



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

August 11, 2006

REGISTERED MAIL
RB 670 437 837 US

Covington Water District
Attn: Patrick Marchman
18631 SE 300th Place
Kent, WA 98042

Dear Mr. Marchman:

RE: Administrative Order No. 3650: Administrative Order for placement of fill in 0.03 acre of isolated wetlands as part of an expansion of the existing administrative office and operations center on the property, located at 18631 SE 300th Place in the City of Kent, in King County, Washington.
U.S. Army Corps of Engineers (Corps) Reference #200501438

The request for an administrative order for proposed work in isolated wetlands for expansion of the existing administrative office and operations center on the property located at 18631 SE 300th Place in the City of Kent, has been reviewed. The State of Washington has determined that the proposed work, as condition by the enclosed Order, will comply with applicable provisions of Chapter 90.48 RCW and other appropriate requirements of State law. The Order does not authorize placement of fill in wetlands determined to be regulated by the Corps (Corps Reference #200501438).

This approval is subject to the conditions contained in the enclosed Order. If you have any questions, please contact Erik Stockdale at (425) 649-7061 or (425) 649-7000. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program

cc: Matt Bennett, U.S. Army Corps of Engineers
Doug Gresham, Sheldon & Associates, Inc.
Richard Robohm, Ecology
Erik Stockdale, Ecology
Rebekah Padgett, Ecology
Penny Keys, Ecology
Loree' Randall, Ecology



DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE REQUEST BY)
COVINGTON WATER DISTRICT)
FOR AN ADMINISTRATIVE ORDER TO) ORDER NO. 3650
CONDUCT WORK IN ISOLATED WETLANDS)

To: Covington Water District
Attn: Patrick Marchman
18631 SE 300th Place
Kent, WA 98042

This is an Administrative Order requiring the Covington Water District 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 Covington Water District to place fill in wetlands that are under U.S. Army Corps of Engineers jurisdiction (Corps Reference #200501438).

In December 2005, Covington Water District submitted a request to Ecology to impact 0.03 acre of isolated wetlands to enable the expansion of the existing administrative office and operations center on the property, located at 18631 SE 300th Place in the City of Kent, in King County, Washington.

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

IT IS ORDERED that Covington Water District shall comply with the following:

1. Wetland compensatory mitigation and monitoring for the wetland fill shall be performed as described in the *Final Wetland Mitigation Plan, Covington Water District Administrative and Operations Center*, dated June 17, 2005, by Sheldon & Associates, Inc. and the Mitigation Plan drawings included therein, by Hammond Collier Wade Livingstone, except as modified in this Order.
 - a) Timing: The wetland mitigation plan shall be implemented concurrently with the site construction for the development, or within the first year following the site construction.
 - b) Construction Monitoring: The wetland mitigation grading activity and plant installation shall be monitored during construction by a qualified wetland ecologist to ensure proper elevations are achieved and plants are appropriately placed.

- c) Performance Standards: The performance of the wetland mitigation shall be measured by the standards listed under the Performance Standards section of the Final Wetland Mitigation Plan by Sheldon & Associates, dated June 17, 2005.
- d) Monitoring: Monitoring to ensure that the project performance standards are met shall be performed as specified in the Monitoring Plan section of the Final Wetland Mitigation Plan by Sheldon & Associates, dated June 17, 2005. **Copies of all monitoring reports shall be submitted to Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 – 160th Avenue SE, Bellevue, WA, 98008-5452**, identified with Order No. 3650, and also submitted to King County.
- e) Maintenance: The Applicant is responsible for maintenance of the wetland mitigation sites such that the required performance standards are met. Maintenance shall be performed as listed under the Maintenance section in the Final Wetland Mitigation Plan by Sheldon & Associates, dated June 17, 2005.
- f) Contingency Plan: The Applicant shall be responsible for preparing a contingency plan if performance standards and plan objectives have not been met. A contingency plan may include the items described under the Contingency Plans section in the Final Wetland Mitigation Plan by Sheldon & Associates, dated June 17, 2005.
- g) An "as-built" report and drawing documenting the final design of the mitigation area shall be prepared when the mitigation plan has been implemented. The "as-built" documents shall include the following:
- Vicinity map showing site access;
 - Final site topography;
 - Drawings that clearly identify the boundaries of the mitigation areas;
 - The installed planting scheme showing quantities, densities, sizes, and approximate locations of plants, as well as plant sources and the time of planting;
 - Photographs of the area taken from permanent reference points;
 - Locations of photopoints, sampling and monitoring sites; and
 - An analysis of any changes to the mitigation plan that occurred during construction.

A copy of the "as-built" report and drawing shall be sent to Wetland Specialist, Shorelands and Environmental Assistance Program, 3190 160th Avenue SE, Bellevue, Washington 98008-5452 within 90 days of completing mitigation construction and planting.

2. Covington Water District 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.

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 August 11, 2006 Bellevue, Washington.



Geoff Tallent
Section Manager
Shorelands and Environmental Assistance Program