



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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December 7, 2011

Barb Aberle  
Department of Transportation  
Southwest Region  
P.O. Box 1709  
Vancouver, WA 98668-1709

RE: Water Quality Certification Order #8904 for Corps Public Notice No. NWS-2009-1211 for the I-5 Mellen Street to Blakeslee Junction project in the City of Centralia, Lewis County, Washington

Dear Ms. Aberle:

On May 23, 2011, the Washington Department of Transportation (WSDOT), submitted a Joint Aquatic Resources Permit Application (JARPA) to the Department of Ecology (Ecology) for a Section 401 Water Quality Certification (401 Certification) under the Federal Clean Water Act for the proposed I-5 Mellen Street to Blakeslee Junction project.

WSDOT is proposing to make improvements along 4.34 miles of Interstate 5 (I-5) through the City of Centralia. Starting at Mile Post 79.81 and ending at the Harrison Avenue Interchange, the existing I-5 mainline will be maintained with no modifications or widening and the following improvements will be made:

- The Mellen Street Interchange will be modified with a new couplet interchange – a one way interchange with counter clockwise circulation of traffic. The couplet interchange consists of building a new bridge over I-5 approximately a quarter of mile south of the Mellen Street Interchange and connecting it to Mellen Street with new northbound and southbound frontage roads.
- Paved shoulders for pedestrians and bicyclists will be constructed along Airport Road from the beginning of the project (mile post 79.81) to Mellen Street.
- Single Lane northbound and southbound Collector-Distributor lanes will be constructed on either side of the existing I-5 mainline from Mellen Street Interchange to Harrison Avenue Interchange. These lanes will provide access to local traffic between the two interchanges.
- Two new bridges will be constructed over the Skookumchuck River to accommodate the Collector-Distributor lanes.



From Harrison Ave Interchange to Mile Post 84.15, I-5 will be widened from two lanes to three lanes in each direction.

This project will permanently impact approximately 4.97 acres of wetlands. Additionally, the project will have 0.74 acres of long-term temporary impacts to wetlands. To mitigate for wetland impacts, WSDOT will debit 4.76 credits from the North Fork Newaukum Mitigation Bank.

On behalf of the State of Washington, Ecology certifies that the work described in the JARPA and the public notice 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 conditions contained in the enclosed Order.

If you have any questions, please contact Penny Kelley at 360-407-7298. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,



Brenden McFarland, Section Manager  
Headquarters Office  
Shorelands and Environmental Assistance Program

Enclosure

by Certified Mail 7009 1410 0002 4001 1828

ecc: Caroline Corcoran, Ecology  
Bobb Nolan, Ecology  
Shelia Pendleton-Orme, Ecology  
Sandi Manning, Corps of Engineers  
Vicki Albert, WSDOT  
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<b>IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO</b> Washington Department of Transportation in accordance with 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC	) <b>ORDER # 8904</b> ) <b>Corps Reference No. NWS-2009-1211</b> ) Make improvements to 4.34 miles of I-5 ) including a couplet interchange, construction of ) collector-distributor lanes between Mellen Street ) and Harrison Ave Interchange and widening ) sections of I-5. The project is located in the City ) of Centralia, Lewis County, Washington.
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TO: Barb Aberle  
 Washington Department of Transportation  
 Southwest Region  
 P.O. Box 1709  
 Vancouver, Washington 98668-1709

On May 23, 2011, Ecology received a Joint Aquatic Resources Permit Application (JARPA) from the Washington Department of Transportation (WSDOT) requesting a 401 Water Quality Certification (WQC). The U.S. Army Corps of Engineers (Corps) issued a public notice for the project on July 1, 2011.

WSDOT is proposing to make improvements along 4.34 miles of Interstate 5 (I-5) through the City of Centralia. Starting at Mile Post 79.81 and ending at the Harrison Avenue Interchange, the existing I-5 mainline will be maintained with no modifications or widening and the following improvements will be made:

- The Mellen Street Interchange will be modified with a new couplet interchange – a one way interchange with counter clockwise circulation of traffic. The couplet interchange consists of building a new bridge over I-5 approximately a quarter of mile south of the Mellen Street Interchange and connecting it to Mellen Street with new northbound and southbound frontage roads.
- Paved shoulders for pedestrians and bicyclists will be constructed along Airport Road from the beginning of the project (mile post 79.81) to Mellen Street.
- Single Lane northbound and southbound Collector-Distributor lanes will be constructed on either side of the existing I-5 mainline from Mellen Street Interchange to Harrison Avenue Interchange. These lanes will provide access to local traffic between the two interchanges.
- Two new bridges will be constructed over the Skookumchuck River to accommodate the Collector-Distributor lanes.

