



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

April 15, 2014

Ms. Lisa Middleton
Butcher's Scrap & Metal, Inc.
108 L. Street
Hoquiam, WA 98550

Re: NPDES Permit Number WAR001957

Dear Ms. Middleton:

Enclosed is the report from the Department of Ecology's recent Industrial Stormwater NPDES General Permit compliance inspection conducted at your facility on March 19, 2014. I would like to thank you for the time you spent with me during my visit.

It should be noted that there were significant violations of the permit at the time of the inspection. These violations resulted in formal enforcement by the Department.

Please contact me at (360) 407-6298 or Kevin.Hancock@ecy.wa.gov if you have any questions, comments or would like additional technical assistance.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kevin Hancock", with a long horizontal flourish extending to the right.

Kevin Hancock
Industrial Stormwater Facility Manager
Southwest Regional Office
Water Quality Program

Enclosure: Industrial Stormwater Inspection Report

cc: Marc Pacifico, Ecology
Kristen Alvarez, Ecology





Water Compliance Inspection Report

Section A: National Data System Coding (i.e., PCS)

Transaction Cod	NPDES	yr/mo/dy	Inspection Type	Inspector	Facility Type					
1 N	5	W A R00 1957	2014 03 14	0 C	A	2				
Remarks										
21										66
Inspection Work Days		Facility Self-Monitoring Evaluation Rating		B1	QA	-----Reserved-----				
67		70		71	72	73		74	75	80

Section B: Facility Data

Name and Location of Facility Inspected (For industrial users discharging to POTW, also include POTW name and NPDES permit number) Butcher's Scrap & Metal, Inc. 108 L Street Hoquiam, WA 98550	Entry Time/Date 09:45 hrs 2014/03/14	Permit Effective Date January 1, 2010
	Exit Time/Date 12:30 hrs 2014/03/14	Permit Expiration Date January 1, 2015
Name(s) of On-Site Representative(s)/Title(s)/Phone and Fax Number Lisa Middleton General Manager Phone: (360) 533-3326 Fax: (360) 532-2204	Other Facility Data (e.g., SIC NAICS, and other description information) This facility is a metal recycler. They receive metal from the public. The facility started accepting cars for wrecking. Processing was performed outside, exposed to stormwater. All of the stormwater was routed to a stormwater infiltration area. However, the area failed and two surface stormwater discharges were identified going to a roadside ditch and Grays Harbor.	
Name, Address of Responsible Official/Title/Phone and Fax Number Carol Butcher Owner Phone: (360) 533-3326 Fax: (360) 532-2204		
Contacted <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		

Section C: Areas Evaluated During Inspection (Check only those areas evaluated)

<input checked="" type="checkbox"/> Permit	<input checked="" type="checkbox"/> Self-Monitoring Program	<input type="checkbox"/> Pretreatment	<input type="checkbox"/> MS4
<input checked="" type="checkbox"/> Records/Reports	<input checked="" type="checkbox"/> Compliance Schedules	<input type="checkbox"/> Pollution Prevention	
<input checked="" type="checkbox"/> Facility Site Review	<input checked="" type="checkbox"/> Laboratory	<input checked="" type="checkbox"/> Stormwater	
<input type="checkbox"/> Effluent/Receiving Waters	<input checked="" type="checkbox"/> Operations & Maintenance	<input type="checkbox"/> Combined Sewer Overflow	
<input type="checkbox"/> Flow Measurement	<input type="checkbox"/> Sludge Handling/Disposal	<input type="checkbox"/> Sanitary Sewer Overflow	

Section D: Summary of Findings/Comments

(Attach additional sheets of narrative and checklists, including Single Event Violation codes, as necessary)

Kristen Alvarez Department of Ecology Toxics Cleanup Program (TCP) and Kevin Hancock Department of Ecology Water Quality Program inspected this site.

A Department of Ecology Environmental Report Tracking System (ERTS) #64758 was filed on this facility. The caller reported, "a bad smell, yard covered in oil and black. They take transformers and other nasty stuff. Water puddles have oil sheen on them, they cut up barrels and transformer, caller took cans there for recycling and its ridiculous black everywhere. They just dump gravel down to cover all the oil. They are going to move the dirt illegally."

