STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
TTY 771 or 800-833-6388 (for the speech or hearing impaired)

September 15,2005

REGISTERED MAIL

Ben Brown
Department of Transportation
Northwest Region
P.O. Box 330310
Seattle, WA 98133-9710

RE: Water Quality Certification Order # 2689 and Coastal Zone Management consistency determination for Corps Public Notice No. 200401241 to increase roadway capacity on State Route 167 from 15th Street SW to 15th Street NW/S. 180"' Street in King County, Washington

On March 24,2005, the Washington State Department of Transportation (WSDOT) submitted a Joint Aquatic Resource 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 SR 167 from 15th Street SW to 15"' Street NW/S.180th Street. The project proposes to increase roadway capacity by constructing a HOV lane, developing an on-ramp HOV bypass and off-ramp corrections, and extending a culvert. In addition, work includes roadside grading and paving, constructing retaining walls, installing water quality measures, and developing a wetland mitigation site. The U.S. Army Corps of Engineers issued the project's public notice on May 25,2005.

On behalf of the State of Washington, Ecology certifies that the work proposed in the JARPA Ecology received on March 24,2005 and the public notice complies with the 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 certification is subject to the conditions contained in the enclosed Order.

On March 24,2005, Washington Department of Transportation submitted to Ecology a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with WSDOT's determination that this work is consistent with the approved Washington State CZMP. This concurrence is based upon

the applicant's compliance with all applicable enforceable policies of the CZMP, including Section 401 of the federal Water Pollution Control Act.

This letter also serves as a State response to the Corps of Engineers' Public Notice. The enclosed Order may be appealed by following the procedures described in the Order.

If you have any questions, please contact Rebecca Ponzio, the Federal Permit Manager for this project, at (425) 649-7181 or rpon461@ecy.wa.gov.

Sincerely,

Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program

BM:rp:mw
Enclosure

cc: Kim Harper, Ecology
Jerry Shervey, Ecology
Jack Kennedy, Corps of Engineers
Jim Fraser, Department of Fish & Wildlife
Pat Klavas, Department of Fish & Wildlife
John Maas, Department of Transportation
Christina Martinez, Department of Transportation
Nina Roscow, Department of Transportation
Doug Dobkins, King County

e-cc: Penny Keys, Ecology
Loree' Randall, Ecology

IN THE MATTER OF GRANTING A WATER QUALITY CERTIFICATION TO the Washington State 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	)))))))))	Order # 2689 (Corps Reference No. 20040124.1) Construct a High Occupancy Lane on SR 167 from MP 13.25 to MP 24.97, develop on-ramp bypass and off-ramp corrections, provide stormwater facilities, and a wetland mitigation site in King County, Washington.

TO: Washington State Department of Transportation
Attn: Ben Brown
P.O. Box 330310
Seattle, WA 98133-9710

On March 17,2005, the Department of Transportation submitted a Joint Aquatic Resource Permit Application (JARPA) to the Department of Ecology (Ecology) requesting a Section 401 Water Quality Certification. The request for certification was made available for public review and comment through the U.S. Army Corps of Engineers' Public Notice No. 200401241 on May 25,2005.

The proposed project is located within the cities of Algona, Auburn, Kent, and Renton in King County, Washington, Sections 19, 30, and 31, Township 23N, Range 5E; Sections 6, 7, and 18, Township 22N, Range 5E; and Sections 13, 24, and 25 in Township 22N, Range 4E. The project entails increasing roadway capacity and providing travel time advantages to transit and high occupancy vehicle (HOV) traffic. This includes constructing a HOV lane on 2.04 miles of SR 167 northbound from 15th SW to 15th Street NW/S 180th Street, developing an on-ramp HOV bypass and off-ramp corrections, and extending a culvert. In addition, work includes roadside grading and paving, constructing retaining walls, installing water quality measures, and developing a wetland mitigation site. Stormwater facilities will also be implemented. This work will result in 2.55 acres of permanent wetland impact and 1.31 acres of temporary wetland impact.

Work is located in the Duwamish-Green River Watershed and is within or adjacent to Garrison Creek, Mill Creek, Springbrook Creek, an unnamed creek at 180th Street Northbound on-ramp, and an overflow ditch located adjacent to the unnamed creek. Compensatory mitigation for the wetland impacts due to the roadway capacity project will occur at a 56-acre property in the city of Auburn located between SR 167 and West Valley Highway, south of 15th St. NW/S 180th Street. Wetland mitigation will entail restoring 2.58 acres of wetland, enhancing 2.17 acres of degraded wetland, and enhancing 0.74 acres of upland buffer.

