



State of Washington Department of Ecology
Northwest Regional Office
PERMIT COMPLIANCE INSPECTION REPORT

WADOE Permit Compliance
Inspection Form
Last updated 08/7/20

SECTION A: GENERAL DATA

Inspection Date: 11/2/2022	NPDES Permit #: WAR 305536	County: Whatcom	Receiving Waters: Bellingham Bay	Inspector(s): Elizabeth Fint, Sylvia Graham, Mak Kaufman	Facility Type: Industrial
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Weather at time of inspection: °F

Discharges to: Surface Water Ground Water

SECTION B: FACILITY DATA

Name and Location of Facility Inspected Bellingham Shipping Terminal Port of Bellingham Alice Cords 629 Cornwall Ave. Bellingham WA 98225	Entry Time 9:25 AM	Permit Effective Date
	Exit Time 12:00 PM	Permit Expiration Date

Name(s) of On-Site Representative(s)/Title(s)/Contact Information Alice Cords Port of Bellingham (Port) (360) 820-0108 alicec@portofbellingham.com Andy Anthony ABC Recycling (ABC) 8081 Meadow Ave. Burnaby, BC C3N 2V9 360-305-0344 Andy.anthony@abcrecycling.com	Additional Participants: Dave Warter (Port), Andy Anthony (ABC Recycling)
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Mailing Address of Responsible Official/Title/Contact Information Robert Fix Executive Director PO Box 1677 Bellingham WA 98225 360-676-2500 Robf@portofbellingham.com	<table> <tr> <td></td> <td>Yes</td> <td>No</td> </tr> <tr> <td>Samples Taken?</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Photos Taken?</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>		Yes	No	Samples Taken?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Photos Taken?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Samples Taken?	<input type="checkbox"/>	<input checked="" type="checkbox"/>								
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SECTION C: AREAS EVALUATED DURING INSPECTION

<input checked="" type="checkbox"/> Erosion & Sediment Control Plan	<input checked="" type="checkbox"/> Permit	<input checked="" type="checkbox"/> Source Control BMPs	<input type="checkbox"/> Wheel Wash
<input checked="" type="checkbox"/> Monitoring Plan	<input checked="" type="checkbox"/> Documented Visual Inspections	<input checked="" type="checkbox"/> Fuel, Chemical, & Waste Storage & Handling	<input checked="" type="checkbox"/> Catch Basins
<input checked="" type="checkbox"/> Stormwater Pollution Prevention Plan	<input checked="" type="checkbox"/> Runoff Conveyance & Treatment BMPs	<input type="checkbox"/> Equipment/Vehicle Washing	<input type="checkbox"/> Exterior Storage & Parking Areas

<input checked="" type="checkbox"/> Spill Control Plan	<input checked="" type="checkbox"/> Oil/Water Separator	<input checked="" type="checkbox"/> Equipment/Vehicle Maintenance	<input checked="" type="checkbox"/> Outfall/Effluent/Receiving Waters
<input checked="" type="checkbox"/> Site Map	<input type="checkbox"/> Process Water Treatment System	<input checked="" type="checkbox"/> Fueling Operations	<input checked="" type="checkbox"/> Discharge Monitoring Report Submittals

SECTION D: SUMMARY OF OBSERVATIONS AND FINDINGS

PERMIT COMPLIANCE CONCERN(S) AND REQUIRED CORRECTIVE ACTION(S)

Required Corrective Actions:

1.) The permittee for the Industrial Stormwater General Permit (ISGP) WAR305536 is Alice Cords, a part time environmental specialist with the Port of Bellingham – Violation of General Condition G2 Signatory requirements.

- General Permit G2.A of the permit requires that permit applications shall be signed by:
 1. In the case of corporations, by a responsible corporate officer.
 2. In the case of a partnership, by a general partner of a partnership.
 3. In the case of sole proprietorship, by the proprietor.
 4. In the case of a municipal, state, or other public facility, by either a principal executive officer or ranking elected official.

2.) The permittee failed to submit a modification of permit coverage for the new industrial activity (metal recycling), which requires addition of North American Industrial Class System (NAICS) code 423930, as well as failing to modify the permit coverage area and site map to include the operational industrial footprint of ABC Recycling. ABC Recycling has already started operation and has been operating for several months – Violation of Special Condition S2.B Modification of Permit Coverage.

