



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • PO Box 330316 • Shoreline, Washington 98133-9716 • (206) 594-0000  
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April 26, 2022

King County Department of Natural Resources and Parks Solid Waste Division  
Attn: Karen Herndon  
201 South Jackson Street, Suite 701  
Seattle, WA 98104

RE: Coastal Zone Consistency Conditional Concurrence for Corps Reference  
#NWS-2019-258, South County Recycling and Transfer Station (SCRTS) Project,  
King County, Washington

Dear Karen Herndon:

The Department of Ecology (Ecology) is issuing a Conditional Concurrence to King County Department of Natural Resources and Parks Solid Waste Division (King County DNRP) for the above-mentioned project. This decision is for construction of a new recycling and transfer station to replace the existing station. The project is located at 35101 West Valley Highway South, Algona, Washington in King County.

On October 26, 2021, King County DNRP submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). However, at this time, King County DNRP has not satisfied all of the enforceable policies as it has not obtained a Construction Stormwater General Permit, Industrial Stormwater General Permit, and Clean Air Permit and has argued that Ecology can grant Conditional Concurrence and should do so for this project.

In order to demonstrate good faith and cooperation, Ecology decided to issue a Conditional Concurrence for the SCRTS project, including the conditions that King County DNRP obtain the Construction Stormwater General Permit, Industrial Stormwater General Permit, and Clean Air Permit prior to any activities (upland or in-water) on site. Thus, the following condition is necessary in order for the King County DNRP to demonstrate that the project is consistent with the Washington State Clean Air Act and Washington State Water Pollution Control Act, its regulations and water quality standards. Receipt of the Construction Stormwater General Permit, Industrial Stormwater General Permit, and Clean Air Permit ensures that the project meets the requirements of the law, regulations, and standards.

Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology conditionally concurs with King County DNRP's determination that the proposed work is consistent with Washington's CZMP.

**This concurrence is conditioned that** King County DNRP obtain a Construction Stormwater General Permit, Industrial Stormwater General Permit, and Clean Air Permit prior to any activities (upland or in-water) on site.

Pursuant to 15 CFR §930.4, Ecology is informing King County DNRP that if it fails to meet the above conditions, then Ecology and King County DNRP will treat this Conditional Concurrence letter as an Objection. King County DNRP shall immediately notify Ecology if the conditions are not acceptable. King County DNRP has the opportunity to appeal Ecology's Conditional Concurrence/Objection to the Secretary of Commerce within 30 days from receipt of Ecology's Conditional Concurrence/Objection.

King County DNRP must ensure that this project is constructed and operated in accordance with all applicable federal, state, and local laws and regulations. If, prior to construction, the project should change significantly and any of the enforceable policies of the Washington's CZM Program would be affected, pursuant to 15 CFR §930.66, the applicant must submit supplemental information to Ecology for review and approval.

If you have any questions regarding Ecology's consistency decision please contact Rebekah Padgett at (425) 365-6571.

## **YOUR RIGHT TO APPEAL**

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

- File your appeal and a copy of this decision 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 decision 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.

**Filing an appeal with the PCHB:**

**Mailing Address:**

Pollution Control Hearings Board  
PO Box 40903  
Olympia, WA 98504-0903

**Street Address:**

Pollution Control Hearings Board  
1111 Israel RD SW STE 301  
Tumwater, WA 98501

**Serving a copy of the appeal on Ecology:**

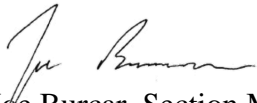
**Mailing Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

**Street Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

Sincerely,



Joe Burcar, Section Manager  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

Sent by electronic mail: [kaherndon@kingcounty.gov](mailto:kaherndon@kingcounty.gov)

e-cc: Andrew Shuckhart, U.S. Army Corps of Engineers  
Mike Witter, HDR Engineering, Inc.  
Marissa Gifford, HDR Engineering, Inc.  
Stewart Reinbold, WA Department of Fish and Wildlife  
Martin Fox, Muckleshoot Indian Tribe Fisheries Division  
Leah Beckett, Grant Yang, Amy Jankowiak, Loree' Randall: Ecology  
Kris Wall, Office for Coastal Management  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov) – ID #137572