



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Bellingham Field Office

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January 4, 2022

Robert Fix  
Executive Director  
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**RE: WARNING LETTER – NONCOMPLIANCE WITH NDPES INDUSTRIAL STORMWATER GENERAL PERMIT NO. WAR305536**

Dear Robert Fix,

On November 2, 2022 Ecology employees Sylvia Graham, Mak Kaufman, and I inspected your facility at 629 Cornwall Ave. known as Port of Bellingham Shipping Terminal. The purpose of the inspection was to assess the facility's compliance with Industrial Stormwater General Permit (ISGP) permit No. WAR305536. As discussed with Alice Cords, Dave Warter, and Andy Anthony, the facility is in violation of the terms and conditions of the ISGP. The purpose of this letter is to identify the outstanding violations at Port of Bellingham Shipping Terminal and outline steps to return to compliance with ISGP permit No. WAR305536.

The following ISGP violations have been documented at Port of Bellingham Shipping Terminal. To come into compliance with ISGP No. WAR305536, Port of Bellingham Shipping Terminal must complete the actions identified in this letter.

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.

**Within 7 days of receipt of this notice**, the permittee must:

- Submit a modification of permit coverage form to update the permit signatory requirements with the principal executive officer or ranking elected official. The permittee must follow the requirements outlined in G2 Signatory Requirements by indicating the required permittee for WAR305536.

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 modifying the permit coverage area and site map to include the operational industrial footprint of ABC Recycling – 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.

**Within 7 days of receipt of this notice,** the permittee must:

- Apply for modification of permit coverage to Ecology.
- Complete the public notice requirements in WAC 173-226-130(5) as part of a complete application for modification of coverage.
- Comply with SEPA as part of a complete application for modification of coverage for undergoing a significant process change.
- Through the modification of permit coverage, update the industrial footprint acreage to include the operational industrial footprint of ABC Recycling's activity, including the stockpile yard.
- Immediately begin sampling all ISGP pollutant parameters identified in Table 2 and Table 3 of the permit corresponding to current NAICS codes identified on Port of Bellingham Shipping Terminal ISGP Notice of Intent (NOI), in addition to NAICS code 423930. Port of Bellingham Shipping Terminal must not claim consistent attainment of any parameters.

**Within 14 days of receipt of this notice,** the permittee must:

- Provide Ecology with an updated Stormwater Pollution Prevention (SWPPP) site map that includes the industrial activities and operational footprint of ABC Recycling's activity. The map must include all required information outline in Special Condition S3.

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.

**Within 14 days of receipt of this notice,** the permittee must:

- Provide Ecology with an updated SWPPP that adequately reflects ABC Recycling’s industrial activity and impacts to Port of Bellingham permitted facility, complying with all requirements outlined in Special Condition S3.

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.

**Within 7 days of receipt of this notice**, the permittee must:

- Evaluate the stormwater discharges impacted by ABC Recycling’s activity at the moorage area (middle wharf) and add a discharge point to obtain representative samples from the industrial activity at the moorage area. Update the SWPPP to reflect this change.

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.

**Within 7 days of receipt of this notice**, the permittee must:

- Submit a modification of permit coverage to add a stormwater sampling point at the stormwater vault that discharges ABC Recycling’s stormwater to the ASB.

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 comingled with the scrap metal piles. The BMP was not adequate in preventing contaminants from comingled 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.

**Within 7 days of receipt of this notice**, the permittee must provide documentation or evidence to Ecology that the following actions are complete:

- Implement a source control BMP to prevent track out from vehicles entering/exiting ABC’s Stockpile yard.
- Implement source control BMPs in the stockpile yard to prevent the erosion of soils and other earthen materials, control off-site sedimentation, and prevent violations of water quality standards.
- Provide all dumpsters with a cover or storm-resistant lid to prevent contamination of stormwater. The dumpsters must remain closed when not in use.
- Implement BMPs to prevent spills and leaks. Clean up spills and leaks immediately.
- Provide a spill log that has documented spills and leaks from industrial activities at the facility. The spill log must have all information required by the ISGP.
- Locate materials, equipment, and activities so that leaks are contained in the existing containment and diversion systems at the facility. This includes maintenance and service

of vehicles and fueling operations. This may require a change in ABC Recycling's operation.

- Implement oil/water separators, booms, skimmers, or other methods to eliminate or minimize oil and grease contamination in stormwater discharges at ABC's stockpile yard and the associated stormwater vault.
- Implement BMPs, other than the sorbent wattles previously implemented, 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. This may require a change in ABC Recycling's operation.
- Update the SWPPP to reflect the implemented changes.

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.

**Within 7 days of receipt of this notice**, the permittee must provide documentation or evidence to Ecology that the following actions are complete:

- Maintain the stormwater vault located in ABC Recycling's stockpile yard – clean and remove all debris and accumulated sediment.
- Create a maintenance log to track current and future maintenance of stormwater infrastructure used to comply with the ISGP, specifically created to comply with WAR305536.

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.

**Within 7 days of receipt of this notice**, the permittee must provide documentation or evidence to Ecology that the following actions are complete:

- Create a sweep log to track current and future required sweeping activities at the permitted facility. The sweep log must include, date/time, activity completed, location of sweeping completed, person completing the activity, and signature/initial of the person completing the activity.

**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.*

Failure to meet the required actions and deadlines of this notice demonstrates the Port of Bellingham's unwillingness to comply with ISGP WAR305536. Failure to meet the required actions and deadlines outlined in this notice will result in escalated enforcement from Department of Ecology.

If you have any questions regarding this letter or Port of Bellingham's obligations under the IGSP, please contact Sylvia Graham at Sylvia.Graham@ecy.wa.gov or (360)-927-4900.

Sincerely,



Elizabeth Fint  
Water Quality Specialist

By Certified Mail: 9489 0090 0027 6459 3880 54

Ecc: Sylvia Graham (ECY), Alice Cords (Port of Bellingham)