



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

August 3, 2016

Mr. Michael R Williams
Forest Supervisor
USDA Forest Service
Okanogan – Wenatchee National Forest
215 Melody Lane
Wenatchee, WA 98801

Order Docket #	13654
Notice of Violation Docket #	13282
Site Location	Moses Lake Air Tanker Base 8868 Turner Road NE, Moses Lake, WA 98837

Re: Administrative Order

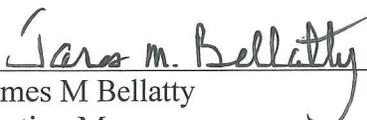
Dear Mr. Williams:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order). This Order follows Notice of Violation (NOV) No. 13282 issued to the USDA Forest Service – Moses Lake Air Tanker Base on May 2, 2016. Your June 10, 2016, response was considered when writing this Order. Through this Order, Ecology is taking an enforcement action and requiring the USDA Forest Service - Moses Lake Air Tanker Base to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control.
- Chapter 173-216 WAC – State Waste Discharge permit program.
- State Waste Discharge Permit No. ST0008081.

If you have questions please contact Pat Hallinan at (509) 329-3500 or phal461@ecy.wa.gov.

Sincerely,


James M Bellatty
Section Manager
Water Quality Program
Eastern Regional Office

WQ – Order following NOV (8/2014)



Mr. Michael R Williams
August 3, 2016
Page 2

CERTIFIED MAIL 7010 0290 0003 5679 1321

Enclosure: Administrative Order Docket #13654

cc: Rich Mueller, Port of Moses Lake
Michael Hepp
Pat Hallinan
Bradley Bain

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN) ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER) DOCKET #13654
AGAINST)
USDA Forest Service – Moses Lake Air)
Tanker Base)
Mr. Michael R Williams)

To: Mr. Michael R Williams
Forest Supervisor
USDA Forest Service
Okanogan – Wenatchee National Forest
215 Melody Lane
Wenatchee, WA 98801

Order Docket #	13654
Site Location	Moses Lake Air Tanker Base

The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring the USDA Forest Service – Moses Lake Air Tanker Base to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control.
- Chapter 173-216 WAC – State Waste Discharge permit program.
- State Waste Discharge Permit No. ST0008081.

Ecology has the authority to issue this Order under RCW 90.48.120(1).

This Order follows a Notice of Violation Docket #13282 Ecology issued to you on May 2, 2016.

Ecology received your response to the Notice of Violation on June 10, 2016 and considered your response when administering this Order.

FACTS

The USDA Forest Service Okanogan – Wenatchee National Forest Moses Lake Air Tanker Base has exceeded discharge limits in State Waste Discharge Permit ST0008081. Specifically:

- Daily flow limits were exceeded 11 times in 2014 and 14 times in 2015
- Monthly average flow limits were exceeded once in 2014 and once in 2015

- Conductivity limits were exceeded four times in 2014 and six times in 2015
- Suspended solids limits were exceeded once in 2014 and three times in 2015
- Aluminum, Cadmium, Chromium, Copper, Fluoride, Iron, Molybdenum, Vanadium and Zinc limits were exceeded in January 2015.
- pH limits were exceeded in June 2015.

ORDER TO COMPLY

For these reasons and in accordance with RCW 90.48.120(1) it is ordered that the USDA Forest Service Moses Lake Air Tanker Base take the following actions.

Immediately upon receipt of this Order the USDA Forest Service Moses Lake Air Tanker Base must:

1. Implement the following operational changes:

The base managers will discharge the wastewater and stormwater on a limited, daily basis to not exceed State permit and Port of Moses Lake's (Port) local limits. During high base activity, the lift station pumps will be set on manual setting and will be monitored closely. The valve to the sand/oil water separator will be controlled to prevent any overflow. During low base activity, if there are any bad mixes made, they will be pumped to the 600 gallon off-load tank on site.

2. Implement the following changes in their spill management plan.

Large unexpected spills of fire retardant, fuel, oil and detergent materials will either be pumped out from the trench collection system or the sand/oil separator; spills will not be discharged to the Port's wastewater system. All spills will be recorded in the daily log and emailed to the Supervisor's office, the Port's point of contact and the Ecology permit manager.

Starting October 15, 2016 and ending on October 15, 2017, the USDA Forest Service Moses Lake Air Tanker Base must:

1. Submit quarterly reports to the Ecology Permit Manager on the progress of revising the subscription agreement with the Port for additional discharge capacity; development of an Engineering report for changes to its pretreatment system; and implementation of the changes as recommended by the approved engineering report.

