



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 8, 2010

Mr. Barry Oliver
Chinook Ventures, Inc.
P. O. Box 293
4029 Industrial Way
Longview, WA 98632

Re: Administrative Order

| | |
|-----------------------|---|
| Order Docket # | 8027 |
| Site Location | 4029 Industrial Way, Longview, WA 98632 |
| EPA/State ID # | WAD 057068561 |

Mr. Oliver:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order requiring Chinook Ventures to comply with:

- Chapter 70.105 Revised Code of Washington (RCW), Hazardous Waste Management Act
- Chapter 173-303 Washington Administrative Code (WAC), Dangerous Waste Regulations
- Code of Federal Regulations (CFR) 40 Part 265, Interim Status Standards
- Chapter 90-48 Revised Code of Washington (RCW), Water Pollution Control ACT
- Chapter 173-220 Washington Administrative Code (WAC), National Pollutant Discharge Elimination System Program (NPDES)
- NPDES Permit No. WA 000008-6

If you have questions please contact Paul Skyllingstad at (360) 407-6949 or psky461@ecy.wa.gov.

Sincerely,

Teddy Le, P.E.
Interim Section Manager
Industrial Section
Waste 2 Resources Program

enclosures: Administrative Order

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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN)
ADMINISTRATIVE ORDER)
AGAINST)
CHINOOK VENTURES, INC.)

ADMINISTRATIVE ORDER
DOCKET #8027

To: Mr. Barry Oliver
Chinook Ventures, Inc.
P.O. Box 293
4029 Industrial Way
Longview, WA 98632

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The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring Chinook Ventures, Inc. to comply with:

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- Chapter 173-303 Washington Administrative Code (WAC), Dangerous Waste Regulations
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- Chapter 90.48 Revised Code of Washington (RCW), Water Pollution Control Act
- Chapter 173-220 Washington Administrative Code (WAC), National Pollutant Discharge Elimination System (NPDES) Program
- NPDES Permit No. WA 000008-6

Chapter 70.105 RCW and Chapter 90.48 RCW authorize the Department of Ecology (Ecology) to issue Orders requiring compliance whenever it determines that a person has violated any provision of Chapter 70.105 RCW or Chapter 90.48 RCW. The Department determined that Chinook Ventures, Inc. has violated a number of requirements in their Dangerous Waste Management Facility Post-Closure Plan (WAD 057068561) and in their National Pollutant Discharge Elimination System (NPDES) Permit (No. WA 000008-6).

BACKGROUND

Site History

Reynolds Metals constructed and operated a primary aluminum smelter and cable mill at the site on the Columbia River from 1941 until 2000. In May 2000, Reynolds Metals sold the smelter to Alcoa. Alcoa then sold the plant to Longview Aluminum in 2001. The smelter was shut down permanently in February 2001. Longview Aluminum never operated the plant and entered into bankruptcy in late 2003.

Chinook Ventures (Chinook) purchased the facility from Longview Aluminum in December 2004 through bankruptcy court proceedings. Chinook redeveloped the site as a flat storage and transport facility that receives fly ash, petroleum coke, coal, alumina, and cement by marine vessels and rail and transports the material off-site by rail, truck, and ship.

Dangerous Waste

The former aluminum smelter included a 33-acre above-grade lagoon known as the Black Mud Pond. The lagoon was operated from 1972 until 1990. It was used to store semi-solid residuals from the fluoride recovery system known as the Cryolite Recovery Plant. The material in the lagoon is called "black mud" and designates as a dangerous waste for toxicity under the State Dangerous Waste Regulations, WAC 173-303. The Black Mud Pond is considered a dangerous waste management facility. Reynolds Metals submitted a RCRA Part B Application for a Dangerous Waste Management Facility permit in September 1984. The application was later modified in May 1985 and July 1991.

Closure of the Black Mud Pond occurred in two phases. In phase one, Reynolds Metals pumped a large portion of the black mud remaining in the pond back into the smelter's wet air scrubbing system, installed a geotextile mat on the surface of the pond, and covered the mat with two feet of Columbia River dredge spoils as a working surface for final closure. The second phase of closure included installing an impermeable liner over the working surface to prevent infiltration. The impermeable liner was covered with 18 inches of native soil, graded to facilitate stormwater drainage, and planted with grass vegetation to control erosion.

Closure and post-closure requirements for the Black Mud Pond are described in detail in Appendix I of the May 1985 Part B Application. The approved closure plan was public noticed in January 1992. Reynolds Metals completed final closure of the pond in the fall of 1992. The pond was closed under interim status since Ecology had not issued a final RCRA Permit for the facility.

