



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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NOV 21 2016

Mr. Robert Duffner
Port of Seattle
PO Box 68727
Seattle, WA 98168-0727

Order Docket No.	13888
Site Location	15001 Des Moines Memorial Drive South, as well as the Lora Lake Parcel and DMCA parcel across Des Moines Memorial Drive, located between S. 156 th Way and SR 518.

Re: Administrative Order

Dear Mr. Duffner:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order) requiring Port of Seattle to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – State of Washington Water Pollution Control Act.
- Chapter 173-201A Washington Administrative Code (WAC) – Water Quality Standards for Surface Waters of the State of Washington.
- National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit, Permit Number WAR304723.

If you have questions please Tracie Walters at 425-649-4484 or twal461@ecy.wa.gov.

Sincerely,

Mark Henley, P.E.
Water Quality Section Manager
Water Quality Program
Northwest Regional Office

Enclosures: Administrative Order Docket No. 13888

By Certified Mail: 9171 9690 0935 0084 1039 22



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF AN)	ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER)	DOCKET No. 13888
AGAINST)	
Port of Seattle)	
Robert Duffner)	

To: Mr. Robert Duffner
Port of Seattle
PO Box 68727
Seattle, WA 98168-0727

Order Docket No.	13888
Site Location	15001 Des Moines Memorial Drive South, as well as the Lora Lake Parcel and DMCA parcel across Des Moines Memorial Drive, located between S. 156 th Way and SR 518.

The Washington State Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring the Port of Seattle to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – State of Washington Water Pollution Control Act.
- Chapter 173-201A Washington Administrative Code (WAC) – Water Quality Standards for Surface Waters of the State of Washington.
- Permit: National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit WAR304723.

This is an Administrative Order in accordance with General Condition G13 (Additional Monitoring) as set forth in the Construction Stormwater General Permit. RCW 90.48.120(2) RCW authorizes Ecology to issue Administrative Orders to accomplish the purposes of Chapter 90.48 RCW.

ORDER TO COMPLY

Violation(s) and associated corrective action(s):

The Port of Seattle has received coverage under the Permit, permit number WAR304723, for construction activities associated with the construction site known as Lora Lake Apartments MTCA Remedial Action. The receiving water body will be Miller Creek. The Port of Seattle reported that the construction site contains contaminated groundwater and soil which may be discharged due to the proposed construction activity. The Construction Stormwater General Permit does not have water quality sampling or benchmarks for the known pollutants of concern for listed in Table 1; however, the permit requires compliance with the Water Quality Standards for Surface Water of the State of Washington (Water Quality Standards).

The Order establishes Indicator Levels for the Lora Lake Apartments MTCA Remedial Action. Indicator Levels express a pollutant concentration used as a threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. Indicator Levels in this Administrative Order were derived from Freshwater Toxic Substances Criteria (WAC 173-201A-240), and practical quantitation level.

For these reasons and in accordance with RCW 90.48.120(2) it is ordered that the Port of Seattle take the following actions. These actions are required at the location known as Lora Lake Apartments MTCA Remedial Action, located at 15001 Des Moines Memorial Drive South, as well as the Lora Lake Parcel and DMCA parcel across Des Moines Memorial Drive, located between South 156th Way and SR 518. In the event of a permit transfer to another Permittee, compliance with this Administrative Order and the actions listed below is required.

Immediately upon receipt of this Order and continuously thereafter, Port of Seattle must:

