



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 26, 2024

Brian Hamilton, Log Sort Yard Manager
Weyerhaeuser NR Company
1701 Industrial Way
PO Box 638
Longview, WA 98632

Brian Phipps, Saw Mill Manager
Weyerhaeuser NR Company
2901 Industrial Way
PO Box 518
Longview, WA 98632

Re: Notice of Penalty

Notice of Penalty Docket #	22728
Site Location	1701 Industrial Way, Longview, WA 98632 2901 Industrial Way, Longview, WA 98632
Penalty Amount	\$55,000
Due Date	Within thirty (30) days after receiving this Notice of Penalty.

Dear Brian Hamilton and Brian Phipps:

The Department of Ecology (Ecology) is issuing the enclosed Notice of Penalty requiring Weyerhaeuser NR Company (Weyerhaeuser) to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control
- Chapter 173-240 Washington Administrative Code (WAC) – Submission of Plans and Reports for Construction of Wastewater Facilities
- Chapter 173-220 WAC – National Pollutant Discharge Elimination System Permit Program
- National Pollutant Discharge Elimination System (NPDES) Permit No. WA0991014

Please read the enclosed Notice of Penalty describing the violation(s) and options for responding to the Penalty.

Ecology issues news releases for all major penalties and enforcement actions, including this one. A courtesy copy of the draft news release is included. If you have a comment or question, contact Ecology communication manager Brittny Goodsell at 360-280-3704 or brittny.goodsell@ecy.wa.gov within one business day of when you first receive the draft news release.

If you have questions, please contact Kelsey Brotherton at kelsey.brotherton@ecy.wa.gov or (360) 280-2668.

Sincerely,

A handwritten signature in dark ink, appearing to read 'J DeMay', is positioned above the printed name.

James DeMay
Industrial Section Manager
Solid Waste Management Program

Enclosures: Notice of Penalty Docket #22728
Draft News Release

By Certified Mail: 9489 0090 0027 6381 5754 54

cc: Fiscal-Penalty Desk, Ecology
Christine Yanik, Weyerhaeuser
Carter Marr, Weyerhaeuser

State of Washington
Department of Ecology

**In the Matter of Penalty Assessment Against
WEYERHAEUSER NR COMPANY
BRIAN HAMILTON AND BRIAN PHIPPS
Notice of Penalty Incurred and Due Docket #22728**

To:	Brian Hamilton, Log Sort Yard Manager Weyerhaeuser NR Company 1701 Industrial Way PO Box 638 Longview, Washington 98632	Brian Phipps, Saw Mill Manager Weyerhaeuser NR Company 2901 Industrial Way PO Box 518 Longview, WA 98632
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Notice of Penalty Docket #:	22728
Site Location:	1701 Industrial Way, Longview, Washington 98632 2901 Industrial Way, Longview, Washington 98632
Penalty Amount:	\$55,000
Due Date:	Within thirty (30) days after receiving this Notice of Penalty.

The Department of Ecology (Ecology) has assessed a penalty against Weyerhaeuser NR Company (Weyerhaeuser) in the amount of \$55,000 for violating provisions of:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control
- Chapter 173-240 Washington Administrative Code (WAC) – Submission of Plans and Reports for Construction of Wastewater Facilities
- Chapter 173-220 WAC – National Pollutant Discharge Elimination System Permit Program
- National Pollutant Discharge Elimination System (NPDES) Permit No. WA0991014

Ecology has authority to issue this penalty under RCW 90.48.144 and is basing the penalties on the violations listed in this notice.

1. Determination of Violations and Order to Comply

Ecology's determination that violations have occurred is based on the violations listed below.