The inspection verified the complaint that:

- There is a lot of oil spilled throughout the site
- There are pools of oil on the ground and in stormwater
- There are sheens on standing water
- There are contaminated soils
- Found two surface water discharges to waters of the state that had high turbidity, and oil. The discharges are not being sampled as required

The inspection did not find any electrical transformers on site. Because of the concerns of PCB contamination, the Ecology inspectors took three oil samples. The samples are submitted to the Washington State Manchester Laboratory for analysis. The sample results were not available by the time of this report.

The inspection found that this facility is in violation of RCW (Revised Code of Washington) 90.48, and 90.48.080. The facility also violated WAC (Washington Administrative Code) 173.226-070, 173-226-090, and their Industrial Stormwater General Permit (ISGP). Because of these violations a \$3,000.00 Notice of Penalty #01360 for:

- Polluting waters of the state
- Failure to clean up oil spills or repair leaking equipment
- cover or containment not provided for chemical or petroleum products corrective
- Corrective Action not taken
- Not maintaining Best Management Practices (BMP)
- Not implementing BMPs
- BMP not implemented per Permit or Ecology Notice
- Monitoring not conducted as required by permit

Corrections Required was issued with the Notice of Penalty. The Corrections Required orders the facility to:

1. Immediately stop all oil and turbid discharges from leaving the site
2. Immediately cleanup all of the oil leaks and spills
3. Immediately implement secondary containment requirements found in section 3 of the permit
4. Immediately start sampling all of their surface water discharges
5. Immediately start implementing all of the BMPs listed in their SWPPP (Stormwater Pollution Prevention Plan) BMPs

Follow up inspections and possible further samplings are required for this site.

REQUIREMENT:

1. After sampling all of the surface water discharges, send the results to Ecology in accordance to sections 4 and 5 of the permit.
2. If the sampling show there is a exceedance of a benchmark parameter, implement section 8 of the permit

Verify Latitude and Longitude

Door: N 46.97387° W -123.89878°

- ☐ Announced
☒ Unannounced


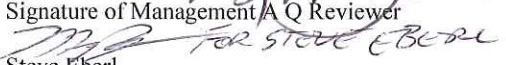
Name and Signature of Inspector	Agency/ Office Number	Date
Kevin P. Hancock 	Ecology/SWRO (360) 407-6298	4/11/14
Signature of Management A Q Reviewer	Agency/ Office Number	Date
 Steve Eberl	360-407-6292 Ecology/SWRO (360) 407-6293	4/11/14

Photo 1 of 12: This is the office and metal receiving area.



Photo 2 of 12: There was an unreported oily and turbid stormwater discharge from the office area. The facility is reporting No Discharge.



Photo 3 of 12: There is a second unreported surface water discharge from a gate on the east side of the site.



Photo 4 of 12: Secondary containment was not implemented, open oil containers, and oil leaking from drums onto the site.



Photo 5 of 12: Equipment not being maintained contaminating soil and stormwater.



Photo 6 of 12: Open drums of metal waste not properly drained contaminating soil and stormwater.



Photo 7 of 12: Batteries stored outside exposed to stormwater.



Photo 8 of 12: Open oil containers stored outside, no secondary containment and exposed to stormwater.



Photo 9 of 12: Ditch leaving the site to Grays Harbor had oil and high turbidity. Site not maintaining BMPs.



Photo 10 of 12: Sampling point 1.



Photo 11 of 12: Sampling point 2 was in the production area where heavy equipment move through the site.



Photo 12 of 12: Sampling point 3 under the pile. There were drums not properly emptied prior to scraping.





