



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

November 6, 2014

Sam Shipp  
City of Bellingham  
210 Lottie Street  
Bellingham, Washington 98225

RE: Ecology denial of Section 401 Water Quality Certification for the North End Regional Stormwater Facility, Corps of Engineers Reference #201301115 – City of Bellingham, Whatcom County, Washington

Dear Mr. Shipp:

On November 14, 2013, the Department of Ecology (Ecology) received the Joint Aquatic Resources Permit Application (JARPA) for the above referenced project. In addition, the U.S. Army Corps of Engineers (Corps) and Ecology issued a Joint Public Notice for the same project on November 26, 2013. On October 14, 2014, Ecology sent you a letter explaining that there were several issues that need to be resolved before we could issue a Section 401 Water Quality Certification (WQC).

Ecology received a revised wetland mitigation proposal with revised drawings on November 5, 2014 and has not had time to conduct a thorough review. Also, we have not received responses to our comments on the Stormwater Design Report. With the statutory time frame approaching, Ecology has determined that there is insufficient time to work out the details needed to get reasonable assurance that the project will meet state water quality laws. Therefore, pursuant to Section 401 of the Clean Water Act, ch. 90.48 RCW and ch 173-201A WAC, the City of Bellingham's request for a WQC is denied without prejudice.

Receipt of a denial without prejudice does not preclude you from resubmitting 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 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.



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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW STE 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> 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 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008  
(425) 649-7168  
[Susan.meyer@ecy.wa.gov](mailto:Susan.meyer@ecy.wa.gov)

#### MORE INFORMATION

**Pollution Control Hearings Board Website**

[www.eho.wa.gov/Boards\\_PCHB.aspx](http://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](http://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](http://www.ecy.wa.gov/biblio/wac173200.html)

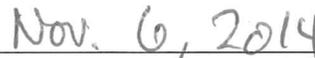
**Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**

[www.ecy.wa.gov/biblio/wac173201A.html](http://www.ecy.wa.gov/biblio/wac173201A.html)

**SIGNATURE**



Paul Anderson, Unit Supervisor  
Shorelands and Environmental Assistance Program  
Northwest Regional Office



November 6, 2014

PA:sm:mrw

By certified mail: 7013 2250 0000 1369 9413

e-cc: Christina Neff, Widener and Associates  
Ross Widener, Widener and Associates  
Randel Perry, Corps of Engineers  
Steve Sundin, City of Bellingham  
Paul Anderson, Ecology  
Rebekah Padgett, Ecology  
Loree Randall, Ecology  
[ecyrefedpermits@ecy.wa.gov](mailto:ecyrefedpermits@ecy.wa.gov)