Violations and Associated Corrective Actions:

Violation Descriptions – General Condition G5 and General Condition G10

As described in Ecology's Notice of Violation (NOV) #21606 issued October 24, 2023, Weyerhaeuser completed modifications of their stormwater conveyance and treatment systems prior to receiving approval from Ecology. Weyerhaeuser's stormwater collection and treatment systems meet the definition of an industrial wastewater treatment facility in WAC 173-240-020(9); therefore, modifications to these systems require review and approval prior to making the changes in accordance with Chapter 173-240 WAC and General Condition G5 of Weyerhaeuser's NPDES Permit (No. WA0991014). Additionally, following Ecology's August 30, 2022 inspection, Ecology requested that Weyerhaeuser submit plans and specifications for the modifications to the conveyance ditches in accordance with General Condition G5. Weyerhaeuser has not submitted the requested information to date. This is a violation of General Condition G10.

Table 1 in Attachment 1 summarizes these violations, and the following sections provide further details on the specific violations.

Surface Aerator Installation – General Condition G5 and WAC 173-240-110

Weyerhaeuser submitted the *Enhanced Aeration and pH Control at East Pond Technical Memorandum* (Technical Memo) via the WQWebPortal on August 15, 2022. It's noted that the Technical Memo includes a date of June 24, 2022. The cover letter to the Technical Memo states, in part, "The Weyerhaeuser NR Company – Longview Log Sort Yard is submitting an aeration system project proposal for the pond at Outfall 003B through the Secure Access Washington (SAW) web portal as required by Section G5 of NPDES Permit WA0991014." General Condition G5 of NPDES Permit No. WA0991014 requires Weyerhaeuser to submit an engineering report, plans, and specifications at least 180 days prior to the planned start of construction unless Ecology approves a shorter time.

According to the Technical Memo, Weyerhaeuser installed the proposed aerator units in the East Pond on April 25, 2022, approximately 112 days before submittal of the Technical Memo to Ecology for review and approval. This is a violation of General Condition G5 of NPDES Permit No. WA0991014 and WAC 173-240-110.

In NOV #21606, Ecology included a discussion outlining one purpose of General Condition G5 and Chapter 173-240 WAC: to ensure that facilities properly design, operate, and maintain their collection and treatment systems. In that discussion, Ecology identified various potential adverse impacts resulting from the modifications to the East Pond and conveyance ditches. Chapter 173-240 WAC applies regardless of any adverse impacts from the modifications. However, Ecology identified these potential adverse impacts to highlight the importance of review and approval prior to modifying industrial wastewater facilities.

Weyerhaeuser submitted a report in response to Ecology's NOV #21606, in accordance with Section 3 of the NOV and RCW 90.48.120(1), on November 27, 2023 (NOV #21606 Response). In the NOV #21606 Response, Weyerhaeuser stated, "The addition of aeration units did not remove or impair any prior stormwater treatment feature listed in the May 2016 AKART Analysis Report." WAC 173-240-110(1) requires submittal of an engineering report, plans, and specifications prior to constructing or modifying industrial wastewater facilities. WAC 173-240-110(1) does not state that a facility only needs to obtain approval if the proposed modification removes or impairs an existing industrial wastewater facility.

Conveyance Ditches Modifications – General Condition G5 and WAC 173-240-110

Ecology observed modifications to the conveyance ditches during an inspection at a neighboring facility on August 18, 2022 and during the August 30, 2022 non-sampling inspection at Weyerhaeuser. The document review portion of the inspection at Weyerhaeuser identified a weekly stormwater inspection completed by Weyerhaeuser which stated that modifications to the conveyance ditches would begin during the week of July 26, 2022. Modifications to the conveyance ditches included the installation of rock and riprap along the bottom and sides of the conveyance ditches. The conveyance ditches were historically vegetated on the bottom and sides of the channel. This modification is a violation of General Condition G5 of NPDES Permit No. WA0991014 and WAC 173-240-110.

Ecology acknowledges that the East Pond and conveyance ditch modifications may ultimately be improvements to the overall stormwater collection and treatment system at Weyerhaeuser's Log Sort Yard; however, that does not negate the requirement for Weyerhaeuser to receive approval from Ecology prior to modifying their industrial wastewater facilities as required by General Condition G5 and Chapter 173-240 WAC.

Failure to Submit Requested Information – General Condition G10

In the *August 2022 Announced Non-Sampling Water Quality Compliance Inspection Report NPDES WA0991014* dated December 6, 2022 (August 2022 Inspection Report), Ecology required Weyerhaeuser to submit information in accordance with General Condition G5 for the modification to the conveyance ditches. Ecology required Weyerhaeuser to submit this information within 45 days of receipt of the August 2022 Inspection Report. Weyerhaeuser acknowledged receipt of the August 2022 Inspection Report via email on December 19, 2022 and submitted a response to the inspection report on February 3, 2023 (August 2022 Inspection Response Letter). In the August 2022 Inspection Response Letter, Weyerhaeuser reported that the modifications to the conveyance ditches didn't require review and approval under General Condition G5 because, "...General Condition G5 is not directly applicable to stormwater management..." As stated previously, General Condition

G5, and by reference Chapter 173-240 WAC, applies to wastewater control facilities, which includes facilities that collect and treat contaminated stormwater.

Weyerhaeuser did not submit the requested information with the August 2022 Inspection Response Letter.

Ecology identified this violation in NOV #21606 and identified that the violation was ongoing at the time of issuance of the NOV. Weyerhaeuser did not submit the requested information with the NOV #21606 Response. Weyerhaeuser has not provided this requested information to date.

Violation Description – Special Condition S2.A

Weyerhaeuser violated the monitoring frequency requirements included in Special Condition S2.A. at Outfall 003B 15 times since July 2022. Table 2 in Attachment 1 summarizes these monitoring frequency violations.

Violation Description – Special Condition S3.F

Weyerhaeuser violated the reporting requirements included in Special Condition S3.F. 16 times since July 2022. Table 3 in Attachment 1 summarizes these reporting violations.

2. Eligibility for Paperwork Violation Waiver and Opportunity 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.

3. Failure to Comply With This Penalty

Continued failure to correct the violations listed in this Notice of Penalty may result in additional escalated penalties.

4. Options for Responding to a Notice of Penalty

Option 1: Pay the penalty within thirty (30) days after receiving the Notice of Penalty

Make your payment payable to the **Department of Ecology**. Please include the penalty document number on your payment.

Mail Payment to:

Department of Ecology
Cashiering Unit
PO Box 47611
Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid thirty (30) days after receiving the Notice of Penalty, and have not appealed.

Option 2: Appeal to the Pollution Control Hearings Board (PCHB) and serve Ecology within thirty (30) days after the date of receipt of the Notice of Penalty.

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 Penalty:

- 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 by mail, in person or by email (see addresses below).

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

Filing with the PCHB

For the most current information regarding filing with the PCHB, visit: <https://elaho.wa.gov/> or call: 360-664-9160.

Service on Ecology

Street Addresses:

Department of Ecology
Attn: Appeals Processing Desk
300 Desmond Drive SE
Lacey, WA 98503

Mailing Addresses:

Department of Ecology
Attn: Appeals Processing Desk
PO Box 47608
Olympia, WA 98504-7608

E-Mail Address:

ecologyappeals@ecy.wa.gov

5. Contact Information

Please direct all questions about this Notice of Penalty to:

Kelsey Brotherton
Department of Ecology
Industrial Section, Solid Waste Management Program
PO Box 47600
Olympia, WA 98504-7600

