



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

February 3, 2023

Lisa Wood, SEPA/NEPA Coordinator
WA Department of Fish and Wildlife
Habitat Program
P.O. Box 43200
Olympia, WA 98504

Dear Lisa Wood:

Thank you for the opportunity to comment on the determination of nonsignificance for the Shillapoo Wildlife Area Maintenance Project (23-004). The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department or Department of Ecology for proper management of these materials.

TOXICS CLEANUP: Sam Meng (360) 999-9587

BNSF Rail MP 130 (Cleanup Site ID: 16618) Cleanup Site (Site) is within a quarter mile from the project area. The site is waiting to be cleaned up. The Site soil and groundwater are suspected to be impacted by petroleum products and metals.

To search and access information about the site see <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites>. If contamination is suspected, discovered, or occurs during construction, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by sampling, the Department of Ecology must be notified. To notify Ecology, contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Sam Meng with the Toxics Cleanup Program at the Southwest Regional Office at (360) 999-9587.

**WATER QUALITY/WATERSHED RESOURCES UNIT:
Brian Johnson (360) 624-5741**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
 - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found; a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Evan Wood at evan.wood@ecy.wa.gov, or by phone at (360) 706-4599.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: <http://www.ecy.wa.gov/programs/wq/stormwater/construction/> - [Application](#). Construction

site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

WATER RESOURCES: Charlotte Lattimore (360) 407-6066

Under RCW 90.03.350, a Dam Safety construction permit is required for those dams or ponds that can impound a volume of 10 acre-feet or more of water or other liquids above ground level. The Shillapoo Wildlife Area Maintenance project area includes the Shillapoo Lake Dikes Dam, if this dam is removed or modified you will need to apply for a dam construction permit. To determine if a Dam Safety construction permit is required for your project, the applicant must submit a set of construction plans to:

WA Department of Ecology
Dam Safety Office
P.O. Box 47600
Olympia, WA 98504-7600

For more information, please contact Charlotte Lattimore by e-mail at clat461@ecy.wa.gov or by telephone at (360) 407-6066.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(GMP:202300276)

cc: Derek Rockett, SWM
Sam Meng, TCP
Brian Johnson, WQ
Charlotte Lattimore, WR