The post-closure plan states that post-closure care at the facility is designed to maintain the function and integrity of the final cover, maintain and monitor the leak detection system, and maintain and monitor the groundwater monitoring system. Site inspections are to be conducted semi-annually to check the integrity of the final cover and cover vegetation, groundwater monitoring wells, security measures, and corner benchmarks. Any problems must be documented and repairs made as necessary through compliance monitoring and corrective action programs. The permittee is required to conduct post-closure maintenance of the final cover, the groundwater monitoring system, leak detection system, security controls, and benchmarks.

The post-closure plan requires that groundwater monitoring be conducted quarterly in four paired wells and at two surface collection points in the CDID #14 Ditch. Groundwater monitoring is to be reported to Ecology annually each March. The annual groundwater report must contain a summary of the data collected during the preceding year and a trend analysis to evaluate the landfill cover system performance.

Water Quality

Stormwater and process water at the Chinook Ventures facility are regulated under NPDES Permit WA 000008-6, originally issued to Reynolds Metals Company, transferred to Longview Aluminum LLC, and last modified on June 26, 2003. When Chinook Ventures purchased the Longview smelter in 2004, the permit was transferred to them. The NPDES permit directed the Permittee to implement strategies to control point source discharges of toxic pollutants into the stormwater ditch system surrounding their

plant. Specifically, the permit required the Permittee to cease the discharge of stormwater runoff from the Black Mud Pond and Industrial Landfill area through Outfall 005 and reroute the wastewater back into the plant's industrial wastewater discharge system (Outfall 002A).

Ecology Compliance Inspections

In March 2010, the new environmental manager at Chinook Ventures informed Ecology that security at the Black Mud Pond had been compromised and both horses and cattle had been using the area to graze. The manager also revealed that stormwater from the drainage ditch system near the Black Mud Pond and Industrial Landfill was once again being routed to the plant's NPDES Outfall 005.

Ecology conducted a compliance inspection at Chinook Ventures on April 6, 2010. Security at the closed Black Mud Pond was in the form of a new two-strand electric fence. The electric fence was being used to control the movement of livestock in the area. It was specifically designed to keep livestock within the Black Mud Pond area and an adjacent cleared area. Ecology noted evidence that both horses and cows were foraging on the pond's cover grasses. The animals had eroded a large area in the middle of the pond's cover where water had accumulated, forming a small pond or animal wallow.

The site drainage system at the pond was no longer working as designed and constructed during closure. Ecology also noted that the majority of the grasses planted and established during closure had been killed due to overgrazing or land application of thin stillage as described below. The pond cap was covered in moss, small areas of original grass, and small scrub bushes. The grass did not appear to have been mowed. Blackberry bushes encroached on the roadway surrounding the facility.

On the top of the Black Mud Pond, Ecology observed aluminum piping and a liquid sprayer used to spread agricultural fertilizer. Chinook personnel informed Ecology that the area had been sprayed with "thin stillage", a waste material from an ethanol plant. Analysis by Chinook Ventures showed that the thin stillage was high in conductivity with a low pH and no real nutrient value. Ecology does not believe that the material is wastewater and believes that it is not appropriate for use as a soil amendment. The land application of the thin stillage is considered illegal disposal of industrial wastewater which contributed to the destruction of the pond's cover grasses.

A second compliance inspection was conducted on April 14, 2010. Ecology inspected the drainage area for Outfall 005 and collected surface water samples. Chinook's NPDES permit specifies that stormwater runoff from the Black Mud Pond and Industrial Landfill areas be routed to the facility's industrial outfall (002A) and the Black Mud Pond leachate collection ditch water be routed to the facility's wastewater treatment plant. During the inspection, Ecology noted that a new pipe has been installed directing stormwater from the southern Black Mud Pond/Industrial Landfill ditch into ditches that feed into Outfall 005. Outfall 005 had been re-configured to collect and discharge stormwater runoff from the Black Mud Pond and Industrial Landfill areas.

During the April 14, 2010 inspection, Ecology also discovered an unpermitted discharge at Outfall 006 of stormwater runoff from the top of the Black Mud Pond cap. In reviewing the monthly discharge

monitoring reports, Ecology determined that Chinook is not monitoring water quality at Outfalls 005 or 006.

During the second inspection, Ecology requested copies of the inspection logs for the Black Mud Pond and groundwater monitoring data from the past quarterly monitoring events.