- Special Condition S2.B requires the permittee to modify permit coverage when the permittee anticipates a significant process change, or otherwise requesting a modification of permit coverage, shall submit a complete Modification of Coverage Form to Ecology. The Permittee shall:
 1. Apply for modification of coverage at least 60 days before implementing a significant process change.
 2. *Complete the public notice* requirements in WAC 173-226-130(5) as part of a complete application for modification of coverage.
 3. *Comply with SEPA* as part of a complete application for modification of coverage if undergoing a significant process change.

Significant Process Change means any modification of the facility that would result in any of the following:

1. Add different pollutants in a significant amount to the discharge.
2. Increase the pollutants in the stormwater discharge by a significant amount.
3. Add a new industrial activity (SIC) or NAICS that was not previously covered.
4. Add additional impervious surface or acreage such that stormwater discharge would be increased by 25% or more

ABC Recycling's industrial activity is considered a significant process change – **the permittee failed to comply with S2.B.1-3 of the ISGP.**

Note Special Condition S4.B.8: A Permittee who has a significant process change **shall not use previous sampling results** to demonstrate consistent attainment. The permittee failed to sample for all parameters for the 2022 first fall flush sampling event, and instead claimed consistent attainment for some or all parameters at discharge points. **Port must begin sampling for all parameters at all discharge points.**

3.) The permittee failed to update the site SWPPP to adequately reflect ABC Recycling's industrial activity and industrial footprint/operational area – Violation of Special Condition S3.A.3.

- The SWPPP provided to Ecology via email from the Port on November 8, 2022 does not effectively eliminate or significantly minimize pollutants in stormwater discharges from the site. The SWPPP did not incorporate the change in operation, design, or maintenance at the facility regarding ABC Recycling's industrial activities.
 - **Special Condition S3.b** requires the permittee to modify the SWPPP whenever there is a change in design, construction, operation, or maintenance at the facility that significantly changes the nature of pollutants discharged in stormwater from the facility, or significantly increases quantities of pollutants discharged.

4.) The permittee failed to evaluate and obtain representative stormwater samples– Violation of S4.B.1.d Sampling Requirements.

- The permittee failed to evaluate stormwater discharges and add a discharge point at the moorage area (middle wharf) north of the warehouses, where ABC recycling stages piles for loading/unloading barges – this area was documented to have rusty (iron oxide) stormwater discharges to Bellingham Bay.
 - **Special condition S4.B.1.d** requires the permittee to obtain *representative samples*, which may be a single grab sample, a time-proportional sample, or a flow-proportional sample.

Representative sample means a sample of the discharge that accurately characterizes stormwater runoff generated in the designated drainage area of the facility.

5.) The permittee failed to designate sampling locations at the point where it discharges stormwater associated with ABC Recycling's industrial activity from the stormwater vault in the stockpile yard off-site – Violation of S4.B.2.a Sample Locations.

- The permittee failed to designate a sample point at the point where stormwater from ABC Recycling's stockpile yard discharges to the stormwater vault. The stormwater vault discharge to the pump station, which carries the stormwater to the Aeration Stabilization basin (ASB). The ASB is a shared basin which has potential to discharge to Bellingham Bay through an outfall pipe or emergency overflow.
 - **Special Condition S4.B.2.a** requires the permittee to designate sampling locations at the point(s) where it discharges stormwater associated with industrial activity off-site.

6.) The permittee failed to implement operational, source control, and treatment BMPs for ABC Recycling's activities to prevent contaminants from comingling with stormwater – Violation of Special Condition S3.B.4 Best Management Practices (BMPs).

- The source control BMP (rumble pad ingress/egress) for vehicle and equipment track out at the access gate for ABC's stockpiles was bypassed by a truck maneuvering around the BMP. The BMP is meant to be driven over to reduce sediment and contaminant track out as vehicles move metal scrap to and from the stockpile area and moorage area.
- The Stockpile yard consisted of some gravel areas, deteriorating pavement, and sediment/mud. The yard was a large source of sediment and turbidity, and was not adequately stabilized to reduce pollutants from comingling with stormwater discharges.

