CHRISTINE O GREGOIRE
Director

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
7272 Cleanwater Lane, LU-11 • Olympia, Washington 98504-6811 • (206) 753-2353

February 14, 1991

CERTIFIED MAIL

Mr. Ray Nichols
Tacoma Boatbuilding Company
1840 Marine View Drive
Tacoma, Washington 98422

Dear Mr. Nichols:

Enclosed is Consent Order No. DE 90-S280. All correspondence relating to this document should be directed to Lynn Gooding. If you have any questions concerning the content of the document, please call Ms. Gooding at (206) 586-5563.

Sincerely,

Michael A. Wilson
Southwest Region Supervisor
Toxics Cleanup Program

MAW:fs
Enclosure

No cost Recovery - Not sent to Fiscal

DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE COMPLIANCE BY TACOMA BOATBUILDING CO. with Chapter 90.48 RCW and the Rules and Regulations of the Department of Ecology	)))))	CONSENT ORDER No. DE 90-S280

To: Mr. Ray Nichols
Tacoma Boatbuilding Co.
1840 Marine View Drive
Tacoma, Washington 98422

I.

JURISDICTION

RCW 90.48.260 designates the Department of Ecology as the state water pollution control agency for all purposes of the Federal Water Pollution Control Act (FWPCA) and grants authority to administer a waste discharge elimination permit program including issuance of permits (which may include effluent treatment and limitation requirements, and monitoring and report requirements), modification of permits, and enforcement.

RCW 90.48.080 provides that it shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the waters of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep, or otherwise discharge into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of the Director.

Ecology has determined that Tacoma Boatbuilding Co. (TBC) is required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for its facilities. Ecology has also determined that TBC is a person responsible for the site within the meaning of Chapter 90.48 RCW; the actions to be taken pursuant to this Order are reasonable and necessary to protect the public health or welfare or the environment; and, a reasonable time for beginning and completing the actions required by this Order has been provided for. T BC and Ecology have agreed to undertake the actions specified in the Order.

II.

PARTIES BOUND

This Consent Order shall apply to and be binding upon Tacoma Boatbuilding Co. and Ecology, their agents, successors, and assignees and upon all persons, contractors and consultants acting under or for either TBC or Ecology or both. TBC agrees both to undertake all actions required of them by the terms and conditions of this Consent Order and not to contest state court jurisdiction regarding the enforcement of this Consent Order.

III.

FINDINGS OF FACT

TBC is a general ship construction company with two locations in the Commencement Bay area. TBC's main facility is Yard #1, located at 1840 Marine View Drive on the northeast shore of the Hylebos Waterway. TBC's Yard #3 is located at the mouth of the Blair Waterway on Port of Tacoma property.

TBC was first issued a state waste discharge permit on July 23, 1968, for arsenite treatment of their drydock located on the Sitcum Waterway. The permit expired on July 23, 1973. TBC was issued a second state waste discharge permit on February 10, 1970, for a sanitary waste discharge from their Hylebos Waterway facility. This permit expired on December 31, 1972. TBC applied for a NPDES permit in 1974 for their acid wash and pressure washing discharges at the current site location on the Hylebos Waterway. A discharge permit was not issued because TBC continued the practice of shipping their waste to a treatment facility. TBC has not been under a waste discharge permit since 1973.

It is Ecology's position that waste discharge permits for shipyards are intended to prevent the release of pollutants to waters of the state from shipyard activities such as sandblasting paint off of vessels, spray or hand painting, handling of hazardous materials, discharges of oil, and control of accidental spills and that the waste discharge permits should include the implementation of Best Management Practices designed to control such discharges to waters of the state.

TBC contends that it does not discharge pollutants to the waters of the state and that no waste discharge permit is required for its facilities.

Having acknowledged their disagreement and in the interests of avoiding litigation at this juncture, the parties have agreed to take the actions set forth below.

IV.

WORK TO BE PERFORMED

A. TBC shall, within fifteen (15) working days of receipt of this Order, submit to Ecology for review and approval a Draft Sampling Plan, consistent with the requirements previously provided by Ecology to TBC on November 14 and November 15, 1990, for a one-time sampling of stormwater, during a storm event, from the outfalls and/or certain storm drains at TBC's facilities for a maximum of six (6) samples, to be analyzed for the constituents listed in Exhibit A hereto, applying the standard methods and method detection limits indicated therein.

B. Ecology will respond in writing to TBC with comments regarding the sampling plan.

C. TBC will begin implementing the sampling plan within fifteen (15) working days of receipt of final approval of the plan from Ecology or within seven (7) weeks of TBC's submittal of the draft sampling plan per "A" above, whichever time period is longer.

D. TBC will submit a completed NPDES permit application form to Ecology within thirty (30) days of receipt of the sampling analyses performed pursuant to item C above.