Water Quality Program Notice of Penalty

Construction Stormwater General Permit (CSGP) <input type="checkbox"/>	Industrial Stormwater General Permit (ISGP) <input checked="" type="checkbox"/>	Sand and Gravel (S&G) General Permit <input type="checkbox"/>	Boatyard (BY) General Permit <input type="checkbox"/>
Penalty #: 01360		Permit #: WA02001957	Agency Docket #: 106109 (for internal use only)
Responsible party: Carol Butcher / Butcher's Scrap & Metal Inc		Location of violation (site address): 1313 Western Ave	
Mailing address: (if different) 108 L Street		City, State, Zip: Hoquiam, WA 98550	
Latitude and longitude (if available): 46.97387 / -123.898780		City, State, Zip: Hoquiam, WA 98550	
Date issued: 3/19/2014		Time: 12:00	Region: SW20
Violation	Reason	Permit Condition	
<input type="checkbox"/> RCW 90.48.160	Operating or discharging without a permit (all)	Does not apply.	
<input checked="" type="checkbox"/> RCW 90.48.080	Polluting waters of the state (all)		
<input type="checkbox"/> RCW 90.48.080	Polluting impaired waters, discharge exceeds 303(d) limit (CSGP, ISGP, BY)		
<input type="checkbox"/> WAC 173-201A or WAC 173-200	Violating water quality standards (List specific standard violated.) (all)		
<input type="checkbox"/> RCW 90.48.080 (Unpermitted), or WAC 173-226-080 (Permitted)	Illicit discharge (all)	If Permitted.	
<input type="checkbox"/> RCW 90.48.090	Denial or withdrawal of access, permitted sites only (all)		
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	Process water discharge without treatment in lined impoundment (S&G)		
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	Failure to clean up oil spills or repair leaking equipment (all)	53	
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	Cover or containment not provided for chemical or petroleum products (all)	53	
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	Corrective Action not taken (ISGP, BY)	53 + 54	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	No Stormwater Pollution Prevention Plan (SWPPP) (all)		
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	SWPPP does not meet permit requirements (all)		
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	<input checked="" type="checkbox"/> Not maintaining best management practices (BMPs) (all) <input checked="" type="checkbox"/> Not implementing BMPs (all) <input type="checkbox"/> Failure to modify SWPPP per permit or Ecology Notice (all)	53	
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	<input type="checkbox"/> BMP not maintained per Permit or Ecology Notice (all) <input checked="" type="checkbox"/> BMP not implemented per Permit or Ecology Notice (all)	53	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	<input type="checkbox"/> Inspections not completed as required by permit (all) <input type="checkbox"/> Inspections do not comply with permit requirements (all)		
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-090	<input checked="" type="checkbox"/> Monitoring not conducted as required by permit (all) <input type="checkbox"/> Sampling does not comply with permit requirements (all)	54 + 56	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	<input type="checkbox"/> Not keeping site log book (CSGP) <input type="checkbox"/> Not keeping inspection reports or checklists (all)		
<input type="checkbox"/> RCW 90.48, WAC 173-226-090	<input type="checkbox"/> Did not telephone report turbidity greater than 250 NTU (CSGP) <input type="checkbox"/> Discharge Monitoring Reports, or other Permit required documents not available (all) <input type="checkbox"/> Failure to notify Ecology of noncompliance with permit requirement (all)		

Citation amount (not to exceed \$3,000.00): Under the authority of RCW 90.48.144 the Department of Ecology assesses a penalty against you in the amount of **\$3,000.00**. This penalty must be paid within 30 days of receipt of this citation unless you file an appeal within that time.

To ask about the availability of this document in a version for the visually impaired, call the Water Quality Program at 360-407-6401. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

I personally investigated or observed the violation(s) noted above. <i>[Signature]</i> 3/19/14 Signature of Water Quality Inspector Date Printed name of Water Quality Inspector <i>Kevin P. Hancock</i>		Ecology Regional Offices		
I acknowledge receipt of this action. A signature does not imply agreement.		Bellingham Field Office 1440 10 th St Suite 102 Bellingham WA 98225 360-715-5200	Vancouver Field Office 2108 Grand Blvd Vancouver WA 98661 360-690-7171	Central Regional Office 15 W Yakima Ave Ste 200 Yakima WA 98902 509-575-2490
Signature of responsible party or site contact <i>[Signature]</i> 3/19/14 Printed name of responsible party or site contact <i>Lisa Middleton</i>		Northwest Regional Office 3190 160 th Ave SE Bellevue WA 98008-5452 425-649-7000	Southwest Regional Office PO Box 47775 Olympia WA 98504-7775 360-407-6300	Eastern Regional Office 4601 N Monroe Spokane WA 99205-1295 509-329-3400
This action does not limit the Dept. of Ecology from taking other enforcement actions as deemed necessary. You have a right to appeal this penalty. Detailed instructions are included on this page. Immediately contact the inspector that issued this penalty if you do not understand the appeal process.				
Authority to issue penalties for these violations is found in RCW 90.48.144. Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations. We have made no determination as to whether you meet the definition of a "small business" under this section. However, we have determined that the requirements of RCW 34.05.110 do not apply to the violation(s) due to a conflict with federal law or program requirements, including federal requirements that are a prescribed condition to the allocation of federal funds to the state.				

OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY

Option 1: Pay the penalty within 30 days after receiving the Notice of Penalty.

Make your payment payable to the *Department of Ecology*. Please include the penalty docket number on your payment.

Mail payment to:

Department of Ecology
 Cashiering Unit
 PO Box 47611
 Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid 30 days after receiving the Notice of Penalty, and have not appealed.

Option 2: Appeal to the PCHB within 30 days after the date of receipt of the Notice of Penalty.

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 after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

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

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 Rd. SW, 3 rd Floor Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

White copy: Responsible party

Yellow copy: Fiscal

Pink copy: Remains in book, copy to file

For additional information visit the Environmental Hearings Office website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature website: <http://www1.leg.wa.gov/CodeReviser>



Water Quality Program Corrections Required

Construction Stormwater General Permit (CSGP) <input type="checkbox"/>	Industrial Stormwater General Permit (ISGP) <input checked="" type="checkbox"/>	Sand and Gravel (S&G) General Permit <input type="checkbox"/>	Boatyard (BY) General Permit <input type="checkbox"/>
Site name: <u>Butcher's Scrap & Metal Inc</u>		Mailing address - (if different than site) address: <u>108 L. Street</u>	
Site address: <u>1313 Western Ave</u>		City, State, Zip: <u>HOQUIAM, WA 98550</u>	
City, State, Zip: <u>HOQUIAM, WA 98550</u>		Phone: <u>360/533-3326</u>	
Site contact: <u>Lisa Middleton</u>		Permit #: <u>WAR001957</u>	
Ecology inspector(s): <u>Kevin Hancock</u>		Inspection date: <u>3/19/2014</u>	
Inspector phone: <u>360/407-6298</u>		E-mail: <u>Kevin 461@ecy.wa.gov</u>	
Notice of Penalty issued <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Field Citation # <u>01360</u>	
		Latitude and longitude (if available): <u>46.975071 - 123.898780</u>	

The Department of Ecology (Ecology) is responsible for overseeing environmental laws that protect human health and the environment in Washington. Ecology observed violations of Chapter 90.48 of the Revised Code of Washington (RCW), Chapter 173-226 of the Washington Administrative Code (WAC), Waste Discharge General Permit Program during this site visit. Violations observed are checked below.

