

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE ASSESSMENT OF)
PENALTY AGAINST)
CHINOOK VENTURES, INC.)

NOTICE OF PENALTY
INCURRED AND DUE
No. 7391

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

Notice is given that the Department of Ecology has assessed a penalty against Chinook Ventures, Inc. in the amount of **\$40,000** under the authority of the Revised Code of Washington (RCW) 90.48.144. This penalty is for violations of RCW 90.48 and WAC 173-220.

The penalty is based on the following findings:

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.

This penalty 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.

The penalty is due and payable within thirty (30) days of your receipt of this Notice of Penalty. Penalty payments are to be made payable to "Department of Ecology."

Please send the payment to: Department of Ecology
Cashiering Unit
P. O. Box 47611
Olympia, WA 98504-7611

You have the right to submit an **Application for Relief to Ecology**. You also have the right to **Appeal** this penalty to the Pollution Control Hearings Board immediately without exercising the option of filing an Application for Relief to Ecology.

If you file a timely Application for Relief to Ecology within thirty (30) days of your receipt of this notice of penalty, Ecology will respond with a "Notice of Disposition Upon Application for Relief." You will then have a right to appeal Ecology's "Notice of Disposition Upon Application for Relief" to the Pollution Control Hearings Board.

NOTICE: If you do not submit a timely Application for Relief or Appeal, this Penalty will become due and owing and will not be subject to further administrative or judicial review.

To submit an Application for Relief from an Assessed Penalty: Pursuant to chapter 43.21B RCW, your Application for Relief must be submitted in writing to the Department of Ecology within thirty (30) days of the date of receipt of this document.

To apply for relief you must:

Mail your Application for Relief to:

Deliver your Application for Relief in person to:

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

OR

Department of Ecology
Appeals & Application for Relief
Coordinator
300 Desmond Dr SE
Lacey, WA 98503

To Appeal this Notice of Penalty you must:

- File your appeal with the Pollution Control Hearings 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 the Notice of Penalty and/or Notice of Disposition 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 your appeal to:

The Pollution Control Hearings Board
P. O. Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The 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 your appeal to:

Department of Ecology
Appeals & Application for Relief
Coordinator
P. O. Box 47608
Olympia WA 98504-7608

OR

Deliver your appeal in person to:

Department of Ecology
Appeals & Application for Relief
Coordinator
300 Desmond Dr SE
Lacey WA 98503

And send a copy of your appeal to:

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

*For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov/>
To find laws and agency rules visit the Washington State Legislature Website: <http://www.leg.wa.gov/CodeReviser>*

DATED at Lacey, Washington, on the 26th day of February, 2010.



Laurie Davies, Manager
Waste 2 Resources Program
Department of Ecology

