



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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September 17, 2015

Mr. Michael Entz, CEO  
Cosmo Specialty Fibers, Inc.  
PO Box 539  
Cosmopolis, WA 98537

Order Docket #	12873
Site Location	1701 First Street, Cosmopolis, WA 98537

**Re: Administrative Order**

Dear Mr. Entz:

The Department of Ecology has issued the enclosed Administrative Order requiring Cosmo Specialty Fibers, Inc. to comply with:

- Chapter 90.48 Revised Code of Washington – Washington Water Pollution Control Law
- Chapter 173-220 Washington Administrative Code – National Pollutant Discharge Elimination System Permit Program
- National Pollutant Discharge Elimination System Permit No. WA0000809

If you have questions, please contact Ha Tran at (360) 407-6064 or [ha.tran@ecy.wa.gov](mailto:ha.tran@ecy.wa.gov).

Sincerely,

Garin Schrieve, P.E.  
Industrial Section Manager  
Waste 2 Resources Program

Enclosure

By Certified Mail #91 7199 9991 7032 9240 3404

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN	)	ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER	)	DOCKET #12873
AGAINST	)	
Cosmo Specialty Fibers, Inc.	)	
Mr. Michael Entz, CEO	)	

To: Mr. Michael Entz, CEO  
Cosmo Specialty Fibers, Inc.  
PO Box 539  
Cosmopolis, WA 98537

Order Docket #	12873
Site Location	1701 First Street, Cosmopolis, WA 98537

The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring Cosmo Specialty Fibers, Inc. (Cosmo) to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – Washington Water Pollution Control
- Chapter 173-220 Washington Administrative Code (WAC) – National Pollutant Discharge Elimination System Permit Program
- National Pollutant Discharge Elimination System (NPDES) Permit No. WA0000809

Chapter 90.48.120 RCW gives Ecology the authority to issue Administrative Orders requiring compliance whenever it determines that a person has violated Chapter 90.48 RCW.

**DETERMINATION OF VIOLATION AND ORDER TO COMPLY**

**Ecology's determination that a violation has occurred is based on the information below:**

**Violation description:**

Condition S1.A.1(a) of Cosmo's NPDES permit (No. WA0000809) sets forth a limit for fecal coliform discharge into Grays Harbor and specifies that no more than 10% of all samples taken for a month may exceed 128,000 colony forming units (cfu) per 100 ml. As reported in Cosmo's Discharge Monitoring Report for July 2015, nine of 63 samples taken were above 128,000 cfu/100 ml. The reported values above 128,000 cfu/100 ml are noted in the table below:

Date	Fecal coliform, cfu/100 ml
7/23/2015	147,690
7/25/2015	580,000 and 840,000
7/29/2015	250,000 and 540,000
7/30/2015	360,000 and 280,000
7/31/2015	600,000 and 740,000

Based on the information reported by Cosmo, more than 14% of the samples collected for the month of July 2015 were above 128,000 cfu/100ml.

In addition to violating the terms of NPDES permit No. WA0000809, the elevated level of bacteria in the discharge resulted in the Washington State Department of Health ordering multiple closures to commercial shellfish harvesting in Grays Harbor.

**Corrective actions required:**

For these reasons and in accordance with RCW 90.48.120(2), it is ordered that Cosmo take the following actions. These actions are required at the location known as the Cosmo Specialty Fibers pulp mill located at 1701 First Street, Cosmopolis, WA 98537.

Cosmo Specialty Fibers must:

By October 15, 2015, retain the services of a Professional Engineer, licensed in accordance with chapter 18.43 RCW, to conduct an engineering evaluation of Cosmo's wastewater treatment system. The Professional Engineer retained must have experience in wastewater treatment system design and operation, including wastewater disinfection.

By February 15, 2016, submit to Ecology for review an engineering report stamped by the Professional Engineer and meeting the applicable requirements of Chapter 173-240 WAC which recommends treatment system improvements and/or operational changes that will enable Cosmo to reliably meet the terms of its discharge permit and minimize negative impacts to the beneficial uses of the receiving water identified in chapter 173-201A WAC, including shellfish harvesting.

At a minimum, the engineering report shall include:

- 1) An evaluation of the sources of bacteria in the wastewater system.
- 2) Identification of the factors contributing to high levels of bacteria in the discharge, specifically including but not limited to: temperature changes, red liquor leaks, and any recent process or operational changes that have resulted in elevated levels of bacteria.
- 3) An evaluation of the following:
  - a. Cosmo's current bacteria monitoring and control practices.

- b. The function of the treatment system's infrastructure with respect to bacteria in the effluent, specifically including but not limited to: an evaluation of the capacity and adequacy of the plant's clarifiers and the role of solids carry-over from the clarifiers on high bacteria levels in the discharge.
- 4) An evaluation of options to reduce bacteria in the discharge, specifically including but not limited to:
  - a. Changes in the way the treatment system could be operated, including how downstream ponds A, B, C, and D are configured and operated.
  - b. Potential control points for improved in-plant bacteria control including potential control points to prevent bacterial growth in the wood stave pipe.
  - c. Measures to identify and prevent potential leaks/spills to the wastewater system that may contribute to bacterial growth.
  - d. Alternatives for providing continuous disinfection of the final effluent at outfall 001; at a minimum the following disinfection technologies shall be evaluated: peracetic acid, sodium hypochlorite, ozone, and UV. The report shall include planning-level capital and operational cost estimates for each technology.
- 5) Recommendations for a suite of operational changes and system improvements that will together enable Cosmo to reliably meet the terms of its discharge permit and minimize negative impacts to the beneficial uses of the receiving water.
- 6) A proposed schedule for implementing the recommendations.

Ecology will review the engineering report and provide comments as necessary. Cosmo must submit a revised engineering report within 60 days of receipt of Ecology's comments.

Ecology will take appropriate follow-up action after receipt of the revised engineering report.

#### **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 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.) 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.

#### **ADDRESS AND LOCATION INFORMATION**

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

#### **CONTACT INFORMATION**

Please direct all questions about this Order to:

Ha Tran  
Department of Ecology  
Industrial Section  
PO Box 47600  
Olympia WA 98504-7600  
Phone: (360) 407-6064  
Email: [ha.tran@ecy.wa.gov](mailto:ha.tran@ecy.wa.gov)

**MORE INFORMATION**

- Pollution Control Hearings Board Website  
[www.cho.wa.gov/Boards\\_PCHB.aspx](http://www.cho.wa.gov/Boards_PCHB.aspx)
- Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board  
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice And Procedure**  
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Laws:** [www.ecy.wa.gov/laws-rules/ecyrcw.html](http://www.ecy.wa.gov/laws-rules/ecyrcw.html)
- **Rules:** [www.ecy.wa.gov/laws-rules/ecywac.html](http://www.ecy.wa.gov/laws-rules/ecywac.html)

**SIGNATURE**



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Garin Schrieve, P.E.  
Industrial Section Manager  
Waste 2 Resources Program

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Date

9-17-15