



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

Southwest Region Office

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

July 28, 2022

Prologis
ATTN: Justin Kirk
12720 Gateway Drive, Suite 110
Tukwila, WA 98168

RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 21255,
U.S. Army Corps of Engineers (Corps) Reference No. NWS-2021-0186, Prologis Park
Edgewood, Pierce County, Washington

Dear Justin Kirk:

On August 9, 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 Prologis' 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. The Enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Maria Sandercock, Section Manager
Shorelands and Environmental Assistance Program
Southwest Region Office

Enclosure

By electronic mail jkirk@prologis.com

Prologis Park Edgewood
Corps No. NWS-2021-0186
Aquatics No. 140203
July 28, 2022
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ec: Evan Carnes, U.S. Army Corps of Engineers
Jenae Churchill, U.S. Army Corps of Engineers
Beck Garnett, EPA
Jon Pickett, Soundview Consultants
Zach Meyer, Ecology, SWRO
Lori Kingsbury, Ecology, SWRO
Loreé Randall, Ecology, HQ
ecyrefedpermits@ecy.wa.gov

IN THE MATTER OF DENYING SECTION 401 WATER QUALITY CERTIFICATION TO) **ORDER No. 21255**
Prologis) **Corps Reference No. NWS-2021-0186**
in accordance with 33 U.S.C. 1341) Prologis Park Edgewood, Pierce County,
(FWPCA § 401), RCW 90.48.260 and) Washington
Chapter 173-201A WAC)

Prologis
Attn: Justin Kirk
12720 Gateway Drive, Suite 110
Tukwila, WA 98168

On August 9, 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.

On December 1, 2021, Ecology sent you an e-mail requesting information on the wetland delineation and ratings, impact calculation, proposed compensatory mitigation, and stream realignment. On July 13, 2022, Ecology sent you a second e-mail reiterating the need for this information and requesting the status of the SEPA review. To date, Ecology has not received the requested information.

Without this information, there is not reasonable assurance that the project will 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, Prologis' 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 Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt. The appeal process is governed by RCW 43.21B and WAC 371-08. "Date of receipt" is defined in RCW 43.21B.001(2). More information is available at <https://eluh0.wa.gov/content/11>.

To appeal, you must do all of the following within 30 days of the date of receipt of this Order:

- File your notice of appeal and a copy of this Order with the PCHB (see filing options below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.

¹ Chapter 90.48 RCW, Chapter 173-201A

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

- Serve a copy of your notice of appeal and this Order on the Department of 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 RCW 43.21B and WAC 371-08.

Filing an appeal with the PCHB:

For the most current information regarding filing with the PCHB, visit:
<https://eluhwa.gov/content/11>

Filing by mail

Mailing Address:

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

Filing in person (or by certified mail/courier)

Street Address:

Pollution Control Hearings Board
1111 Israel RD SW
STE 301
Tumwater, WA 980501

Filing electronically

E-mail Address:

pchb-shbappeals@eluhwa.gov

Serving a copy of the appeal on Ecology:

Electronic copies of appeals are not accepted at the Department of Ecology per WAC 371-08-305(10).

Filing by mail

Mailing Address:

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

Filing in person (or by certified mail/courier)

Street Address:

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

Signature



Maria Sandercock, Section Manager
Shorelands and Environmental Assistance Program
Southwest Region Office
Department of Ecology

July 28, 2022