



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

October 23, 2008

**CERTIFIED MAIL**  
**7008 0150 0003 7559 1283**

BP Cherry Point Refinery  
Attn: Jeff Chalfant  
4519 Grandview Road  
Blaine, WA 98230

Dear Mr. Chalfant:

**RE: Coastal Zone Consistency for Corps Reference No. NWS-2001-01283-SO  
U.S. Army Corps Public Notice for Individual Section 404 permit, BP Cherry  
Point Cogeneration Facility and Maintenance Service Complex, Wetlands,  
Whatcom County, Washington**

On June 12, 2008, BP Cherry Point Refinery, submitted a Certification of Consistency with the Washington State Coastal Zone Management Program (CZMP). Pursuant to Section 307(c)(3) of the Coastal Zone Management Act of 1972 as amended, Ecology concurs with BP Cherry Point Refinery's determination that the proposed work is consistent with Washington's CZMP.

You have the right to appeal this decision to the Pollution Control Hearings Board. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).



Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

**1. To file your appeal with the Pollution Control Hearings Board**

Mail appeal to:		Deliver your appeal in person to:
The Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903	OR	The Pollution Control Hearings Board 4224 – 6th Ave SE Rowe Six, Bldg 2 Lacey, WA 98503

**2. To serve your appeal on the Department of Ecology**

Mail appeal to:		Deliver your appeal in person to:
The Department of Ecology Appeals Coordinator P.O. Box 47608 Olympia, WA 98504-7608	OR	The Department of Ecology Appeals Coordinator 300 Desmond Dr SE Lacey, WA 98503

**3. And send a copy of your appeal to:**

Department of Ecology  
Northwest Regional Office  
Attn: Rebekah Padgett  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008

For additional information visit the Environmental Hearings Office Website:  
<http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature Website:  
<http://www1.leg.wa.gov/CodeReviser>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320. These procedures are consistent with Ch. 43.21B RCW.

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If you have any questions regarding Ecology's consistency determination please contact Rebekah Padgett at (425) 649-7129.

Sincerely,



Erik Stockdale, Unit Supervisor  
Northwest Regional Office  
Shorelands and Environmental Assistance Program

ES:rrp:cja

cc: Olivia Romano, U.S. Army Corps of Engineers  
Randel Perry, U.S. Army Corps of Engineers  
David Every, URS Corporation  
Stephen Posner, Washington State Energy Facility Site Evaluation Council  
Oliver Grah, Whatcom County Planning and Development Services

e-cc: Susan Meyer – NWRO  
Loree' Randall – HQ  
Raman Iyer – NWRO