



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

January 31, 2012

Washington State Department of Natural Resources
Attn: Todd Welker
Southeast Regional Office
713 Bowers Road
Ellensburg WA 98926-9301

Re: Surface Water Permit No. S4-25639(A)P

Dear Mr. Welker:

On November 14, 2011, Ecology received a request for an extension in the *Completion of Construction* (CC) stage for the above-referenced Permit. On December 8, 2011, Ecology responded, explaining that an extension at the time was **premature**, not denied, because the Permit's development schedule does not require completion of construction until October 1, 2012 and Ecology also explained that submitted fees could not be refunded. Ecology went on to suggest that if the applicant still felt that an extension was necessary once the development schedule due date was nearing expiration, that certain information would assist Ecology in making a determination on whether the applicant was acting with due diligence and in good faith toward completing construction.

On January 12, 2012, a representative from your agency, Rick Roeder, and Ecology personnel Tom Perkow, Mark Kemner, and Mark Schuppe, met to discuss if an Ecology exception could be made and an extension be considered early due to the unique nature of the project and the passage of Senate Bill 5635 as it is associated with the above-referenced Permit. Subsequent to this meeting a follow-up letter was provide to Ecology, dated January 19, 2012, which outlined in more detail and with greater specificity the need for a premature extension in the CC stage.

Therefore, based upon the supplemental information provided to Ecology and in response to your request, you are hereby **granted** an extension to complete construction for the reason(s) below:

- A Conservancy Board change is needed to change or add the point of diversion.
- Funding and budget development relies upon the Legislature.

The new deadline to submit your *Construction Notice* is **January 1, 2019**.

Please be reminded that per the schedule agreement made between Ecology and the applicant, that the scheduled progress on the project calls for completion of the Benton County Conservancy Board Change Application to be due by approximately June 2012, Legislative



funding received by 2015, and SEPA and the design and permitting process completed by 2017.

New Provisions: According to the Department of Ecology's Provision *POL-1050*, "As a condition of an extension, Ecology may require additional provisions and conditions . . ." As a condition of this extension approval, and since Ecology has a need to stay apprised of the progress of the project, the applicant shall:

- Submit four written progress reports outlining the progress of funding/budget development, design and permitting progress, and status of specific completion of construction. These reports shall be submitted to Ecology by the following dates:
 - December 31, 2012
 - June 1, 2015
 - December 31, 2017
 - January 1, 2019 (Completion of Construction due)

YOUR RIGHT TO APPEAL

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

- File your appeal and a copy of this decision 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 decision 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

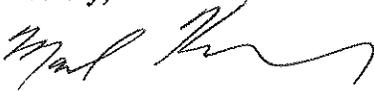
Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Ste 301 Tumwater WA 98501	Pollution Control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

Washington State Department of Natural Resources
January 31, 2012
Page 3

*For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>*

If you have any questions, please contact Teresa Mitchell at 509-575-2597.

Sincerely,



Mark Kemner, LHG
Section Manager
Water Resources Program

MK:CLG:gh
120130

Enclosures: *Construction Notice*
Your Right to Be Heard

By certified mail: 7007 25460 0001 9535 7401

Cc: Rick Roeder, WA DNR/Ellensburg