



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

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March 13, 2020

Dunlap Towing
Attn: Michael Harlan
PO Box 593
La Conner WA 98257-0593

RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 18077,
U.S. Army Corps of Engineers (Corps) Reference No. NWS-2018-1153, Dunlap Towing
Wood Waste Removal, Thurston County, Washington

Dear Michael Harlan:

On April 11, 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 request to issue its decision.

At this time, Ecology has not received the necessary information to have 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, Ecology is denying without prejudice Dunlap Towing'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 Laura Inouye at 360-407-6165 or laura.inouye@ecy.wa.gov. The Enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Brenden McFarland, Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 9489 0090 0027 6066 3564 46



CC: Brandon Clinton, U.S. Army Corps of Engineers

E-CC: ecyrefedpermits@ecy.wa.gov

Loreé Randall, Ecology, HQ

Jeff Wilson, Gravity Marine

Shawn Hinz, Gravity Marine

Darcey Miller, Perennial Consulting

Jim Dunlap, Dunlap Towing

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

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

) **ORDER No. 18077**
) **Corps Reference No. NWS-2018-01153**
) Dunlap Towing, Thurston County, Washington

Dunlap Towing
Attn: Michael Harlan
PO Box 593
La Conner WA 98257-0593

On April 11, 2019, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification (WQC) via a Joint Aquatic Resources Permit Application (JARPA) for the above-referenced project. Ecology has one year from the receipt of the request for a WQC to issue its decision.

On March 3, 2020, Ecology sent you a letter explaining that we needed the following information for review before we could issue a WQC:

- Response to our comments regarding the Water Quality Monitoring Plan (WQMP).
- Final SEPA decision.
- Location(s) and authorizations(s) for the disposal of the dredged material.

At this time, Ecology has not received the information needed to provide the 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, Dunlap Towing'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 Denial Order to the Pollution Control Hearing 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.) E-mail 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



Brenden McFarland Section Manager
Environmental Review and Transportation Section
Shorelands and Environmental Assistance Program

March 13, 2020