



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

October 16, 2007

**REGISTERED MAIL**

City of West Richland Public Works Dept.  
Heath Mallotte, PE  
3801 West Van Giesen Street  
West Richland, WA 99353

RE: Order # 5178- Water Quality Certification for the West Richland Wastewater Treatment Plant Facilities Upgrade

Dear Mr. Mellotte:

The request for certification for proposed work in wetlands and adjacent to the Yakima River 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 Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as the State response to the Corps of Engineers.

This certification is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Catherine Reed at (509) 575-2616. Written comments can be sent to her at the Department of Ecology, Central Regional Office or at [craj461@ecy.wa.gov](mailto:craj461@ecy.wa.gov). The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in cursive script that reads "Jeff Lewis".

Jeff Lewis  
Section Manager, Central Regional Office  
Shorelands and Environmental Assistance Program

CR:jt071017

Enclosure

cc: Army Corps of Engineers – Tim Etkel  
WDFW – Yakima office - Eric Bartrand  
City of West Richland Community Development Dept. – Todd Stowell  
Penny Keys – Ecology SEA HQ



<b>IN THE MATTER OF GRANTING A</b>	)	<b>ORDER # 5178</b>
<b>WATER QUALITY</b>	)	<b>Corps Reference No. NWS-2006-01436-CRE</b>
<b>CERTIFICATION TO</b>	)	West Richland Wastewater Treatment Plant
<b>the City of West Richland</b>	)	Facilities Upgrades, including lift station
in accordance with 33 U.S.C. 1341	)	installation, new sewer line construction, and
(FWPCA § 401), RCW 90.48.120, RCW	)	installation of a new effluent outfall and diffuser
90.48.260 and Chapter 173-201A WAC	)	in the south channel of the Yakima River located
	)	in section 32 of Township 9 North, Range 28
	)	East in Benton County, Washington.

TO: City of West Richland Public Works Dept.  
 Heath Mallotte, PE  
 3801 West Van Giesen Street  
 West Richland, WA 99353

On December 18, 2006, the City of West Richland Public Works Department submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. A public notice regarding the request was distributed by Ecology for the above-referenced project pursuant to the provisions of Chapter 173-225 WAC on June 7, 2007.

The proposed project entails construction of a new influent pump/lift station adjacent to a Yakima River remnant flood channel and replacement of an existing failed outfall diffuser in the south channel of the Yakima River. From the new lift station, a new 14 to 18 inch force main and a 10-inch potable water line (approximately 1,300 feet long) will span a type III wetland to the Waste Water Treatment Plant (WWTP). The wetland crossing is about 77 feet wide. The north concrete abutment for the force main/water line crossing will be excavated in about 400 square feet of the wetland. Of this area, only 24 square feet will be permanent wetland impact. A new 18-inch force main from the WWTP to the outfall will be constructed, which will replace the existing 2,560-foot long force main. A new outfall diffuser will be constructed in the Yakima River and will extend about 30 feet into the river from the bank. Vegetative restoration/enhancement and bio-engineered bank stabilization is planned to occur for approximately 50 feet along the bank of the Yakima River at the location of the outfall. Various new construction and other improvements to the existing Waste Water Treatment Plant will also occur in upland areas. Some of these improvements include paving of an existing gravel access road to the treatment plan, the reconstruction of a protective berm around the WWTP facility, construction of a new blower building, installation of new booster pumps and elevation of existing WWTP buildings and basins with 8,980 cubic yards of fill. The project is located in the City of West Richland near Chelan Drive and east of South 46<sup>th</sup> Avenue, in Benton County, Washington 99353, in the Northwest Quarter of Section 32, Township 9 North, Range 28 East, WRIA# 37 (Lower Yakima Watershed).

The project proposes to impact (mostly with excavation) approximately 400 square feet of Category III wetlands adjacent to the new lift station. Only 24 square feet of wetland

in this area will be permanently filled. Mitigation for this wetland loss will consist of revegetation of excavated wetland areas and creation of 30 square feet of wetland or enhancement of 60 square feet of existing wetland to the south of the impacted wetland.

There will be approximately 30 cubic yards of impact to the Yakima River streambank and 22 cubic yards of impact to the riverbed from construction of the trench in which the diffuser pipe will be buried. Proposed mitigation to compensate for permanent impacts includes revegetation of 50 feet of the Yakima River bank in the vicinity of the outfall (25-feet on either side of the bank on either side of the outfall).

#### **AUTHORITIES:**

In exercising authority under 33 U.S.C. § 1341, 16 U.S.C. § 1456, RCW 90.48.120, and RCW 90.48.260, Ecology has examined 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, 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 not violate 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 standards (Chapter 173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this certification shall absolve the Applicant 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 the City of West Richland, and its agents, assignees and contractors.
2. For purposes of this Order, all submittals required by its conditions shall be sent to Ecology's Central Regional Office, Attn: Cathy Reed, Federal Project Coordinator, 15 West Yakima Avenue, Suite 200, Yakima, WA 98902. Any submittals shall reference Order No. 5178 and Corps No. **NWS-2006-01436-CRE**.
3. Work authorized by this Order is limited to the work described in the JARPA received by Ecology on December 18, 2006. 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 does not exempt, and is provisional upon, compliance with other statutes and codes administered by federal, state, and local agencies.
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 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.

