

RECOMMENDATION FOR ENFORCEMENT ACTION
WATER QUALITY PROGRAM

Northwest Regional Office

Docket No. 18180

Date: June 10, 2020

From: Mathew Kwartin

Mathew Kwartin
Construction Stormwater Specialist

RECOMMEND ENFORCEMENT ACTION BE TAKEN:

- I. Against:
Seattle Department of Transportation Michael Cawrse
- II. Location (Address, City, State, Zip Code, Telephone Number):
- | | |
|--|---|
| <u>2020 NW Market St AAC Paving</u>
NW Market St 24 th Ave NW and 15 th Ave NW
Seattle, WA 98107 | <u>Seattle Department of Transportation</u>
PO Box 34996 MS 3800
Seattle, WA 98124-4996 |
|--|---|
- 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) _____Administrative Order_____
- 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) Environmental Justice: Location of violation evaluated using EJ Screen to determine whether the violation had impacts on an overburdened community (see Agency Compliance Assurance Manual).

[X] 6) Other: CSWGP Contaminated Site Order

V. Name of Watercourse Involved: Lake Washington Ship Canal – Salmon Bay

VI. Background and Requirements:

Seattle Department of Transportation has received coverage under the Construction Stormwater General Permit (CSWGP) No. WAR309054, for construction activities associated with the construction site known as the 2020 NW Market St AAC Paving project. The project involves 4.4 acres of soil disturbance for pavement repair and replacement, sidewalk repair and pedestrian crossing improvements, ADA curb ramp upgrades, and stormwater and other utility construction activities. The receiving water body after treatment will be the Lake Washington Ship Canal – Salmon Bay. This is a 303(d) listed waterbody for lead, pH, Aldrin and bacteria. Seattle Department of Transportation reported that part of the construction site contains contaminated soil and/or groundwater which contains pollutants that may be discharged due to the proposed construction activity. The CSWGP does not have water quality sampling or benchmarks for the known constituents of concern listed in Table 1; however, the permit requires compliance with the Chapter 173-201A Washington Administrative Code (WAC) – Water Quality Standards for Surface Waters of the State of Washington (WAC 173-201A).

The Order establishes Indicator Levels for the Seattle Department of Transportation project. Indicator Levels express a pollutant concentration used as a threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. Indicator Levels in this Administrative Order were derived from Chapter 173-201A WAC and the analytical method's minimum quantitation level.

For these reasons and in accordance with RCW 90.48.120(2) it is ordered that Seattle Department of Transportation take the following actions. These actions are required at the location known as the 202 NW Market St AAC Paving project located at NW Market Street between 24th Ave NW and 15th Ave NW, Seattle, WA 98107. In the event of a permit transfer to another Permittee, compliance with this Administrative Order and the actions listed below is required.

The Order includes treatment, operational practices, monitoring, and benchmarks or limits in accordance with General Condition G13 (Additional Monitoring) as set forth in the Construction Stormwater General Permit, and RCW 90.48.120(2) RCW which authorizes Ecology to issue Administrative Orders to accomplish the purposes of Chapter 90.48 RCW. See the Order language for required items to comply including Table 1 which lists:

- Parameters;
- Sampling frequencies;
- Sample types;
- Indicator, detection, and quantitation levels; and
- Required analytical protocols.

This Order is recommended as a companion to the CSWGP in order to comply with the Permit, RCW 90.48 and to protect water quality.

TABLE 1

Pollutant & CAS No. (if available)	Sampling Frequency	Sample Type	Indicator Level, µg/L unless otherwise noted	Required Analytical Protocol (or equivalent)	Detection Level, µg/L	Quantitation Level, µg/L
Petroleum Hydrocarbons						
BTEX (benzene, toluene, ethylbenzene and O,M,P xylenes)	Batch/Weekly*	Grab	2.0 ^a	SW 846 8012/8260	1.0	2.0
Diesel and Oil-Range Hydrocarbons (NWTPH-Dx) ^b	Batch/Weekly*	Grab	250 ^a	NWTPH-Dx	250	250
Gasoline- Range Hydrocarbons (NWTPH-Gx) ^c	Batch/Weekly*	Grab	250 ^a	NWTPH-Gx	250	250
Metals						
Lead, Total (7439-92-1)	Batch/Weekly*	Grab	27.47 ^d	200.8	0.1	0.5
			PAH's			
Naphthalene (91-20-3)	Batch/Weekly*	Grab	0.6 ^a	625.1	1.6	4.8
			VOC's			
Tetrachloroethylene (127-18-4)	Batch/Weekly*	Grab	12.3 ^a	624.1	4.1	12.3
Trichloroethylene (79-01-6)	Batch/Weekly*	Grab	5.7 ^a	624.1	1.9	5.7
Cis-1,2-Dichloroethene (156-59-2)	Batch/Weekly*	Grab	5.0 ^a	8260	5.0	5.0
Vinyl chloride (75-01-4)	Batch/Weekly*	Grab	2.0 ^a	624/SM6200B	1.0	2.0
Methyl tert-butyl ether (1634-04-4)	Batch/Weekly*	Grab	1.0 ^a	624/8260	1.0	1.0
Chloroform (67-66-3)	Batch/Weekly*	Grab	4.8 ^a	624.1 or SM6210B	1.6	4.8
CONSTRUCTION STORMWATER GENERAL PERMIT BENCHMARKS						
PARAMETER						
Turbidity	Batch/Weekly*	Grab	25 NTU	SM2130 ^e		
pH	Batch/Weekly*	Grab	6.5 - 8.5 SU LIMIT	SM4500-H ⁺ B		
^a	No applicable surface water criterion, value is laboratory quantitation level.					
^b	NWTPH-Dx = Northwest Total Petroleum Hydrocarbons – Semi-volatile (“diesel”) for diesel range organics and heavy oils (includes jet fuels, kerosene, diesel-oils, hydraulic fluids, mineral oils, lubricating oils, and fuel oils).					

c	NWTPH-Gx = Northwest Total Petroleum Hydrocarbons-Volatile petroleum products including aviation and automotive gasolines, mineral spirits, Stoddard solvent, and naphtha.
d	Acute – Freshwater Toxic Substances Criteria (WAC 173-201A-240) Based on Hardness of 46.0 mg/L for Hardness Depended Metals. The Indicator Level for hardness dependent metals is expressed as a dissolved metal value. Meeting the Indicator Level using analytical protocol for total or dissolved metal values meets the intent of this order.
e	Or equivalent.
*	If permission is granted for flow through, sampling will then be weekly.

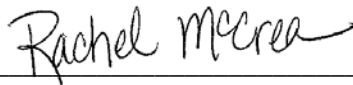
ENDORSEMENTS

The following actions are recommended to resolve this matter:



Amy Jankowiak _____ Date 6/24/2020
Compliance and Technical Assistance Unit Supervisor

Concurrence with recommended action:



Rachel McCreary _____ Date 6/26/2020
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology