

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN)	ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER)	DOCKET #9661
AGAINST)	
Port of Olympia-Ocean Terminal)	
E.B. Galligan)	

To: Port of Olympia-Ocean Terminal
915 Washington Street NE
Olympia, WA 98501

Order Docket #	9661
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The Washington State Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring Port of Olympia-Ocean Terminal (Port of Olympia) to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) - Water Pollution Control.
- Chapter 173-226 Washington Administrative Code (WAC) - Waste Discharge General Permit Program.
- Industrial Stormwater General Permit, number WAR001168.

Chapter 90.48.120(2) RCW gives Ecology the authority to issue Administrative Orders requiring compliance whenever it determines that a person is about to violate Chapter 90.48 RCW.

ORDER TO COMPLY

Description:

Port of Olympia is covered under Industrial Stormwater General Permit (ISGP), permit number WAR001168. Permit condition S5 establishes benchmark values and monitoring requirements. Benchmark means a pollutant concentration used as a permit threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. When pollutant concentrations exceed benchmarks, corrective action requirements identified in permit condition S8 take effect. Permit condition S10 requires that discharges not cause or contribute to a violation of surface water quality standards.

The Port of Olympia stormwater discharge has exceeded benchmark values and triggered level three corrective action requirements under permit condition S8. Permit condition S8 allows a permittee to request time extension or waiver for the corrective action requirements.

Ecology has considered the information provided and has decided to conditionally approve a time extension.

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Action(s) required:

Pursuant to Permit Condition S8.D.4.c, Ecology is granting a Level 3 Corrective Action time extension until September 30, 2014, subject to the following conditions:

- Port of Olympia must submit an Addendum to the Engineering Report that meets the requirements of WAC 173-240 for Ecology's review and approval on or before February 28, 2013. This Addendum will address the additional parameters, zinc and total suspended solids and incorporate the findings of the pilot testing program.
- Send the engineering report by Certified Mail to Paul Stasch; see contact information below.
- Port of Olympia must install, and have operational, a stormwater treatment system that is designed with the goal of achieving all of the applicable benchmark values as soon as possible, but no later than September 30, 2014.

FAILURE TO COMPLY WITH THIS ORDER

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

YOUR RIGHT TO APPEAL

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

- File your appeal and a copy of this Order 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 Order 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.

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

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ADDRESS AND LOCATION INFORMATION

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

CONTACT INFORMATION

Please direct all questions about this Order to:

Paul Stasch
Department of Ecology
Water Quality Program
PO Box 47775
Olympia, WA 98504-7775

Phone: (360) 407-6273
Fax: (360) 407-6305
Email: paul.stasch@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental Hearings Office – Pollution Control Hearings Board**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

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- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Laws:** www.ecy.wa.gov/laws-rules/ecyrcw.html
- **Rules:** www.ecy.wa.gov/laws-rules/ecywac.html

SIGNATURE



Bill Moore, P.E., Manager
Program Development Services Section
Water Quality Program