

**RECOMMENDATION FOR ENFORCEMENT ACTION
WATER QUALITY PROGRAM**

Northwest Regional Office

RFE for Order Docket No.18197

Date: June 22, 2020

From: Mathew Kwartin

Mathew Kwartin
Enforcement Specialist

RECOMMEND ENFORCEMENT ACTION BE TAKEN:

I. Against:

Washington State Department of Transportation (Company)	Dave Becher (Responsible Official)
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II. Location:

<i>Site location:</i> SR 520 I-5 Medina Bridge Replacement Seattle, WA 98102	<i>Mailing address:</i> 999 3rd Avenue, Suite 22000 Seattle, WA 98104-4044
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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) 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: CSWGP contaminated site Order

V. Name of Watercourse Involved:

Lake Washington (Union Bay) with four known outfall locations

VI. Background:

Washington State Department of Transportation has received coverage under the Construction Stormwater General Permit (CSWGP) No. WAR309087 for construction activities associated with the construction site known as the SR 520 I-5 Medina Bridge Replacement project. The project consists of removal of existing structures and construction of new bridge spanning from Medina to Interstate 5 in Seattle. The SR 520/I-5 Project will create a safer, more reliable transit/HOV connection between SR 520 and the South Lake Union area via the reversible I-5 express lanes. The receiving water body after treatment will be Lake Washington (Union Bay and Portage Bay) with multiple discharge points. Washington State 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 Washington State 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 WAC 173-201A and the analytical method’s minimum quantitation level.

Table 1.

Washington State Department of Transportation 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 Washington State Department of Transportation 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.

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
Cadmium, Total (7440-43-9)	Batch/Weekly*	Grab	1.6 ^c	200.8	0.05	0.25
Chromium, Total (7440-47-3)	Batch/Weekly*	Grab	15 ^d	200.8	0.2	1.0
Copper, Total (7440-50-8)	Batch/Weekly*	Grab	8.2 ^c	200.8	0.4	2.0
Lead, Total (7439-92-1)	Batch/Weekly*	Grab	27.47 ^c	200.8	0.1	0.5
Mercury, Total (7439-97-6)	Batch/Weekly*	Grab	2.1 ^c	1631E	0.0002	0.0005

Nickel, Total (7440-02-0)	Batch/Weekly*	Grab	733.79 ^c	200.8	0.1	0.5
Selenium, Total (7782-49-2)	Batch/Weekly*	Grab	20.0 ^c	200.8	1.0	1.0
Zinc, Total (7440-66-6)	Batch/Weekly*	Grab	59.3 ^c	200.8	0.5	2.5
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 Dependent 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 _____ Date 7/7/2020
 Compliance and Technical Assistance Unit Supervisor

Concurrence with recommended action:


 Rachel McCrea _____ Date 7/13/2020
 Water Quality Section Manager
 Northwest Regional Office
 Washington State Department of Ecology