



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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OCT 21 2016

Mr. Steve Lenz
Schenk Packing Co. Inc.
8204 288th Street NW
Stanwood, WA 98292

Order Docket No.	13780
Site Location	8204 288 th Street NW, Stanwood, WA 98292

Re: Immediate Action Order

Dear Mr. Lenz:

The Department of Ecology (Ecology) has issued the enclosed Immediate Action Order (Order) requiring Schenk Packing Co. Inc. to comply with:

- Chapter 90.48.080 Revised Code of Washington (RCW) – Water Pollution Control.
- State Waste Discharge Permit No. ST0005174.

If you have any questions, please contact Christopher Martin at (425) 649-7110 or via e-mail at cmar461@ecy.wa.gov.

Sincerely,

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

Enclosures: Immediate Action Order Docket No. 13780

By Certified Mail No.: 9171 9690 0935 0084 1039 53

CC: Central Files, Schenk Packing Co. Inc., Permit No. ST0005174, WQ 6.4

EC: Christopher Martin, Regional Hydrogeologist, Ecology
Biniam Zelelow, Enforcement Coordinator, Ecology
Colleen Crotty, Water Quality Inspector, Ecology
Andrew Wargo, Water Quality Inspector, Ecology
Robert Bernhard, Snohomish County Surface Water Management



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF AN)	IMMEDIATE ACTION ORDER
ADMINISTRATIVE ORDER)	DOCKET No. 13780
AGAINST)	
SCHENK PACKING CO. INC.)	
STEVE LENZ)	

To: Mr. Steve Lenz
Schenk Packing Co. Inc.
8204 288th Street NW
Stanwood, WA 98292

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The Department of Ecology (Ecology) has issued this Immediate Action Order (Order) requiring Schenk Packing Co. Inc. to comply with:

- Chapter 90.48.080 Revised Code of Washington (RCW) – Water Pollution Control.
- State Waste Discharge Permit No. ST0005174.

RCW 90.48.120(2) authorizes Ecology to issue this Immediate Action Administrative Order to accomplish the purposes of Chapter 90.48 RCW (Water Pollution Control).

This Order is issued pursuant to the authority vested in Ecology by the Federal Water Pollution Control Act (FWPCA), 33 U.S.C. sec 1311, et seq. and Chapter 90.48 RCW.

RCW 90.48.030 allows Ecology to have the jurisdiction to control and prevent the pollution of streams, lakes, rivers, ponds, inland waters, salt waters, water courses, other surface and underground waters of the state of Washington. "Other surface waters" includes wetlands and marshes.

DETERMINATION OF VIOLATION(S) AND ORDER TO COMPLY

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

On August 11, 2016, Snohomish County Surface Water Management personnel informed Ecology that they had data indicating flow increases in Douglas Creek and suspected Schenk Packing Co. Inc. (henceforth Schenk) of being the source of the excess flow. On August 12, 2016, C. Martin, Ecology Permit Manager for Schenk, visited Schenk to arrange a date to conduct a routine compliance inspection. A date of September 1, 2016, was arranged for a compliance inspection. The inspections that followed discovered that Schenk has violated its permit special condition S1.B., Best management practices/pollution prevention, in various forms as detailed below.

On September 1, 2016, inspectors from Ecology and Snohomish County Surface Water Management conducted a formal inspection of the Schenk facility. Mr. Tom Hayes (Waste Operations Manager) and Mr. Miguel Garcia (Orientation Manager) accompanied the group

during the inspection. No obvious signs of large discharges were noted during the inspection. At the conclusion of the inspection, Mr. Martin presented the flow data collected by Snohomish County and asked Mr. Hayes and Mr. Garcia if they knew of any unusual upsets at the plant on those dates. Neither Mr. Hayes nor Mr. Garcia were aware of any unusual conditions. They also noted that Schenk does not have any process that generates the estimated flow shown of 400 gpm.

Mr. Martin returned to the facility for the purpose of conducting a stream-walk on Friday, September 9, 2016, and on Tuesday, September 13, 2016. On Friday he met Mr. Hayes, Mr. Garcia, and Mr. Steve Lenz (the facility Controller/Owner) at the office. Mr. Martin was accompanied by Mr. Lenz during this first walk of Douglas Creek. The walk began from a point roughly aligned with the northwest corner of the secondary lagoon.

Observations of both banks showed the soils to be quite damp, but no signs of continuous flow were noted. After approximately 15 to 20 minutes of walking, Mr. Martin noticed what appeared to be an active gully on the East bank (Schenk side). Mr. Martin and Mr. Lenz followed the gully to the top of the slope. It was noted that the gully had an abundance of trash in it as well as some standing water. Approximately one-third of the way up the slope Mr. Martin discovered a 4-inch blue flexible hose lying in the gully.

At the top of the slope Mr. Martin discovered a 4-inch PVC pipe at the origin of the gully. Further investigation of the area found the catch basin adjacent to the pipe had a 4-inch PVC pipe overflow. Mr. Lenz removed the cover of the adjacent wastewater sump. Inside the sump the overflow from the catch basin could be seen, as could the 4-inch PVC pipe discharging to the slope. This pipe appears to be an emergency overflow. Mr. Lenz stated that this sump discharges directly to the secondary pond. The water level in the sump at the time of the inspection was at least 6 feet below the overflow pipe. The apparent discharges from this pipe, as evidenced by standing water in the gully, constitutes a violation of permit special condition S4.B, Bypass Procedures.

No other pipes could be seen entering either the catch basin or sump. The catch basin collects stormwater from the northern portion of the facility between the process building and the wastewater lagoons. The facilities municipal waste dumpster is in this area. At the time of the inspection it was also noted that two paunch manure dump bins were in this area awaiting disposal. The area along the concrete curb and around the catch basin showed various amounts of trash and possible manure from the dump bins. The apparent discharges from this pipe, as evidenced by standing water in the gully, constitutes a violation of permit special condition S5.A, Solid Waste Handling.

Mr. Martin returned to the facility the following Tuesday (September 13, 2016) to complete the stream-walk. He met Mr. Hayes at the office and stated his intention of completing his stream walk starting at the south end of the facility. Mr. Martin stated he would check back before leaving with any findings. Mr. Hayes stated he would be available all morning in the office.

Mr. Martin traveled to the south end of the facility and descended the slope to the stream. During this second walk, three additional active drainages were found and investigated. One of the three new drainages also contained a pipe. The southernmost drainage gully originates at the manure loading area (this area was noted during the September 1 inspection as having the potential for discharge), the next gully north contained a 4-inch corrugated pipe that is attached to a 4-inch PVC pipe at the top of the slope and originates near the machine shop/chemical storage area. The final drainage found originates from a grassy area behind the main wastewater sump.

All four gullies appear to be associated with stormwater runoff from unconfined areas of the site. The hoses in two of the gullies were likely installed to control erosion at the top of the slope by discharging flows lower on the slope.

Mr. Martin returned to the office and notified Mr. Hayes of the drainages found. Mr. Martin stated that some form of enforcement would be forthcoming. Mr. Hayes stated that a berm was due to be installed around the manure loading sumps during that day (Tuesday). Mr. Martin then departed the facility.

Corrective actions required:

For these reasons and in accordance with *RCW 90.48.120(2)* it is ordered that Schenk Packing Co, Inc. take the following actions within 30 days of receipt of this Immediate Action Order. These actions are required at the location known as Schenk Packing Co. Inc., 8204 288th Street NW, Stanwood, WA 98292.

Immediately upon receipt of this order and continuously thereafter Schenk Packing Co. Inc. must:

1. Cease any and all discharges of stormwater or process wastewater to Douglas Creek and any tributary ditches.
2. Install a permanent berm placed along the sides and behind the catch basin and sump pit at the manure loading pit area to prevent the potential escape of stormwater that has contacted the residual manure in the pit from discharging to the hillside and into Douglas Creek. This berm must be tied in to the existing curbing to prevent pass-around.
3. The manure and mud around the unloading ramp must be washed down daily to reduce track-out onto the public roadway.
4. The freeboard level in the treatment ponds must be lowered before the start of the rainy season.
5. Repairs to broken irrigation hydrants and valve uprights must be done before next use.
6. Inactivate any piping that passes over or through the retention curbing on the west side of the facility by removal or permanent capping.

Within 60 days of receipt of this Order Schenk Packing Co. Inc. must:

1. Prepare a detailed schematic of the complete process wastewater system, showing all wastewater points of origin, intermediate sumps, discharge to ponds, and final application to land (include sprinkler headers, lines, and spray heads). Movable application equipment (hand-lines, spray guns) shall be noted as such, but need only be shown for one field in the schematic. This document shall be prepared under the supervision of a professional engineer.
2. Prepare a detailed schematic of stormwater collection and drainages for the facility showing all points of origin and discharge(s).

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

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 Order to:

Christopher Martin
Department of Ecology
Northwest Regional Office
Water Quality Program
3190 160th Avenue SE
Bellevue, WA 98008-5452

Phone: (425) 649-7110
Email: cmar461@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://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>

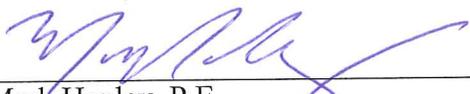
Chapter 371-08 WAC – Practice and Procedure:
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>

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

10/20/2016

Date