



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

July 2, 2024

RS Construction Services, LLC
ATTN: Rick Stephens
2135 Highland Drive
Camano Island, WA 98282

Re: Termination of Section 401 Water Quality Certification Order No. 21540

Dear Rick Stephens:

For the reasons stated below, the Department of Ecology (Ecology) hereby terminates Section 401 Water Quality Certification Order No. 21540, pursuant to RCW 90.48.120.

Project Background

Ecology issued Section 401 Water Quality Certification Order No. 21540 on 1/26/2023. On 6/5/2024, Ecology received a U.S. Army Corps of Engineers' (Corps) letter stating that no Section 10 or 404 Department of the Army (DA) permit is required for the South Camano Drive Bulkhead Repair project in Island County, Washington (Corps No. NWS-2021-00946).

Because your project does not require a DA permit, a Section 401 Water Quality Certification (WQC) is not required. Therefore, the individual Section 401 WQC Ecology issued on 1/26/2023 is terminated.

Ecology administers the State Water Pollution Control Act (RCW 90.48). Under this law, discharges to "Waters of the State," including the placement of fill in wetlands, are unlawful unless authorized by Ecology. If you intend to continue your project within Waters of the State, please contact Ecology for next steps.

Your right to appeal

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

- File your notice of appeal and a copy of this letter 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 letter on the Department of Ecology mail, in person, or by email (see addresses below).

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

Filing an appeal

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

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

Mailing Addresses:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

If you have questions, please contact Taylor Belisle at (360) 742-8814 or taylor.belisle@ecy.wa.gov.



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Sincerely,



Loree' Randall, Section Manager
Aquatic Permitting & Protection Section
Shorelands and Environmental Assistance Program

By Certified Mail: 9489 0090 0027 6381 5323 27

Sent via e-mail: rick@rstephensconstruction.com

E-cc: Brody Garner, U.S. Army Corps of Engineers
Drew McDonald, DCG/Watershed
Allison Martin, Davido Consulting Group
Taylor Belisle, Ecology
Ecyrefedpermits@ecy.wa.gov

