UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 155
Seattle, Washington 98101-3140

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE – 201

CERTIFIED MAIL — RETURN RECEIPT REQUESTED

~~NOTICE OF NONCOMPLIANCE~~ NOTICE OF VIOLATION

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~~Mr. James Brown~~
~~Chief Operating Officer~~
~~Onalaska Wood Energy, LLC~~
~~1674 SR 508~~
~~Chehalis, Washington 98532~~

Re: Puget Sound Naval Shipyard and Intermediate Maintenance Facility
NPDES Compliance Inspection and Federal Facility Compliance Agreement
NPDES Permit Number WA0002062

Dear Mr. Brown:

On April 1, 1994, the U.S. Environmental Protection Agency (EPA) issued a National Pollutant Discharge Elimination System (NPDES) permit to the Puget Sound Naval Shipyard ("Facility"), NPDES Permit Number WA0002062 ("Permit"). The Permit became effective on April 1, 1994 and expired on April 1, 1999. Subsequently, the Permit was administratively continued.

On September 26, 2018, the EPA conducted an inspection of the Facility. I would like to express my appreciation for your staff's time and cooperation during the inspection. For your information, a copy of the inspection report is attached to this notice of ~~noncompliance~~ violation letter as Enclosure 1. The purpose of the inspection was to determine the Facility's compliance with the requirements of the Clean Water Act (CWA) and the Permit. This letter is to notify you of violations EPA discovered during the September 2018 inspection and to require corrective actions by the Facility to remedy the violations. In addition, the Federal Facility Compliance Agreement (CWA-10-2013-0045) required compliance with the Permit by December 31, 2017. The violations noted during the September 2018 inspection are as follows:

Discharge Limitation Violations

Part I.A.1.a. of the permit specifies discharge limitations for total recoverable copper. During the period from October 2013 to August 2018 (month prior to inspection), there were 355 exceedances of loading and concentration limits. The specifics of the effluent limit exceedances are in Enclosure 2. It should be

noted that several of the exceedances occurred after the December 31, 2017 FFCA deadline for compliance with the Permit.

Illicit Discharges

Part I.A.1. of the permit authorizes specific types of discharges, which do not include sanitary sewage. Over the past five years, the facility has reported multiple sanitary sewage discharges associated with sewer system overflows and cross connections with the stormwater drainage system. Most recently, the Facility discovered a contractor's trailer with a sewage connection to a roof drain that discharged to the Sinclair Inlet via the stormwater collection system. This cross-connection had been in place since May 2016 and was discovered in September 2018 after fecal contamination was identified during a monthly surface water sampling event. In June 2015, surface water sampling similarly identified fecal contamination that was traced to a restroom that had been plumbed to the stormwater drainage system for multiple years. I understand the Facility is actively working to prevent such reoccurrence.

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Commented [KJ2]: We need to coordinate with Rob Grandinetti on this paragraph. Rob did a seperate inspection in 2019 to look at these illicit discharge issues and there was another discarge reported last week. We are entertaining a seperate enforcement action - another FFCA to deal with this situation since it appears to be a pattern at this point and will fill the gap with the facility until in individual MS4 permit is issued. Might make sense to take this paragraph out and let Rob address with his action.

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In addition to the violations noted above, the EPA inspector noted an area of concern as follows:

Sample Methods for Oil and Grease

Part IV.B. of the permit states that "monitoring must be conducted according to test procedures approved under 40 CFR Part 136." Part IV.A. of the permit states that "samples and measurements shall be representative of the volume and nature of the monitored discharge." The inspector noted that the Facility uses a long plastic tube to collect grab samples for oil and grease at Outfall 019. Inspector noted the potential for extractable matter to adhere to the plastic sampling tube and could result in measurements that are biased low and not representative of the monitored discharge.

Puget Sound Naval Shipyard is required to respond, in writing, to the findings stated above **within thirty (30) days** of receipt of this letter. The response must include the cause of each violation and corrective measures that has and/or will be taken by the Facility to prevent future reoccurrence of the violation. In ~~addition,~~ addition, Puget Sound Naval Shipyard must submit and revised plan and schedule to achieve compliance with the cooper limit. You are encourage to reach out to EPA to start conversations about the additional steps the PSNS is proposing to take. ~~we must start discussions on whether the current FFCA needs to be revised to reflect the current understanding of the cause of the copper exceedances. I understand that Trevor Richardson of your staff and Chae Park of mine has have begun informal discussions regarding the FFCA.~~

Commented [KJ3]: Ok, the wording might not be exactly what we want, but I think the ball is in their court to take addtional steps to achieve complince. I also think we need an attorney assigned now to review this letter and to prepare for the discussion around the FFCA.

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Commented [LB4]: Not sure it makes sense to include this.

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This request for information is made under the authority of Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318. In accordance with the provisions of 40 C.F.R. § 2.203(b), you may assert a business confidentiality claim covering part or all the information submitted by clearly identifying it as "confidential." If no such claim accompanies the information when it is received by the EPA, it may be made available to the public without further notice. Please send your response to:

Chae Park
Compliance Officer
Water and Wetlands Enforcement Unit
U.S. Environmental Protection Agency

1200 Sixth Avenue, Suite 155
M/S: OCE – 201
Seattle, Washington 98101

Although EPA's goal is to ensure NPDES facilities comply fully with their permits, the ultimate responsibility rests with the permittee. As such, I want to strongly encourage the Facility to continue its efforts to maintain full knowledge of the Permit requirements, and other appropriate statutes, and to take appropriate measures to ensure compliance. Notwithstanding the Facility's response to this letter, EPA retains all rights to pursue enforcement actions to address these and any other violations.

If you have any questions concerning this matter, please do not hesitate to call Chae Park of my staff at (206) 553-1441.

Sincerely,

Edward J. Kowalski
Director

Enclosure

1. Inspection Report
2. List of Effluent Violations

cc: Trevor Richardson
Puget Sound Naval Shipyard and Intermediate Maintenance Facility