



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

September 8, 2025

City of Port Orchard
Attn: Robert Putaansuu
216 Prospect Street
Port Orchard, WA 98366

Re: Water Quality Certification Order No. **23610** (Corps No. **NWS-2023-356**), Port Orchard Community Events Center (POCEC), Kitsap County, Washington

Dear Robert Putaansuu:

On 9/16/2024, the City of Port Orchard submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Port Orchard Community Events Center, Kitsap County, Washington.

On behalf of the state of Washington, the Department of Ecology certifies with conditions that the work described in the Water Quality Certification Request and supplemental documents complies with applicable provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, as amended, and applicable state laws. **This certification is subject to the enclosed Water Quality Certification Order (WQC Order).**

Please ensure that anyone doing work under this WQC Order has read, is familiar with, and is able to follow all of the provisions within the attached WQC Order.

If you have any questions about this decision, please contact Austin Schmalz at (425) 301-6989. The enclosed WQC Order may be appealed by following the procedures described within.

Sincerely,

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

Enclosure (1)

By certified mail: 9171 9690 0935 0233 1819 48

WQC Order No. 23610, Corps No. NWS-2023-356
Aquatics ID No. 142701
September 8, 2025
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Sent via e-mail: rputaansuu@portorchardwa.gov

E-cc: Sarah Albright-Garland, U.S. Army Corps of Engineers
Joanne Bartlett, Ecological Land Services Inc.
Erin Hanlon Brown, Ecology
Austin Schmalz, Ecology
ecyrefedpermits@ecy.wa.gov

In The Matter of Granting a Water Quality
Certification with Conditions to the City of Port Orchard
pursuant to 33 U.S.C. 1341 (FWPCA § 401), RCW 90.48.120, RCW
90.48.260 and Chapter 173-201A WAC

City of Port Orchard
Attn: Robert Putaansuu
216 Prospect Street
Port Orchard, WA 98366

WQC Order No.	23610
Corps Reference No.	NWS-2023-356
Site Location	Port Orchard Community Events Center (POCEC) located within Sinclair Inlet, Port Orchard, Kitsap County, Washington.

The City of Port Orchard submitted a request for a Section 401 Water Quality Certification (WQC) under the federal Clean Water Act for the Port Orchard Community Events Center (POCEC), Kitsap County, Washington. The required processing dates are listed below:

- On 5/23/2023, the City of Port Orchard submitted a pre-filing meeting request.
- On 9/16/2024, Ecology received a request for Clean Water Section 401 Water Quality Certification.
- On 1/2/2025, the U.S. Army Corps of Engineers (Corps) issued a joint public notice.
- Ecology's "Reasonable Period of Time" for this project has been established as 9/16/2025.

The project proposes to set back an existing approximately 180-foot-long concrete seawall, exposing 3,336 square feet of shoreline to be regraded to a slope of 3:1. The new approximately 209-linear foot concrete retaining wall would be installed above the High Tide Line. 2,692 square feet of 10-inch streambed cobble or quarry spalls would be placed 10 feet waterward of the new retaining wall as part of regrading. Additionally, a new 2,450 square foot overwater deck is proposed, half of which would have 50% grating, the other half would be solid concrete. Additionally, 5, 16-inch piles would be installed on the waterside of the deck and 10, 16-inch piles would be installed to support the landward portion of the deck as part of the new retaining wall above the High Tide Line. A 250-foot-long corrugated sheet pile cofferdam and wingwalls would be installed temporarily to isolate the work area. Rubble and concrete debris totaling approximately 380 cubic yards across approximately 4,120 square feet would be removed.

The project site is located at 619 Bay Street in Port Orchard, Sinclair Inlet, Kitsap County, Washington, Section 26, Township 24 N., Range 1 E., within Water Resource Inventory Area (WRIA) 15 - Kitsap.

With this WQC Order, Ecology is granting with conditions the City of Port Orchard's request for a Section 401 Water Quality Certification for the Port Orchard Community Events Center (POCEC) project, provided that the activity is conducted in accordance with the Section 401 Water Quality Certification request and attachments Ecology received on 9/16/2024, and the following supporting documentation:

1. Revised Draft Water Quality Monitoring plan date March 2025, received 3/27/2025
2. Stormwater Pollution Prevention Plan dated 10/29/2024, received 11/21/2024

Based on the information submitted, Ecology has determined that the discharge from the project will comply with state water quality requirements. Prior to undertaking any changes that materially alter the project, the City of Port Orchard must contact Ecology to determine whether a new Section 401 Water Quality Certification is required.

Issuance of this Section 401 Water Quality Certification for this proposal does not authorize the City of Port Orchard to exceed applicable state water quality standards (Chapter 173-201A WAC), ground water quality standards (Chapter 173-200 WAC), or sediment quality standards (Chapter 173-204 WAC). Furthermore, nothing in this Section 401 Water Quality Certification absolves the City of Port Orchard from liability for contamination and any subsequent cleanup of surface waters, ground waters, or sediments resulting from project construction or operations.

Special Conditions:

1. This Certification is not effective until the U.S. Corps of Engineers (Corps) Seattle District issues a Department of the Army (DA) permit for this project. WQC Order No. **23610** will remain valid for the duration of the associated Corps permit for the project.
 - Justification – Certifications are required for any license or permit that authorizes an activity that may result in a discharge or fill material into waters. This WQC Order is not valid until the Federal agency issues a permit. Additionally, Ecology needs to be able to specify how long the WQC Order will be in effect.
 - Citation – Chapter 90.48 RCW, Chapter 173-201A WAC, and WAC 173-225-010.