- Install all pre-treatment and treatment systems prior to any discharge of contaminated dewatering water or contaminated construction stormwater to Miller Creek.
- Capture, contain, and treat all contaminated dewatering or contaminated stormwater prior to discharge to the Miller Creek.
- Use an Ecology-approved treatment system and media filtration to treat any contaminated dewatering water or stormwater comingled with contaminated dewatering water or contaminated stormwater. Ecology must be notified in advance if any changes in the treatment are made, with the exception of routine maintenance.
- All captured sediment from the treatment of the dewatering or contaminated stormwater must be transported to an approved disposal facility based on the level of contamination.
- The effectiveness of the treatment system will be demonstrated by a minimum of two sampling and testing events; the first being prior to the initial project start of treated water discharge to Miller Creek, and the second being prior to the start of treated water discharge from the Lora Lake Apartments Excavation area to Miller Creek. The treatment system must have enough capacity to hold the treated dewatering water or stormwater until it has been tested to determine if any of the Indicator Levels listed in Table 1 have been exceeded. No dewatering water or stormwater may be discharged before it has been tested for the parameters listed in Table 1. If any of the Indicator Levels listed in Table 1 are exceeded, the treated dewatering water or stormwater must not be discharged to Miller Creek. The treated dewatering water or stormwater may be discharged to Miller Creek if it has been treated and retested to determine that all parameters are equal to or below the Indicator Levels listed in Table 1. If any of the Indicator Levels are exceeded after being retested, the Port of Seattle shall truck the contaminated storm or groundwater off-site for disposal in an approved manner.
- Once the effectiveness of the treatment system has been determined, the Port of Seattle may revert to a flow-through treatment system after the minimum two sampling and testing events and upon written approval from Ecology. The flow-through treatment system design must be submitted to Ecology for approval prior to use.
- All dewatering water or contaminated stormwater must be sampled weekly while discharging and tested for the parameters listed in Table 1, with the exception of turbidity which must be sampled daily. Because of the lengthy turn-around time for sampling of dioxins, turbidity will be used as a surrogate for dioxins. The Port of Seattle must also sample weekly for dioxins and provide the results to Ecology.
- If any of the Indicator Levels listed in Table 1 are exceeded, the Port of Seattle must stop the discharge of treated dewatering water or contaminated stormwater to the Miller Creek, until it has been retested to determine that all parameters are equal to or below the

Indicator Levels in Table 1. If any of the Indicator Levels are exceeded after being retested, the Port of Seattle shall modify the existing treatment system to increase its effectiveness or install an Ecology-approved treatment system or truck the contaminated storm or groundwater off-site for disposal in an approved manner.

- Sampling for the contaminants listed in Table 1 must be reported on the required Discharge Monitoring Report (DMR) according to Permit conditions (S5.B Discharge Monitoring Reports).
- If sampling is conducted more frequently than required by this Order, the results of this monitoring must be included in the calculation and reporting of the data that is submitted in the Discharge Monitoring Reports (DMRs).
- Any discharge to waters of the state in exceedance of the contaminant Indicator Levels in Table 1 except for pH criteria shall be reported according to Permit condition S5.F, Noncompliance Notification as follows:
 - Immediately notify Ecology of noncompliance by calling the regional 24-hour Environmental Report Tracking System (ERTS) phone number (425) 649-7000.
 - Cease the discharge until indicator levels can be met.
 - Submit a detailed, written report to Ecology within five (5) days, unless requested earlier by Ecology. See Permit condition S5.F.3 for Noncompliance Notification requirements.
- All samples must be analyzed by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 137-50 WAC.
- All sampling data must be reported monthly on Discharge Monitoring Reports (DMRs) electronically using Ecology's secure online system WQWebDMR, in accordance to Permit Condition S5.B. If the measured concentration is below the detection level, then the Port of Seattle shall report single analytical values below detection as "less than the detection level (DL)" by entering "<" followed by the numeric value of the detection level (e.g. "<0.1"). All other values above DL must be reported as the numeric value.
- Contaminated soils excavated during construction will be hauled off-site without stock piling to an approved disposal facility based on the level of contamination. When it is not feasible to haul soils off-site, the soils must be covered or placed in a covered area to minimize contact with stormwater.
- Noncompliance with permit requirements or the provisions of this Order must be immediately reported to the Northwest Regional Office of the Department of Ecology in accordance with Permit Condition S5.F, Noncompliance Notification.
- If a modification of the Order is desired, a written request shall be submitted to Ecology and if approved, Ecology will issue an amendment to this Order.

Ecology retains the right to make modifications to this Order through supplemental Order, or amendment to this Order, if it appears necessary to further protect the public interest. This Order does not exempt the Port of Seattle from any Construction Stormwater General Permit requirement.

Table 1.

The Port of Seattle must use the specified analytical methods, detection limits (DLs), and quantitation levels (QLs) in the following table for monitoring unless the method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If the Port of Seattle uses an alternative method, not specified in the order and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report.

