

DEPARTMENT OF ECOLOGY

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

ORDER No. 7392

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

This is an Administrative Order requiring Chinook Ventures, Inc. (Chinook) to take the actions described below to comply with the requirements in WAC 173-220.

RCW 90.48.120 authorizes the Department of Ecology (Ecology) to issue Administrative Orders to enforce the Washington State Water Pollution Control Act. Ecology has determined that Chinook has violated a number of the requirements in RCW 90.48.080 and National Pollutant Discharge Elimination System (NPDES) permit No. WA000008-6.

Background

Chinook currently operates a bulk storage and transport facility that receives fly ash, petroleum coke, coke, alumina, and cement by marine vessels and rail and transports the materials off-site by rail, truck, and ship. Chinook purchased the former Longview Aluminum facility (Longview) in December 2004.

NPDES permit (WA 000008-6) was issued to Reynolds Aluminum on October 15, 1990 and last modified on February 1, 2002. The permit was transferred to Chinook on May 04, 2005.

Ecology conducted a number of site inspections beginning in September 2008 to check the upland petroleum coke storage area, observe the loading of petroleum coke into ships docked at the Chinook Ventures pier, and to inspect the Stormwater Pond. During these inspections, Ecology observed Chinook conducting new industrial activities on site, storing waste materials outside without adequate pollution prevention controls, and poor housekeeping, all of which were potentially impacting stormwater runoff and water quality in the Columbia River.

On February 2, 2010, Ecology spill responders discovered what appeared to be petroleum coke spilled into the Columbia River. They observed streamers and patches of the material extending over 10 miles downstream of river mile 60 in Longview on the Washington side of the Columbia River. Product was observed on beaches; some areas of the beaches had very heavy concentrations of the product. Samples of the material were collected from the river at two different locations.

Samples were collected from the two petroleum coke handlers in the area: Chinook Ventures, LLC and the Port of Longview to try to determine the source of the spill. Laboratory analysis of the samples showed that the material in the river matched the coke samples collected at Chinook Ventures.

The amount of petroleum coke discharged to the Columbia River was estimated to be between 25 and 50 cubic yards or 2-5 dump truck loads of material. Chinook Ventures did not notify Ecology of the spill.

Violations

This Order has been issued for the following water quality violations:

1. Discharge of polluting matter into waters of the state. This is a violation of RCW 90.48.080.
2. Failure to properly operate and maintain facilities and systems for pollution control. This is a violation of Condition G2. of Chinook Venture's NPDES permit.
3. Failure to take immediate action to stop, contain, and cleanup any unauthorized discharges and take all reasonable steps to minimize any impacts to waters of the state and correct the problem. This is a violation of Condition G4. of Chinook Venture's NPDES permit.
4. Failure to notify the Department so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken. This is a violation of Condition G4. of Chinook Venture's NPDES permit.

Order

For these reasons and in accordance with RCW 90.48.120, Chinook Ventures shall take the following actions:

1. Cease all activities related to the loading and unloading of petroleum coke **upon receipt of this Order**. Petroleum coke operations shall not be restarted until Ecology provides written notification that conditions 2. through 8. of this Order have been completed to Ecology's satisfaction.
2. Hire a qualified independent contractor approved by Ecology to investigate the cause of the petroleum coke spill to the Columbia River on February 2, 2010. The results of this investigation, including any recommendations for corrective action, shall be documented in a report submitted to Ecology for review and approval.
3. Hire an independent licensed professional structural engineer approved by Ecology to evaluate the design and operation of the coke conveyor. The results of this evaluation, including any recommendations for corrective action, shall be documented in a report submitted to Ecology for review and approval.
4. Prepare a plan for restarting petroleum coke loading operations to ensure that all vessel operations are handled safely and appropriately with all environmental factors taken into consideration during the planning and operational phases. The plan shall include Best

Management Practices and other measures to prevent or control any future spills of petroleum coke to the Columbia River. Submit the plan to Ecology for review and approval.

The plan shall include pre-booming of vessels with directions as follows:

“Loading operations of petroleum coke to vessels at Chinook Ventures will be pre-boomed if safe and effective to do so. Boom used must be appropriate to the operating environment and properly maintained. The boom must be deployed in such a way that it surrounds the vessel and facility dock area directly involved in the loading operation to provide for maximum containment of any product spilled to the water.

The boom must have sufficient standoff from the vessel at the waterline to allow any product spilling from the dock or vessel’s deck to be contained and the standoff must be maintained for the entire loading operation, adjusting as needed for changes in currents or tides. All personnel must be trained in the safe and effective use of the boom and any vessels used to deploy the boom.

Any transfer that cannot be pre-boomed because of weather, current conditions, or other safety concerns must be reported to Ecology by telephone immediately and Chinook Ventures must have access to boom four times the length of the vessel or two thousand feet, whichever is less.”

5. Prepare an engineering report that demonstrates that the secondary containment system for the petroleum coke storage area is protective of surface water and groundwater. The report shall include the permeability of the cement treated base, how the berms and base are designed to contain dust suppression water and stormwater, how dust suppression water and stormwater are collected within the system, how this water is removed from the area, and how and where it is treated. Submit the report to Ecology for review and approval.
6. Prepare a plan for operating the petroleum coke storage area that includes Best Management Practices (BMPs) to protect surface water and to minimize and control pollutants in stormwater runoff. The BMPs shall be in accordance with the April 2005 Stormwater Management Manual for Western Washington. Submit the plan to Ecology for review and approval.
7. Prepare an engineering report to determine the as-built design capacity of the Stormwater Pond. The plan shall include procedures to ensure that the pond is properly maintained so that it continues to operate at its design treatment efficiency in the future. Submit the report to Ecology for review and approval.
8. Revise the Sediment Sampling and Analysis Plan submitted to Ecology in 2009 to investigate possible impacts from the coke spill. Revisions to the plan shall be made in accordance with the *Sediment Sampling and Analysis Plan Appendix*, February 2008,

Ecology Publication No. 03-09-043 and shall include both chemical and biological sample analysis. Submit the revised plan to Ecology for review and approval.

9. In the event of another spill of petroleum coke to the Columbia River, be responsible for the cleanup of the spill and for reimbursing Ecology for their costs for response, assessment, and investigation of the spill.

Chinook Ventures shall implement all plans and recommendations that result from this Order upon Ecology's review and approval.

Nothing in this order shall be construed to relieve Chinook of its obligations under any applicable state, local, or federal laws or regulations.

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.

The provisions of this Order are severable and, if any provision of this Order, or application of any provision of this Order to any circumstances, is held invalid, the application of such provision to their circumstances and the remainder of this Order shall not be affected thereby.

Appeal Process

You have a right to appeal this order. To appeal this order you must:

- File your appeal with the Pollution Control Hearing Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of this document that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to the:

OR

Deliver your appeal in person to the:

Pollution Controls Hearings Board
P. O. Box 40903
Olympia WA 98504-0903

Pollution Control Hearings Board
4224 - 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to the:

OR

Deliver your appeal in person to the:

Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal packet to:

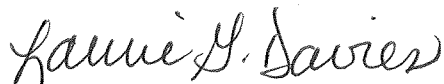
Merley McCall, Manager
Department of Ecology
Industrial Section
P.O. Box 47706
Olympia, WA 98504-7706

For additional information visit the Environmental Hearings Office Website: www.eho.wa.gov

*To find laws and agency rules visit the Washington State Legislature Website:
www.leg.wa.gov/CodeReviser*

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

DATED this 26th day of February 2010 at Olympia, Washington



Laurie Davies, Manager
Waste 2 Resources Program
Department of Ecology