Chinook Ventures submitted copies of Black Mud Pond inspection logs for the time period of July 2, 2008 through April 13, 2010. Ecology noted that the completeness of the inspection logs varied depending on the Chinook inspector. Some inspectors indicated no significant problems found at the pond for long periods of time while new and different inspectors consistently noted problems with the cover grasses and site drainage. The time difference between inspection logs that did not indicate any problems and ones that noted significant problems were as little as several days.

The inspection logs documented the operation of the leachate collection ditch recirculation pump and data from a time totalizer. The pump routes the Black Mud Pond leachate ditch water to the facility's wastewater treatment plant as directed by the NPDES Permit. The inspection logs show that the ditch pump was not working from July 2008 through December 2008. The same totalizer time was logged on the inspection sheets for that six month period. The logs indicate that the ditch was pumped intermittently between January 2009 and the end of March 2009. They also indicate that the pump was not operated from March through April 2009. It appears that leachate ditch pump was operated for only 679 hours from May 1, 2009 through November 23, 2009 or one month out of seven.

The problem with the leachate recirculation pump was not noted on a number of the inspection logs completed during these periods. At one time, it appeared that the time totalizer was broken but the pump was operating. The inspection logs indicate that livestock started grazing on the Black Mud Pond cover in January of 2009 and thin stillage was land applied during the summer of 2009. Several inspection logs completed during this period note that the thin stillage appears to have "burnt" the cover grasses.

Chinook Ventures has not submitted the annual groundwater monitoring report required for the Black Mud Pond since the company purchased the facility in 2004. Groundwater data was collected by the facility but not reported to Ecology. Ecology found groundwater data for all of 2004, 2005, 2006, and 2007 and two out of four quarters for 2008 and 2009. Data is missing for 2003 and two quarters of 2008.

DETERMINATION OF VIOLATIONS AND ORDER TO COMPLY

Referenced Authorities:

- Reynolds Metals Company Application for Dangerous Waste Management Facility Permit, revised May 30, 1985 – Appendix I – Post-Closure Plan
- WAC 173-303-400(3) – Interim Status Facility Standards – Incorporates 40 CFR Part 265 by reference

- 40 CFR Part 265 – Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 40 CFR 265.14 - Subpart B – General Facility Standards
- 40 CFR 265.117 - Subpart G - Closure and Post-Closure
- 40 CFR 265.304 and ,310 - Subpart N – Landfills
- Longview Aluminum LLC NPDES Permit No. 000008-6, modified February 1, 2002.
- Chapter 173-220 WAC - National Pollutant Discharge Elimination System Permit Program

Violations

1. Chinook Ventures was using the Black Mud Pond area for a horse and cattle feeding operation. They also land applied thin stillage to the top of the Black Mud Pond and to an area adjacent to the pond. This use of the property disturbed the integrity of the pond's final cover and was not in accordance with the approved post-closure plan. [40 CFR 265.117(c) and (d)]
2. Chinook Ventures did not maintain the integrity and effectiveness of the final cover on the Black Mud Pond including making repairs to the cover when necessary and maintaining the cover grasses and site drainage. [40 CFR 265.117(a)(1)(ii) and (d) and 40 CFR 265.310 (b)(1) and (4)]
3. Chinook Ventures did not submit annual groundwater monitoring reports to Ecology for quarterly monitoring conducted in 2004, 2005, 2006, 2007, 2008, and 2009. [40 CFR 265.117(a)(1)(i) and (d) and 40 CFR 265.310 (b)(3)]
4. Chinook Ventures did not maintain the leachate collection ditch pump and totalizer to ensure proper and continuous operation. [40 CFR 265.117(a)(1)(ii) and (d) and 40 CFR 265.310 (b)(4)]
5. Chinook Ventures changed the routing of stormwater runoff from the Black Mud Pond and Industrial Landfill area so that it was being discharge through Outfall 005 and not through the industrial wastewater discharge system (Outfall 002A). Chinook Ventures did not notify Ecology of this change. [Conditions II.B., G1., and G4. of the NPDES Permit and WAC 173-220-150(a)]
6. Chinook Ventures is discharging stormwater runoff from the Black Mud Pond through an unpermitted outfall (Outfall 006). Chinook Ventures did not notify Ecology of this discharge. [Condition G4. of the NPDES Permit and WAC 173-220-020]

For these reasons, and in accordance with RCW 70.105.095 and RCW 90.48.120, it is ordered that Chinook Ventures, Inc. take the following corrective actions. These corrective actions are required at the location known as the Chinook Ventures Longview facility.

