



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

February 24, 2025

U.S. Army Corps of Engineers
Attn: Scott Pozarycki
4735 East Marginal Way South, Building 1202
Seattle, Washington 23241

Re: Termination of Section 401 Water Quality Certification Order No. 23241

Dear Scott Pozarycki:

For the reasons stated below, the Department of Ecology (Ecology) hereby terminates Section 401 Water Quality Certification Order No. 23241, pursuant to RCW 90.48.120.

Project Background

Order No. 23241 was issued on October 4, 2024, to the U.S. Army Corps of Engineers, Seattle District, for the Desimone Levee Repair project in King County, Washington. Ecology is terminating the Order at the request of the applicant due to the local sponsor's inability to provide the required real estate within the required timeframe.

Your right to appeal

You have a right to appeal this Termination letter 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 Termination letter:

- File your notice of appeal and a copy of this Termination letter with the PCHB (see filing information 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 Termination letter on the Department of Ecology by 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.

Address and Location Information

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://eluhwa.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 Austin Schmalz at (425) 301-6989 or austin.schmalz@ecy.wa.gov.

Sincerely,



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

Enclosures: Section 401 Water Quality Certification Order No. 23241

By Certified Mail: 9171 9690 0935 0233 1812 14

Sent via e-mail: scott.v.pozarycki@usace.army.mil

E-cc: Caren Crandell, U.S. Army Corps of Engineers



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