

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN	)	ADMINISTRATIVE ORDER
ADMINISTRATIVE ORDER	)	DOCKET #23535
AGAINST	)	
Port of Tacoma	)	
Anita Fichthorn	)	

To: Anita Fichthorn
Port of Tacoma
PO Box 1837
Tacoma, WA 98401-1837

Order Docket #	23535
Site Location	3401 Taylor Way, Tacoma, WA 98421

The Washington State Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring the Port of Tacoma 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 WAR314131: National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for Stormwater Discharges Associated with Construction Activity.

This is an Administrative Order (Order) in accordance with General Condition G12 (Additional Monitoring) as set forth in the Construction Stormwater General Permit. RCW 90.48.120(2) RCW authorizes Ecology to issue Administrative Orders to accomplish the purposes of Chapter 90.48 RCW. This Administrative Order replaces all previous versions of Administrative Order number 23535.

ORDER TO COMPLY

Port of Tacoma (Permittee) is subject to coverage under NPDES Construction Stormwater General Permit WAR314131 for construction activities associated with the construction site known as Port of Tacoma Parcel 105 Dredge Material Management Project. The Permittee reported that the site will be managing contaminated dewatering water that has the potential to cause a violation of Water Quality Standards. The Construction Stormwater General Permit does not have water quality sampling or benchmarks for Arsenic, Cadmium, Chromium, Copper, Zinc, Benzo(a)anthracene, Benzo(k)fluoranthene, Pyrene 1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD) and 1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (HpCDD); 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 Port of Tacoma Parcel 105 Dredge Material Management Project. 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 Order were derived from the Model Toxics Cleanup Act (MTCA) Method A Cleanup Level for Groundwater (WAC 173-340-900), the Freshwater Human Health Criteria, National Toxics Rule (40 CFR 131.36)], MTCA (WAC 173-340-747), Ecology's portioning coefficient from their 3-phase soil to groundwater model (EQ747.1 with no dilution) and practical quantitation level.

For these reasons, and in accordance with RCW 90.48.120(2), it is ordered that the Port of Tacoma take the following actions. These actions are required at the location known as Port of Tacoma Parcel 105 Dredge Material Management Project, located at 3401 Taylor Way, Tacoma, WA 98421. In the event of a permit transfer to another Permittee, compliance with this Administrative Order and the actions listed below is required.

Port of Tacoma must take the following actions to remain in compliance with NPDES Permit WAR314131:

- Pump dewatering water from dredged material into a series of Baker Tanks directly from transport barges.
- Install all pre-treatment and treatment systems prior to any discharge of dewatering water or contaminated construction stormwater.
- Capture, contain, and treat all contaminated dewatering or contaminated stormwater prior to discharge from the project area.
- Obtain written approval from an Ecology Environmental Engineer for any proposed treatment system. Ecology must be notified in advance if any changes in the treatment are made, except for routine maintenance.
- Contain and remove any and all contaminated dredge spoil during the life of the project.

Further:

- The treatment system must have enough capacity to hold the potentially contaminated 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 potentially contaminated dewatering water or stormwater may be discharged before it has been tested for the parameters listed in Table 1. If any of the Indicator Levels listed in Table 1 are exceeded, you must stop the discharge of potentially contaminated dewatering water or stormwater 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, install additional treatment capacity.
- Once the effectiveness of the treatment system has been determined, you 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, stop the discharge of dewatering water or stormwater from the project location until it has been retested and determined 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, modify the existing flow-through treatment system to increase its effectiveness, install an Ecology-approved treatment system, or truck the contaminated stormwater or groundwater off-site for disposal in an approved manner.
- Report sampling for the contaminants listed in Table 1 on the required Discharge Monitoring Report (DMR) according to Permit conditions (S5.B Discharge Monitoring Reports).
- If sampling is conducted more frequently than required by this Order, include the results of this monitoring in the calculation and report the data that is submitted in the DMRs.
- Immediately report any discharge to waters of the state above the Indicator Levels to the Department of Ecology.
- Transport all captured sediment from the treatment of the dewatering water or contaminated stormwater to an approved disposal facility based on the level of contamination.
- Immediately haul offsite contaminated soils excavated during construction without stock piling to an approved disposal facility based on the level of contamination. When it is not feasible to immediately haul soils offsite, place the soils on an impermeable surface and cover with plastic sheeting to minimize contact with stormwater.
- All monitoring data must be prepared by a laboratory registered or accredited under the provisions of *Accreditation of Environmental Laboratories*, Chapter 137-50 WAC.
- Report all sampling data monthly on DMRs electronically using Ecology's secure online system, WQWebDMR, in accordance with permit condition S5.B. If the measured concentration is below the detection level, 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.
- Immediately report noncompliance with permit requirements or the provisions of this Order to the Southwest Region Office of the Department of Ecology in accordance with Permit Condition S5.F, Noncompliance Notification.
- Fully implement your Stormwater Pollution Prevention Plan (SWPPP) for the duration of the project. Amend the SWPPP as needed.

