



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000

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March 1, 2022

Bert Robins  
SeaCast Arlington, LLC  
6130 31<sup>st</sup> Ave NE  
Tulalip, WA 98271 - 7407

**Facility Name:** SeaCast Arlington, LLC  
**Location:** 18410 63<sup>rd</sup> Ave NE  
Arlington, WA Snohomish County

**RE: Conditional No Exposure Exemption Request - Denied  
CNE Application Number CNE310859**

Dear Bert Robins:

You applied for a Conditional No Exposure (CNE) Exemption on December 9, 2021.

An Ecology stormwater inspector evaluated your facility on December 17, 2021 and informed you that your facility is not eligible for a CNE exemption. Your CNE was not approved because outdoor process machinery (chillers and generator) and waste materials (liquefied argon & nitrogen) are exposed to stormwater, tire residue is present in docking areas, no covers exist in the dock areas, storage bins are leaking industrial materials onto the ground, and oil sheens are present. These conditions are not consistent with CNE eligibility Criteria 1, 2, 4, 5, and 7 which are described in the CNE focus sheet. The CNE focus sheet has been enclosed with this letter for reference.

During the site inspection on December 17, 2021, an Ecology inspector observed stormwater associated with industrial activity being discharged to groundwater via infiltration trenches. These infiltration trenches meet the definition of an "underground injection control" (UIC) well. The combination of pollution generating industrial activity/exposure in an area that drains to a UIC well has led to our determination that you are a "Significant Contributor of Pollutants" in accordance with S1.B of the Industrial Stormwater General Permit (ISGP), and you must obtain coverage under the ISGP. Ecology inspector Rose Propst provided direction for you to apply for permit coverage by Friday, March 11, 2022. Failure to obtain permit coverage in a timely manner may result in formal enforcement action by Ecology.

### **How to Apply for Coverage Under the ISGP**

Ecology has created a new online ISGP application that eliminates paperwork and saves time in the permitting process. Applicants must login to SecureAccess Washington (SAW) at <https://secureaccess.wa.gov>. If you have technical questions regarding Ecology's Water Quality Permitting Portal, please contact our portal support staff at (800) 633-6193/option 3 or email [WQWebPortal@ecy.wa.gov](mailto:WQWebPortal@ecy.wa.gov).

### **Register Your Type V UIC Wells with Ecology**

The infiltration trenches with perforated pipe are considered Type V injection wells as regulated under the Underground Injection Control (UIC) Program. In addition to applying for the ISGP, please also ensure your Type V injection wells are registered with the UIC Program per [Chapter 173-218 WAC](#). Additional information about the UIC program is found here: <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Underground-injection-control-program/Register-UIC-wells-online>. Direct questions regarding the UIC registration process to [UICwells@ecy.wa.gov](mailto:UICwells@ecy.wa.gov).

### **Your Right To Appeal**

You have a right to appeal this CNE denial to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this CNE denial. 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 all of the following within 30 days of the date of receipt of this CNE denial:

- File your appeal and a copy of this CNE denial 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 CNE denial 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.

**Address and Location Information**

<b>Street Addresses</b>	<b>Mailing Addresses</b>
<p><b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p><b>Pollution Control Hearings Board</b> 1111 Israel RD SW STE 301 Tumwater, WA 98501</p>	<p><b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p><b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903</p>

In some cases, facilities are able to make operational or structural changes to address the CNE deficiencies identified by your Ecology inspector. If you make those changes and would like your inspector to re-evaluate your eligibility for a CNE exemption, you must reapply at <http://www.ecology.wa.gov/programs/wq/permits/paris/portal.html>.

If you have questions about this decision, please contact Rose Propst of Ecology's Northwest Field Office located in Shoreline at [rose.propst@ecy.wa.gov](mailto:rose.propst@ecy.wa.gov) or (425) 213 - 9155.

Sincerely,



Jeff Killelea, Manager  
Water Quality Program  
Program Development Services Section

cc: Regional Inspector Rose Probst, [rose.probst@ecy.wa.gov](mailto:rose.probst@ecy.wa.gov)  
Eugene Radcliff, UIC Coordinator, [erad461@ecy.wa.gov](mailto:erad461@ecy.wa.gov)

**Enclosure:** CNE Focus Sheet

**By Certified Mail # 9489 0090 0027 6096 5311 27**