



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY  
PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

October 1, 2010

Michelle Walker, Chief  
Department of the Army  
Corps of Engineers  
Seattle District, Regulatory Branch  
P.O. Box 3755  
Seattle, WA 98124

**RE: U.S. Army Corps of Engineers Reference #NWS-2008-549**  
Regional General Permit 9, Port of Chehalis Industrial Developments  
Lewis County, Washington

Dear Ms. Walker:

The Department of Ecology (Ecology) has completed its review of the proposed Regional General Permit (RGP) 9 for the Port of Chehalis Industrial Developments within the State of Washington. The proposed RGP-9 would authorize the placement of dredge or fill material into waters of the United States by the Port of Chehalis for the construction or expansion of industrial facilities.

Ecology's review was conducted in response to the Corps' request for certification pursuant to Section 401 of the federal Clean Water Act. This review is to determine whether there was reasonable assurance that the RGP will not violate applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act and other applicable provisions of state law.

On behalf of the State of Washington, Ecology does not have any objection to the issuance of the Corps of Engineers (Corps) Regional General Permit under Section 404 of the Clean Water Act. Therefore the 401 Water Quality Certification is approved provided that the RGP includes the following conditions:

1. Individual 401 review is required if the post-development stormwater controls for the project or activity are not designed in accordance with Ecology's most recent stormwater manual or an approved equivalent stormwater manual.
2. Individual 401 review is required by this condition for projects or activities authorized under this RGP if the project or activity will discharge to the following waterbodies **and**

may result in further exceedences of a specific parameter that the waterbody is listed for on the state's list of impaired waterbodies (the 303(d) list).

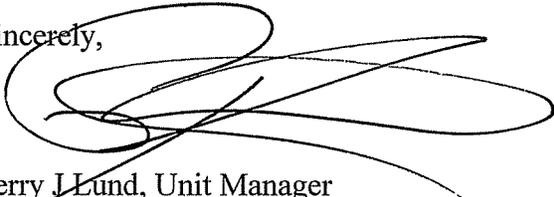
- Berwick Creek
- Dillenbaugh Creek
- Newaukum River

3. Section 401 Water Quality Certification for this RGP will expire on the date that the RGP expires.

If, prior to the Corps finalization of RGP-9 any of the conditions that Ecology has reviewed are modified or eliminated, Ecology reserves the right to review the changes and deny or re-condition the 401 Water Quality Certification for the RGP.

Please contact Brad Murphy of my staff at (360) 407-7273 if you have any questions or would like additional information.

Sincerely,



Perry J. Lund, Unit Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

cc: Joe Brock, Corps of Engineers, Seattle District

e-cc: ECY RE FED PERMITS  
Loree' Randall, Ecology/HQ  
Brad Murphy, Ecology/SWRO/SEA  
Lori Ochoa, Ecology/SWRO/SEA