



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

December 14, 2016

Mr. Todd L. Habets  
Regional HSE Director-West Coast  
NuStar  
West Coast Regional Office  
9280 West Stockton Boulevard, Suite 220  
Elk Grove, CA 95758

<b>Order Docket #</b>	13844
<b>Site Location</b>	5420 Northwest Fruit Valley Road Vancouver, Washington 98660

Re: Administrative Order

Dear Mr. Habets:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order) requiring NuStar Energy Vancouver Annex to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control
- Chapter 173-200 Washington Administrative Code (WAC) Water Quality Standards for Ground Waters of the State of Washington
- Chapter 173-216 WAC – State Waste Discharge Permit Program

If you have questions, please contact Marc Pacifico at 360-407-6282 or by email at [marc.pacifico@ecy.wa.gov](mailto:marc.pacifico@ecy.wa.gov).

Sincerely,

Richard Doenges  
Southwest Regional Manager  
Water Quality Program

Enclosures: Administrative Order Docket #13844

By certified mail: 91 7199 9991 7037 0278 4642

cc: Jacek Anuszewski, Ecology  
Hans Qiu, Ecology



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN	)	
ADMINISTRATIVE ORDER	)	ADMINISTRATIVE ORDER
AGAINST	)	DOCKET #13844
NuStar Energy Vancouver Annex	)	
Todd L. Habets	)	

To: Mr. Todd L. Habets  
Regional HSE Director-West Coast  
NuStar  
West Coast Regional Office  
9280 West Stockton Boulevard, Suite 220  
Elk Grove, CA 95758

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Chapter 90.48 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(s) AND ORDER TO COMPLY**

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

NuStar Energy (NuStar) operates a petroleum bulk plant at 5420 Northwest Fruit Valley Road in Vancouver, Washington.

Stormwater from the NuStar petroleum bulk storage facility infiltrates into the ground in an area of petroleum-contaminated soils and is ultimately discharged into groundwater. Groundwater at the site is contaminated with multiple petroleum constituents.

There is also a discharge of stormwater from the floating roofs. NuStar's discharge of stormwater to waters of the State from its Petroleum Bulk Plant requires a State Waste Discharge Permit to authorize and regulate the discharge.

Ecology has asked NuStar to apply for a permit for its stormwater discharges several times with no success to date: January 29, 2015; March 6, 2015; July 7, 2015; July 24, 2015; July 28, 2015; August 13, 2015; March 30, 2016; and May 12, 2016.

Corrective Actions Required:

For these reasons, and in accordance with RCW 90.48.120(2), it is ordered that NuStar Energy take the following actions. These actions are required at the location known as the NuStar Energy Vancouver Annex located at 5420 Northwest Fruit Valley Road, Vancouver, Washington 98660.

- Within thirty (30) days of receipt of this Order, submit a complete and signed State Waste Discharge Permit Application and a Stormwater Pollution Prevention Plan for the Vancouver Annex facility.
- Submit the Application and Stormwater Pollution Prevention Plan by Certified Mail with Return Receipt to:

Marc Pacifico  
Department of Ecology  
Southwest Regional Office  
Water Quality Program  
P.O. Box 47775  
Olympia, Washington 98504-7775

**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 thirty (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 thirty (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
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive Southeast Lacey, Washington 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk P.O. Box 47608 Olympia, Washington 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road Southwest, Suite 301 Tumwater, Washington 98501	<b>Pollution Control Hearings Board</b> P.O. Box 40903 Olympia, Washington 98504-0903

#### CONTACT INFORMATION

Please direct all questions about this Order to:

Marc Pacifico  
Department of Ecology  
Southwest Regional Office  
Water Quality Program  
P.O. Box 47775  
Olympia, Washington 98504-7775

Phone: 360-407-6282  
Email: [marc.pacifico@ecy.wa.gov](mailto:marc.pacifico@ecy.wa.gov)

#### MORE INFORMATION

- Pollution Control Hearings Board Website  
[www.eho.wa.gov/Boards\\_PCHB.aspx](http://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](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**



Richard Doenges  
Southwest Regional Manager  
Water Quality Program

12/14/16

Date