- **Special Condition S3.B.4.v.** requires the permittee to implement BMPs necessary to prevent the erosion of soils and other earthen materials, control off-site sedimentation, and prevent violations of water quality standards.
- ABC recycling uses dumpsters to deposit trash metal items that will not be recycled. Ecology observed at least two trash dumpsters with no lids/covers – lids/cover are required on dumpsters to prevent stormwater from comingling with the contents of the trash dumpsters to prevent contamination of stormwater.
 - **Special Condition S3.B.4.b.i.2.d** requires the permittee to keep all dumpsters under cover or fit with a storm resistant lid that must remain closed when not in use.
- We observed petroleum sheen, emulsified oil, as well as petroleum spills/leaks on the ground and in stormwater puddles throughout ABC Recycling's stockpile yard. There were no operational, structural, or treatment BMPs in place to prevent contamination of stormwater or to treat or prevent contaminated stormwater from leaving the site. The petroleum sheen and emulsified petroleum throughout site was egregious. We did not observe any spill kits in the stockpile area. Oil sheen was also observed near the moorage area (middle wharf) at catch basin B2A. Dave was able to grab some floor dry and clean-up the spill during the inspection.
 - **Special Condition S3.B.4.b.i.3.d** requires the permittee to clean-up spills and leaks *immediately* to prevent discharge of pollutants.
 - **Special Condition S3.B.4.b.i.4.g** requires the permittee to locate materials, equipment, and activities so that leaks are contained in the existing containment and diversion systems.
 - **Special Condition S3.B.4.b.iii.2** requires the permittee to employ oil/water separators, booms, skimmers, or other methods to eliminate or minimize oil and grease contamination in stormwater discharges.
- Vehicle maintenance activities were being performed outdoors in ABC's stockpile yard at the time of inspection. The mechanic was fixing two vehicles with no cover or containment of parts, contaminants, or fluids.
 - **Special Condition S3.B.4.b.i.4.g** requires the permittee to locate materials, equipment, and activities so that leaks are contained in the existing containment and diversion systems.
- ABC Recycling trucks stockpile scrap metal from the stockpile area south of the log pond and dumps the piles on the pavement of the moorage area (middle wharf) north of the warehouses. From here the scrap metal is loaded on to barges. Similarly, this is how ABC Recycling also off-loads materials from barges.
- A photo provided by Port of Bellingham on November 8, 2022, in an email from Alice Cords, showed sorbent wattles surrounding the metal stockpile at the moorage area (middle wharf). The BMP was not installed correctly – there were gaps underneath the wattles where stormwater comingling with the scrap metal piles. The BMP was not adequate in preventing contaminants from comingling with stormwater discharges.
 - **Special Condition S3.B.4.b.ii.2** requires the permittee to implement BMPs to minimize the exposure of manufacturing, processing, and material storage areas (*including loading and unloading, storage, disposal, cleaning, maintenance, and fueling operations*) to rain, snow, snowmelt, and runoff by either locating these industrial materials and activities inside or protecting them with storm resistant coverings.

7.) The permittee failed to maintain the stormwater vault that collects stormwater discharges from ABC Recycling's stockpile yard - Violation of S3.B.4.b.i.3.b Preventative Maintenance.

- The stormwater vault collects stormwater dischargers from the strip drain north of site as well as ABC Recycling's stockpile yard. At the inspection, the Port said the vault was last serviced about 6 months ago but could not provide an exact date or record of maintenance.
 - **Special Condition S3.B.4.b.i.3.b** requires the permittee to maintain ponds, tanks/vaults, catch basins, swales, filters, oil/water separators, drains, and other stormwater drainage/treatment facilities in accordance with the maintenance standards set forth in the applicable Stormwater Management Manual for Western Washington (SWMMWW).
 - **Appendix V-A: BMP Maintenance Tables from the SWMMWW** requires maintenance of stormwater vaults when accumulated sediment depth exceeds 10% of the diameter of the storage area for 1/2 length of storage vault or any point depth exceeds 15% of diameter.

8.) The permittee failed to document quarterly sweeping activities for paved surfaces of the permitted facility – Violation of Special Condition S9.D.1 – Records Retention.

- In an email to Port of Bellingham dated November 4, 2022 Ecology requested sweep logs for permit WAR305536 since July 2022. In an email on November 8, 2022 the Port provided invoices for services rendered, but the invoices do not indicate what permitted areas were swept, or that vacuum sweeping actually occurred.
 - **Special Condition S9.D.1.e** requires the permittee to retain any documentation of compliance with permit requirements.

