



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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JAN 26 2017

Mr. Alan P. Sidell
Seattle Iron & Metals Corp.
601 South Myrtle Street
Seattle, WA 98108

Notice of Penalty (NOP) Docket No.	13781
Site Name	Seattle Iron & Metals Corp. located in King County
Site Location	601 South Myrtle Street, Seattle, WA 98108

Re: Notice of Penalty

Dear Mr. Sidell:

The Department of Ecology (Ecology) has issued the enclosed Notice of Penalty to Seattle Iron & Metals Corp. for violating provisions of:

- Chapter 173-220 Washington Administrative Code (WAC).
- National Pollutant Discharge Elimination System (NPDES) Permit No. WA0031968.

The violations include discharge of pollutants in excess of NPDES permit limits and failure to submit required reports.

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 enclosed. If you have a comment or question, contact Ecology communication manager Larry Altose at (425) 649-7009 or lalt461@ecy.wa.gov within one business day of when you first receive the draft news release.

If you have questions, please contact Bo Li at 425-649-7284 or boli461@ecy.wa.gov.

Sincerely,

Heather R. Bartlett
Water Quality Program Manager

Enclosures: Notice of Penalty Docket No. 13781
Draft News Release

By Certified Mail No.: 9171 9690 0935 0084 1030 90

cc: Fiscal-Penalty Desk, Ecology
Bo Li, Permit Manager, Ecology
Biniam Zelelow, Enforcement Coordinator, Ecology
Jerry Shervey, Industrial Unit Supervisor, Ecology
Phyllis Barney, Assistant Attorney General, WA Office of Attorney General
Central Files, Seattle Iron & Metals Corp., NPDES Permit No WA0031968, WQ 6.4



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

IN THE MATTER OF PENALTY)
ASSESSMENT AGAINST)
SEATTLE IRON AND METALS CORP.)

NOTICE OF PENALTY
INCURRED AND DUE
PENALTY DOCKET NO. 13781

To: Mr. Alan P. Sidell
Seattle Iron & Metals Corp.
601 South Myrtle Street
Seattle, WA 98108

Notice of Penalty Docket No.	13781
Site Location	601 South Myrtle Street, Seattle, WA 98108
Penalty Amount	\$64,000
Due Date	Within 30 days after receiving this Notice of Penalty

The Department of Ecology (Ecology) has assessed a penalty against Seattle Iron & Metals Corp. (SIM) in the amount of \$64,000 for violating provisions of:

- WAC 173-220 Washington Administrative Code (WAC).
- National Pollutant Discharge Elimination System (NPDES) Permit No. WA0031968.

The violations include discharge of pollutants in excess of NPDES permit limits and failure to submit required reports.

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

DETERMINATION OF VIOLATION(S)

Ecology's determination that violations have occurred is based on the violations listed in Tables 1 and 2 below.

Seattle Iron & Metals Corp. is authorized to discharge process wastewater consisting of stormwater runoff, dust suppression/control water, and unconsumed injection water to the Duwamish River at the permitted location subject to complying with the discharge limits and prohibitions set forth in Special Condition S1.A of its permit and all other special and general requirements specified in the permit.

Monitoring requirements, listing parameters, sample point, sampling frequency, and sample type can be found in Special Condition S2 of the permit. Reporting requirements are found in Special Condition S3.

1. Effluent violations reported in discharge monitoring reports (DMRs):

Upon review of SIM's DMRs for the period comprising February 2015 through December 2016, Ecology determined that SIM's discharge exceeded effluent limits in its NPDES permit 27 times. SIM did not submit its DMR for the 4th quarter in 2015. Table 1 below lists the permit violations.

Table 1: Effluent violations reported in SIM's DMRs (February 2015 – December 2016)