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 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. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301,303,306, and 307);
2) Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, and other requirements of state law; 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 project as proposed and conditioned will not violate applicable water quality standards and other applicable requirements of state law. Therefore, in view of the foregoing and in accordance with 33 U.S.C. 134.1, RCW 90.48.120, RCW 90.48.260 and Chapter 173-201A WAC, Certification is granted to the Washington State Department of Transportation (WSDOT) Northwest Region subject to the following conditions:

A. General Conditions:

1. For purposes of this Order, the term "Applicant" shall mean the Washington State Department of Transportation (WSDOT) Northwest Region, its agents, assignees, and contractors.

2. All submittals required by conditions of this Order shall be sent to Ecology's Northwest Region, Attn: Federal Permit Manager – MAP Team, 3190 – 160th Avenue SE, Bellevue, WA 98008-5452, with Order No. 2689 displayed.

3. Work authorized by this Order is limited to the work described in this JARPA received by Ecology on March 17,2005. The Applicant will be out of compliance with this Order and must reapply with an updated application if the information contained in the March 17, 2005 JARPA is voided by subsequent changes to the project not authorized by this Order.

4. Ecology will determine within thirty (30) days of receipt of an updated JARPA if a modification of this Order is required.

5. This Order shall be withdrawn if the U.S. Army Corps of Engineers does not issue a 404 permit. It shall also be withdrawn if the project or its purpose is revised in

such a manner that Ecology determines that the revised project requires a new authorization and public notice. The Applicant will then be required to reapply for a 401 Water Quality Certification by submitting a new JARPA to Ecology.

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

7. 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.

8. The Applicant shall provide access to the project and 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.

9. The Applicant's representative shall have adequate authority to ensure proper implementation of the Erosion and Sediment Control Plan (TESC Plan), as well as immediate corrective actions necessary because of changing field conditions. If the Applicant's representative issues a directive necessary to implement a portion of the TESC or to prevent pollution to waters of the state, all personnel on site, including the construction contractor and the contractor's employees, shall immediately comply with this directive.

10. Nothing in this Order waives Ecology's authority to issue additional orders if Ecology determines that further actions are necessary to comply with the state's water quality laws. Furthermore, 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.

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) per violation for each day of continuing noncompliance.

B. Water Quality Conditions:

Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (173-201A WAC), ground water standards (173-200 WAC) or sediment quality standards (Chapter 173-204 WAC).

1. Nothing in this certification shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters or sediments occurring as a result of project construction or operations.

2. This order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-110 (3).

3. Springbrook Creek has been identified in the 1998 303(d) list as exceeding state water quality standards in fecal coliform, chromium, dissolved oxygen, mercury, and temperature. Additionally, Mill Creek has been identified in the 1998 303(d) list as exceeding state water quality standards in dissolved oxygen, temperature, and fecal coliform. This proposed project shall not result in further exeedances of these standards.

C. Timing:

1. This Order is valid until all requirements in this document have been met.

D. Notification Requirements:

1. Notification shall be made to Ecology's Federal Permit Manager - MAPT at 425-649-7181, Fax 425-649-7098, or mail 3190 – 160th Avenue SE, Bellevue, WA 98008-5452) for the following activities:

   At least 10 days prior to the pre-construction meeting;
   At least 10 days prior to the onset of any work on site;
   At least 10 days prior to construction of the mitigation site;
   - At least 10 days prior to stream re-channeling work;
   At least 10 days prior to initial in-water work activity; and
   Immediately following a violation of the state water quality standards or conditions of this Order.

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

2. The Applicant shall ensure that all appropriate Project Engineers and Contractors at this project site and/or mitigation site have read and understand all relevant conditions of this Order and all permits; approvals, and documents referenced in the Order. The Applicant shall provide Ecology with a signed statement (see Attachment A for an example) from each Project Engineer and Contractor that shows 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 10 days before construction begins at the project and/or mitigation sites.

E. Construction, Equipment Staging and Maintenance:

<u>Construction Conditions:</u>

1. The Applicant shall comply with the current Construction National'Pollutant Discharge Elimination System (NPDES) permit issued by Ecology.

2. In-water work is subject to a fishery closure window described in Washington State Department of Fish and Wildlife's (WDFW) 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.

3. The Applicant shall submit a Temporary Erosion and Sediment Control Plan (TESC Plan) to the Federal Permit Manager – MAP Team thirty (30) days prior to beginning construction for review. The TESC Plan shall include the following:

    - Name and phone number of persons responsible for implementing plan;
    - Best management practices (BMP's) anticipated to be implemented;
    - Frequency of BMP inspections;
    - Contingency plan in the event of adverse weather conditions or other foreseeable undesirable conditions; and
    - De-watering plan.

