



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

January 12, 2023

Bobby Wolford Trucking & Demolition, Inc.
ATTN: Robert Wolford
22014 W. Bostian Road
Woodinville, WA 98072

**RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 21234,
U.S. Army Corps of Engineers Public Notice No. NWS-2021-37, Klock Property
Skykomish Oxbow Restoration, Snohomish County, Washington**

Dear Robert Wolford:

On January 26, 2022, the Department of 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 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 Bobby Wolford Trucking & Demolition, 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.

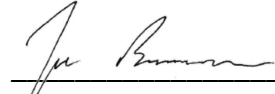
If you have any questions, please contact Doug Gresham at (425) 429-1846 or Doug.Gresham@ecy.wa.gov. The enclosed Order may be appealed by following the procedures described in the Order.

Order No. 21234, Corps No. NWS-2021-37

January 12, 2023

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Sincerely,



Joe Burcar

Northwest Regional Section Manager

Shorelands and Environmental Assistance Program

Sent via e-mail: barb@wolfordtrucking.com

Enclosure (1)

cc: Derek Klock, Owner

Matt Kuziinsky and Greg Summers, Anchor QEA, LLC

Brett Shattuck, Tulalip Tribe

Kelly Werdick, U.S. Army Corps of Engineers

Krista Rave-Perkins, EPA

Nikole Stout, Snohomish County

Doug Gresham, Department of Ecology

Loree' Randall, Department of Ecology

ECYREFEDPERMITS@ecy.wa.gov – Aquatics No. 141396

IN THE MATTER OF GRANTING A WATER)	ORDER No. 21234
QUALITY CERTIFICATION TO)	Corps Reference No. NWS-2021-37
Bobby Wolford Trucking & Demolition,)	Klock Property Skykomish Oxbow Restoration,
Inc.)	Snohomish County, Washington.
in accordance with 33 U.S.C. 1341)	
(FWPCA § 401), RCW 90.48.120,)	
RCW 90.48.260 and Chapter)	
173-201A WAC)	

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On January 26, 2022, the Department of Ecology (Ecology) received a Joint Aquatic Resource Permit Application (JARPA) requesting a Section 401 Water Quality Certification (WQC) for the above-referenced project. Ecology has one year from the Section 401 Water Quality Certification request to issue its decision.

In a letter sent December 28, 2022, Ecology explained that we needed several documents for the project prior to issuing a WQC. This includes a Phase 1 Environmental Site Assessment, well decommissioning plan, Water Quality Monitoring Plan, and a Construction Stormwater General Permit. Because these documents will not be provided before our January 12, 2023, deadline, Ecology does not have the necessary information to issue a WQC.

Without this information, there is not 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, Bobby Wolford Trucking & Demolition, Inc.'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://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.

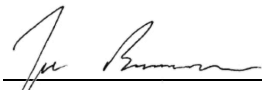
- Serve a copy of your notice of appeal and this Order on the Department of Ecology, in paper form, by mail or in person (see addresses below). E-mail is not accepted.

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

ADDRESS AND LOCATION INFORMATION

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

1/12/2023

Date