



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

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

August 2, 2024

Rob Fix  
Bellingham Shipping Terminal POB  
PO Box 1677  
Bellingham, WA 98227-1677

Re: Administrative Order for Modification of Permit Coverage, Level 2\3 Time Extension

Bellingham Shipping Terminal POB - Industrial Stormwater General Permit,  
Number WAR305536

<b>Administrative Order Docket #</b>	23035
<b>Site Location</b>	629 Cornwall Ave Bellingham, WA

Dear Rob Fix:

The Department of Ecology (Ecology) received Bellingham Shipping Terminal POB (Bellingham Shipping Terminal) request for Modification for Permit Coverage of Industrial Stormwater General Permit on April 18, 2024. Bellingham Shipping Terminal completed public notice on May 24, 2024. Ecology has issued the enclosed Administrative Order requiring Bellingham Shipping Terminal to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) - Water Pollution Control
- Chapter 173-226 Washington Administrative Code (WAC) - Waste Discharge General Permit Program
- Industrial Stormwater General Permit, permit number WAR305536

If you have questions, please contact Jen Baptist at [jen.baptist@ecy.wa.gov](mailto:jen.baptist@ecy.wa.gov) or 564-565-0327.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Killelea". The signature is fluid and cursive, with the first name "Jeff" written in a more compact, stylized manner than the last name "Killelea".

Jeff Killelea, Manager  
Permit and Technical Services Section  
Water Quality Program

Enclosure: Administrative Order Docket #23035

**By Certified Mail 9489 0090 0027 6093 6884 42**

cc: Jen Baptist, Ecology  
Clay Keown, Ecology

State of Washington  
Department of Ecology

In the Matter of an Administrative Order Against  
Bellingham Shipping Terminal POB  
Rob Fix  
Administrative Order Docket #23035

To: Rob Fix  
Bellingham Shipping Terminal POB  
PO Box 1677  
Bellingham, WA 98227-1677

<b>Administrative Order Docket #</b>	23035
<b>Site Location</b>	629 Cornwall Ave Bellingham, WA

The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring Bellingham Shipping Terminal POB 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.
- Industrial Stormwater General Permit (ISGP), number WAR305536.

## 1. Order to Comply

### Description:

Bellingham Shipping Terminal POB is covered under the ISGP, permit number WAR305536. Permit condition S5 establishes benchmark values and monitoring requirements. Benchmark means a pollutant concentration used as a permit threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. When pollutant concentrations exceed benchmarks, corrective action requirements identified in permit condition S8 take effect. Permit condition S10 requires that discharges not cause or contribute to a violation of surface water quality standards.

Bellingham Shipping Terminal POB's stormwater discharges have exceeded benchmark values and triggered Level 2/3 Corrective Action requirements for turbidity, total suspended solids (TSS), copper, zinc and lead under permit condition S8. The benchmark exceedances are detailed as follows:

Outfall B1 C				
Parameter	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
Turbidity (NTU)			42.6	
Copper (ug/L)		35.7	63.7	18.2
Zinc (ug/L)		120	163	
Outfall B1D				
Parameter	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
Turbidity (NTU)	44.8	185	313	149
Copper (ug/L)	27.45	77.1	33.3	24.4
Zinc (ug/L)	463	899	243	179
Outfall B2A				
Parameter	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
Turbidity (NTU)	93.7		479	89.5
Copper (ug/L)			231	39.2
Zinc (ug/L)	199.5	138	1970	248
TSS (mg/L)			554	54.3
Outfall B4A				
Parameter	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
Copper (ug/L)		30.3	162	86.1
Outfall W1C				
Parameter	1 <sup>st</sup> Quarter	2 <sup>nd</sup> Quarter	3 <sup>rd</sup> Quarter	4 <sup>th</sup> Quarter
Zinc (ug/L)		273	117	136

Permit condition S8 allows a permittee to request a time extension or waiver for the corrective action requirements. Bellingham Shipping Terminal submitted a complete Modification of Coverage form requesting a Level 2/3 Time Extension. Bellingham Shipping Terminal based their request on:

- Bellingham Shipping Terminal request additional time to adequately address the level 2 and level 3 corrective actions. Allow additional time for installation of treatment on several outfalls.

Pursuant to Permit Condition S8.C.4.c/S8.D.5.c, Ecology has considered the information provided. **Ecology is granting the Modification of Coverage, Level 2/3 time extension, subject to the following conditions:**

**Action(s) required:**

- Begin/construct W1 treatment on or before September 30, 2024.
- Begin/construct B1C treatment on or before November 15, 2024.
- Begin/construct B4A and substantially identical treatment on or before November 15, 2024.
- Begin/construct B1D and B2A treatment and all associated activities on or before September 30, 2025.
- Submit an operational and maintenance manual 30 days after completion of treatment.
- Submit a progress report to Ecology on February 1, 2025.
- Submit an annual report status report on May 15, 2025.

## **2. 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.

## **3. 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 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://eluhho.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](mailto:ecologyappeals@ecy.wa.gov)

## 4. Contact Information

Please direct all questions about this Order to:

Jen Baptist  
Department of Ecology  
Northwest Region  
P.O. Box 330316  
Shoreline, WA 98133-9716

Phone: 564-565-0327

Email: [jen.baptist@ecy.wa.gov](mailto:jen.baptist@ecy.wa.gov)

## 5. 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>

## 6. Signature



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Jeff Killelea, Manager  
Permit and Technical Services Section  
Water Quality Program

August 2, 2024

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Date