V.

RESOLUTION OF DISPUTES

If TBC objects to any Ecology notice of disapproval, proposed modification, or decision made pursuant to Items IV(A-C) of this Consent Order, it shall notify Ecology in writing of its objections within fourteen (14) days of receipt of such notice. Thereafter, the parties shall confer in an effort to resolve the dispute. If agreement cannot be reached on the dispute within fourteen (14) days of receipt by Ecology of such objections, the state shall promptly provide a written statement of its decision to TBC.

The decision of Ecology pursuant to this dispute resolution procedure shall not be appealable pursuant to Chapter 43.21B RCW to the Pollution Control Hearings Board. However, either party may commence action in Superior Court of the State of Washington, to enforce the terms of this Order. The parties stipulate that venue for any such action shall lie in Thurston County Superior Court, Olympia, Washington.

The parties agree that in the event Ecology rejects or seeks to modify IBC's permit application, that decision will be appealable to the Pollution Control Hearings Board. Also, by entering into this agreement, the parties do not intend to alter any rights of appeal to the PCHB relating to the permit itself.

By agreeing to this Order, IBC waives any right to contest Ecology's authority to require TBC to obtain a permit.

For State of Washington,
Department of Ecology

Michael A. Wilson 2/13/91
Mike Wilson Date
Southwest Regional Supervisor
Toxics Cleanup Program

For State of Washington,
Attorney General's Office

Mary Sue Wilson 2-5-91
Mary Sue Wilson Date
Assistant Attorney General

For Tacoma Boatbuilding Company

Ray Nichols 2-7-91
Ray Nichols Date
Vice President of Operations

For Tacoma Boatbuilding Company

Yale Lewis 9 Feb '91
O. Yale Lewis Date
Attorney

METALS

Analytical Method: ICP, AA.

Analysis	Units	Method Det. Lim.
Antimony (Sb)	mg/L	0.03
Arsenic (As)	mg/L	0.003
Beryllium (Be)	mg/L	0.002
Cadmium (Cd)	mg/L	0.003
Chromium (Cr)	mg/L	0.005
Copper (Cu)	mg/L	0.006
Lead (Pb)	mg/L	0.003
Mercury (Hg)	mg/L	0.0002
Nickel (Ni)	mg/L	0.01
Selenium (Se)	mg/L	0.003
Silver (Ag)	mg/L	0.01
Thallium (Tl)	mg/L	0.005
Zinc (Zn)	mg/L	0.02

OIL AND GREASE

or equivalent

Analysis	Units	Method Det. Lim.
Oil and Grease	mg/L	5

VOLATILE ORGANIC COMPOUNDS

EPA Analytical Method: 624

Analysis	Units	Method Det. Lim.	Analysis	Units	Method Det. Lim.
chloromethane	ug/L(ppb)	10	bromodichloromethane	ug/L(ppb)	5
bromomethane	ug/L(ppb)	10	1,2-dichloropropane	ug/L(ppb)	5
vinyl chloride	ug/L(ppb)	10	trans-1,3-dichloropropylene	ug/L(ppb)	5
chloroethane	ug/L(ppb)	10	trichloroethylene	ug/L(ppb)	5
methylene chloride	ug/L(ppb)	5	benzene	ug/L(ppb)	5
acrolein	ug/L(ppb)	30	dibromochloromethane	ug/L(ppb)	5
acrylonitrile	ug/L(ppb)	10	cis-1,3-dichloropropylene	ug/L(ppb)	5
trichlorofluoromethane	ug/L(ppb)	5	1,1,2-trichloroethane	ug/L(ppb)	5
1,1-dichloroethylene	ug/L(ppb)	5	2-chloroethylvinyl ether	ug/L(ppb)	5
1,1-dichloroethane	ug/L(ppb)	5	bromoform	ug/L(ppb)	5
1,2-dichloroethylene	ug/L(ppb)	5	tetrachloroethylene	ug/L(ppb)	5
chloroform	ug/L(ppb)	5	1,1,2,2-tetrachloroethane	ug/L(ppb)	5
1,2-dichloroethane	ug/L(ppb)	5	toluene	ug/L(ppb)	5
1,1,1-trichloroethane	ug/L(ppb)	5	chlorobenzene	ug/L(ppb)	5
carbon tetrachloride	ug/L(ppb)	5	ethylbenzene	ug/L(ppb)	5
acetonitrile	ug/L(ppb)	30	vinyl acetate	ug/L(ppb)	10
acetone	ug/L(ppb)	10	4-methyl-2-pentanone	ug/L(ppb)	10
carbon disulfide	ug/L(ppb)	5	2-hexanone	ug/L(ppb)	10
1,1,2-trichloro-1,2,2-trifluoroethane	ug/L(ppb)	5	styrene	ug/L(ppb)	5
2-butanone	ug/L(ppb)	10	xylenes	ug/L(ppb)	5

