



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

October 17, 2023

Andy Bley
Sierra Construction Company, Inc
14800 NE North Woodinville Way
Woodinville, WA 98072

Order Docket No.	22353
Site Location	240 15th Street SE, Puyallup, WA 98372

Re: Administrative Order

Dear Andy Bley:

The Department of Ecology has issued this Administrative Order requiring Sierra Construction Company, Inc to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – State of Washington Water Pollution Control Act.
- Chapter 173-201A Washington Administrative Code (WAC) – Water Quality Standards for Surface Waters of the State of Washington.
- National Pollutant Discharge Elimination System (NPDES) Construction Stormwater General Permit WAR312294.

Please contact Evan Wood at evan.wood@ecy.wa.gov or (360) 706-4599 if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Kolosseus".

Andrew Kolosseus
Southwest Region Section Manager
Water Quality Program

Enclosure: Administrative Order Docket No. 22353

Certified Mail: 9489 0090 0027 6093 9342 42

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN)	ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER)	DOCKET #22353
AGAINST)	
Sierra Construction Company, Inc)	
Andy Bley)	

To: Andy Bley
Sierra Construction Company, Inc
14800 NE North Woodinville Way
Woodinville, WA 98072

Order Docket #	22353
Site Location	240 15th Street SE, Puyallup, WA 98372 – WA Cold Storage

The Washington State Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring the Sierra Construction Company, Inc to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – State of Washington Water Pollution Control Act.
- Chapter 173-201A Washington Administrative Code (WAC) – Water Quality Standards for Surface Waters of the State of Washington.
- Construction Stormwater General Permit WAR312402: National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activity.

This is an Administrative Order in accordance with General Condition G12 (Additional Monitoring) as set forth in the Construction Stormwater General Permit. RCW 90.48.120(2) authorizes Ecology to issue Administrative Orders to accomplish the purposes of Chapter 90.48 RCW.

ORDER TO COMPLY

Sierra Construction Company, Inc is subject to coverage under NPDES Construction Stormwater General Permit WAR312402 for construction activities associated with the construction site known as WA Cold Storage (CSID: 16703, FSID: 99997041). Sierra Construction Company, Inc reported that the site contains contaminated groundwater and soil which has the potential to discharge stormwater and dewatering water due to the proposed construction activity. The Construction Stormwater General Permit does not have water quality sampling or benchmarks for benzene, toluene, ethylbenzene, xylenes, 1,2-Dichloroethane, Tetrachloroethylene, Trichloroethylene, 1,2-Cis-Dichloroethylene, 1,2-Trans-Dichloroethylene, Perfluorooctanoic Acid (PFOA), Perfluorooctane Sulfonic Acid (PFOS), Perfluorononanoic Acid (PFNA), Oil-Range Hydrocarbons or Gasoline-Range Hydrocarbons; however, the permit requires compliance with the Water Quality Standards for Surface Water of the State of Washington (Water Quality Standards).

The Order establishes Indicator Levels for the WA Cold Storage. Indicator Levels express a pollutant concentration used as a threshold, below which a pollutant is considered unlikely to cause a water quality violation, and above which it may. Indicator Levels in this Administrative Order were derived from the Water Quality Standards for Surface Water of the State of Washington (173-201A WAC) and practical quantitation level.

For these reasons and in accordance with RCW 90.48.120(2) it is ordered that the Sierra Construction Company, Inc take the following actions. These actions are required at the location known as WA Cold Storage, located at 240 15th St SE, Puyallup, WA 98372. In the event of a permit transfer to another Permittee, compliance with this Administrative Order and the actions listed below is required.

Sierra Construction Company, Inc must take the following actions to remain in compliance with NPDES Permit WAR312402:

