



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Northwest Region Office

PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

June 6, 2022

Larry Campbell
27847 Burmaster Road
Sedro-Woolley, WA 98284

RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. **20879**, U.S. Army Corps of Engineers (Corps) Reference No. **2020-717**, Aaron 1 LLC, Whatcom County, Washington

Dear Larry Campbell:

On June 11, 2021, 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 Larry Campbell'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 Chris Luerkens at (360) 410-4807 or chris.luerkens@ecy.wa.gov. The Enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

Aaron 1 LLC
Order No. 20879, Corps No. 2020-717
June 6, 2022
Page 2 of 2

Enclosure (1)

Sent by electronic mail: lcampbells@wildblue.net

e-cc: Jon Pickett, Soundview Consultants
Randel Perry, U.S. Army Corps of Engineers
Michael Cerbone, City of Ferndale
Rebekah Padgett, Department of Ecology
Loree' Randall, Department of Ecology
Chris Luerkens, Department of Ecology
ecyrefedpermits@ecy.wa.gov



IN THE MATTER OF DENYING SECTION 401)	ORDER No. 20879
WATER QUALITY CERTIFICATION TO)	Corps Reference No. 2020-717
Larry Campbell)	Aaron 1 LLC, Whatcom County, Washington
in accordance with 33 U.S.C. 1341 (FWPCA)	
§ 401), RCW 90.48.260 and Chapter)	
173-201A WAC)	

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On June 11, 2021, 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.

Since November 2021, Ecology has sent several emails explaining that we needed additional information and resolution to a number of issues. Additionally, on May 9, 2022 Ecology sent a letter via electronic mail again identifying the following issues and information needed:

- Review, finalization, and agreement on the Wetland Delineation for the project.
- Review, finalization, and agreement on the Wetland Mitigation Plan for the project.
- A State Environmental Policy Act (SEPA) determination from the City of Ferndale.

Without an approved wetland delineation and mitigation plan, Ecology does not have the information needed to demonstrate that the project will maintain and protect wetlands and meet state water quality laws¹. Additionally, SEPA² has not been completed, as required by state law. 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, Larry Campbell's request for a WQC for the Aaron 1 LLC project 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

¹ Chapter 90.48 RCW, Chapter 173-201A,

² Chapter 43.21C RCW, Chapter 173-802 WAC, Chapter 197-11 WAC

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:

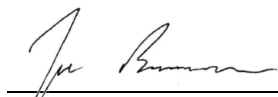
- File your appeal and a copy of this Denial Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Denial Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

ADDRESS AND LOCATION INFORMATION

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, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

SIGNATURE



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

6/6/2022

Date