BNA SCAN

EPA Method: 625

Analysis	Units	Method Det. Lim.	Analysis	Units	Method Det. Lim.
phenol	ug/L(ppb)	10	2,4-dinitrotoluene	ug/L(ppb)	10
bis(2-chloroethyl)ether	ug/L(ppb)	10	diethyl phthalate	ug/L(ppb)	10
2-chlorophenol	ug/L(ppb)	10	4-chlorophenyl-phenyl ether	ug/L(ppb)	10
1,3-dichlorobenzene	ug/L(ppb)	10	fluorene	ug/L(ppb)	10
1,4-dichlorobenzene	ug/L(ppb)	10	4,6-dinitro-2-methylphenol	ug/L(ppb)	50
1,2-dichlorobenzene	ug/L(ppb)	10	N-nitrosodiphenylamine	ug/L(ppb)	10
bis(2-chlorolsopropyl)ether	ug/L(ppb)	10	1,2-diphenylhydrazine	ug/L(ppb)	10
N-nitroso-di-n-propylamine	ug/L(ppb)	10	4-bromophenyl-phenyl ether	ug/L(ppb)	10
hexachloroethane	ug/L(ppb)	10	hexachlorobenzene	ug/L(ppb)	10
nitrobenzene	ug/L(ppb)	10	pentachlorophenol	ug/L(ppb)	50
isophorone	ug/L(ppb)	10	phenanthrene	ug/L(ppb)	10
2-nitrophenol	ug/L(ppb)	10	anthracene	ug/L(ppb)	10
2,4-dimethylphenol	ug/L(ppb)	10	di-n-butyl phthalate	ug/L(ppb)	10
bis(2-chloroethoxy)methane	ug/L(ppb)	10	fluoranthene	ug/L(ppb)	10
2,4-dichlorophenol	ug/L(ppb)	10	benzidine	ug/L(ppb)	50
1,2,4-trichlorobenzene	ug/L(ppb)	10	pyrene	ug/L(ppb)	10
naphthalene	ug/L(ppb)	10	butyl benzyl phthalate	ug/L(ppb)	10
hexachlorobutadiene	ug/L(ppb)	10	3,3-dichlorobenzidine	ug/L(ppb)	20
4-chloro-3-methylphenol	ug/L(ppb)	10	benzo(a)anthracene	ug/L(ppb)	10
hexachlorocyclopentadiene	ug/L(ppb)	10	bis(2-ethylhexyl)phthalate	ug/L(ppb)	10
2,4,6-trichlorophenol	ug/L(ppb)	10	chrysene	ug/L(ppb)	10
2-chloronaphthaline	ug/L(ppb)	10	di-n-octyl phthalate	ug/L(ppb)	10
dimethyl phthalate	ug/L(ppb)	10	benzo(b)fluoranthene	ug/L(ppb)	10
acenaphthylene	ug/L(ppb)	10	benzo(k)fluoranthene	ug/L(ppb)	10
2,6-dinitrotoluene	ug/L(ppb)	10	benzo(a)pyrene	ug/L(ppb)	10
acenaphthene	ug/L(ppb)	10	indeno(1,2,3-cd)pyrene	ug/L(ppb)	10
2,4-dinitrophenol	ug/L(ppb)	50	dibenzo(a,h)anthracene	ug/L(ppb)	10
4-nitrophenol	ug/L(ppb)	50	benzo(g,h,i)perylene	ug/L(ppb)	10
aniline	ug/L(ppb)	10	2-methylnaphthalene	ug/L(ppb)	10
benzyl alcohol	ug/L(ppb)	10	2,4,5-trichlorophenol	ug/L(ppb)	50
2-methylphenol	ug/L(ppb)	10	2-nitroaniline	ug/L(ppb)	50

Analysis	Units	Method Det. Lim.	Analysis	Units	Method Det. Lim.
4-methylphenol	ug/L(ppb)	10	3-nitroaniline	ug/L(ppb)	50
benzoic acid	ug/L(ppb)	50	dibenzofuran	ug/L(ppb)	10
4-chloroaniline	ug/L(ppb)	10	4-nitroaniline	ug/L(ppb)	50

PCBs

or equivalent

Analysis	Units	Method Det. Lim.
PCBs (Aroclor 1016)	ug/L	0.1
PCBs (Aroclor 1221)	ug/L	0.1
PCBs (Aroclor 1232)	ug/L	0.1
PCBs (Aroclor 1242)	ug/L	0.1
PCBs (Aroclor 1248)	ug/L	0.1
PCBs (Aroclor 1254)	ug/L	0.1
PCBs (Aroclor 1260)	ug/L	0.1