Monitoring Period	Monitoring Point	Statistical Base	Frequency Type	Parameter	Units	Value	Max Limit
Feb-2015	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	9.2	5
Mar-2015	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	6.22	5
Apr-2015	1	Average	Monthly	Zinc, Total	Micrograms/L (ug/L)	385	245
Apr-2015	1	Average	Monthly	Ammonia, Total	Milligrams/L (mg/L)	23.5	21
Apr-2015	1	Single Sample	Monthly	Solids (Residue), Total suspended (TSS)	Milligrams/L (mg/L)	42	10
Apr-2015	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	14.2	5
2nd Qtr 2015	2	Single Sample	Quarterly	Copper, Total	Micrograms/L (ug/L)	22.9	14
2nd Qtr 2015	2	Single Sample	Quarterly	Zinc, Total	Micrograms/L (ug/L)	168	117
Sep-2015	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	5.46	5
4th Qtr 2015	-	-	Quarterly	Failure to Report DMR	-	-	-
Oct-2015	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	6.21	5
Dec-2015	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	5.95	5
1st Qtr 2016	2	Single Sample	Quarterly	Zinc, Total	Micrograms/L (ug/L)	176	117
Feb-2016	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	9.57	5
Apr-2016	1	Average	Monthly	Zinc, Total	Micrograms/L (ug/L)	1470	245
Apr-2016	1	Average	Monthly	Copper, Total	Micrograms/L (ug/L)	41.5	13.2
Apr-2016	1	Average	Monthly	Lead, Total	Micrograms/L (ug/L)	91.7	52
Apr-2016	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	20.3	5
Apr-2016	1	Single Sample	Monthly	Solids (Residue), Total suspended (TSS)	Milligrams/L (mg/L)	160	10
Jun-2016	1	Average	Monthly	Ammonia, Total	Milligrams/L (mg/L)	26.4	21
Jun-2016	1	Average	Monthly	Zinc, Total	Micrograms/L (ug/L)	280	245
Jun-2016	1	Average	Monthly	Copper, Total	Micrograms/L (ug/L)	34.5	13.2
Jun-2016	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	17.2	5
Jun-2016	1	Single Sample	Monthly	Solids (Residue), Total suspended (TSS)	Milligrams/L (mg/L)	14	10
Oct-2016	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	7.88	5
Nov-2016	1	Average	Monthly	Zinc, Total	Micrograms/L (ug/L)	281	245
Nov-2016	1	Single Sample	Monthly	Solids (Residue), Total suspended (TSS)	Milligrams/L (mg/L)	33	10
Nov-2016	1	Single Sample	Monthly	Petroleum Hydrocarbons, Total	Milligrams/L (mg/L)	7.74	5

2. Effluent violations associated with a Bypass of Treatment System:

SIM experienced an overflow bypass due to improper operation of the stormwater treatment system between June 20, 2016 and June 21, 2016. In the bypass report, SIM stated that:

“...The stormwater treatment operator and supervisor conducted their routine morning checks of the treatment system, when we notice the system had not discharged since last Thursday June 16, 2016. The supervisor knew there had been rainfall in the last few days and knew there was issue with the system. We checked the pump station out in the yard and saw that both pumps were running. We checked the underground tank and it was bypassing. Once we started investigating what caused the system to not function properly we determined that the PLC was shut-down inside the stormwater treatment system. SIM had a contractor come out and work on the pump station module last Friday and was unaware that they had shut-down the PLC for the system.”

SIM calculated approximately 58,000 gallons bypassed the treatment system between June 20, 2016 and June 21, 2016. Based on the sampling results, four parameters (copper, zinc, TPH, TSS) exceeded the daily maximum limit. COD was also detected at relatively high level.

This comprises a violation of permit special conditions S1.A and S1.D.

**Table 2: Effluent Violations associated with a Bypass of Treatment System:
Sample taken on June 21, 2016**

Analyte	Copper (µg/L)	Zinc (µg/L)	TPH (mg/L)	TSS (mg/L)
Bypass Results	134	1,590	20.5	60
Maximum Daily Effluent Limits	26.5	491	5	10

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.

FAILURE TO COMPLY WITH THIS NOTICE OF PENALTY

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

OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY

Option 1: Pay the penalty within 30 days after receiving the Notice of Penalty.

Make your payment payable to the *Department of Ecology*. Please include the penalty docket 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 30 days after receiving the Notice of Penalty, and have not appealed.

Option 2: Appeal to the PCHB and serve Ecology within 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 43.21B.001(2).

To appeal you must do both of the following within 30 days after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

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

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION


Please direct all questions about this Notice of Penalty to:

Bo Li
Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452
Phone: 425-649-7284
Email: boli461@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board:** www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board:** <http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure:**
<http://apps.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act:**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Laws:** www.ecy.wa.gov/laws-rules/ecyrcw.html
- **Rules:** www.ecy.wa.gov/laws-rules/ecywac.html

SIGNATURE


Heather R. Bartlett
Water Quality Program Manager

DATED 01/24/2017, at Olympia, Washington.