- Land disturbance activities shall include the demolition of existing structures, excavation of contaminated soils, grading of the site, construction of new structures and paving of the property.
- Install temporary erosion and sediment control best management practices (BMPs) as one of the first steps in the construction and demolition process.
- Any potentially contaminated soils that are not immediately hauled off site shall be stockpiled on a minimum 10 mil plastic sheeting and covered with an anchored plastic sheeting.
- Install all pre-treatment and treatment systems prior to any discharge of dewatering water or contaminated construction stormwater to Deer Creek.
- Capture, contain, and treat all contaminated dewatering or contaminated stormwater prior to discharge to the Deer Creek.
- Sierra Construction Company, Inc shall obtain written approval from an Ecology Environmental Engineer for any proposed treatment system. Ecology shall be notified in advance if any changes in the treatment are made, with the exception of routine maintenance.
- The treatment system must have enough capacity to hold the treated dewatering water or stormwater until it has been tested to determine if any of the Indicator Levels listed in Table 1 have been exceeded. No dewatering water or stormwater may be discharge before it has been tested for the parameters listed in Table 1. If any of the Indicator Levels listed in Table 1 are exceeded, Sierra Construction Company shall stop the discharge of treated dewatering water or contaminated stormwater to the Deer Creek, until it has been retested to determine that all parameters are equal to or below the Indicator Levels in Table 1. If any of the Indicator Levels are exceeded after being retested, Sierra Construction Company, Inc shall install an additional treatment system with the written approval of an Ecology Environmental Engineer.
- Once the effectiveness of the treatment system has been determined, Sierra Construction Company may revert to a flow-through treatment system after the minimum three sampling and

testing events and upon written approval from Ecology. The flow-through treatment system design must be submitted to Ecology for review prior to use.

- If a flow-through treatment system is adopted, all dewatering water or contaminated stormwater must be sampled weekly while discharging and tested for the parameters listed in Table 1.
- When using a flow-through treatment system, if any of the Indicator Levels listed in Table 1 are exceeded, Sierra Construction Company, Inc must stop the discharge of treated dewatering water or stormwater to Deer Creek until it has been retested to determine that all parameters are equal to or below the Indicator Levels in Table 1. If any of the Indicator Levels are exceeded after being retested, Sierra Construction Company, Inc shall modify the existing flow-through treatment system to increase its effectiveness or install an Ecology-approved treatment system or truck the contaminated stormwater or groundwater off-site for disposal in an approved manner.
- If sampling is conducted more frequently than required by this Order, the results of this monitoring must be included in the calculation and reporting of the data that is submitted in the Discharge Monitoring Reports (DMRs).
- Any discharge to waters of the state above the Indicator Levels for contaminants listed in Table 1 must be immediately reported to the Department of Ecology.
- All captured sediment from the treatment of the dewatering water or contaminated stormwater must be transported to an approved disposal facility based on the level of contamination.
- All monitoring data must be prepared by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 137-50 WAC.
- All sampling data must be reported monthly on Discharge Monitoring Reports (DMRs) electronically using Ecology's secure online system WQWebDMR, in accordance to permit condition S5.B. If the measured concentration is below the detection level, then Sierra Construction Company, Inc shall report single analytical values below detection as "less than the detection level (DL)" by entering "<" followed by the numeric value of the detection level (e.g. "<0.1"). All other values above DL must be reported as the numeric value.
- Noncompliance with permit requirements or the provisions of this Order must be immediately reported to the Southwest Regional Office of the Department of Ecology in accordance with Permit Condition S5.F, Noncompliance Notification.
- The Stormwater Pollution Prevention Plan (SWPPP) prepared for Sierra Construction Company, Inc dated 2023-04-04 shall be fully implemented and amended as needed for the duration of the project.
- If a modification of the Order is desired, a written request shall be submitted to Ecology and if approved, Ecology will issue an amendment to this Order.

Ecology retains the right to make modifications to this Order through supplemental Order, or amendment to this Order, if it appears necessary to further protect the public interest.

This Order does not exempt Sierra Construction Company, Inc from any Construction Stormwater General Permit requirement. This Order automatically terminates when NPDES Construction Stormwater General Permit WAR312402 is terminated.

Table 1 DRAFT. WA Cold Storage

Sierra Construction Company, Inc must use the specified analytical methods, detection limits (DLs) and quantitation levels (QLs) in the following table for monitoring unless the method used produces measurable results in the sample and EPA has listed it as an EPA-approved method in 40 CFR Part 136. If the Sierra Construction Company, Inc uses an alternative method, not specified in the order and as allowed above, it must report the test method, DL, and QL on the discharge monitoring report.