4. Sediment control devices (filter or silt fences, hay bales, etc.) and other BMPs intended to trap sediment on-site shall be in place before starting project construction and shall be maintained throughout construction.

5. The project shall be clearly marked/staked prior to construction. Clearing limits, travel corridors, and stockpile sites shall be clearly marked. Wetlands, streams, buffers, and other sensitive areas that are to be protected from disturbance shall be marked with orange construction fencing in order to be clearly visible to equipment operators. Equipment shall enter and operate only within the delineated clearing limits, corridors, and stockpile areas.

6. All temporarily disturbed areas, including wetlands, wetland buffers, and stream buffers, shall be protected from erosion using mulch or equivalent for the duration of the project and'within seven days of the project completion. If erosion control seed mixes are used in these areas, they shall consist of native species unless otherwise approved by modification to this Order. All disturbed areas shall be replanted with native vegetation within the first appropriate planting season after construction is completed.

7. Temporary impacts to vegetation shall be limited to the amount necessary for construction. Bare soils in these areas shall be adequately protected from erosion for the duration of the project and seeded with suitable erosion control seed mix within 7 days after project completion.

8. Work in or near waters of the state shall be done in a manner that minimizes turbidity, erosion, and other water quality impacts.

9. No petroleum products, fresh concrete, lime or concrete, chemicals, or other toxic or deleterious materials shall be allowed to enter waters of the state.

10. Erosion control devices (plastic sheets, straw, fiber mats, etc.) suitable to prevent exceedance of state water quality standards shall be in place and maintained throughout construction in order to prevent erosion. The Applicant shall stabilize all exposed and unworked soils by applying effective BMPs that protect the soil from the erosive forces. The Applicant shall stabilize the disturbed soils so that from October 1 through April 30 no soils remain exposed and unworked for more than 2 days; and from May 1 through September 30, no soils shall remain exposed and unworked for more than 7 days.

11. Periodic inspection and maintenance of all erosion control structures shall be conducted no less than every 7 days from the start of the project for site stabilization. Additional inspections shall be conducted prior to and after expected rainfall events to ensure erosion control measures are in working condition. Any damaged structures shall be immediately repaired. If the inspection reveals that additional measures are needed to control stormwater and erosion, they shall be implemented immediately.

12. All construction debris, excess sediment, and other waste material shall be properly managed and disposed of in an upland disposal,site approved by the appropriate regulatory authority.

13. Turbid de-watering water shall not be discharged directly to waters of the state. Turbid de-watering water shall be routed to an upland area for on-site settling or off-site disposal. The discharge from the upland areas shall meet the water quality criteria at the point of discharge. The Applicant shall notify Ecology's Federal Permit Manager – MAP Team before the use of off-site disposal methods.

14. Clean de-watering water that has been tested and confirmed to meet water quality standards may be discharged directly to waters of the state. The discharge outfall method shall be designed and operated so as not to cause erosion or scour in the stream channel, banks, or vegetation.

15. Concrete process water shall not enter surface waters of the state. All concrete shall be completely cured prior to coming into contact with state surface waters. Any 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.

16. No paint shall enter any water of the state, including wetlands, at any point during the project duration.

Equipment Staging & Maintenance

17. 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 a water of the state, then the Applicant shall provide a written explanation and obtain approval from Ecology's Federal Permit Manager – MAP Team before placement of the staging area in the set back area.

18. Equipment used during construction shall be serviced, fueled, and maintained on upland areas in order to prevent contamination of surface waters. All fueling areas shall be provided with adequate spill containment. Fueling of equipment and vehicles shall not occur within 50 feet of state waters and wetlands.

19. 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.

20. 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.

21. 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.

22. No cleaning solvents or chemicals used for tool or equipment cleaning may be discharged to the ground or to waters of the state.

23. 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.

Culver Replacement & Extension:

24. All culvert work shall be conducted in the dry or in isolation from stream flow by installing a bypass flume or culvert, or by pumping the stream flow around the work area. The stream diversion system shall be designed and operated so as to not cause erosion or scour in the stream channel or on the banks of the waterbody in which work is being conducted.

25. Prior to returning stream flow to the de-watered work area, all bank protection and/or armoring shall be completed.

26. Temporary sediment traps shall be cleaned out and the settled sediments removed from the stream channel before removing any stream diversion system and returning the flow of the stream to its natural channel. Settled sediments shall not be allowed to enter waters of the state, including wetlands, due to water or runoff flows that may occur during or after construction is completed.

