



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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October 2, 2014

Mr. James Spitzer
PMF Investments
15015 Main Street, Suite 203
Bellevue, Washington 98007

RE: Ecology Denial for 401 Water Quality Certification for the PMF Investments Bellingham Retail Center – Corps Ref No. 201301067, City of Bellingham, Whatcom County, Washington

Dear Mr. Spitzer:

The Department of Ecology (Ecology) has been in receipt of your application (JARPA) for a 401 Water Quality Certification (WQC) and the one year statutory deadline is approaching. Since the one year for the JARPA and the Corps of Engineers Public Notice are so close together and we have a few unresolved issues with the project at this time, we must deny the project without prejudice.

Those issues that need to be resolved include the following:

- The Bellingham Northend Regional Stormwater Facility has not been approved by Ecology, therefore, we do not have reasonable assurance where the stormwater generated by the PMF Investments Retail Center project will discharge.
- Adequate wetland mitigation for the proposed wetland impacts has not yet been received.

Please be aware that receipt of a denial without prejudice does not preclude PMF Investments from resubmitting a request for a WQC at a later date.

YOUR RIGHT TO APPEAL

You have a right to appeal this 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 denial:

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.



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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 STE 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:

Susan Meyer
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7168
Susan.meyer@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>

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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

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



Erik Stockdale, Section Manager
Shorelands and Environmental Assistance Program
Northwest Regional Office



October 2, 2014

ES:sm:mrw

By certified mail: 7011 0470 0003 3720 8339

e-cc: Ed Sewell, Sewell Wetland Consulting, Inc.
Randel Perry, Corps of Engineers
Steve Sundin, City of Bellingham
Paul Anderson, Ecology
Rebekah Padgett, Ecology
Loree Randall, Ecology
ecyrefedpermits@ecy.wa.gov