Phone: (360) 280-2668

Email: kelsey.brotherton@ecy.wa.gov

6. 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>

7. Signature



James DeMay
Industrial Section Manager
Solid Waste Management Program

July 26, 2024

Date

Attachment 1

Table 1: Summary of Violations

Violation Description	Permit Condition or Requirement	Date(s) of Violation
Installation and operation of two aerator units in Weyerhaeuser's East Pond without approval.	General Condition G5 WAC 173-240-110	April 25, 2022 (installation date identified in Technical Memo)
Modification to the conveyance ditches without approval. Modifications include installing rock and riprap along the bottom and sides of the conveyance ditches.	General Condition G5 WAC 173-240-110	August 30, 2022 (date of Ecology's non-sampling inspection at Weyerhaeuser)
Failure to submit information requested by Ecology for the modifications to the conveyance ditches.	General Condition G10	February 2, 2023 to November 27, 2023 (45 days from receipt of Ecology's inspection report to the date of Weyerhaeuser's response to NOV #21606)

Table 2: Outfall 003B Monitoring Frequency Violations Summary (Special Condition S2.A.)

Date(s)	Parameter	Required Monitoring Frequency	Actual Monitoring Frequency
July 3-9, 2022	pH	4 per week	3 per week
January 4-11, 2023	Flow Rate	Continuous	Invalid results (8 days of violations)
February 10-11, 2024	Flow Rate	Continuous	No monitoring (2 days of violations)
April 21-27, 2024	5-day biochemical oxygen demand (BOD ₅)	Weekly	None
April 28 – May 4, 2024	Fecal coliform, E. coli, and Klebsiella	Weekly	None (3 violations)

Table 3: Reporting Violations Summary (Special Condition S3.F.)

Date	Permit Condition	Violation Description
8/15/2022	S3.F.e.	Weyerhaeuser did not report the pH monitoring frequency violation at Outfall 003B during the week of July 3-9, 2022 or submit a written report for the monitoring frequency violation.
9/15/2022	S3.F.e.	Weyerhaeuser did not submit a written report for the DO numeric effluent limit violation during the month of August 2022 at Outfall 003B. It's noted that Weyerhaeuser submitted a revised cover letter on February 27, 2023 with the information required by Special Condition S3.F.e.
12/15/2022	S3.F.e.	Weyerhaeuser's written report for the DO numeric effluent limit violation during the month of November 2022 at Outfall 003B did not include all required information. Specifically, the written report did not include the information specified in Special Conditions S3.F.c.4 and 5.
12/22/2022	S3.F.b.	Weyerhaeuser did not notify Ecology of the December 13, 2022 daily maximum turbidity violation at Outfall 004B within 24 hours of discovery. The Specialty Analytical laboratory report for the December 13, 2022 sample collected at Outfall 004B is dated December 21, 2022.
12/26/2022	S3.F.c.	Weyerhaeuser did not submit a written report within 5 days of discovery of the December 13, 2022 daily maximum turbidity violation at Outfall 004B. The Specialty Analytical laboratory report for this sample is dated December 21, 2022.
1/15/2023	S3.F.e.	Weyerhaeuser did not submit a written report for the average monthly turbidity numeric effluent limit violation at Outfall 004B during the month of December 2022. It's noted that Weyerhaeuser submitted a cover letter with the December 2022 DMR that appears to be for the Outfall 004B discharge based on the file name; however, I could not open the file due to it being corrupted.
1/12/2023	S3.F.b.	Weyerhaeuser did not notify Ecology of the January 3, 2023 SS daily maximum numeric effluent limit violation at Outfall 004B within 24 hours of discovery of the violation. The Specialty Analytical laboratory report is dated January 11, 2023. Weyerhaeuser notified Ecology of this violation via email on January 17, 2023.