2. The City of Port Orchard shall send a copy of the final Federal permit via e-mail to fednotification@ecy.wa.gov and cc to Austin.Schmalz@ecy.wa.gov prior to the starting of any work authorized by this WQC Order. If the Federal Agency determines the proposed project does not require a Federal permit, the City of Port Orchard shall immediately inform Ecology.
 - Justification - This condition is needed to ensure that the federal permit has been issued and all the conditions of the WQC Order have been included into the federal permit.
 - Citation - 40 CFR 121.10, 40 CFR 121.11, and Chapter 90.48 RCW.
3. To transfer this WQC Order to a new owner or operator the City of Port Orchard shall:
 - a. Complete a Request for Transfer of Order with a specific transfer date of the WQC Order's obligations, coverage, and liability and submit it to Ecology at fednotification@ecy.wa.gov and cc to Austin.Schmalz@ecy.wa.gov. Link to form: <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070695.html>;
 - b. Provide a copy of this WQC Order to the new owner or operator; and
 - c. The transfer is not considered valid until the City of Port Orchard receives written notification from Ecology that the transfer has been approved.
 - Justification – Ecology has independent state authority to ensure protection of state water quality. Ecology needs to ensure that anyone conducting work at the project, including any new owners or operators, are aware of and understand the required conditions of this WQC Order to ensure compliance with the water quality standards and other applicable state laws.
 - Citation – 40 CFR 121.5, Chapter 90.48 RCW, RCW 90.48.030, Chapter 173-201A WAC, and WAC 173-225-010.
4. The following in-water work window applies to the project: All activities within the wetted perimeter of Sinclair Inlet may be conducted between August 1 and February 15 of any year.
 - Justification - This condition is reaffirming the project will take place during a time period that will not harm fish or other aquatic species.

- Citation - Chapter 77.55 RCW, Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300, WAC 173-201A-330, WAC 173-225-010, and Chapter 220-660 WAC.
5. The City of Port Orchard shall finalize the Draft Water Quality Monitoring Plan and submit it to Austin.Schmalz@ecy.wa.gov for review at least 30 days prior to beginning any work covered by this WQC Order.
- Justification - This condition is necessary to ensure that the monitoring and BMPs that are proposed by the Project Proponent and authorized by Ecology are conducted to protect water quality. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010.
6. Water quality monitoring results shall be submitted upon request to fednotification@ecy.wa.gov and cc to Austin.Schmalz@ecy.wa.gov.
- Justification - Ecology must protect waters of the state from all discharges and potential discharges of pollution and prevent exceedances of the water quality standards that protect aquatic life and beneficial uses.
 - Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, and WAC 173-225-010
7. Any work that causes distressed or dying fish or discharges of oil, fuel, or other chemicals into state waters or onto land with a potential for entry into state waters is prohibited. If such work, conditions, or discharges occur, immediately notify Ecology's Regional Spill Response Office at 360-407-6300 and the Washington State Department of Fish & Wildlife with the nature and details of the problem, any actions taken to correct the problem, and any proposed changes in operation to prevent further problems. You will also need to notify the Washington Emergency Management Division at 1-800-258-5990, for spills to water only. This condition is necessary to prevent oil and other hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed, resulting in less harm.
- Justification - This condition is necessary to prevent oil and hazardous materials spills from causing environmental damage and to ensure compliance with water quality requirements. The sooner a spill is reported, the quicker it can be addressed,

resulting in less harm. Ecology must protect waters of the state from all discharges and potential discharges of pollution that can affect water quality to protect aquatic life and beneficial uses.

- Citation - Chapter 90.48 RCW, RCW 90.48.030, RCW 90.48.080, Chapter 90.56 RCW, RCW 90.56.280, Chapter 173-201A WAC, WAC 173-201A-300 - 330, WAC 173-204-120, WAC 173-225-010, and WAC 173-303-145.

In view of the foregoing and in accordance with 33 U.S.C. §1341, RCW 90.48.120, RCW 90.48.260 Chapter 173-200 WAC and Chapter 173-201A WAC, this WQC is granted with conditions to the City of Port Orchard for the Port Orchard Community Events Center (POCEC) project.

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 Address:

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

Mailing Address:

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

E-Mail Address:

ecologyappeals@ecy.wa.gov

Americans with Disabilities Act Information

Accommodation Requests

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6831 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Contact Information

Please direct all questions about this WQC Order to:

Austin Schmalz
Department of Ecology
(425) 301-6989
Austin.Schmalz@ecy.wa.gov

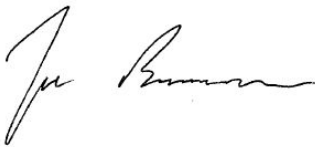
More Information

- **Pollution Control Hearings Board Website**
<https://elaho.wa.gov>

- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>
- **Chapter 173.204 WAC – Sediment Management Standards**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>
- **Chapter 173-200 WAC – Water Quality Standards for Ground Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-200>
- **Chapter 173-201A WAC – Water Quality Standards for Surface Waters of the State of Washington**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=173-201A>

Signature

Dated this 8 day of September, 2025 at the Department of Ecology, Shoreline, Washington.



Joe Burcar

Northwest Region Office

Shorelands and Environmental Assistance Program