



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 #	22729
Site Location	Log Sort Yard: 1701 Industrial Way, Longview, WA 98632 Sawmill: 2901 Industrial Way, Longview, WA 98632
Penalty Amount	\$90,000
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 173-220 Washington Administrative Code – 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 #22729
Draft News Release

By Certified Mail 9489 0090 0027 6381 5754 61

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 #22729

To:	Brian Hamilton, Log Sort Yard Manager Weyerhaeuser NR Company 1701 Industrial Way PO Box 638 Longview, Washington 98632	Brian Phipps, Sawmill Manager Weyerhaeuser NR Company 2901 Industrial Way PO Box 518 Longview, Washington 98632
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Notice of Penalty Docket #:	22729
Site Location:	Log Sort Yard: 1701 Industrial Way, Longview, WA 98632 Sawmill: 2901 Industrial Way, Longview, WA 98632
Penalty Amount:	\$90,000
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 \$90,000 for violating provisions of:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control
- Chapter 173-220 Washington Administrative Code – 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 Violation(s) and Order to Comply

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

Violations and Associated Corrective Actions:

Violation Description:

Weyerhaeuser violated the numeric effluent limits included in Special Condition S1.B. at Outfall 004B 14 times since July 2022. Table 1 in Attachment 1 summarizes these numeric effluent limit violations.

Violation Description:

Weyerhaeuser violated the numeric effluent limits included in Special Condition S1.B. at Outfall 003B 22 times since July 2022. Table 2 in Attachment 1 summarizes these numeric effluent limit 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://eluh0.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

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: Violations Summary Tables

Table 1: Outfall 004B Numeric Effluent Limit Violations Summary (Special Condition S1.B.)

Date(s)	Parameter	Limit	Result
July 7, 2022	5-day biochemical oxygen demand (BOD ₅), daily maximum	20.0 milligrams per liter (mg/L)	32.2 milligrams per liter (mg/L)
July 2022	BOD ₅ , average monthly	7.1 mg/L	9.9 mg/L
December 13, 2022	Turbidity, daily maximum	103 Nephelometric Turbidity Units (NTU)	140 Nephelometric Turbidity Units (NTU)
December 2022	Turbidity, average monthly	45 NTU	52 NTU
January 3, 2023	Settleable Solids (SS), daily maximum	0.1 milliliters per liter (mL/L)	1.5 milliliters per liter (mL/L)
February 14, 2023	pH, daily minimum	6.0 standard units (SU)	5.9 standard units (SU)
February 21, 2023	pH, daily minimum	6.0 SU	5.9 SU
February 21, 2023	BOD ₅ , daily maximum	20.0 mg/L	32.9 mg/L
February 28, 2023	SS, daily maximum	0.1 mL/L	3.0 mL/L
February 2023	BOD ₅ , average monthly	7.1 mg/L	12.4 mg/L
March 2023	BOD ₅ , average monthly	7.1 mg/L	9.5 mg/L
May 2023	Turbidity, average monthly	45 NTU	52 NTU
June 13, 2023	pH, daily minimum	6.0 SU	5.1 SU
August 31, 2023	BOD ₅ , daily maximum	20.0 mg/L	22.8 mg/L

Table 2: Outfall 003B Numeric Effluent Limit Violations Summary (Special Condition S1.B.)

Date(s)	Parameter	Limit	Result
August 2022	Dissolved oxygen (DO), average monthly minimum	4.7 milligrams per liter (mg/L)	4.1 milligrams per liter (mg/L)
November 2022	DO, average monthly minimum	4.7 mg/L	4.0 mg/L
February 2023	5-day biochemical oxygen demand (BOD ₅), average monthly	117.6 mg/L	139.5 mg/L
March 2023	BOD ₅ , average monthly	117.6 mg/L	132.8 mg/L
January – March 2023	Copper, average quarterly limit	13.6 micrograms per liter (µg/L)	13.7 micrograms per liter (µg/L)
August 15, 2023	Settleable Solids (SS), daily maximum	0.1 milliliters per liter (mL/L)	0.5 milliliters per liter (mL/L)
August 31, 2023	SS, daily maximum	0.1 mL/L	0.2 mL/L
February 13, 2024	Turbidity, daily maximum	1,110 Nephelometric Turbidity Units (NTU)	1,440 Nephelometric Turbidity Units (NTU)
February 2024	Turbidity, average monthly	372 NTU	987 NTU
March 12, 2024	Turbidity, daily maximum	1,110 NTU	2,030 NTU

Notice of Penalty #22729, Attachment 1

July 26, 2024

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Date(s)	Parameter	Limit	Result
March 19, 2024	Turbidity, daily maximum	1,110 NTU	4,760 NTU
March 26, 2024	Turbidity, daily maximum	1,110 NTU	3,980 NTU
March 2024	Turbidity, average monthly	372 NTU	2,895 NTU
April 2, 2024	Copper, daily maximum	34.5 µg/L	36.4 µg/L
April 9, 2024	Turbidity, daily maximum	1,110 NTU	1,950 NTU
April 16, 2024	Turbidity, daily maximum	1,110 NTU	1,960 NTU
April 17, 2024	Turbidity, daily maximum	1,110 NTU	5,160 NTU
April 18, 2024	Turbidity, daily maximum	1,110 NTU	7,660 NTU
April 19, 2024	Turbidity, daily maximum	1,110 NTU	8,430 NTU
April 26, 2024	Turbidity, daily maximum	1,110 NTU	2,700 NTU
April 26, 2024	Copper, daily maximum	34.5 µg/L	86.3 µg/L
April 2024	Turbidity, average monthly	372 NTU	4,053 NTU

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.