From Harrison Ave Interchange to Mile Post 84.15, I-5 will be widened from two lanes to three lanes in each direction.

The project will result in unavoidable wetland impacts that will be mitigated for at the North Fork Newaukum Mitigation Bank. All open water impacts at Plummer Lake and Hayes Lake will be mitigated on site at China Creek.

The project is located on I-5 starting at mile post 79.81 and ending at mile post 84.15 in the City of Centralia in Lewis County, Washington.

WRIA 23 – Upper Chehalis

Section 6, 7, 8, 17, 18, 20, 37, 39, 44 T14N R2W

Section 31, 37 T15N R2W

## **AUTHORITIES**

In exercising authority under 33 U.S.C. § 1341, RCW 90.48.120, and RCW 90.48.260, Ecology has reviewed this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. §§1311, 1312, 1313, 1316, and 1317 (FWPCA §§ 301, 302, 303, 306 and 307);
2. Conformance with the state water quality standards contained in Chapter 173-201A WAC and authorized by 33 U.S.C. §1313 and by Chapter 90.48 RCW, and with other applicable state laws; and
3. Conformance with the provision of using all known, available and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

## **WATER QUALITY CERTIFICATION CONDITIONS**

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the activity as proposed and conditioned will be conducted in a manner that will comply with applicable water quality standards and other appropriate requirements of state law. 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, water quality certification is granted to the Applicant subject to the conditions within this Order.

Certification of this proposal does not authorize the Applicant 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 certification shall absolve WSDOT from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

**A. General Conditions**

1. For purposes of this Order, the term "Applicant" shall mean WSDOT, and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required as conditions shall be sent to Ecology's HQ, Attn: Federal Project Coordinator, P.O. Box 47600, Olympia, WA 98504-7600 or via e-mail (preferred), if possible, to the Coordinator assigned to this project. Notifications shall be made via phone or e-mail (preferred). All submittals and notifications shall be identified with Order No. 8904 and include the Applicant's name, project name, project location, the project contact and the contact's phone number.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on May 23, 2011. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the JARPA is voided by subsequent changes to the project not authorized by this Order.
4. Within 30 days of receipt of an updated JARPA Ecology will determine if the revised project requires a new water quality certification and public notice or if a modification to this Order is required.
5. This Order shall be rescinded if the Corps of Engineers does not issue an individual Section 404 permit.
6. 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 lead workers, and state and local government inspectors.
7. The Applicant shall provide access to the project site and all mitigation sites upon request by Ecology personnel for site inspections, monitoring, necessary data collection, and/or to ensure that conditions of this Order are being met.
8. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that 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 water quality.
9. The Applicant shall ensure that all project engineers, contractors, and other workers at the project site with authority to direct work 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 signatory that s/he has read and understands the conditions of this Order and

the above-referenced permits, plans, documents and approvals. These statements shall be provided to Ecology before construction begins.

10. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources, except as specifically provided for in conditions of this Order.
11. Failure of any person or entity to comply with the Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

## **B. Notification Requirements**

1. Notification shall be made via phone or e-mail (e-mail is preferred) to Ecology's Federal Project Coordinator. Notifications shall be identified with Order No. 8904 and include the Applicants name, project name, project location, project contact and the contact's phone number.
  - a. Immediately following a violation of state water quality standards, spill to waters of the state or when the project is out of compliance with any of this Orders conditions.
    - i. In addition to the phone or e-mail notification, the Applicant shall submit a detailed written report to Ecology within five (5) days that describes the nature of the event, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.
  - b. At least ten (10) days prior to all pre-construction meetings
  - c. At least ten (10) days prior to conducting initial in-water work activities for each in-water work window established in the most current HPA.
  - d. At least seven (7) days prior to the start of over water bridge construction.
  - e. At least seven (7) days within project completion.

## **C. Timing**

1. This Order will expire five (5) years from the date of issuance of the Corps permit.
2. In-water work is subject to a fishery closure window determined by Washington Department of Fish & Wildlife's Hydraulic Project Approval (HPA). All in-water work shall be completed by the work window identified in the most current HPA issued for this project.

#### D. Water Quality Monitoring & Criteria

1. Skookumchuck River and China Creek are categorized as Core Summer Habitat and the criteria of the categorization apply as described in WAC 173-201A-200(1), except as specifically modified by this Order.

Fort Borst Lake, Plummer Lake, and Hayes Lake are categorized as Core Summer Habitat and the criteria of the categorization apply as described in WAC 173-201A-200(1), except as specifically modified by this Order.

