



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000
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May 27, 2020

Crilly Ritz
Snohomish County Public Works
3000 Rockefeller Avenue, MS 607
Everett, WA 98201

**RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 18030,
U.S. Army Corps of Engineers (Corps) Reference No. 2019-505, Little Bear Creek
Advance Mitigation Site, Snohomish County, Washington**

Dear Crilly Ritz:

On June 4, 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 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 Snohomish County Public Works' 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 Doug Gresham at (425) 429-1846. The Enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar", is written over a horizontal line.

Joe Burcar, Section Manager
Shorelands and Environmental Assistance Program

Enclosure

Sent via email: Crilly.ritz@snoco.org

Snohomish County Public Works

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E-cc: Andrew Shuckhart, Corps
ecyrefedpermits@ecy.wa.gov
Loreé Randall, Ecology
Patricia Johnson, Ecology
Doug Gresham, Ecology

**IN THE MATTER OF DENYING
SECTION 401 WATER QUALITY
CERTIFICATION TO**
Little Bear Creek Advance Mitigation Site
in accordance with 33 U.S.C. 1341 (FWPCA
§ 401), RCW 90.48.260 and Chapter 173-
201A WAC

) **ORDER No. 18030**
) **Corps Reference No. NWS-2019-505**
) Little Bear Creek Advance Mitigation Site,
) Snohomish County, Washington
)
)

Crilly Ritz
Snohomish County Public Works
3000 Rockefeller Avenue, MS 607
Everett, WA 98201

On June 4, 2019, the Department of Ecology (Ecology) received a Joint Aquatic Resources Permit Application (JARPA) requesting a Section 401 Water Quality Certification (WQC) for the above-referenced project. Ecology has one year from the date of WQC request to issue a decision.

In an email from Doug Gresham (Ecology) to you dated May 13, 2020, Ecology described the need for submittal of a revised Mitigation Plan prior to May 24, 2020, to be able to authorize your WQC request.

Ecology did not receive a revised mitigation plan for this project prior to May 24, 2020. Without this information, Ecology does not have reasonable assurance 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, Snohomish County Public Works' 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 Pollution Control Hearings Board 1111 Israel RD SW, Suite 301 Tumwater, WA 98501	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608 Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

SIGNATURE



5/27/2020

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

Date