



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Region Office
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

March 18, 2025

Lars Andersen & Associates, Inc.
ATTN: Dan Zoldak
4694 West Jacquelyn Avenue
Fresno, CA 93722

Re: Section 401 Water Quality Certification Denial without Prejudice, Order No. 23546,
Corps No. NWS-2005-0502, Home Depot Port Orchard project, City of Port Orchard, Kitsap
County, Washington

Dear Dan Zoldak:

On March 19, 2024, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification for the above-referenced project. Ecology has one year from the Section 401 Water Quality Certification request to issue its decision.

At this time Ecology has not received the necessary information needed to assure that the discharges from the project will meet state water quality laws and requirements. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW, and Chapter 173-201A WAC, Ecology is denying without prejudice Lars Andersen & Associates, Inc.'s request for a Section 401 Water Quality Certification. Receipt of a denial without prejudice does not preclude you from submitting a new request for a Section 401 Water Quality Certification at a later date.

If you have any questions, please contact Neil Molstad at (425) 389-5549. The Enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Burcar", written over a horizontal line.

Joe Burcar, Section Manager
Northwest Region Office
Shorelands and Environmental Assistance Program

Enclosure

By certified mail: 9171 9690 0935 0233 1812 83

WQ Order No. 23546, Corps No. NWS-2005-0502

Aquatics ID No. 38628

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Sent via e-mail: dzoldak@larsandersen.com

E-cc: Shannon Flannigan, U.S. Army Corps of Engineers
Steven Quarterman, Landau Associates Inc.
Stephanie Andrews, City of Port Orchard
Erin Hanlon Brown, Ecology
Neil Molstad, Ecology
ECYREFEDPERMITS@ecy.wa.gov



In The Matter of Denying Section 401 Water Quality
Certification to Lars Andersen & Associates, Inc.,
pursuant to 33 U.S.C. 1341 (FWPCA § 401),
RCW 90.48.260 and Chapter 173-201A WAC

Lars Andersen & Associates, Inc.
Attn: Dan Zoldak
4694 West Jacquelyn Avenue
Fresno, CA 93722

WQC Order No.	23546
Corps Reference No.	NWS-2005-0502
Site Location	Home Depot Port Orchard project, located within the Blackjack Creek watershed, City of Port Orchard, Kitsap County, Washington.

On March 19, 2024, the Department of Ecology (Ecology) received a request for a Section 401 Water Quality Certification (WQC) for the above-referenced project. Ecology has one year from the receipt of the request for a WQC to issue its decision.

On February 26, 2025, Ecology sent you a letter via electronic mail explaining that we needed a State Environmental Policy Act (SEPA) determination decision from the City of Port Orchard, concurrence from all agencies with a regulatory interest with the wetland boundaries at the project site, and review, finalization, and agreement on the proposed wetland mitigation for the project.

Without this information, there is not reasonable assurance that the project will meet state water quality laws. With the statutory deadline approaching, Ecology must deny the WQC at this time. Therefore, pursuant to Section 401 of the Clean Water Act, Chapter 90.48 RCW and Chapter 173-201A WAC, Lars Andersen & Associates, Inc.'s request for a WQC is denied without prejudice.

Receipt of a denial without prejudice does not preclude you from submitting the information identified above with a new request for a WQC at a later date.

Your right to appeal

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

- File your notice of appeal and a copy of this Order with the PCHB (see filing information below). "Filing" means actual receipt by the PCHB during regular business hours as defined in WAC 371-08-305 and -335. "Notice of appeal" is defined in WAC 371-08-340.

- Serve a copy of your notice of appeal and this Order on the Department of Ecology by mail, in person, or by email (see addresses below).

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Address and Location Information

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Addresses:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

Signature

Dated this 18 day of March, 2025, at the Department of Ecology, Shoreline, Washington.



Joe Burcar, Section Manager
Northwest Region Office
Shorelands and Environmental Assistance Program