



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

January 15, 2016

New Columbia Garden Company, Inc.
Attn: Mr. Richard Fazio
12112 Northwest Lower River Road
Vancouver, WA 98660

Re: U.S. Army Corps of Engineers Reference No. 2012-1123
Ecology denial of Clean Water Act Section 401 Water Quality Certification for the Round Lake
Conservation Bank, Vancouver, Clark County, Washington

Dear Mr. Fazio:

On October 23, 2014, the Department of Ecology (Ecology) received a Joint Aquatic Permit Application (JARPA) for the above-referenced project. A revised JARPA package was received on May 20, 2015. The U.S. Army Corps of Engineers (Corps) and Ecology issued a Joint Public Notice for the above-referenced project on January 23, 2015. On May 20, 2015, Ecology acknowledged receipt of the revised JARPA package via e-mail and requested a status update of the following:

- State Environmental Policy Act (SEPA) determination
- Biological Assessment
- Shoreline Permit
- Hydraulic Project Approval

Ecology did not receive a response to that request. A second information request was sent via e-mail on December 3, 2015 that provided notification that the SEPA review process needed to be complete prior to issuance of a Section 401 Water Quality Certification (WQC).

From e-mail communications with your agent and with Clark County, it has been determined that the SEPA review process will not be complete within Ecology's statutory timeframe. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW and Chapter 173-201A WAC, New Columbia Garden Company's request for a WQC is hereby denied without prejudice.

Receipt of a denial without prejudice does not preclude you from resubmitting a request for a request for a WQC at a later date, at which time we will resume our review of the project.

YOUR RIGHT TO APPEAL

You have a right to appeal this denial without prejudice (denial) to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this denial. 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 both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this denial 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 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 Road SW, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this denial to:

Lori Kingsbury
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, WA 98504-7775
Lori.kingsbury@ecy.wa.gov

MORE INFORMATION

Pollution Control Hearings Board Website

www.eho.wa.gov/Boards_PCHB.aspx

Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board

<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

Chapter 371-08 WAC – Practice And Procedure

<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

Chapter 90.48 RCW – Water Pollution Control

<http://apps.leg.wa.gov/RCW/default.aspx?cite=90.48>

Chapter 173-204 WAC – Sediment Management Standards

www.ecy.wa.gov/biblio/wac173204.html

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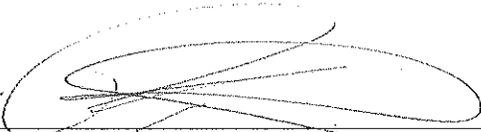
Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173200.html

Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington

www.ecy.wa.gov/biblio/wac173201A.html

SIGNATURE



Perry J Lund, Unit Supervisor
Shorelands and Environmental Assistance Program
Southwest Regional Office

Date

1/15/2016

By Certified Mail: 7014 0150 0000 9188 5377

cc: Dave Martin, U.S. Army Corps of Engineers
Matt Bennett, U.S. Army Corps of Engineers
Steve West, WDFW, VFO
Jan Bazala, Clark County
David Gorman, Henderson Environmental Design-Build Professionals

e-cc: ecyrefedpermits@ecy.wa.gov
Loree' Randall, Ecology-HQ
Rebecca Rothwell, Ecology-SWRO
Lori Kingsbury, Ecology-SWRO

