



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

March 11, 2005

REGISTERED MAIL
RB 253 008 205 US

Specht Properties
ATTN: Joe Curran
15400 SW Millikan Way
Beaverton, OR 97006

RE: **Order No. 2020:** Administrative Order to authorize impacts to wetlands on Prior Converted Cropland for future commercial development in Ridgefield, Clark County, Washington

Dear Mr. Curran:

Your request to impact 6.19 acres of wetlands on prior converted croplands to establish the Ridgefield Commerce Center with up to 11 industrial lots in Ridgefield, Clark County, Washington has been reviewed. 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 appropriate requirements of State law.

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Brad Murphy at (360) 407-7273. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Perry J Lund", with a large, stylized flourish extending to the right.

Perry J Lund
Unit Supervisor
Shorelands and Environmental Assistance Program

PJL:JS:dn
Enclosure

cc: Ron Klump, U.S. Army Corps of Engineers, Seattle District
Marc Boulé, Shapiro and Associates
Ms. Eleanor Lewis
Mr. Jack Barchek

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY) ORDER NO. 2020
Specht Properties)
FOR AN ADMINISTRATIVE ORDER TO) For the future development of the
CONDUCT WORK IN A WETLAND ON) Ridgefield Commerce Center
PRIOR CONVERTED CROPLANDS) in Ridgefield, Clark County, Washington

To: Specht Properties
ATTN: Joe Curran
15400 SW Millikan Way
Beaverton, OR 97006

This is an Administrative Order requiring Specht Properties 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 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.

On September 9, 2003, Ecology issued a Public Notice of Application to permanently fill an undetermined amount of waters of the state, including wetlands, for an industrial development adjacent to an unnamed tributary to Allen Canyon Creek near I-5 Exit 14 and Timms Road, Ridgefield, Clark County, Washington. On November 21, 2003, Ecology established that 6.19 acres of the 11.99 acres of prior converted croplands (PCC) wetlands on this site would be impacted by this proposal.

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

IT IS ORDERED that Specht Properties shall comply with the following:

1. Specht Properties shall construct and operate the project in a manner consistent with the project description contained in the Wetland Mitigation Plan prepared by Shapiro and Associates, Inc., dated December 29, 2004 and as otherwise approved by Ecology.
2. The applicant shall comply with the construction stormwater permit issued for this project.
3. Stormwater management for the operation of the project shall comply with Ecology's current Stormwater Management Manual for Western Washington.
4. The Applicant shall provide Ecology a signed statement (see Attachment #A) 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 no less than seven (7) days before construction begins at the project site.
5. Project mitigation shall be constructed and maintained as described in the Wetland Mitigation Plan prepared by Shapiro and Associates dated December 29, 2004.

- 5.1. The Five-Year Maintenance Program described in page 9 of Appendix D of the Wetland Mitigation Plan shall be extended to no less than ten (10) years as specified in Section 7 (page 10) of the mitigation plan. Maintenance is required throughout the life of the mitigation.
- 5.2. Any contingencies or recommended changes to the plan must be submitted to Ecology for review and approval before they are incorporated into the plan or implemented on the ground.
- 5.3. Mitigation reports required by the mitigation plan shall be submitted to: Federal Permit Coordinator, Department of Ecology SWRO, PO Box 47775, Olympia, WA 98504-7775 no later than 60 days after completion.
6. Specht Properties shall provide access to the project site and all mitigation sites upon request by Ecology.
7. This Order does not exempt and is provisional upon compliance with other statutes and codes administered by federal, state, and local agencies.
8. 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.
9. 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.

Any person aggrieved by Order No. 2020 may obtain review thereof by appeal. Pursuant to Ch. 43.21B RCW, a person can appeal this order to the Pollution Control Hearings Board within 30 days of the date of receipt of this Order. Any such appeal must be sent to the Washington Pollution Control Hearings Board, PO Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the appeal must be sent to the Department of Ecology, Shorelands and Environmental Assistance Program, Attn: Loree' Randall, PO Box 47600, Olympia, WA 98504-7600. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

DATED this 11th day of March 2005, at Lacey, Washington.



Perry J Lund
Unit Supervisor
Shorelands and Environmental Assistance Program

Attachment # A
Water Quality Certification
Statement of Understanding

I, _____, state that I will be involved as an agent or contractor for the Applicants in the development of the Ridgefield Commerce Center, Clark County Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order #2020 and the applicable permits, plans, and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Company

e-cc: Susan Volz, svolz@attbar.com
Brad Murphy, Ecology SWRO/SEA
Deborah Cornett, Ecology SWRO/WQ
Penny Keys, Ecology HQ/SEA