27. 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.

28. Upon completion of the project, all materials used in the temporary bypass, or other method of work area isolation, shall be removed from the site and placed in an area approved by the appropriate regulatory authority. The work area shall then be returned to pre-project or improved conditions.

29. Culverts shall be installed and maintained to avoid inlet scouring and to prevent erosion of stream banks downstream of the project.

30. Fill associated with culvert installation shall be protected from erosion to the 100-year peak flow.

31. Disturbance of the streambed and banks shall be limited to that necessary to replace the culvert and to construct any required channel modification associated with it. Affected streambed and bank areas outside the culvert shall be restored to pre-project or improved conditions following installation of the culvert. All disturbed streambank areas shall be protected from temporary erosion using BMPs until stabilized by vegetation. Within one year of completing the stream work, disturbed banks shall be planted with native woody species adapted to riparian areas. These planting areas shall be maintained as necessary for three years to ensure adequate plant cover to provide long-term bank stabilization.

32. Culvert extension, removal, and/or replacement work shall comply with Condition 15 of Section E. Construction, Equipment Staging and Maintenance.

Channel Change Provisions:

33. New channel construction shall occur in the dry or in isolation from stream flow by installation of a bypass to divert the stream flow around the work area and shall be consistent with the Unnamed Creek Relocation Plan Sheets in Appendix C of the Final Wetland Mitigation Report dated August 2005.

34. Before water is diverted into the permanent new channel, all channel stabilization work and materials shall be in place.

35. Spoils from the new channel shall be placed in an approved upland site. This material, if appropriate, may be used to fill the old channel once the diversion has been completed.

36. Within seven (7) calendar days of completing the channel work, all disturbed areas shall be protected from erosion using vegetation or other means.

F. Wetland & Stream Mitigation Conditions:

1. Impacts to aquatic resources shall be mitigated as described in the *Final Wetland Mitigation Report, SR 167- 15th St. SW to 180th Street – Stage 3* (hereafter referred to as "mitigation plan"), prepared by Washington State Department of Transportation, dated August 2005 and approved by Ecology on August 17,2005.

2. The mitigation project shall result in the restoration of a minimum of 2.58 acres of forestedlscrub-shrub wetland and the enhancement of 2.17 acres of forestedlscrub-shrub wetland.

3. Any changes to the mitigation plan, beyond minor modifications shall be submitted in writing to Ecology's Federal Permit Manager – MAP Team for approval.

Mitigation Construction

4. Compensatory mitigation construction and installation shall occur prior to, or concurrently with, project impacts to wetlands.

5. Appropriate and effective BMPs shall be installed between the work area and any surface water body on the mitigation site prior to commencing earthwork so as to minimize erosion, turbidity, and other water quality impacts.,

6. All excess excavated material from the mitigation site shall be disposed of offsite in an appropriate location outside of sensitive areas and their buffers, and shall be stabilized or contained so as to prevent its entry into waters of the state.

7. No materials shall be stockpiled within the wetlands or streams on the mitigation site at any time.

8. Appropriate BMPs shall be implemented to minimize track-out during construction at the mitigation site.

9. Within seven (7) days' completion of grading, all earth areas that have been exposed or disturbed on the mitigation sites shall be stabilized by using mulch or

equivalent such as seeding with a suitable erosion control seed mix consisting of native grasses and forbs.

10. A minimum buffer width of 50 feet shall be maintained between the wetland restoration/enhancement areas and the adjacent road. This area shall be planted with native woody species and shall not be counted toward the mitigation acreage credit for the site.

11. Upon completion of grading on the mitigation sites and prior to planting, the applicant shall provide written confirmation to Ecology that finished grades are consistent with the mitigation plan or other subsequent Ecology-approved modifications to grading plans (e.g. signed letter or memo from the surveyor, wetland biologist, or project engineer indicating how final elevations were confirmed and whether they are consistent with the plan).

12. An as-built report documenting the final design of the mitigation site shall be prepared when the mitigation site is completed. The report shall include the following:
    - final site topography with site boundaries clearly marked;
    - dates of implementation, including dates of grading, planting, and final completion;
    - plan sheets showing what plants were installed including species, densities, sizes, approximate locations of plants, and plant sources;
    - habitat features (snags, large woody debris, etc) and their locations if any;
    - other plan features;
    - planned locations of sampling and monitoring sites, if known;
    - photos documenting baseline conditions (mark photo points on as-built plan);
    - any changes to the plan that occurred during construction – include the problems that were encountered, what was done to correct them, and reasons for the changes;
    - any follow-up actions if needed and a schedule for those actions.
    - responsible parties (designer, construction contractors, planting contractor) and whether a qualified wetland professional or other responsible party was on-site during construction.

