



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
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August 12, 2014

Jim Harberg
Pacific Coast Feather Co.
1694 4th Ave S
Marysville, WA 98134-1504

Notice of Penalty Docket #	10877
Site Location	14524 40 th Ave NE, Marysville, WA 98271
Penalty Amount	\$3,000.00
Due Date	Within 30 days after receiving this Notice of Penalty.

Re: Notice of Penalty

Dear Mr. Harberg:

The Washington State Department of Ecology (Ecology) has issued the enclosed Notice of Penalty Docket # 10877 to Pacific Coast Feather Co. for violating provisions of:

- 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, Permit Number WAR-002152

Please read the enclosed **Notice of Penalty** which describes the violation(s) and the options for responding to the penalty.

If you have questions, please contact Charles Gilman at charles.gilman@ecy.wa.gov or (360) 407-6437.

If you do not have the correct Discharge Monitoring Report form for the current permit, or if this site no longer exists, please contact Shawn Hopkins at shawn.hopkins@ecy.wa.gov 360-407-6442.

Jim Harberg
August 12, 2014
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If you have questions about the Industrial Stormwater General Permit monitoring requirements at your site please contact Greg Stegman at greg.stegman@ecy.wa.gov or 425-649-7019.

Sincerely,



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

Enclosures: Notice of Penalty Docket # 10877

By certified mail 7012 2920 0000 1182 5046

cc: Greg Stegman, NWRO
Fiscal-Penalty Desk, Ecology

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF PENALTY)	NOTICE OF PENALTY
ASSESSMENT AGAINST)	INCURRED AND DUE
PACIFIC COAST FEATHER CO.)	PENALTY DOCKET # 10877
JIM HARBERG)	

To: Jim Harberg
Pacific Coast Feather Co.
1694 4th Ave S
Marysville, WA 98134-1504

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Site Location	14524 40 th Ave NE, Marysville, WA 98271
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Due Date	Within 30 days after receiving this Notice of Penalty.

The Washington State Department of Ecology (Ecology) has assessed a penalty against Pacific Coast Feather Co. in the amount of \$3,000.00 for violating provisions of:

- 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, Permit Number WAR-002152

Ecology has authority to issue this penalty under RCW 90.48.144 and is basing the penalties on the violations listed in this notice.

DETERMINATION OF VIOLATION(S)

Ecology's determination that a violation(s) has (have) occurred is based on the violation(s) listed below.

Violation(s):

- Industrial Stormwater General Permit Condition S9., Reporting and Recordkeeping.

Violation description:

- a. Pacific Coast Feather Co. received coverage under the Industrial Stormwater General Permit on January 3, 1995. On October 21, 2009, Ecology reissued the Industrial Stormwater General Permit with an effective date of January 1, 2010. The permit requires

each site to submit quarterly Discharge Monitoring Reports (DMRs) within 45 days of the end of the monitoring period.

- b. On October 19, 2009, Ecology mailed each site their coverage documents including; a copy of the permit, the site's coverage letter which outlined each site's specific monitoring requirements, and a site-specific, blank Discharge Monitoring Report (DMR). Subsequently, Ecology held public workshops around the state in June and July of 2009 (four workshops), and in January and February of 2010 (10 workshops). These workshops emphasized the permit's monitoring and reporting requirements, including the requirement to submit quarterly DMRs.
- c. On May 16, 2012, Ecology issued the Modified Industrial Stormwater General Permit, with a modification effective date of July 12, 2012, and sent each site a copy of the modified permit and coverage documents.

History

Pacific Coast Feather Co. is a business covered under the Industrial Stormwater General Permit, permit number WAR-002152. Pacific Coast Feather Co. violated the Industrial Stormwater General Permit S9, Reporting and Recordkeeping. Specifically, Pacific Coast Feather Co. failed to submit DMRs for the 4th quarter 2012, 1st, 2nd, 3rd, & 4th quarters 2013, and the 1st quarter 2014. Pacific Coast Feather Co. also failed to submit annual reports for 2012 and 2013.

On June 25, 2013, Ecology mailed a Noncompliance Notification letter to Pacific Coast Feather Co. for failure to submit a 2012 annual report. The notification included a reminder of each site's submittal requirements.

On July 19, 2013, Ecology mailed a Noncompliance Notification to Pacific Coast Feather Co. for failure to submit DMRs.

On October 28, 2013, Ecology sent a second Noncompliance Notification letter via certified mail for failure to submit DMRs.

The most recent missing submittal is the 1st quarter (January 1, 2014 through March 31, 2014) DMR, due May 15, 2014. **Pacific Coast Feather Co. failed to submit a discharge monitoring report for the 1st quarter of 2014 by May 15, 2014, as required by the Industrial Stormwater General Permit.**

ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT

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.

FAILURE TO COMPLY WITH THIS NOTICE OF PENALTY

Continued failure to correct the violations listed in this Notice of Penalty may result in additional, escalated penalties.

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 Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Notice of Penalty to:

Charles Gilman
Department of Ecology
Headquarters
PO Box 47696
Olympia, WA 98504-7696
Phone: (360) 407-6437
Email: charles.gilman@ecy.wa.gov

SIGNATURE



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

August 12, 2014