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| [] | 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).
- ☒ 6) Other: CSWGP contaminated site Order

V. Name of Watercourse Involved: Unnamed tributary to Mill Creek

VI. Background:

Background and associated corrective actions:

TC Northwest Kent 1, LLC has received coverage under the Construction Stormwater General Permit (CSWGP) No. WAR309243 for construction activities associated with the construction site known as the PSE Kent Substation Operations. Construction activities will include 6.18 acres of disturbed soil for commercial construction activities. The receiving water body will be an unnamed tributary to Mill Creek. TC Northwest Kent 1, LLC reported that part of the construction site contains contaminated 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 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 TC Northwest Kent 1, LLC 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 WAC 173-201A and the analytical method's minimum quantitation level.

For these reasons and in accordance with RCW 90.48.120(2) it is ordered that TC Northwest Kent 1, LLC take the following actions. These actions are required at the location known as the PSE Kent Substation Operations located at 8001 S 212th Street, Kent, WA 98032. In the event of a permit transfer to another Permittee, compliance with this Administrative Order and the actions listed below is required.


TC Northwest Kent 1, LLC must use the specified analytical methods, detection limits (DLs) and quantitation levels (QLs) in the following table for monitoring unless the method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If TC Northwest Kent 1, LLC uses an alternative method, not specified in the order and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report.

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						
Diesel and Oil-Range Hydrocarbons (NWTPH-Dx) ^b	Batch/Weekly*	Grab	250 ^a	NWTPH-Dx	250	250
Metals						
Arsenic, Total (7440-38-2)	Batch/Weekly*	Grab	360 ^c	200.8	0.1	0.5
Chromium, Total (7440-47-3)	Batch/Weekly*	Grab	15 ^d	200.8	0.2	1.0
Lead, Total (7439-92-1)	Batch/Weekly*	Grab	27.47 ^c	200.8	0.1	0.5
PAHs						
Fluoranthene (206-44-0)	Batch/Weekly*	Grab	6.6 ^a	625.1	2.2	6.6
Pyrene (129-00-0)	Batch/Weekly*	Grab	5.7 ^a	625.1	1.9	5.7
Chrysene (218-01-9)	Batch/Weekly*	Grab	7.5 ^a	610/625.1	2.5	7.5
Benzo(b)fluoranthene (205-99-2)	Batch/Weekly*	Grab	14.4 ^a	610/625.1	4.8	14.4
Benzo(a)pyrene (50-32-8)	Batch/Weekly*	Grab	7.5 ^a	610/625.1	2.5	7.5
Indeno(1,2,3-cd)pyrene (193-39-5)	Batch/Weekly*	Grab	11.1 ^a	610/625.1	3.7	11.1
Benzo(g,h,i)perylene (191-24-2)	Batch/Weekly*	Grab	12.3 ^a	610/625.1	4.1	12.3
CONSTRUCTION STORMWATER GENERAL PERMIT BENCHMARKS						
Parameter	Sampling Frequency	Sample Type	Benchmark	Analytical Method		
Turbidity	Batch/Weekly	Grab	25 NTU	SM2130 ^e		
pH	Batch/Weekly	Grab	6.5 - 8.5 SU	SM4500-H ⁺ B		
NOTES						
^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	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.					
^d	Indicator Level total chromium is actually for hexavalent chromium using Acute – Freshwater Toxic Substances Criteria (WAC 173-201A-240), because there is no water quality standard for total chromium					
^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 
Compliance and Technical Assistance Unit Supervisor

Date 7/1/20

Concurrence with recommended action:

Rachel McCrea 
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

Date 7/6/2020