



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

November 27, 2012

Mr. Michael J. Siska
7029 92nd Avenue Court NW
Gig Harbor, WA 98335-5962

**Re: Ecology Denial for Section 401 Water Quality Certification for the Siska Property Bank Recovery and Stabilization Project, Carr Inlet of Puget Sound, Pierce County, Washington
U.S. Army Corps of Engineers (Corps) Reference #NWS-2011-340**

Dear Mr. Siska:

Ecology received a JARPA for the above-referenced project on May 16, 2012 requesting individual 401 review. The U.S. Army Corps of Engineers (Corps) issued a Nationwide Permit (NWP) #13, Bank Stabilization, for this project on July 3, 2012. The Department of Ecology (Ecology) has 180 days to issue a Section 401 Water Quality Certification (WQC) decision for a NWP. On July 19, 2012 Ecology issued a Public Notice regarding your application.

On November 2, 2012 Ecology sent you a certified letter identifying the following information needed to complete our review of your project and issue our decision:

- Final State Environmental Policy Act (SEPA) determination
- Completed Coastal Zone Consistency Form

To date, Ecology has not received the required documentation. However, Ecology did receive a phone call on November 15, 2012 from your Agent, Soundview Consultants LLC, acknowledging the receipt of the certified letter and notifying us that the SEPA process would not be completed within our 180-day timeline.

Therefore, pursuant to Section 401 of the Clean Water Act, ch.90.48 RCW and ch. 173-201A WAC, the Siska Property Bank Recovery and Stabilization Project 401 Water Quality Certification is denied without prejudice. Receipt of a denial without prejudice does not preclude you from resubmitting a request for 401 Certification at a later date.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this 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 both of the following within 30 days of the date of receipt of this Order:

- File your appeal and a copy of this 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 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	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 Order to:

Lori Ochoa
Department of Ecology
Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775
loch461@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 34.05 RCW – Administrative Procedure Act

<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>

Chapter 90.48 RCW – Water Pollution Control

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

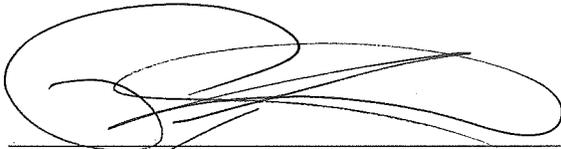
Chapter 173.204 WAC – Sediment Management Standards

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

Chapter 173-201A 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

11/27/12

cc: Jacalen Printz, U.S. Army Corps of Engineers
Chris Waldbillig, WDFW
Jeremy Downs, Soundview Consultants

ecc: Loree Randall, Ecology/HQ
Perry Lund, Ecology/SW
Alex Callender, Ecology/SW

BY CERTIFIED MAIL: 7011 1150 0000 7881 7339

