



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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November 4, 2013

Ms. Kari Chennault, Surface Water Program Engineer
City of Marysville
80 Columbia Avenue
Marysville, WA 98270

RE: Administrative Order #10330 to impact 1.01 acres of isolated wetlands for construction of a regional stormwater pond on City property south of 152nd St NE and east of 40th Ave NE, Marysville, in Snohomish County, Washington.

Dear Ms. Chennault:

On January 25, 2013, you submitted a Joint Aquatic Resources Permit Application to the Department of Ecology to request an Administrative Order for proposed work in isolated wetlands. The State of Washington has determined that the proposed work, as conditioned by the enclosed 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. If you have any questions, please contact Paul Anderson at (425) 649-7148. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,


Erik Stockdale, Section Manager
Northwest Regional Office
Shorelands and Environmental Assistance Program

ES:psa:cja

Enclosure

By certified mail: 7011 0470 0003 3720 7646

cc: Pam Sanguinetti, U.S. Army Corps of Engineers

e-cc: Loree' Randall, Ecology/Headquarters
ecyrefedpermits@ecy.wa.gov

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
THE CITY OF MARYSVILLE)
FOR AN ADMINISTRATIVE ORDER TO) ORDER #10330
CONDUCT WORK IN ISOLATED WETLANDS)

TO: City of Marysville
Attn: Kari Chennault
80 Columbia Avenue
Marysville, WA 98270

This is an Administrative Order requiring the City of Marysville (City) to comply with Chapter 90.48 RCW and the rules and regulations of the Department of Ecology (Ecology) by taking certain actions that 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. This Order does not authorize the City to place fill in wetlands that are under U.S. Army Corps of Engineers jurisdiction (Corps Reference #201300139).

On January 25, 2013, the City submitted a request to Ecology to impact 1.01 acres of isolated wetlands (Wetlands B, C, D, E and F) for construction of the North Marysville Regional Stormwater Pond No. 2 on City property south of 152nd St NE and east of 40th Ave NE, Marysville, in Snohomish County, Washington (Section 33, T. 31 N., R. 05 E., WRIA 7).

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

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

1. Project mitigation shall be through the purchase of 0.86 credits from the Snohomish Basin Mitigation Bank.
 - a) Proof of Mitigation Bank Credit Purchase: Prior to impacting wetlands, including buffers, associated with the construction of the project, the City shall submit the following to Ecology:
 - i. A credit ledger listing the Ecology Order Number, order issuance date, and the debited credits verifying credit withdrawal from the Snohomish Basin Mitigation Bank.
 - ii. Documentation that credits applied to the project have been registered, with the Ecology Order number assigned to this project and order issuance date at the Snohomish County Auditor's office.
2. The City shall provide access to the project site upon request by Ecology.

3. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
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.

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

CONTACT INFORMATION

Please direct all questions about this Order to:

Paul S. Anderson
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7148
paan461@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental and Land Use 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>

SIGNATURE



Erik Stockdale, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office

11.4.2013

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