



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

July 27, 2020

Boeing Company
ATTN Martin Probst
PO Box 3707, MC 46-208
Seattle, WA 98124-2207

RE: Section 401 Water Quality Certification Denial without Prejudice, Order No. 18223
U.S. Army Corps of Engineers (Corps) Reference No. NWS-2018-01001,
Boeing Development Center and Thompson Site Duwamish Riverbank Refurbishment,
King County, Washington

Dear Martin Probst,

On July 29, 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 the Boeing Company'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. The Enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

Loree Randall for

Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Headquarters Office

Enclosure

ecc: Rory Lee, U.S. Army Corps of Engineers
ecyrefedpermits@ecy.wa.gov
Loreé Randall, Ecology, HQ
Scott Stoneman, Golder Associates
Braden LeMaster, Boeing
Ted Norton, Golder Associates
Dan Roscoe, WSP
Laura Inouye, Ecology HQ

IN THE MATTER OF DENYING)	ORDER No. 18223
SECTION 401 WATER QUALITY)	Corps Reference No. NWS-2018-01001
CERTIFICATION TO)	Boeing Development Center and Thompson Site
Boeing Company)	Duwamish Riverbank Refurbishment, King
in accordance with 33 U.S.C. 1341 (FWPCA)	County, Washington
§ 401), RCW 90.48.260 and Chapter 173-)	
201A WAC)	

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On July 29, 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 June 22, 2020, Ecology sent you an e-mail explaining that we needed a State Environmental Policy Act (SEPA) decision before we could issue a WQC.

With the statutory deadline approaching, Ecology must deny the WQC at this time because the SEPA requirement has not been met. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW and Chapter 173-201A WAC, Boeing Development Center and Thompson Site Duwamish Riverbank Refurbishment 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 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



Loree' Randall for

July 27, 2020

Brenden McFarland, Section Manager
Shorelands and Environmental Assistance Program
Headquarters Office
Department of Ecology

Date