Pollutant & CAS No. (if available)	Sampling Frequency*	Sample Type	Indicator Level, µg/L unless otherwise noted	Required Analytical Protocol	Detection Level, µg/L	Quantitation Level, µg/L
NONCONVENTIONAL POLLUTANTS						
BTEX (benzene +toluene + ethylbenzene + m,o,p xylenes)	Batch/ Weekly	Grab	2.0 ^{a, b}	EPA SW 846 8021/8260	1.0	2.0
VOLATILE COMPOUNDS						
1,2-Dichloroethane (107-06-2)	Batch/ Weekly	Grab	8.4 ^a	624.1	2.8	8.4
Tetrachloroethylene (127-18-4)	Batch/ Weekly	Grab	12.3 ^a	624.1	4.1	12.3
Trichloroethylene (76-01-6)	Batch/ Weekly	Grab	5.7 ^a	624.1	1.9	5.7
1,2-Cis-Dichloroethylene (cDCE) (156-59-2)	Batch/ Weekly	Grab	4.8 ^a	624.1	1.6	4.8

1,2-Trans-Dichloroethylene (Ethylene dichloride) (156-60-5)	Batch/ Weekly	Grab	4.8 ^a	624.1	1.6	4.8
PETROLEUM HYDROCARBONS						
Oil-Range Hydrocarbons (NWTPH-Dx) ^c	Batch/ Weekly	Grab	250 ^a	NWTPH-Dx	250	250
Gasoline-Range Hydrocarbons (NWTPH-Gx) ^d	Batch/ Weekly	Grab	250 ^a	NWTPH-Gx	250	250
PER- AND POLYFLUOROALKYL SUBSTANCES						
Perfluorooctanoic Acid (PFOA) (335-67-1)	Batch/ Weekly	Grab	Report Only ⁱ	1633 ^h	0.302 ng/L	1.6 ng/L
Perfluorooctane Sulfonic Acid (PFOS) (1763-23-1)	Batch/ Weekly	Grab	Report Only ⁱ	1633 ^h	0.327 ng/L	1.6 ng/L
Perfluorononanoic Acid (PFNA) (375-95-1)	Batch/ Weekly	Grab	Report Only ⁱ	1633 ^h	0.221 ng/L	1.6 ng/L
Construction Stormwater General Permit Benchmarks						
Parameter			Benchmark	Analytical Method		
Turbidity ^f	Batch/ Weekly	Grab	25 NTU	SM2130 ^e		
pH ^g	Batch/ Weekly	Grab	6.5 - 8.5 SU	SM4500-H ⁺ B		

a	No surface water standard, value is laboratory quantitation level.
b	The detection level and quantitation levels for this pollutant are representative of the sum of its components. The detection level must be set with assurances that the standard is met.
c	NWTPH-Dx = Northwest Total Petroleum Hydrocarbons – Semi-volatile (“diesel”) for diesel range organics and heavy oils (includes jet fuels, kerosene, diesel-oils, hydraulic fluids, mineral oils, lubricating oils, and fuel oils).
d	NWTPH-Gx = Northwest Total Petroleum Hydrocarbons –Volatile petroleum products (includes aviation and automotive gasolines, mineral spirits, Stoddard solvent and naphtha).
e	Or equivalent.
f	Report the average turbidity for each day a discharge occurs while the flow through system is in operation.
g	Report the daily minimum and maximum pH for each day a discharge occurs while the flow through system is in operation.
h	Method 1633 is currently in draft, dated June 2022. If a laboratory that can analyze PFAS chemicals via Method 1633 is not reasonably available, then an alternate method can be requested to Ecology and is approvable by email.
i	Indicator not established for this analyte. Analytical results will be reported only and include influent to the treatment system and effluent for all Per- and Polyfluoroalkyl analytes.
*	If permission granted for flow-through, sampling will then be weekly. If an analyte is Report Only than analytical results will need to submitted monthly.

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.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing Board (PCHB) within 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 43.21B.001(2).

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

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form – by mail or in person (see addresses below). Email is not accepted.

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

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

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 Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Order to:

Evan Wood
Department of Ecology
Southwest Regional Office
300 Desmond Drive, Lacey, WA 98503

Phone: (360) 706-4599

Email: evan.wood@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **Chapter 43.21B RCW – Environmental 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



Andrew Kolosseus
Southwest Region Section Manager
Water Quality Program

October 17, 2023

Date