On or before January 1, 2017, the USDA Moses Lake Air Tanker Base must:

1. Submit an engineering report with an alternatives analysis for changes in its pretreatment system to Ecology. The engineering report must include a proposed construction schedule for any proposed physical changes at the Air Tanker Base.

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. Ecology has determined the violation(s) described in this Order are not paperwork violations under RCW 34.05.110 and therefore you are not eligible for a waiver for a first-time paperwork violation.

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

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

CONTACT INFORMATION

Please direct all questions about this Order to:

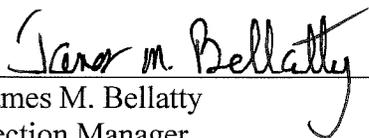
Pat Hallinan
Department of Ecology
Eastern Regional Office
4601 N Monroe
Spokane, WA 99205

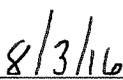
Phone: (509) 329-3500
Email: phal461@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.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
- **Rules:** www.ecy.wa.gov/laws-rules/ecywac.html

SIGNATURE


James M. Bellatty
Section Manager
Water Quality Program
Eastern Regional Office


Date

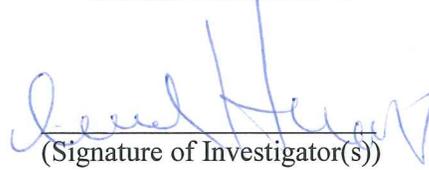
RECOMMENDATION FOR ENFORCEMENT ACTION
WATER QUALITY PROGRAM

Eastern Regional Office

Docket No. "enter docket number"

Date: June 27, 2016

From: Michael Hepp
(Name of Investigator(s))


(Signature of Investigator(s))

Compliance Specialist
(Title of Investigator(s))

RECOMMEND ENFORCEMENT ACTION BE TAKEN:

- I. Against:
(U.S.F.S.) Moses Lake Air Tanker Base Michael R Williams, Forest Supervisor
(Company or Governmental Entity) (Responsible Official)
- II. Location (Address, City, State, Zip Code, Telephone Number):
8868 Turner Road NE 215 Melody Lane
Moses Lake, WA 98837 Wenatchee, WA 98801
(509) 762-6184 (509) 664-9200
- III. Type of Action
- A. Penalty, RCW 90.48.144
- B. Notice of Violation, RCW 90.48.120 (1)
- C. Follow-up Order, RCW 90.48.120(1)
- D. Immediate Action Order, RCW 90.48.120(2)
- E. Amendment of Action
- F. Other (specify authority) _____
- IV. Nature of Violation
- 1) Unlawful Discharge of Polluting Matter into Waters of the State,
RCW 90.48.080.
- 2) Violation of the Terms of a Waste Discharge Permit Issued under RCW
90.48.160, 90.48.180 or 90.48.260 through 90.48.262.
- 3) Discharging Pollutants Without a Permit Authorized under RCW 90.48.160,
90.48.180, or 90.48.260 through 90.48.262.

- 4) Violation of the Terms of a Regulatory Order or other provisions of RCW 90.48.
- 5) Agricultural Discharges, RCW 90.48.450. Has consideration been given to the effect of the action on conversion of agricultural to nonagricultural uses? . If yes, what attempts have been made to minimize the possibility of such conversion? (Water Quality Program Policy #1-05)
- 6) Other

V. Name of Watercourse Involved:

VI. Narrative of Incident:

Executive Summary:

U.S Forest Service operates the Moses Lake Air Tanker Base at the Grant County International Airport. The organization loads contract air tankers with fire retardant for air tanker fire fighting. They discharge wastewater and industrial stormwater from the operation to the Port of Moses Lake under State Waste Discharge Permit ST0008081.

In 2014 and 2015 increases in wildland fire fighting activities resulted in a 10 fold increase in fire retardant loading and similar increases in daily flow permit limit violations for the Moses Lake Air Tanker base. Ecology staff met with operational staff on site on May 2, 2016 to discuss the steps that the Moses Lake Air Tanker Base planned to take to prevent a recurrence of the noncompliance. Ecology issued Notice of Violation No. 13282 to the Moses Lake Air Tanker Base for their permit limit violations. Ecology received the Moses Lake Air Tanker Base's response to the Notice of Violation on June 7, 2016.