Note:

Using conveyor bulk leaders, grapple units, tilt pans, and harbor cranes to load and unload bulk cargo from barge vessels over surface waters *may not be industrial activities authorized by the ISGP.*

SUMMARY OF FINDINGS/COMMENTS

Documentation:

- In an email to Port of Bellingham dated November 4, 2022 Ecology requested the most recent inspection records pertaining to tightness tests and integrity tests for the ASB, pump station, and piping. In an email dated November 8, 2022 the Port provided a copy of the tightness tests for the pipes running from the pump station to the ASB but did not include any testing or documentation regarding the integrity of the liner for the ASB.
- In an email to Port of Bellingham dated November 4, 2022 Ecology requested sweep logs for permit WAR305536 since July 2022. In an email on November 8, 2022 the Port provided invoices for services rendered, but the invoices do not indicate what permitted areas were swept, or that vacuum sweeping actually occurred.
- We reviewed recent monthly inspection reports and stormwater monitoring logs before we left the facility – the records we reviewed seemed complete and up to date. We did not review the entire SWPPP during the inspection.

Site Inspection:

- We arrived on site at 9:25 and called Alice Cords to announce our arrival. At 9:45 a Port of Bellingham representative met with us – Dave Warter, Terminal manager for the shipping terminal here and the Port's terminal in the Fairhaven district. Dave oversees terminal operations.

- We began our inspection South near the Cornwall Ave. entrance and moved north towards ABC recycling's ingress/egress to the metal stockpiles. We watched a haul truck purposefully drive *around* the rumble pad (photo 1), contributing to the track out observed (photo 2).
- Andy Anthony met up with us as we were beginning the inspection of the stockpile area. ABC Recycling is leasing 6 acres from the Port of Bellingham for their operations, and only a portion of the area has permit coverage. Portions where ABC Recycling is operating east of the terminal warehouses are not authorized to discharge stormwater associated with the industrial recycling activity.
- Andy said ABC Recycling plans to build a processing facility in the next two years north of the terminal to process metals for recycling. ABC Recycling buys metals from businesses in Canada, Seattle, and Skagit County and fills barges to be sent worldwide. The last barge went to India. The shredded metal they stockpile is from Seattle Iron and Metal Inc.
- Near the stockpile entrance, a mobile mechanic was actively repairing two broken vehicles, without cover and exposed to stormwater (photo 3). Andy said they are installing a half dome covered space for maintenance and storage. They are also bringing two storage containers on site to store spill materials, lubricants, and other misc. items.
- We walked parallel to the stormwater trench north of site, heading east, that intercepts stormwater from ABC's working footprint and discharges to the stormwater vault centrally located in ABC's operating yard (photo 4). From there the stormwater is eventually pumped to Port of Bellingham's aeration stabilization basin (ASB). The stabilization basin is lined to prevent infiltration to the bay, however, the ASB does have an outfall pipe to the bay as well as an emergency overflow. The port said the pipe is closed and does not currently discharge to the bay.
- Andy said ABC averages 20 truck/day which is a combination of scrap, plate, and structural heavy melt steel (HMS). ABC conducts visual inspections of the scrap where they look for unacceptable materials and free liquids. Each barge holds approximately 24 tons. Barges are shipped worldwide – the last barge went to India. From public Port of Bellingham documents, the anticipated cargo volumes that will pass through the Bellingham Shipping Terminal are:
 - Import (via barge): In 2022: 20,000 metric tons ("mt") / Subsequent years: 60,000 mt.
 - Export (via ship): In 2022: 81,000 mt/Year Two: 242,000 mt/Year Three and subsequent years: 320,000 mt.
- We observed petroleum sheen, emulsified oil, as well as petroleum spills/leaks on the ground and in stormwater puddles throughout ABC Recycling's stockpile yard (photos 5 and 6). There were no operational, structural, or treatment BMPs in place to prevent contamination of stormwater or to treat or prevent contaminated stormwater from leaving the site. The petroleum sheen and emulsified petroleum throughout site was egregious. We did not observe any spill kits in the stockpile area. Oil sheen was also observed near the moorage area (middle wharf) at catch basin B2A. Dave was able to grab some floor dry and clean-up the spill during the inspection (photo 7).
- Andy said ABC does not sort piles on site, but if they see an item that is not allowed in the pile, they will pull it out and put it in the roll-off trash dumpsters. The roll-off trash dumpsters observed during the inspection had items that were covered in oil/grease (photo 8). The dumpsters did not have lids or covers to prevent stormwater from comingling with contaminants.
- For inbound loads, haul trucks will come into the site from the Cornwall Ave. entrance gate and drive to the truck scale between warehouse 1 and 2. The trucks then drive counterclockwise around warehouse 2 and into ABC Recycling's stockpile yard.
- For outbound loads, haul trucks will load at the stockpiles and drive between warehouse 1 and 2 and drive left to drop the load at the moorage area (middle wharf), and then head back to the yard.