Pollutant & CAS No. (if available)	Sampling Frequency	Sample Type	Indicator Level, µg/L unless otherwise noted	Required ^e Analytical Protocol	Detection Level, µg/L	Quantitation Level, µg/L unless otherwise noted
CARCINOGENIC POLYCYCLIC AROMATIC HYDROCARBONS (cPAH)						
Benzo(a)anthracene (56-55-3)	Weekly	Grab	0.6 ^a	625	0.3	0.6
Chrysene (218-01-9)	Weekly	Grab	0.6 ^a	610/625	0.3	0.6
METALS						
Lead, Total (7439-92-1)	Weekly	Grab	23.51 ^b	200.8	0.1	0.5
PETROLEUM HYDROCARBONS						
Oil-Range Hydrocarbons (NWTPH-Dx) ^c	Weekly	Grab	250 ^a	NWTPH-Dx	250	250
SEMI-VOLATILES						
Pentachlorophenol (87-86-5)	Weekly	Grab	9.07 ^d	608	0.5	1.0
DIOXIN/FURAN CONGENERS (pg/L)						
2,3,7,8-TCDD (1746-01-6)	Weekly	Grab	10 ^a	1613	0.313	10
1,2,3,7,8-PeCDD (40321-76-4)	Weekly	Grab	50 ^a	1613	1.41	50
1,2,3,4,7,8-HxCDD (39227-28-6)	Weekly	Grab	50 ^a	1613	1.32	50
1,2,3,6,7,8-HxCDD (57653-85-7)	Weekly	Grab	50 ^a	1613	1.43	50
1,2,3,7,8,9-HxCDD (19408-74-3)	Weekly	Grab	50 ^a	1613	1.29	50
1,2,3,4,6,7,8-HpCDD (35822-46-9)	Weekly	Grab	50 ^a	1613	0.982	50
OCDD (3268-87-9)	Weekly	Grab	100 ^a	1613	3.14	100
2,3,7,8-TCDF (51207-31-9)	Weekly	Grab	10 ^a	1613	0.265	10
1,2,3,7,8-PeCDF (57117-41-6)	Weekly	Grab	50 ^a	1613	1.34	50
2,3,4,7,8-PeCDF(57117-31-4)	Weekly	Grab	50 ^a	1613	1.4	50
1,2,3,4,7,8-HxCDF (70648-26-9)	Weekly	Grab	50 ^a	1613	1.34	50
1,2,3,6,7,8-HxCDF (57117-44-9)	Weekly	Grab	50 ^a	1613	1.38	50
1,2,3,7,8,9-HxCDF (72918-21-9)	Weekly	Grab	50 ^a	1613	1.25	50
2,3,4,6,7,8-HxCDF (60851-34-5)	Weekly	Grab	50 ^a	1613	1.45	50
1,2,3,4,6,7,8-HpCDF (67562-39-4)	Weekly	Grab	50 ^a	1613	1.28	50
1,2,3,4,7,8,9-HpCDF (55673-89-7)	Weekly	Grab	50 ^a	1613	1.2	50
OCDF (39001-02-0)	Weekly	Grab	100 ^a	1613	2.59	100
Construction Stormwater General Permit Benchmarks						
Parameter			Benchmark	Indicator Level	Analytical Method	
Turbidity	Daily	Grab	N/A	5 NTU	SM2130 ^e	
pH	Weekly	Grab	6.5 - 8.5 SU	N/A	SM4500-H ⁺ B	
^a	No surface water standard, value is laboratory quantitation level.					
^b	Acute – Freshwater Toxic Substances Criteria (WAC 173-201A-240) Based on Hardness of 40 for Hardness Dependent Metals. The hardness of 40 is being used because the exact hardness of Miller Creek is not known and 40 is typical for other waters in the area.					
^c	NWTPH-Dx – Northwest Total Petroleum Hydrocarbons – Semi-volatile (“diesel”) for diesel range organics and heavy oils (includes jet fuels, kerosene, diesel-oils, hydraulic fluids, mineral oils, lubricating oils, and fuel oils).					
^d	Acute – Freshwater Toxic Substances Criteria (WAC 173-201A-240) Based on a pH of 7 for pH Dependent in Freshwater					
^e	Or equivalent					

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 both of 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). Email 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.

ADDRESS AND LOCATION INFORMATION

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

CONTACT INFORMATION

Please direct all questions about this Order to:

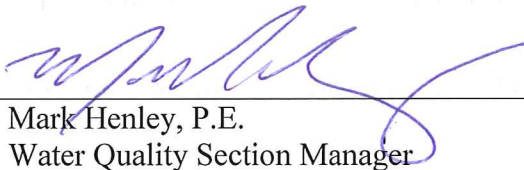
Tracie Walters
Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Phone: (425) 649 - 4484
Email: tracie.walters@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>
- **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



Mark Henley, P.E.
Water Quality Section Manager
Northwest Regional Office

11/18/2016

Date