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. Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000.00) per violation for each day of continuing noncompliance.

## **B. Water Quality and Wetlands**

1. This Order does not authorize temporary exceedances of the turbidity standard beyond the limits established in WAC 173-201A-210. The water quality (turbidity) monitoring plan for diffuser installation in the Yakima River as submitted in the August 6, 2006 Biological Evaluation shall be implemented. A copy of water quality monitoring report results shall be sent weekly to Ecology's Central Regional Office Federal Permit Coordinator via e-mail or hardcopy for the duration of in-water work.
2. Wetland mitigation for the lift station area shall include 30 square feet of wetland creation or 60 square feet of wetland enhancement placed to the south of the impacted wetland. Native plants including shrubs and trees shall be planted on a grid. Trees shall be planted on ten-foot centers and shrubs shall be planted on 3 to 5-foot centers underneath and between the trees.
3. Photo points shall be established to document the wetland enhancement and Yakima River restoration plantings. Photos should be taken before ground disturbance, just after planting, and three years after planting. A copy of the photos shall be sent to Ecology before December 31 in the same year as planting and before December 31 after three years from planting.
4. After 3 years, there shall be 80 percent survival of planted native plant materials, or native tree or shrub aerial canopy coverage of at least 50 percent. If planting is unsuccessful, then a remediation plan shall be submitted to Ecology for approval by December 31 of the third year from planting.
5. Revegetation of the Yakima River bank area shall be implemented as shown on submitted cross section ("Streambank Restoration Section Details") drawings on figure E, sheet 3 of 3 and as required in condition 12 of the Hydraulic Project Approval No. 107546-1.

### **C. Construction Conditions**

1. The Applicant shall comply with all stormwater requirements within the National Pollutant Discharge Elimination System (NPDES) Stormwater General Permit for Construction Activity for this project.
2. All work in and near the water shall be done so as to minimize turbidity, erosion, and other water quality impacts. Construction stormwater, sediment, and erosion control Best Management Practices (BMP's) suitable to prevent exceedances of state water quality standards shall be in place before starting clearing, filling and grading work and shall be maintained throughout construction.
3. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Sensitive areas and buffers that are to be protected from disturbance shall be marked so as to be clearly visible to equipment operators. Equipment shall enter and operate within the marked clearing limits corridors and stockpile areas.

### **D. Reporting Requirements**

A detailed "as built" report of all in-water or over-water structures shall be prepared after construction showing any variances from the submitted plan. If no deviations occur, then a letter stating that fact shall be sent to Ecology for inclusion in the file. The "as-built" shall be the baseline document used for all future monitoring of the mitigation project.

### **E. Timing Requirements**

1. This Order is valid until though April 25, 2009, or as extended from that date by the Corps of Engineers.
2. In-water work shall be in compliance with that specified in Hydraulic Project Approval No. 107546-1, or as amended.

### **F. Notification Requirements**

1. The Applicant shall provide written notification (FAX, e-mail or mail) to Ecology's Central Regional Office Federal Permit Coordinator in writing at least three (3) days prior to the start of construction at the project and mitigation site.
2. The Applicant shall provide written notification to Ecology's Central Regional Office Federal Permit Coordinator in writing within fourteen (14) days after completion of construction.

**NOTE:** These notifications shall include the Applicant's name, project name, project location, the number of this Order, contact and contact's phone number.

**G. Emergency/Contingency Measures:**

1. The Applicant shall implement the spill prevention and containment plans as referenced in submitted documents for this project, and shall have spill cleanup materials and an emergency call list available on site.
2. Any work that is out of compliance with the provisions of this Order, or conditions causing distressed or dying fish, or any discharge of oil, fuel, or chemicals into state waters, including wetlands, or onto land with a potential for entry into state waters, is prohibited. If these occur, the Applicant or operator shall immediately take the following actions:
  - a. Cease operations that are causing the compliance problem.
  - 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 finding distressed or dying fish, the applicant shall collect fish specimens and water samples in the affected area within the first hour of the event. These samples shall be held in refrigeration or on ice until the applicant is instructed by Ecology on what to do with them. Ecology may require analyses of these samples before allowing the work to resume.
  - d. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
  - e. Immediately notify Ecology's Central Regional Spill Response Office at (509) 575-2800 of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.
3. 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, including wetlands.
4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology's Central Regional Spill Response Office at (509) 575-2800.

**H. Appeal Process:**

You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing.

Your appeal must be filed with:

The Pollution Control Hearings Board  
4224 - 6th Avenue SE, Rowe Six, Bldg. 2  
P.O. Box 40903  
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology  
Appeals Coordinator  
P.O. Box 47608  
Olympia, Washington 98504-7608.

In addition, please send a copy of your appeal to:

Federal Permit Appeals Coordinator  
Department of Ecology  
P.O. Box 47600  
Olympia, Washington 98504-7600

*For additional information. Environmental Hearings Office Website  
<http://www.eho.wa.gov>*

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

Dated 10-16-07 at Yakima, Washington.

  
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Jeff Lewis, Section Manager  
Shorelands and Environmental Assistance Program  
Department of Ecology  
State of Washington