13. The as-built report shall be sent to Ecology's Federal Permit Manager - MAP Team within 180 days of construction and planting completion. If plants are installed more than 180 days after construction of the mitigation site, or planting is to be sequenced over time, two reports shall be submitted: 1) a brief note on the construction phase summarizing any changes from the mitigation plan and submitted within 180 days of completion of grading, and 2) a final as-built report to be prepared after the planting is completed.

Mitigation Monitoring;& Maintenance

14. All plantings at the mitigation site shall be watered and otherwise maintained as necessary to meet performance standards as stated in the mitigation plan.

15. When needed to meet the performance standards stated in the mitigation plan, dead or dying plants shall be replaced during the first available planting season with the same species or a native plant alternative that is appropriate for the location. The species, numbers, and approximate 'locations of all replanted material shall be noted in the subsequent monitoring report.

16. The Applicant shall comply with the most current NPDES permits that apply to WSDOT for Aquatic Noxious Weed Control if herbicides are selected to control invasive species at the mitigation sites. Methods used in areas within 20 feet of creeks shall be limited to localized application such as backpack sprayer or hand wicking. Application of herbicides shall occur only in dry weather.

17. Wetland mitigation site monitoring will occur for a minimum of 10 years, with monitoring performed in years 1, 2, 3, 5, 7 and 10. If a performance standard for monitoring years 1 through 7 is not met, the Applicant shall present to Ecology the probable reasons for non-attainment and shall submit for approval a proposed plan of action to resolve the problem. Ecology will determine whether remedial actions should be taken, additional wetland mitigation is needed, or the performance standard should be adjusted.

18. If, at monitoring year 10, all required performance standards have not been met, then Ecology may require additional monitoring and/or additional wetland mitigation area. Monitoring reports shall be sent to Ecology's Federal Permit Manager – MAP Team.

19. Any changes to the wetland monitoring plan must be approved in writing by Ecology.

G. Emergency/Contingency Measures Conditions:

1. The Applicant shall develop 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 is out of compliance with the provisions of this Order, or producing conditions that are causing distressed or dying fish, or causing any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential

for entry into state waters is prohibited. If such work occurs, the Applicant shall comply with WSDOT's Instructional Letter 4055.00 Environmental Compliance Assurance Procedure for Construction projects and Activities (March 10,2003) 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 finding distressed or dying fish, 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 receives further instructions from Ecology. 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. This work shall take precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials;
e. Immediately notify Ecology's Northwest Regional Spill Response Office at 425-649-7000 and Department of Fish and Wildlife of the nature of the problem, any actions taken to correct the problem, and any proposed changes in operations to prevent further problems.

3. If at any time the Applicant finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the Applicant shall immediately notify Ecology's Northwest Region Regional Spill Response Office at 425-649-7000.

Appeal Process:

Any person aggrieved by Order # 2689 may obtain review thereof by appeal. Pursuant to Chapter 43.21B RCW, a person can appeal this Order to the Pollution Control Hearings Board within thirty (30) days of the date of receipt of this Order.

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

Your appeal must also be served on:
The Department of Ecology
Appeals Coordinator
P.O. Box 47608, Olympia, WA 98504-7608

In addition, please send a copy of your appeal to:
Federal Permit Appeal Coordinator
Department of Ecology
P.O. Box 47600, Olympia, WA 98504-7600.

For additional information see: 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 Sept 15 2005 at Olympia, Washington

Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology
State of Washington

Attachment A:
Water Quality Certification Order # 2689
Statement of Understanding

I,_____, state that I will be involved as an agent or contractor for Washington State Department of Transportation in widening SR 167, 15' Street SW to 15th Street NW/S 180th Street, MP 13.25 to MP 24.97, King County, Washington.

The Washington State Department of Transportation (WSDOT) is proposing to increase roadway capacity and provide travel time advantages to transit and high occupancy vehicle (HOV) traffic. This includes constructing a HOV lane on 2.04 miles of SR 167 northbound from 15th SW to 15th NW/S 180th Street, developing an on-ramp HOV bypass and off-ramp corrections, and extending a culvert. In addition, work includes roadside grading and paving, constructing retaining walls, installing water quality measures, and developing a wetland mitigation site. Stormwater facilities will also be constructed and a mitigation site developed. This work will result in 2.55 acres of permanent wetland impact and 1.31 acres of temporary wetland impact.

I further state that I have read and understand the relevant conditions of Washington State Department of Ecology Water Quality Certification Order # 2689 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