I recommend that Ecology issue a followup order to the Moses Lake Air Tanker Base formalizing the schedule in their response. The order will require the Moses Lake Air Tanker Base to submit quarterly progress reports, implement operational changes, submit an engineer report with a treatment alternative analysis for changes in their pretreatment system of a new pretreatment system by January 1, 2017 with construction completed within six months of approval of their engineering report.

Description of Facility:

The The Moses Lake Air Tanker Base is an aircraft fire retardant loading operation for contract air tankers for wild land firefighting activities. The facility is located at the Port of Moses Lake, Grant County International Airport. They discharge wastewater and storm water from the operation to the Port of Moses Lake, Land Treatment System under State Waste Discharge Permit ST0008081. Discharge typically occurs during the firefighting season (June to October) but varies depending on the severity of the fire season.

The fire retardant consists of liquid ammonium polyphosphate solution with a thickener. The ammonium polyphosphate is brought to the site in liquid form and stored onsite in an above ground tank farm. When an air tanker is ordered to respond to a fire incident, the ammonium phosphate concentrate is mixed with water and transferred to the aircraft. Wastewaters consist of stormwater, runway and aircraft wash water, and occasional dumped unusable or partial loads.

History:

Ecology first permitted the Moses Lake Air Tanker Base to discharge to the Port of Moses Lake on June 29, 2001. Ecology accepted their most recent permit application on March 22, 2011 with a reauthorized permit issued effective September 1, 2013. Ecology added numerical effluent limits based on the Port's local limits to the reauthorized permit. Permit limit violations increased with the new limit but were not a concern to the Port because of the small flow volume of discharge from the Moses Lake Air Tanker Base. However, discharge flows have increased significantly in the last two years due to increased fire season activity.

The Moses Lake Air Tanker Base has flow limits of 1,800 gpd daily maximum and 1,400 gpd monthly average. Their violations over the past 5 years have increased from 2 violations per year in 2011 to 14 violations in 2015. Some of the flow exceedances were caused by late summer rainfall, but more recent high flows are attributed to increased firefighting activity. Due to increased activities, fire retardant use increased from 592,000 gallons in 2012 to 2,854,000 gallons in 2015.

Ecology increased communication with the Moses Lake Air Tanker Base in response to the increase in their permit violations. However, fixes have not been possible because of the large increases in facility activity. Ecology staff met with the operational staff at the site on March 28, 2016 to discuss the facility's violations and possible fixes. The facility and Ecology discussed modifications to the permit plus added structural modifications at the facility to facilitate increase firefighting activity will provide a solution to the issue.

Ecology issued Notice of Violation No. 13282 for the above violations on May 2, 2016. Ecology received the Moses Lake Air Tanker Base response on June 7, 2016. They proposed operational changes, discussions with the Port of Moses to increase their discharge limits, and engineering for additional pretreatment.

Recommendation:

I recommend that Ecology issue a an order to the Moses Lake Air Tanker Base formalizing the schedule in their response to Notice of Violation No. 13282. The order will require the Moses Lake Air Tanker Base to:

1. Submit quarterly progress reports.
2. Implement operational changes (including submittal of updated spill plan and operations and maintenance manual).
3. Submit an engineer report with an alternative analysis for changes in their pretreatment system by January 1, 2017.
4. Complete construction of a new pretreatment system within six months of approval of their engineering report.

VII. Technical Assistance Efforts to Resolve Violation:

September 9, 2015 Non-compliance notification from Moses Lake Air Tanker Base
November 5, 2015 Non-compliance notification from Moses Lake Air Tanker Base
March 28, 2016 Compliance meeting between Ecology and Moses Lake Air Tanker Base staff

VIII. Evidence Obtained:

[] Samples, Lab. Report No.

- Pictures
- Video Tape
- Witness Statements
- Documents
- Maps
- Other: _____

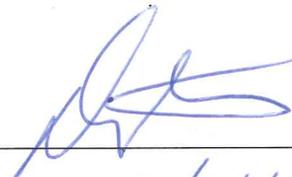
ENDORSEMENTS

The following actions are recommended to resolve this matter:

Diana Washington P.E. _____

Permit Unit Supervisor

Date

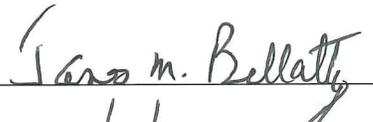

7/11/16

Concurrence with recommended action:

James M. Bellatty _____

Section Manager

Date


7/15/16