



Oregon

Kate Brown, Governor

Department of Environmental Quality
Northwest Region Portland Office/Water Quality
700 NE Multnomah Street, Suite 600
Portland, OR 97232-4100
(503) 229-5263
FAX (503) 229-6957
TTY 711

March, 29, 2021

Greg Smith
Malheur County Development Corporation
522 S.W. Fourth Street
Ontario, OR 97914

The Department of Environmental Quality (DEQ) initiated the review process of the US Army Corps of Engineers (USACE) permit application #2020-477. Malheur County Development Corporation (“the Applicant”) proposes to impact 1.79 acres of wetlands in order to construct the Treasure Valley Reload Center (TVRC). The project is located in wetlands adjacent to the Nyssa Drain, near the City of Nyssa, Malheur County, Oregon (Sections 9, 17, and 20; Township 19 South; Range 47 East).

Upon receipt of a valid request for certification on December 29th, 2020, DEQ began evaluation of the project pursuant to Section 401 of the Federal Clean Water Act to determine its compliance with applicable water quality standards, programs and policies.

As of March 25th, 2021, DEQ has not received a copy of the approved mitigation proposal and final plans for construction¹. As a result, DEQ cannot continue review of the project at this time. The certification is therefore denied without prejudice. This denial of water quality certification shall become effective on March 29th, 2021. DEQ will resume evaluation of the project for 401 WQC when the final mitigation plan is submitted and approved.

If you have any questions, please contact Chance Plunk at 541-972-5463, or by email at chance.plunk@deq.state.or.us, or at 165 E. 7th Avenue, Suite 100, Eugene, OR 97404.

Sincerely,



Steve Mrazik
Water Quality Manager
Northwest Region

ec: Thomas Sentner, USACE
Bethany Harrington, DSL
Sarah Fesenmyer, NOAA
Dana Kurtz, Anderson Perry & Associates, Inc.

¹ **Rule:** OAR 340-048

Justification: Applicant must identify steps to be undertaken to mitigate or eliminate violations of water quality standards, and identify and describe other requirements of state law applicable to the activity that has any relationship to water quality. DEQ must ensure the project will comply with other requirements of state law, and water state water quality standards