2. This Order does not authorize the Applicant to exceed applicable state water quality standards for turbidity as described in WAC 173-201A-200(1)(e).
3. At least 20 days prior to commencing in-water work and over-water work, the Applicant shall submit a Water Quality Monitoring and Protection Plan (WQMPP) to the Federal Project Coordinator for review and approval. **In-water work and over-water work shall not begin until Ecology approves the WQMPP.** At a minimum, the WQMPP shall include:
  - a. The names(s) and phone numbers (s) of the Pollution control inspector and the person responsible for on-site monitoring and report;
  - b. The BMPs and procedures to be used to protect water quality during specific proposed in-water activities;
  - c. A water sampling plan for turbidity, which include sample locations and frequency;
  - d. A map with numbered or named sampling locations associated with the in-water work activities.
  - e. Contingences during in-water work activities
4. Ecology must approve, in writing, any changes or additions to the WQMPP.
5. Monitoring results shall be submitted monthly to the Ecology Federal Project Coordinator, per condition A.2.
6. Mitigation and/or additional monitoring may be required if the monitoring results indicate that the water quality standards have not been met.

#### E. Construction

##### General Conditions

1. The Applicant shall comply with the conditions of the current Construction Stormwater Permit (National Pollutant Discharge Elimination System – NPDES) issued for this project.

2. Within the project limits<sup>1</sup> all environmentally sensitive areas including, but not limited to, wetlands, wetland buffers, and mitigation areas shall be fenced with high visibility construction (HVF) prior to commencing construction activities. Construction activities include equipment staging, materials storage, and work vehicle parking.  
*Note: This condition does not apply to activities such as pre-construction surveying and installing HVF and construction zone signage.*
  - a. If the project will be constructed in stages<sup>2</sup>, a detailed description and drawings of the stages shall be sent to Ecology for review at least 20 days prior to placing HVF.
  - b. Condition 2.a shall apply to each stage
  - c. All field Staff shall be trained to recognize HVF, understand its purpose and properly install it in the appropriate locations.
  - d. HVF shall be maintained until all work is completed for each project or each stage of a staged project.
3. All clearing limits, stockpiles, staging areas, and trees to be preserved shall clearly be marked prior to commencing construction activities and maintained until all work is completed for each project.
4. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.
5. All construction debris, excess sediment, and other solid waste material shall be properly managed and disposed of in an upland disposal site approved by the appropriate regulatory authority.
6. Turbid de-watering water associated with in-water work shall not be discharged directly to waters of the state, including wetlands. Turbid de-watering water shall be routed to an upland area for on-site or off-site settling.
7. Clean de-watering water associated with in-water work that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state including wetlands. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.

#### Equipment & Maintenance

8. Staging areas will be located a minimum of 50 feet and, where practical, 200 feet, from waters of the state including wetlands. If a staging area must be located within 50 feet of waters of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal permit coordinator before placing the staging area in the setback area.

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<sup>1</sup> Project limits include mitigation sites, staging areas, borrow sources, and other sites developed or used to support project construction.

<sup>2</sup> A stage is part of a project that has been separated into at least two distinct areas to be built during separate timeframes.

9. Equipment used for this project shall be free of external petroleum-based products while used around the waters of the state, including wetlands. Accumulation of soils or debris shall be removed from the drive mechanisms (wheels, tires, tracks, etc.) and the undercarriage of equipment prior to its use around waters of the state, including wetlands.
10. No equipment shall enter, operate, be stored or parked within any sensitive area except as specifically provided for in this Order.
11. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters.
12. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The Applicant shall set up a designated area for washing down equipment.
13. A separate area shall be set aside, which does not have any possibility of draining to surface waters, for the wash-out of concrete delivery trucks, pumping equipment, and tools.

Bridge Construction – Skookumchuck River

14. The Applicant shall minimize disturbance of vegetation when constructing the temporary work platforms for bridge construction.
15. No structural material may enter waters of the state during over-water bridge construction work.
16. Incidental debris from bridge construction activities shall be removed from waters of the state.
17. If bridge construction requires any concrete pouring on site, all forms for concrete shall be completely sealed to prevent the possibility of fresh concrete entering waters of the state.
18. Concrete process water shall not enter waters of the state. Any concrete process/contact water discharged from a confined area with curing concrete shall be routed to upland areas to be treated and infiltrated or disposed of appropriately with no possible entry to state waters.

Culvert Work & Stream/Fish Passage Improvements

19. In-water culvert work shall be conducted in the dry or in isolation from waters of the state. Any containment used to isolate the work area shall be in place prior to initiation of in-water work.