- Submit a written request to Ecology if a modification of the Order is desired. 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 the Port of Tacoma from any Construction Stormwater General Permit requirement. This Order automatically terminates when NPDES Construction Stormwater General Permit WAR314131 is terminated.

Table 1.

Port of Tacoma 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 Port of Tacoma 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 ≤ value stated in, µg/L, unless otherwise noted	Quantitation Level ≤ value stated in µg/L, unless otherwise noted
METALS						
Arsenic, Total (7440-38-2)	Batch/Weekly	Grab	69 ^b	200.8	0.1	0.5
Cadmium, Total (7440-43-9)	Batch/Weekly	Grab	42.25 ^b	200.8	0.05	0.25
Chromium, Total (7440-47-3)	Batch/Weekly	Grab	1100 ^c	200.8	0.2	1.0
Copper, Total (7440-50-8)	Batch/Weekly	Grab	5.78 ^b	200.8	0.4	2.0
Lead, Total (7439-92-1)	Batch/Weekly	Grab	220.82 ^b	200.8	0.1	0.5
Zinc, Total (7440-66-6)	Batch/Weekly	Grab	95.14 ^b	200.8	0.5	2.5
POLYCYCLIC AROMATIC HYDROCARBONS (PAHs) AND CARCINOGENIC PAHs						
Benzo(a)anthracene (56-55-3)	Batch/Weekly	Grab	23.4 ^a	625.1	7.8	23.4
Benzo(k)fluoranthene (207-08-9)	Batch/Weekly	Grab	7.5 ^a	610/625.1	2.5	7.5

Chrysene (218-01-9)	Batch/Weekly	Grab	7.5 ^a	610/625.1	2.5	7.5
Fluoranthene (206-44-0)	Batch/Weekly	Grab	6.6 ^a	625.1	2.2	6.6
Pyrene (129-00-0)	Batch/Weekly	Grab	5.7 ^a	625.1	1.9	5.7
Construction Stormwater General Permit Benchmarks						
Parameter	Sampling Frequency*	Sample Type	Benchmark		Analytical Method	
Turbidity	Batch/Weekly	Grab	10 NTU		SM2130 ^c	
pH	Batch/Weekly	Grab	6.5 - 8.5 SU		SM4500-H ⁺ B	
NOTES						
	a	No applicable surface water criterion; value is laboratory quantitation level.				
	b	Acute – Marine Water Toxic Substances Criteria (WAC 173-201A-240) calculated using conversion factors per Table 240.				
	c	Or equivalent.				
	d	Indicator Level total chromium is actually for hexavalent chromium using Acute – Marine Water Toxic Substances Criteria (WAC 173-201A-240) because there is no water quality standard for total chromium.				
	*	If permission is granted for flow through, sampling will then be weekly.				

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 Region Office
300 Desmond Drive SE
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



Digitally signed by AKOL461
Date: 2026.09.15 17:09:00 -07'00'

Andrew Kolosseus
Southwest Region Section Manager
Water Quality Program

Date