



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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November 17, 2021

Ryan Ransavage
Miles Resources, LLC
400 Valley Avenue Northeast
Puyallup, WA 98372-2516

Administrative Order Docket #	20863
Notice of Violation Docket #	16952
Site Location	2800 104th Street Court South Tacoma, WA 98499

Re: Administrative Order

Dear Ryan Ransavage:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order). Through this Order, Ecology is taking an enforcement action requiring Miles Resources, LLC to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control
- Chapter 173-226 Washington Administrative Code – Waste Discharge General Permit Program
- Sand and Gravel General Permit Number WAG501290

If you have questions, please contact Marc Pacifico at marc.pacifico@ecy.wa.gov or (360) 522-6883.

Sincerely,

Andrew Kolosseus
Southwest Region Section Manager
Water Quality Program

Enclosure: Administrative Order Docket #20863

cc: Eli Newby, Ecology

By Certified Mail: 9489 0090 0027 6102 3090 85

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN)
ADMINISTRATIVE ORDER AGAINST) ADMINISTRATIVE ORDER
Miles Resources, LLC) DOCKET #20863
Ryan Ransavage)

To: Ryan Ransavage
Miles Resources, LLC
400 Valley Avenue Northeast
Puyallup, WA 98372-2516

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Site Location	2800 104th Street Court South Tacoma, WA 98499

The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring Miles Resources, LLC to comply with:

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- Sand and Gravel General Permit Number WAG501290

Ecology has the authority to issue this Order under RCW 90.48.120(1).

This Order follows a Notice of Violation (NOV) Docket #16952 Ecology issued to Miles Resources, LLC on December 26, 2019.

Ecology received a response to the NOV on July 21, 2020, and September 28, 2021, and considered your response when administering this Order.

FACTS

Ecology issued NOV 16952 based on a letter dated August 30, 2019, from Ecology's Toxic Cleanup Program (TCP) identifying stockpiles of crushed and recycled concrete on the site as a source that is likely causing high pH groundwater contamination.

Miles Resources, LLC responded to the allegations in TCP's letter on July 21, 2020, and on September 28, 2021, with facts claiming that the stockpiles of crushed and recycled concrete are not causing high pH groundwater contamination.

Ecology's Water Quality Program received the NOV responses and intends to allow the groundwater investigation and clean up to proceed under Voluntary Cleanup Program #SW1012 independent of the Sand and Gravel General Permit.

On October 7, 2021, Ecology Sand and Gravel General Permit Manager, Eli Newby, inspected the Miles Lakeview site and found the following:

- The concrete and asphalt recycling operation is conducted on bare ground without source control Best Management Practices (BMPs). There are multiple discharge points to groundwater where concrete recycling runoff from imported concrete piles and crusher by-product is ponding within earthen basins or depressions or bare ground without lining or treatment.
- pH effluent violations were measured in stormwater discharging to the groundwater in multiple locations near the concrete recycling equipment and concrete stockpiles (pH 10.06 to 12.30 measured with a digital meter calibrated on October 7, 2021).
- There was not a representative monitoring point for the discharges to groundwater. A representative monitoring point (G003) is being added to the permit coverage for the concrete operation area discharge to groundwater.
- Concrete crushing by-product has accumulated on the ground and equipment throughout the recycling area.

The Sand and Gravel General Permit specifically identifies:

"Any discharge to a pond, lagoon, or other type of impoundment or storage facility that is unlined is considered a discharge to groundwater and is subject to the Groundwater Quality Standards (Chapter 173-200 WAC). Water ponding at a facility can be considered a discharge to groundwater."

The Permit also specifically identifies the following BMPs to prevent untreated runoff from concrete crushing operations from discharging to the groundwater prior to treatment:

"Channel lining"

Discharging runoff from concrete recycling equipment, concrete stockpiles, and concrete crushing by-products to groundwater with pH higher than 8.5 S.U. is a violation of Permit Special Condition S2 - Effluent Limits.

ORDER TO COMPLY

For these reasons, and in accordance with RCW 90.48.120(1), it is order that Miles Resources, LLC take the following actions.

In order to comply with the Sand and Gravel General Permit, and to protect groundwater at the site:

- Immediately implement source control BMPs as required by Permit Special Condition S8 for concrete recycling equipment, concrete stockpiles, and concrete crushing by-products.
- No later than December 31, 2021, maintain grading around the concrete recycling equipment, concrete stockpiles, and concrete crushing by-products to ensure water flows to one common drainage area.
- No later than December 31, 2021, treat all stormwater that contacts concrete recycling equipment, concrete stockpiles, and concrete crushing by-products in a lined impoundment. The lined impoundment must be designed to contain the ten (10)-year/twenty-four (24)-hour storm event as required by Permit Special Condition S3.E.3. Discharge of treated water from the impoundment, and all other discharges to groundwater are subject to the effluent limitations in Permit Special Condition S2 and must not cause a violation of Water Quality Standards.
- No later than December 31, 2021, all channels leading from the concrete recycling equipment, concrete stockpiles, and concrete crushing by-products to the lined treatment impoundment must also be lined to prevent untreated discharges to groundwater.

ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPROTUNITY 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 Hearings 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 43.21B0.001(2).

To appeal, you must do all of the following within thirty (30) days of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see address 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). Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

ADDRESS AND LOCATION INFORMATION

Street Address	Mailing Address
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive Southeast Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road Southwest, Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Notice of Violation to:

Marc Pacifico
Department of Ecology
Southwest Regional Office
Water Quality Program
PO Box 47775
Olympia, WA 98504-7775

Phone: (360) 522-6883
Email: marc.pacifico@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website:**
<https://www.eluho.wa.gov/>
- **Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board:**
<https://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<https://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<https://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology's Laws, Rules, & Rulemaking Website**
<https://ecology.wa.gov/Footer/rulemaking>

SIGNATURE



Andrew Kolosseus
Southwest Region Section Manager
Water Quality Program

November 17, 2021

Date