Corrective Actions

1. **Immediately** remove any forage animals from the Black Mud Pond facility and stop using the facility as a forage area for cattle and horses.
2. **Do not** land apply any more thin stillage to the cover on the Black Mud Pond.
3. Remove all electric fences from the Black Mud Pond facility. Develop plans and specifications for a new security fence that surrounds the facility. Submit plans and specifications to Ecology for review and approval by **March 31, 2011**.
4. Inspect and repair the Black Mud Pond cover as necessary. Complete the following actions during the inspection and repairs:
 - a. Survey the existing cover to document the "as found" condition.
 - b. Examine the existing cover in areas where water has accumulated and in any other areas affected by the forage animals. Evaluate the integrity of the clay layer and drainage layer and make repairs as necessary. Replace the top soil layer as necessary.
 - c. Determine if the original survey benchmarks still exist at the corners of the pond. Resurvey the repaired cover and benchmarks and integrate the new survey with the existing benchmarks.
 - d. Determine if the cover has settled.
 - e. Re-establish the site drainage system following the approved closure plan. Replace and recondition soils if necessary.
 - f. Prepare a report documenting the problems found during the cover inspection and the corrective actions taken to correct them. Submit the report to Ecology for review and approval by **August 31, 2011**.
5. Prepare a plan to re-establish the vegetative cover on the site. The plan shall describe how new cover grasses will be established on the site and include a maintenance program to control blackberry and other foreign plants found growing on the access roadways and Black Mud Pond cover. Submit the plan to Ecology for review and approval by **August 31, 2011**.
6. Prepare annual groundwater monitoring reports for quarterly sampling conducted in 2004, 2005, 2006, 2007, 2008, and 2009. Include a summary of monitoring results and a trend analysis in the reports. The reports shall follow the format in the Closure Plan in Appendix I of the Reynolds Metals Company Application for Dangerous Waste Management Facility Permit, revised May 30, 1985. Submit the annual reports to Ecology for review and approval by **March 31, 2011**.
7. Prepare a maintenance plan for proper and continuous operation of the leachate collection ditch pumping system. Submit the plan to Ecology for review and approval by **March 31, 2011**.

8. Prepare a plan to route the stormwater being discharged through Outfall 005 back into the industrial wastewater discharge system (Outfall 002A). Characterize the stormwater being discharged through Outfall 006 and evaluate whether it should be routed back into the industrial wastewater discharge system. Include the results of the characterization and evaluation in the plan. Submit the plan to Ecology for review and approval by **April 30, 2011**.
9. Include Outfall 006 in the Notice of Intent for coverage under Ecology's Industrial Stormwater General Permit and in the NPDES permit renewal application for the facility

PAPERWORK VIOLATION WAIVER ELIGIBILITY

Ecology has determined that you are not eligible for a waiver under RCW 34.05.110 for a first-time paperwork violation because:

- You were provided the opportunity to correct the violation and did not do so within a reasonable period of time;
- The effect of the violation poses a potentially significant threat to human health or the environment or causes serious harm to the public interest;
- You have previously violated a substantially similar paperwork.
- You own or operate, or owned or operated, a different small business which previously violated a substantially similar paperwork.
- The waiver is in conflict with federal law or program requirements.
- The violation involves a knowing or willful violation.
- This violation does not deal with paperwork and therefore the waiver does not apply.
- Other

FAILURE TO COMPLY WITH THIS ORDER

Failure to comply with this Order may result in the issuance of civil penalties or other actions, administrative and/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 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 of your appeal 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.) 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 4224 – 6 th Avenue SE Rowe Six, Building 2 Lacey, WA 98503 | Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903 |

CONTACT INFORMATION

Please direct all questions about this Order to:

Paul Skyllingstad
Department of Ecology
Industrial Section
(360) 407-6949
Psky461@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>

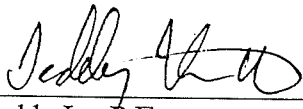
Administrative Order Docket #8027

October 8, 2010

Page 9

- **Chapter 70.105 RCW – Hazardous Waste Management**
<http://apps.leg.wa.gov/RCW/default.aspx?cite=70.105>
- **Chapter 173-303 WAC – Dangerous Waste Regulations**
www.ecy.wa.gov/biblio/wac173303.html

SIGNATURE



Teddy Le, P.E.
Interim Section Manager
Industrial Section
Waste 2 Resources Program

10/8/10

Date