



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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February 13, 2020

Peter Kahn
Costco Wholesale
999 Lake Drive
Issaquah, WA 98027

**RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 16923
U.S. Army Corps of Engineers Reference No. NWS-2019-175
Costco Wholesale in City of Lake Stevens, Snohomish County, Washington**

Dear Peter Kahn:

On February 21, 2019, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification (JARPA) for the above-referenced project. Ecology has one year from the Section 401 Water Quality Certification (WQC) 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. Even if the requested material were submitted in the next couple of days, Ecology has determined there is insufficient time to substantively review the necessary submittal. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW, and Chapter 173-201A WAC, Ecology is denying without prejudice Costco Wholesale's request for a WQC. Receipt of a denial without prejudice does not preclude you from submitting a new request for a WQC at a later date.

If you have any questions, please contact Doug Gresham at (425) 649-7199 or email Doug.Gresham@ecy.wa.gov. For any questions regarding the WQC process, please contact Loree Randall at (360) 407-6068 or email at Loree.Randall@ecy.wa.gov.

Sincerely,

Joe Burcar, Section Manager
Shorelands and Environmental Assistance Program

By certified mail: 9171 9690 0935 0233 1183 71



Peter Kahn
February 13, 2020
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E-cc: Doug Gresham, Ecology
Loree' Randall, Ecology
Melissa Place, City of Lake Stevens
Jordan Bunch, U.S. Army Corps of Engineers
Ed Sewall, Sewall Wetland Consulting
Ryan Kahlo, Watershed Company
ecyrefedpermits@ecy.wa.gov

**IN THE MATTER OF DENYING
SECTION 401 WATER QUALITY
CERTIFICATION TO**

Costco Wholesale
in accordance with 33 U.S.C. 1341 (FWPCA
§ 401), RCW 90.48.260 and Chapter 173-
201A WAC

) **ORDER No. 16923**

) **Corps Reference No. NWS-2019-175**

) Costco Wholesale, City of Lake Stevens,
) Snohomish County, Washington

Peter Kahn
Costco Wholesale
999 Lake Drive
Issaquah, WA 98027

On February 21, 2019, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification (WQC) via a Joint Aquatic Resource Permit Application (JARPA) for the above-referenced project. Ecology has one year from the receipt of the request of a WQC to issue its decision.

During the agency meeting on December 17, 2019, attended by you and your consultant, we explained we needed the following information for review before we could issue a WQC:

- Revised Wetland Mitigation Plan that describes both permittee-responsible, on-site, and off-site mitigation designs.
- Alternatives Analysis that shows the mitigation sequencing followed to avoid and minimize wetland impacts from the building, parking lot, and roadway footprint.
- Stormwater Drainage Plan to ensure hydrology to the remaining wetland areas is not disrupted from intercepting groundwater and collecting precipitation from the immediate up gradient area.
- Clarification that wetland impacts from the roundabout at SR-9 and South Lake Stevens will be permitted separately by WSDOT.

Ecology also reached out to you and your consultant on February 4, 2020, reiterating our request for the outstanding information and reminding you of the pending statutory deadline. Without the above information and sufficient time to review the submittals, Ecology does not have reasonable assurance the project will meet state water quality laws and 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, Costco Wholesale 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 Denial Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Denial Order. 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:

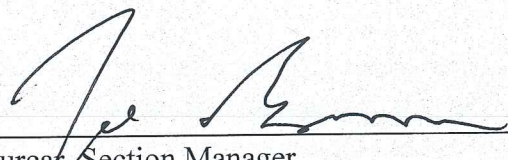
- File your appeal and a copy of this Denial Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Denial Order on Ecology in paper form - by mail or in person (see addresses below). Email is not accepted.

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

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel RD SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

SIGNATURE


Joe Burcat, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office
Department of Ecology

2/13/2020
Date