



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

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

January 6, 2023

Village Pointe, LLC  
ATTN: Larry Wood  
1991 38th Avenue  
Longview, WA 98632

Re: Section 401 Water Quality Certification Denial without Prejudice, Order No. 21521,  
U.S. Army Corps of Engineers (Corps) Reference No. NWS-2022-0060, Village Pointe,  
Cowlitz County, Washington

Dear Larry Wood:

On January 18, 2022, 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 Village Pointe, LLC'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 "Maria Sandercock".

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

Sent via e-mail: larrywood77@gmail.com

Enclosure

WQ Order No. 21521  
Corps No. NWS-2022-0060  
Aquatics ID No. 141220  
January 6, 2023  
Page 2 of 2

ec: James Carsner, U.S. Army Corps of Engineers  
Sara Hastings, Ecological Land Services, Inc.  
Sheila Marco, Ecology, WQ-SWRO  
Loree' Randall, Ecology, SEA-HQ  
Lori White, Ecology, SEA-HQ  
Lori Kingsbury, Ecology, SEA-SWRO  
ECYREFEDPERMITS@ecy.wa.gov

<b>IN THE MATTER OF DENYING SECTION</b>	)	<b>ORDER No. 21521</b>
<b>401 WATER QUALITY CERTIFICATION TO</b>	)	<b>Corps Reference No. NWS-2022-0060</b>
Village Pointe, LLC	)	Village Pointe, Cowlitz County, Washington
in accordance with 33 U.S.C. 1341	)	
(FWPCA § 401), RCW 90.48.260 and	)	
Chapter 173-201A WAC	)	

Village Pointe, LLC  
Attn: Larry Wood  
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Longview, WA 98632

On January 18, 2022, 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 16, 2022, Ecology sent you an e-mail explaining that we needed: verification of wetland boundaries, a revised wetland report and associated revisions of wetland ratings and required mitigation, and the SEPA determination for the project.

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, Village Pointe, LLC's 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://eluhio.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.
- 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://eluho.wa.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@eluho.wa.gov](mailto:pchb-shbappeals@eluho.wa.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

January 6, 2023

Date