



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 11, 2015

Mr. Don Gillies, President
Willapa Grays Harbor Oyster Growers Association
P.O. Box 3
Ocean Park, WA 98640

Re: Denial of Application of National Pollutant Discharge Elimination System (NPDES) Permit
No. WA0040975

Dear Mr. Gillies:

NPDES Permit No. WA0040975 expired on June 30, 2011. Following a timely application by the Willapa Grays Harbor Oyster Growers Association (WGHOGA) for continued coverage under NPDES Permit No. WA0040975, the Permit had been administratively extended but the application had been neither accepted nor denied. At this time, the Department of Ecology has determined the application for the above-mentioned permit is **denied** for the following reason(s):

- WGHOGA does not currently have a registration to use the pesticide carbaryl.
- In the absence of a registration to use carbaryl, WGHOGA will be unable to meet all the terms and conditions of the Permit.
- WGHOGA is subject to a binding legal agreement to no longer discharge carbaryl which is at this time a condition requiring the permanent elimination of the permitted discharge.

NPDES Permit No. WA0039781 will be terminated 30 days from the day you receive this letter in accordance with the provisions of 40 CFR § 122.64; RCW 90.48.010, .160, .260; and WAC 173-216 and -220.

You have the right to appeal this permit denial within 30 days upon receipt of this document. Pursuant to RCW 43.21B, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within 30 days of the date of your receipt of this document.

If you choose to appeal this decision, your notice of appeal must contain (1) a copy of the permit you are appealing, and (2) a copy of the application for the permit/modification.

Any appeal must contain the following in accordance with the rules of the Pollution Control Hearings Board:

- a. The appellant's name and address.
- b. The coverage date and number of the permit appealed.



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- c. A description of the substance within the permit that is the subject of the appeal.
- d. A clear, separate, and concise statement of every error alleged to have been committed.
- e. A clear and concise statement of the facts which the requester relies to sustain his or her statement of error.
- f. A statement setting forth the relief sought.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive Southeast Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road Southwest, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia WA 98504-0903

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

If you have any questions regarding this cancellation letter, please contact Derek Rockett of our Southwest Regional Office at (360) 407-6697 or by e-mail at Derekrockett@ecy.wa.gov.

Sincerely,



Rich Doenges
Southwest Region Manager
Water Quality Program

cc: Derek Rockett, Ecology

CERTIFIED MAIL: 7013 2630 0001 9408 8145