



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

*P.O. Box 47600 • Olympia, Washington 98504-7600
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December 16, 2011

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

RE: Water Quality Certification, 2nd Amendment, for Order No. 7235

Dear Mr. Soicher:

As required by condition A.3 of Order #7235, your office submitted a JARPA form, received on September 6, 2011, providing information on additional work proposed within the SR 9 Lundeen to SR 92 Widening project. We have completed a review of the information and amended Water Quality Certification Order #7235 authorizing the additional work and approving the proposed mitigation for additional wetland impacts.

All other conditions of Water Quality Certification #7235 remain in effect. Any correspondence or questions can be directed to the attention of Penny Kelley, Federal Permit Coordinator, at Department of Ecology, P.O. Box 47600, Olympia, WA 98504, or she can be reached at 360-407-7298. The enclosed amended Order may be appealed by following the procedures described in the amendment.

Sincerely,

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

by Certified Mail 7009 1410 0002 4001 1897

Enclosure

e-cc: MAP Team
Maria Mayrhofer, WSDOT
ecyrefedpermits@ecy.wa.gov



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF GRANTING)	
A WATER QUALITY)	ORDER # 7235
CERTIFICATION TO)	2nd Amendment
)	
Washington State Department)	
of Transportation)	

This amendment is issued under the provisions of Chapter 90.48 RCW and Chapter 173-201A WAC.

Administrative Order No. 7235 is hereby amended:

The amendment is as follows

1. The Project Description that reads:

WSDOT will add one lane in each direction along SR 9 from Lundeen Parkway to SR 92, and make improvements to three intersections along the corridor. WSDOT will also construct a combined stormwater treatment wetland/detention pond for enhanced stormwater treatment and flow control. The project will permanently impact wetlands and a portion of one stream through excavation or fill. WSDOT will provide compensatory mitigation both on-site, for stream impacts, and off-site for wetland impacts.

Is replaced as follows:

WSDOT is proposing widening SR 9 (Milepost 16.23 to Milepost 17.84) and SR 92 (Milepost 0.00 to Milepost 0.18) and improve three intersections within the project corridor. The road widening entails:

- Add one lane in each direction along SR 9 from Lundeen Parkway to SR 92.
- Additional pavement widening on SR 9 at the SR 9/92 intersection for a future northbound left turn lane and southbound right turn lane
- Additional widening on SR 92 to accommodate future east and westbound thru lanes

The intersection improvements entail:

- Adding right-turn lanes in both directions of SR 9 at Lundeen Parkway
- Widen and extend the right turn lane from SR 92 to northbound 9
- Update street lighting and traffic signals on SR 9 at the intersection of Lundeen Parkway Soper Hill Road, and SR 92.

Two stormwater treatment wetland/detention ponds will provide enhanced stormwater treatment and flow control. The project will permanently impact wetlands and a portion of two streams through excavation or fill. WSDOT will provide compensatory mitigation both on-site, for stream impacts, and off-site for wetland impacts.

2. Condition F.1 that reads:

The Applicant shall mitigate wetland impacts as described in the *SR 9: Lundeen Parkway to SR 92 Project Final Wetland and Stream Mitigation memorandum* (hereafter called the "Mitigation Memo") prepared by WSDOT, and dated June 12, 2009, and the Second Addendum to the Final Wetland and Stream Mitigation memorandum, dated November 5, 2009 or as modified by this Order or revised and approved by Ecology.

Is replaced as follows:

The Applicant shall mitigate wetland impacts as described in the *SR 9 Lundeen Parkway to SR 92 Intersection Improvements and Widening and SR 9 and SR 92 Intersection Improvements Draft Wetland Mitigation Report* (hereafter called the "Mitigation Report") prepared by WSDOT, dated August 2011 and revised November 2011, and the *Summary of Revisions to Draft Wetland Mitigation Report for SR 9 Lundeen Parkway to SR 92 Intersection Improvements and Widening (MP 16.23 to 17.62) and SR 9 and SR 92 Intersection Improvements (SR 9 MP 17.34 to MP 17.84 and SR 92 MP 0.00 and 0.18), Nov 2011 Memorandum* dated December 12, 2011, or as modified by this Order or revised and approved by Ecology.

3. Condition F.2 that reads:

The Applicant shall submit any changes to the Mitigation Memo in writing to Ecology (see A.2) for review and approval before work begins.

Is replaced as follows:

The Applicant shall submit any changes to the Mitigation Report in writing to Ecology (see A.2) for review and approval before work begins.

4. Condition F.4 that reads:

Until the Applicant has received written notice from Ecology that the Mitigation Memo has been fully implemented, the Applicant's obligation under Condition F.1 to mitigate for wetland impacts is not met.

Is replaced as follows:

Until the Applicant has received written notice from Ecology that the Mitigation Report has been fully implemented, the Applicant's obligation under Condition F. 1 to mitigate for wetland impacts is not met.

No other conditions or requirements of the above-mentioned order are affected by this amendment.

Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if it appears necessary to further protect the public interest.

FAILURE TO COMPLY WITH THIS ORDER

Failure to comply with this Order may result in 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 all 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Penny Kelley
Department of Ecology
P.O. Box 47600
Olympia, WA 98503-7600
360-407-7298
pkel461@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 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 Washington Administrative Code (WAC) Sediment Management Standards**
<http://www.ecy.wa.gov/biblio/wac173204.html>
- **Chapter 173-200 WAC Water Quality Standards for Ground Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173200.html>
- **Chapter 173-201A WAC Water Quality Standards for Surface Waters of the State of Washington**
<http://www.ecy.wa.gov/biblio/wac173201A.html>

SIGNATURE



Brenden McFarland, Section Manager
Environmental Review and Transportation
Shorelands and Environmental Assistance Program
Headquarters

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Date