Violation No.	Violation	Reason	Permit Condition
<input type="checkbox"/> 1	RCW 90.48.160	Operating or discharging without a permit (all)	Does not apply.
<input checked="" type="checkbox"/> 2	RCW 90.48.080	Polluting waters of the state (all)	
<input type="checkbox"/> 3	RCW 90.48.080	Polluting impaired waters, discharge exceeds 303(d) limit (CSGP, ISGP, BY)	
<input type="checkbox"/> 4	WAC 173-201A or WAC 173-200	Violating Water Quality Standards (List specific standard violated.) (all)	
<input type="checkbox"/> 5	RCW 90.48.090	Denial or withdrawal of access, permitted sites only (all)	
<input type="checkbox"/> 6	RCW 90.48.080, WAC 173-226-070	Process water discharge without treatment in lined impoundment (S&G)	
<input checked="" type="checkbox"/> 7	RCW 90.48.080, WAC 173-226-070	Failure to clean up oil spills or repair leaking equipment (all)	83
<input checked="" type="checkbox"/> 8	RCW 90.48.080, WAC 173-226-070	Cover or containment not provided for chemical or petroleum products (all)	83
<input checked="" type="checkbox"/> 9	RCW 90.48.080, WAC 173-226-070	Corrective Action not taken (ISGP, BY)	83 + 54
<input type="checkbox"/> 10	RCW 90.48.080, WAC 173-226-070	No Stormwater Pollution Prevention Plan (SWPPP) (all)	
<input type="checkbox"/> 11	RCW 90.48.080, WAC 173-226-070	SWPPP does not meet permit requirements (all)	
<input checked="" type="checkbox"/> 12	RCW 90.48.080, WAC 173-226-070	<input checked="" type="checkbox"/> Not maintaining best management practices (BMPs) (all) <input checked="" type="checkbox"/> Not implementing BMPs (all) <input type="checkbox"/> Failure to modify SWPPP per permit or Dept. of Ecology Notice (all)	83
<input checked="" type="checkbox"/> 13	RCW 90.48.080, WAC 173-226-070	<input type="checkbox"/> BMPs not maintained per permit or Dept. of Ecology Notice (all) <input checked="" type="checkbox"/> BMPs not implemented per permit or Dept. of Ecology Notice (all)	83
<input type="checkbox"/> 14	RCW 90.48.080, WAC 173-226-070	<input type="checkbox"/> Inspections not completed as required by permit (all) <input type="checkbox"/> Inspections do not comply with permit requirements (all)	
<input type="checkbox"/> 15	RCW 90.48.080, WAC 173-226-090	<input type="checkbox"/> Monitoring not conducted as required by permit (all) <input type="checkbox"/> Sampling does not comply with permit requirements (all)	
<input type="checkbox"/> 16	RCW 90.48.080, WAC 173-226-070	<input type="checkbox"/> Not keeping site log book (CSGP) <input type="checkbox"/> Not keeping inspection reports or checklists (all)	
<input type="checkbox"/> 17	RCW 90.48.080, WAC 173-226-090	<input type="checkbox"/> Did not telephone report turbidity greater than 250 NTU (CSGP) <input type="checkbox"/> Discharge Monitoring Reports, or other Permit required documents not available (all) <input type="checkbox"/> Failure to notify Dept. of Ecology of noncompliance with permit requirement (all)	
<input type="checkbox"/> 18			

Violation No.	Observation(s) and action(s) required to achieve compliance. (see permit conditions)	Complete or Submit Date
1	Turbid & oily discharge leaving site.	Immed.
7	Cleanup oil leaks/spills	Immed.
8	Drums w/ oil w/o secondary containment	Immed.
9	Start sampling stormwater discharge (surface)	Immed.
12	Start implementing all SWPPP BMPs	Immed.

Instructions:

- These corrective action requirements are not an enforcement order and are **not** appealable.
- If a penalty accompanies these corrective action requirements, the **penalty is** appealable.
- **Appeal directions are on the back of the penalty.**
- Failure to comply with these corrective action requirements may result in enforcement action.

1. To comply with the water quality regulations, complete the actions identified in the table above.
2. If you have questions, contact [Signature], Ecology Inspector, at 360/407-6298.
3. To request an extension, send a written request to the Ecology inspector by NA.

Ecology will notify you if an extension is granted. Please include all of the following:

- Reason extension is needed.
- Steps already taken.
- Description of work that remains to be completed.
- Anticipated completion date.

Send required document(s) to the appropriate Ecology office:

Bellingham Field Office
1440 10th St Ste 102
Bellingham WA 98225
360-715-5200

Vancouver Field Office
2108 Grand Blvd
Vancouver WA 98661
360-690-7171

Central Regional Office
15 W Yakima Ave Ste 200
Yakima WA 98902
509-575-2490

Northwest Regional Office
3190 160th Ave SE
Bellevue WA 98008-5452
425-649-7000

Southwest Regional Office
PO Box 47775
Olympia WA 98504-7775
360-407-6300

Eastern Regional Office
4601 N Monroe
Spokane WA 99205-1295
509-329-3400

Ecology Inspector (signature):

Date:

Owner/Operator (signature):

Date:

Owner/Operator (print name):

Date:

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