



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Bellingham Field Office • 1440 10th Street, Suite 102 • Bellingham, Washington 98225
(360) 715-5200 • FAX (360) 715-5225

August 4, 2011



Your address
is in the
Nooksack
watershed

CERTIFIED MAIL

7010 2780 0000 6712 9026

Ari Steinberg
Pacific International Terminals, Inc.
1131 SW Klickitat Way
Seattle, WA 98134

RE: Gateway Pacific Terminal site conducting construction activity without coverage under Ecology's NPDES Construction Stormwater General Permit

Dear Mr. Steinberg:

On August 2, 2011 the Department of Ecology completed a compliance inspection regarding the Gateway Pacific Terminals site located at Cherry Point, WA between Henry and Lonseth Roads. During this inspection we identified the following:

- Construction activities were occurring on the Gateway Pacific Terminal site without receiving written coverage under Ecology's NPDES Construction Stormwater General Permit (permit).
- Construction stormwater discharges have a substantial potential to leave the site and enter other surface waters (on or off-site).
- Conducting construction activity (one acre or greater) without the permit is in violation of Washington State's Water Pollution Control Act (RCW 90.48) and the federal Clean Water Act.
- Obtaining written coverage from Ecology is necessary to prevent additional violations of RCW 90.48 and the Clean Water Act.
- During the interim time between applying for and receiving written coverage under the permit, appropriate actions must be taken to prevent pollution of state waters and to ensure compliance with RCW 90.48.

Please submit the following information to Ecology's Bellingham Field Office, by August 15, 2011, to demonstrate appropriate actions will be taken at the Gateway Pacific Terminal site to prevent pollution of state waters and to ensure compliance with Washington State's Water Pollution Control Act (RCW 90.48) and the Clean Water Act:

1. Date you have started clearing and grading areas on site
2. Total area you intend to disturb (number of acres)
3. Date you will submit a complete application (no later than August 15, 2011) – (NOI) - for Coverage under the Dept of Ecology Construction Stormwater General Permit for this project (a complete application includes a SEPA determination).
4. A written statement that specifically indicates:
 - a. During the time period when construction activity begins and when the Gateway Pacific Terminal site receives NPDES permit coverage from Ecology (via written letter); Pacific International Terminals, Inc. will prevent all discharges of construction stormwater to all surface waters (e.g., wetlands, ditches, or streams) on or off-site.
 - b. During the time period when construction activity begins and when Pacific International Terminals, Inc. receives NPDES permit coverage from Ecology (via written letter), Pacific International Terminals, Inc. will comply with all NPDES Construction Stormwater General Permit requirements (e.g., SWPPP, Monitoring, Reporting, etc.)
 - c. Pacific International Terminals, Inc. understands that its failure to meet (a) and (b) above, may result in the Dept of Ecology citing Pacific Terminals Internationals, Inc. for violation of Washington State's Water Pollution Control Act (RCW 90.48), which could result in issuance of formal enforcement actions that may include penalties up to \$10,000 per day, per violation.

Use the following link to access the Permit application (NOI):

<http://www.ecy.wa.gov/biblio/ecy02085.html>

Please confirm receipt of this letter and enclosed documents by contacting me using one of the following methods: telephone - (360) 715-5210; email - kuba461@ecy.wa.gov; fax - (360) 715-5225.

Sincerely,



Kurt Baumgarten
Water Quality Specialist
Bellingham Field Office

ec: Whatcom County; AMEC; Iverson Earthworks; and GeoEngineers

cc: BFO Central Files: Gateway Pacific Terminal
BFO Reading Files

Enclosures