BACKGROUND

Department of Ecology has received public complaints (ERTS #718591) regarding ABC's operation on Port property – the complaints range from rusty water discharging to the bay to noise complaints from the activity occurring between 5PM and 3AM.

Port of Bellingham hired a sound consultant, SAA Acoustics, to conduct a **sound study** at the Port's Shipping Terminal. Ecology has received resident noise complaints from ABC Recycling's operations. The sound study may not accurately represent the sound pollution from ABC Recycling's activities – it does not discuss limitations of the study, such as equipment and equipment calibration, temperature, sample point location, and timing – Andy Anthony said the site operations are typically from 7AM to 5 PM *Monday through Friday*, with some longer days operating until 3:00 AM. The sound study was conducted from Sunday October 16 at 6:00 pm to Monday October 17 at 8:00 am, *which is outside the operating hours for ABC Recycling*. Additionally, *this is only a 10-hour period* for sound sampling.

Site Drainage:

ABC Recycling's industrial footprint is located east of the current permitted area for Port of Bellingham Shipping Terminal – south of the log pond. This area currently does not have permit coverage or authorization to discharge stormwater off-site.

This area's stormwater discharges are captured in a conveyance trench running west to east, which carries flows to the pump station before discharging to the ASB. The rest of the stockpile yard operated by ABC Recycling drains to a stormwater vault centrally located within the stockpile operating area, that conveys discharges to the pump station before ultimately discharging to the ASB. ABC Recycling's industrial activity also impacts portions of Port of Bellingham's current permitted footprint, south and north of warehouses 1 and 2, which ABC uses for haul routes and material transfer to and from the moorage area (middle wharf).

If you have any questions concerning this inspection report, or to request additional time to complete the above corrective actions, please contact Sylvia Graham at 360-927-4900 or Sylvia.Graham@ecy.wa.gov.

SECTION E: SIGNATURES

	Reviewed and approved by: 
Elizabeth Fint Water Quality Specialist Water Quality Program	Sylvia Graham Water Quality Specialist Water Quality Program

Washington State Department of Ecology – Bellingham Field Office
913 Squalicum Way, Suite 101
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Choose an item. Inspection



Photo 1

Description: Flatbed truck purposely bypassing the track out BMP while exiting the stockpile yard. Bypassing the track out BMP doesn't reduce track out of sediments and other pollutants from the stockpile yard.



Photo 2

Description: Sediment and debris tracked out to pavement from trucks bypassing the track out BMP.



Photo 3

Description: Mechanic actively repairing two pieces of heavy equipment without cover or containment to reduce pollutants from comingling with stormwater.



Photo 4

Description: Stormwater vault located approximately in the middle of ABC Recycling's stockpile yard. Vault was full of turbid water and sediment accumulation surrounded the vault.



Photo 5

Description: Oil sheen floating on top of a stormwater puddle in ABC Recycling's stockpile yard.



Photo 6

Description: Emulsified oil/petroleum mixed with stormwater in ABC Recycling's stockpile yard.



Photo 7

Description: Petroleum spill clean up at catch basin B2A.



Photo 8

Description: Trash items removed from recycling piles – trash items have oil/grease residue exposed to stormwater – dumpsters did not have a cover or storm proof lid.



Photo 9

Description: Muddy stockpile yard that has not been stabilized to prevent pollutants from comingling with stormwater.



Photo 10

Description: Metal stockpile to be loaded on barges.