20. Upon completion of the in-water work for the culvert extension at Plummer Lake and culvert decommissioning at Hayes Lake/Fort Borst Lake, all materials used to isolate the work area shall be removed from the site and placed in an approved upland site.
21. The stream improvement work at China Creek shall be conducted in the dry or in isolation from waters of the state. Any temporary bypass or stream diversion system shall be in place prior to initiation of in-water work.
22. Any stream diversion or bypass shall be designed and operated so that it does not cause erosion or scour in the stream channel or on the banks of the waterbody where in-water work is being done.
23. Prior to returning stream flow to the work area, all bank protection measures shall be in place.
24. Reintroduction of water to the channel shall be done gradually, and at a rate not higher than the normal stream flow in order to minimize the mobilization of sediments and fines into downstream waters.
25. Temporary sediment traps shall be cleaned out and settled sediments removed from the stream channel before removing the stream diversion system and returning the flow of the surface waterbody to its natural channel. Settled sediments shall not be allowed to enter state surface waters due to water or runoff flows that may occur after construction is completed.

#### **F. Wetlands**

1. The Applicant shall mitigate wetland impacts as described in the *I-5/Mellen Street to Blakeslee Junction-Add Lanes, Interchange Improvements Project: Final Critical Areas Mitigation Report* (hereafter called the "mitigation plan") prepared by WSDOT SW Region dated November, 2011 or as revised and approved by Ecology.
2. The Applicant shall debit a minimum of 4.76 credits for the project and submit a copy of the official bank ledger to Ecology (see A.2) within 60 days of issuance of this certificate.
3. The Applicant shall notify Ecology (see A.2) of any changes to the amount of wetland impacts and revision of the mitigation plan.
4. The Applicant shall complete the purchase of mitigation bank credits before the impacts to wetlands occur or Ecology may require additional compensation to account for additional temporal loss.

## G. Emergency/Contingency Measures

1. The Applicant shall develop and implement a spill prevention and containment plan for this project and shall have spill cleanup material available on site at all times during construction.
2. Any work that produces conditions causing distressed or dying fish, or causing any discharge of oil, fuel, or chemicals into state waters or onto land with potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, the Applicant shall comply with WSDOT's most current Environmental Compliance Assurance Procedure for Construction Project and Activities, notify the Ecology Project Coordinator per condition B.1.a. and immediately take the following actions:
  - a) Cease operations at the location of the violation;
  - b) Assess the cause of the water quality problem and take appropriate measures to correct the problem and/or prevent further environmental damage;
  - c) In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with potential for entry into states waters, begin containment and clean up efforts immediately and complete them as soon as possible. This work shall take precedence over normal work. Cleanup shall include proper disposal of any spilled material and used clean up materials.
  - d) Immediately notify Ecology's Southwest Region Spill Response Office at 360-407-6300, **and** within 24 hours of spills or events to Ecology's Federal Project Coordinator at 360-407-7298.
  - e) Immediately notify the National Response Center at 1-800-424-8802.
3. Notify Ecology's Regional Spill Response Office immediately if chemical containers (e.g. drums) are discovered on-site or any conditions present indicating disposal or burial of chemicals on-site that may impact surface water or ground water.

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

## CONTACT INFORMATION

Please direct all questions about this Order to:

Penny Kelley  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98503-7600  
360-407-7298  
[pkel461@ecy.wa.gov](mailto:pkel461@ecy.wa.gov)

## MORE INFORMATION

### **Pollution Control Hearings Board Website**

[www.eho.wa.gov/Boards\\_PCHB.aspx](http://www.eho.wa.gov/Boards_PCHB.aspx)

### **Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

### **Chapter 90.48 RCW – Water Pollution Control**

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

### **Chapter 173.204 WAC – Sediment Management Standards**

[www.ecy.wa.gov/biblio/wac173204.html](http://www.ecy.wa.gov/biblio/wac173204.html)

### **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**

[www.ecy.wa.gov/biblio/wac173200.html](http://www.ecy.wa.gov/biblio/wac173200.html)

**Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**

[www.ecy.wa.gov/biblio/wac173201A.html](http://www.ecy.wa.gov/biblio/wac173201A.html)

**SIGNATURE**



12-7-11

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

Date

## Water Quality Certification Order # 8904 Statement of Understanding

I, \_\_\_\_\_, state that, I will be involved as a WSDOT employee or an agent or contractor for Washington State Department of Transportation in the I-5 Mellen Street to Blakeslee Junction project in the City of Centralia, Lewis County, WA. I further state that I have read and understand the relevant conditions of Washington Department of Ecology **Water Quality Certification Order #8904** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Company

\_\_\_\_\_  
Phone number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City, State, and Zip Code