wetland buffer. In order to comply with state policy of "no net loss" of wetland function, a wetland and wetland buffer mitigation plan was submitted to Ecology on March 28, 2014 by Shannon and Wilson on behalf of Premier Excavation and the city of Richland. The wetland fill location for the project is located in the Horn Rapids Business Center in Richland, generally west of American Rock Products' pit site, north of SR 240, south of Battelle Blvd and west of Stevens Drive in the city of Richland, sections 22 and 27, Township 10 N Range 28 East, in WRIA 40. The wetland fill is part of grading and fill preparation for a proposed rail loop which will connect to the existing Tri Cities Railroad track to the north.

This Administrative Order authorizes 2720 square feet of Category III isolated wetland impacts and 5030 square feet of wetland buffer impact at the project location. Mitigation for this proposal will consist of 5,440 square feet of Wetland Creation, and 5,030 square feet of Wetland Buffer Enhancement for a total mitigation area of 10,470 square feet. This Order also authorizes all other actions as proposed in the "Wetland Boundary Verification and Wetland Buffer Mitigation Plan, City of Richland Rail Loop Project, dated March 24, 2014" (herein called the "the wetland mitigation plan") in the wetland complex generally south of the fill location.

For purposes of this Order, the term "Applicant" shall mean the city of Richland 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 SEPA documents, construction stormwater permit application and the wetland mitigation plan received by Ecology on March 24, 2014 or as otherwise approved by Ecology.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Central Regional Office, Attn: Catherine Reed, SEA Program, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902. Any submittals shall reference Order No. 10664.
3. The Applicant shall provide access to the project site and mitigation site upon request by Ecology.
4. 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.
5. 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.
6. 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. The Applicant shall provide Ecology a signed statement (see Attachment A for an example) from each project engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins at the project.

B. Notification Requirements:

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Central Regional Office wetland specialist, Catherine Reed, in accordance with condition A.2 above for the following activities:
 - a. At least ten (10) days prior to a pre-construction meeting
 - b. At least ten (10) days prior to the onset of any work on site
 - c. At least ten (10) days prior to the onset of in-water work, including wetlands
 - d. At least ten (10) days prior to the onset of work at the wetland mitigation site
 - e. Immediately following a violation of the state water quality standards or any condition of this Order
 - f. Within fourteen (14) days after completion of construction.

C. Wetland Compensatory Mitigation Conditions:

1. The Applicant shall mitigate wetland impacts as described in the plan entitled "Wetland Boundary Verification and Wetland Buffer Mitigation Plan City of Richland Rail Loop Project dated March 24, 2014" except as modified in this Order or revised and approved by Ecology.
2. The Applicant shall submit any changes to the mitigation plan in writing to Ecology (per condition A.2. above) for review and approval before work begins or when problems occur during construction requiring plan changes.
3. To ensure proper installation, the Applicant's wetland professional must supervise and inspect all mitigation site construction and planting.

Implementation

4. The Applicant shall begin the compensatory mitigation project before or concurrent with impacting wetlands, unless prior approval from Ecology is obtained. Ecology may require additional compensation to account for additional temporal loss if the mitigation is not completed in a timely manner.
5. The Applicant shall ensure that all excess excavated site material is disposed of in an appropriate location outside of wetlands and their buffers and above the 100-year floodplain.
6. If seeding is used as a temporary erosion control BMP, it must be a wetland mix consisting of native, annual, non-invasive plant species, unless Ecology approves an alternate mix.
7. The Applicant shall place signs at the extent of the mitigation area's boundaries, including buffers, which mark the area as wetland mitigation. At least one sign should be placed on each fence/gate access point to the wetland mitigation area.

8. Upon completion of site-grading and prior to planting, the Applicant shall submit to Ecology written confirmation that the finished grades are consistent with the approved mitigation plan or subsequent Ecology-approved plan changes. Written confirmation can be a signed letter from the surveyor or project engineer indicating how final elevations were confirmed and whether they are consistent with the plan.
9. Within ninety (90) days of completing site construction and planting, the Applicant shall submit a final as-built report with maps to Ecology. The As-Built report must:
 - a. Document site conditions at Year Zero;
 - b. Be submitted to Ecology per Condition A.2. of this Order as one hard copy and one electronic file;
10. If the mitigation project installation is not completed within 13 months of this Order's date, the Applicant shall submit a written construction status report and submit status reports every 12 months until construction and planting are complete and the final as-built report is submitted.

Monitoring and Maintenance:

11. The Applicant shall water and maintain all plantings at the mitigation site as needed to meet the mitigation plan's performance standards.
12. The Applicant shall monitor the mitigation site over a span of 5 years. Additional monitoring of the mitigation area may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
13. The Applicant shall submit monitoring reports (one hard copy file and one electronic file per Condition A.2. of this Order) to Ecology documenting site conditions at the mitigation site for the years 1, 3 and 5 at a minimum. The city of Richland may require additional reports as referenced in section 6.5 of the wetland mitigation plan.
14. The Applicant shall implement the mitigation plan's contingency measures if goals, objectives, and performance standards are not being met.
15. Prior to implementing any unidentified contingency measures, the Applicant shall consult with Ecology.
16. When necessary to meet the performance standards, the Applicant shall replace dead or dying plants with the same species, or a native plant alternative appropriate for the location, during the first available planting season and note the species, numbers, and approximate locations of all replanted materials in the subsequent monitoring report.
17. The property owner shall grant Ecology access to the mitigation area for inspection during the 5 year monitoring period or until mitigation success has been achieved.

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 Hearings 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 all of the following within 30 days of the date of receipt of this Order.

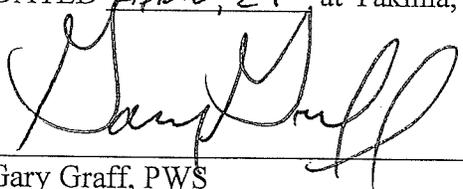
- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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 RD SW STE 301 Tumwater, WA 98501 | Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903 |

DATED April, 21 at Yakima, Washington.



Gary Graff, PWS
Regional Section Manager
Shorelands and Environmental Assistance Program
Central Regional Office – Ecology
State of Washington

ATTACHMENT A

**City of Richland
Water Quality Certification Order #10664**

**Statement of Understanding of
Water Quality Certification Conditions**

I have read and understand the conditions of Order #10664 Section 401 Water Quality Certification for the Central Washington Transfer Terminal Railroad Embankment Project. I have also read and understand all permits, plans, documents, and approvals associated with the above-referenced Project referenced in the Order.

Signature

Date

Title