Date	Permit Condition	Violation Description
2/15/2023	S3.F.c.	Weyerhaeuser did not submit a written report for the January 3, 2023 SS daily maximum numeric effluent limit violation at Outfall 004B as required. Ecology granted an extension to the 5-day written report requirement via email on January 17, 2023 to February 15, 2023 (with the January 2023 DMR). Weyerhaeuser identified the violation in the cover letter for the January 2023 DMR; however, they did not include all information required by Special Condition S3.F.c.4. and 5. in the cover letter.
2/15/2023	S3.F.e.	Weyerhaeuser's written report for the flow monitoring frequency violations at Outfall 003B on January 4-11, 2023 did not include all required information. Specifically, the written report did not include the information specified in Special Conditions S3.F.c.4 and 5.
4/15/2023	S3.F.e.	Weyerhaeuser's written report for the BOD ₅ average monthly numeric effluent limit violation at Outfall 003B during the month of March 2023 did not include all required information. Specifically, the written report did not include the information specified in Special Conditions S3.F.c.4 and 5.
4/15/2023	S3.F.e.	Weyerhaeuser's written report for the BOD ₅ average monthly numeric effluent limit violation at Outfall 004B during the month of March 2023 did not include all required information. Specifically, the written report did not include the information specified in Special Conditions S3.F.c.4 and 5.
5/15/2023	S3.F.e.	Weyerhaeuser's written report for the copper average quarterly numeric effluent limit violation at Outfall 003B during the first quarter of 2023 (January through March) did not include all required information. Specifically, the written report did not include the information specified in Special Conditions S3.F.c.4 and 5.
6/15/2023	S3.F.e.	Weyerhaeuser's written report for the turbidity average monthly numeric effluent limit violation at Outfall 004B during May 2023 did not include all required information. Specifically, the written report did not include the information specified in Special Conditions S3.F.c.4 and 5.

Date	Permit Condition	Violation Description
7/15/2023	S3.F.e.	Weyerhaeuser's written report for the pH daily minimum numeric effluent limit violation at Outfall 004B on June 13, 2023 did not include all required information. Specifically, the written report did not include the information specified in Special Conditions S3.F.c.4 and 5.
8/23/2023	S3.F.b.	Weyerhaeuser did not notify Ecology within 24 hours of discovery of the SS daily maximum numeric effluent limit violation at Outfall 003B on August 15, 2023. The Specialty Analytical laboratory report is dated August 22, 2023.
8/27/2023	S3.F.c.	Weyerhaeuser did not submit a written report for the August 15, 2023 SS daily maximum numeric effluent limit violation at Outfall 003B within 5 days of discovery of the violation. The Specialty Analytical laboratory report is dated August 22, 2023. Weyerhaeuser submitted a written report for the August 15, 2023 SS daily maximum numeric effluent limit violation on January 17, 2024.

Weyerhaeuser's Longview lumber mill fined \$145,000 for stormwater violations

LONGVIEW – The Washington Department of Ecology issued two penalties totaling \$145,000 to Weyerhaeuser for stormwater violations at the company's Longview lumber mill.

The penalties include 36 stormwater discharge violations, 15 monitoring requirements violations, and 16 reporting requirement violations, all which occurred between July 2022 and May 2024.

Weyerhaeuser found that the mill's stormwater contained low oxygen levels, which can harm aquatic plants and animals. The stormwater also had solids (which could include copper and other metals) above the permitted limits.

Solid Waste Program Manager Peter Lyon said the company reported these violations, but not within the time that the permit required.

"Stormwater permits contain strict limits on toxic chemicals and contaminants that are designed to protect our environment," Lyon said. "Although Weyerhaeuser has been working to improve its stormwater management at its Longview mill, it needs to abide by its discharge limits and other permit requirements."

Other violations stemmed from significant changes Weyerhaeuser made to their stormwater system between April and August 2022, which were intended to fix potential issues. However, the company didn't get required approvals from Ecology, and the changes have the potential to worsen pollution problems at the mill.

The Longview mill's stormwater flows into a ditch leading to the Columbia River, which is home to many aquatic species such as endangered salmon. Improperly managed stormwater can negatively impact human health and the environment.

Weyerhaeuser has 30 days to appeal the penalties to the [Pollution Control Hearings Board](#). Water quality penalty payments to Ecology are placed into the state's Coastal Protection Fund, which provides grants to public agencies and Tribes for water quality restoration projects.