



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
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September 2, 2021

Puget Western, Inc.  
ATTN: Joel Molander  
PO Box 1529  
Bothell, WA 98041

RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 20717,  
U.S. Army Corps of Engineers (Corps) Reference No. NWS-2015-259, Jackson Highway  
Redevelopment Project, Lewis County, Washington

Dear Joel Molander:

On September 4, 2020, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification for the above-referenced project. Ecology has one year from the Section 401 Water Quality Certification request to issue its decision.

At this time Ecology has not received the necessary information to have reasonable assurance that the project will meet state water quality laws. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW, and Chapter 173-201A WAC, Ecology is denying without prejudice Puget Western, Inc.'s request for a Section 401 Water Quality Certification. Receipt of a denial without prejudice does not preclude you from submitting a new request for a Section 401 Water Quality Certification at a later date.

If you have any questions, please contact Lori Kingsbury at [Lori.Kingsbury@ecy.wa.gov](mailto:Lori.Kingsbury@ecy.wa.gov). The Enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in blue ink, appearing to read "Perry J Lund", is written over a circular blue stamp or seal.

Perry J Lund, Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office

Enclosure

cc: Evan Carnes, U.S. Army Corps of Engineers  
Racheal Villa, Soundview Consultants, LLC

Puget Western, Inc.  
Order No. 20717  
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e-cc: Loreé Randall, Ecology  
Lori Kingsbury, Ecology  
Zach Meyer, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov) – Aquatics No. 139385

**IN THE MATTER OF DENYING  
SECTION 401 WATER QUALITY  
CERTIFICATION TO**  
Puget Western, Inc.  
in accordance with 33 U.S.C. 1341 (FWPCA  
§ 401), RCW 90.48.260 and Chapter 173-  
201A WAC

) **ORDER No. 20717**  
) **Corps Reference No. NWS-2015-259**  
) Jackson Highway Redevelopment Project,  
) Wetlands and Ditches, Lewis County,  
) Washington  
)

Puget Western, Inc.  
ATTN: Joel Molander  
PO Box 1529  
Bothell, Washington 98041

On September 4, 2020, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification (WQC) via a Joint Aquatic Resources Permit Application (JARPA) for the above-referenced project. Ecology has one year from the receipt of the request for a WQC to issue its decision.

On August 31, 2021, Ecology sent you an e-mail explaining that we still needed the Bank Use Plan for review.

Without this information, there is not reasonable assurance that the project will meet state water quality laws. With the statutory deadline approaching, Ecology must deny the WQC at this time. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW and Chapter 173-201A WAC, the Puget Western, Inc. Jackson Highway Redevelopment Project request for a WQC is denied without prejudice.

Receipt of a denial without prejudice does not preclude you from submitting the information identified above with a new request for a WQC at a later date.

#### **YOUR RIGHT TO APPEAL**

You have a right to appeal this Denial Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this Denial 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:

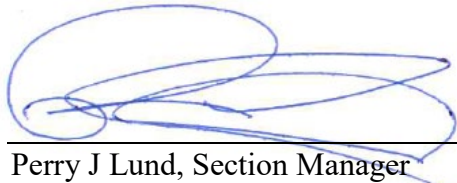
- File your appeal and a copy of this Denial Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Denial Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

**ADDRESS AND LOCATION INFORMATION**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503  <b>Pollution Control Hearings Board</b> 1111 Israel RD SW, Suite 301 Tumwater, WA 98501	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608  <b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

**SIGNATURE**



Perry J Lund, Section Manager  
Shorelands and Environmental Assistance Program  
Southwest Regional Office  
Department of Ecology

September 2, 2021

Date