



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 18, 2025

City of Bellevue Utilities Department
ATTN: Robert York
450 110th Avenue Northeast
Bellevue, WA 98004

Re: Section 401 Water Quality Certification Order No. **23434** (Corps No. **NWS-2024-0159**),
Kelsey Creek Culvert and Lake Hills Boulevard Water and Sewer Replacement, King County,
Washington

Dear Robert York:

On 3/18/2024, 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 needed to assure that the discharges from the project will meet state water quality laws and requirements. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW, and Chapter 173-201A WAC, Ecology is denying without prejudice City of Bellevue Utilities Department 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 Austin Schmalz at (425) 301-6989. The Enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

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

Enclosure (1)

WQC Order No. 23434, Corps No. NWS-2024-0159

Aquatics ID No. 143495

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By certified mail: 9171 9690 0935 0233 1812 76

Sent via e-mail: ryork@bellevuewa.gov

E-cc: Shane Shelburne, U.S. Army Corps of Engineers

Martin Fox, Muckleshoot Indian Tribe

Amy Rotondo, Jacobs Engineering

Erin Hanlon Brown, Ecology

Austin Schmalz, Ecology

Neil Molstad, Ecology

ECYREFEDPERMITS@ecy.wa.gov

In The Matter of Denying Section 401 Water Quality Certification to City of Bellevue Utilities Department pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.260 and Chapter 173-201A WAC

City of Bellevue Utilities Department
ATTN: Robert York
450 110th Avenue Northeast
Bellevue, WA 98004

WQC Order No.	23434
Corps Reference No.	NWS-2024-0159
Site Location	Kelsey Creek Culvert and Lake Hills Boulevard Water and Sewer Replacement located within Kelsey Creek and wetlands, Bellevue, King County, Washington.

On 3/18/2024, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification (WQC) for the above-referenced project. Ecology has one year from the receipt of the request for a WQC to issue its decision.

On 2/24/2025, Ecology sent you an e-mail explaining that we needed the State Environmental Policy Act (SEPA) determination prior to issuing the WQC.

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, City of Bellevue Utilities Department 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 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 Order:

- File your notice of appeal and a copy of this Order 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.

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- Serve a copy of your notice of appeal and this Order 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://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

Signature

Dated this 18 day of March, 2025, at the Department of Ecology, Shoreline, Washington.



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