May 16, 2022

Nicholas Nachbar
Port Townsend Paper Corporation
100 Mill Road
Port Townsend, Washington 98368

Re: Notice of Penalty

Dear Nicholas Nachbar:

The Department of Ecology (Ecology) has issued the enclosed Notice of Penalty to Port Townsend Paper Corporation for violating provisions of:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control
- Chapter 173-220 Washington Administrative Code (WAC) – National Pollutant Discharge Elimination System Permit Program
- National Pollutant Discharge Elimination System (NPDES) Permit No. WA0000922

Please read the enclosed Notice of Penalty describing the violations and options for responding to the penalty.

Ecology issues news releases for all major penalties and enforcement actions, including this one. A courtesy copy of the draft news release is included. If you have a comment or question regarding the draft news release, contact Ecology communication manager Jeff Zenk at (360) 280-3704 or jeff.zenk@ecy.wa.gov by 9:00 A.M. tomorrow May 17, 2022.

<table>
<thead>
<tr>
<th>Notice of Penalty</th>
<th>Docket #</th>
<th>20921</th>
</tr>
</thead>
<tbody>
<tr>
<td>Penalty Amount</td>
<td>$27,000.00</td>
<td></td>
</tr>
<tr>
<td>Due Date</td>
<td>Within 30 days after receiving this Notice of Penalty.</td>
<td></td>
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</tbody>
</table>
For all other questions, please contact Emily Toffol at (360) 790-8363 or emily.toffol@ecy.wa.gov.

Sincerely,

____________________
James DeMay, P.E.
Industrial Section Manager
Solid Waste Management Program

Enclosures: Notice of Penalty Docket #20921
Draft News Release

cc: Fiscal-Penalty Desk, Ecology
    Sean Chase, Port Townsend Paper Corporation
The Department of Ecology (Ecology) has assessed a penalty against Port Townsend Paper Corporation (PTPC) in the amount of $27,000.00 for violating provisions of:

- Chapter 90.48 Revised Code of Washington (RCW) - Water Pollution Control
- Chapter 173-220 Washington Administrative Code (WAC) – National Pollutant Discharge Elimination System Permit Program
- National Pollutant Discharge Elimination System (NPDES) Permit No. WA0000922

Ecology has authority to issue this penalty under RCW 90.48.144 and is basing the penalties on the violations listed in this notice.

**DETERMINATION OF VIOLATION(S)**

Ecology’s determination that violations have occurred is based on the information below.

**Violation No.1 – Untreated Wastewater to Port Townsend Bay on November 15, 2021**

November 22, 2021 PTPC submitted a written report of violation to Ecology. The report stated that on November 15, 2021 approximately 300 gallons of untreated process wastewater overflowed from No.9 Pump Station sump to Port Townsend Bay.

**Violation No.2 – Untreated Wastewater to Port Townsend Bay on December 30, 2021**

On January 4, 2022, PTPC submitted a written report of violation to Ecology. The report stated that on December 30, 2021 approximately 5 gallons of untreated wastewater spilled from a leaking flange at the No.9 Pump Station pump manifold to Port Townsend Bay.
Violation No.3 – Untreated Wastewater to Port Townsend Bay on December 31, 2021

On January 4, 2022, PTPC submitted a written report of violation to Ecology. The report stated that on December 31, 2021 approximately 20 gallons of untreated wastewater spilled from a leaking flange at the No.9 Pump Station pump manifold to Port Townsend Bay.

Violation No.4 – Untreated Wastewater to Port Townsend Bay on January 2, 2022

On January 4, 2022, PTPC submitted a written report of violation to Ecology. The report stated that on January 2, 2022 approximately 10 gallons of untreated wastewater spilled from a leaking flange at the No.9 Pump Station pump manifold to Port Townsend Bay.

Violation No.5 – Untreated Wastewater to Port Townsend Bay on January 17, 2022

On January 21, 2022, PTPC submitted a written report of violation to Ecology. The report stated that on January 17, 2022 approximately 500 gallons of untreated wastewater spilled from the No.9 Pump Station sump to Port Townsend Bay.

Special Condition S1.A of PTPC’s NPDES Permit No. WA0000922 requires PTPC to discharge treated process wastewater through Outfall 001. The discharge of untreated process wastewater prior to treatment works described above which occurred on November 22, 2021, December 30, 2021, December 31, 2021, January 2, 2022 and January 17, 2022 are therefore violations of NPDES Permit No. WA0000922.

Violation No.6, 7, 8, 9 and 10 - Total Suspended Solids (TSS) Percent Removal at Sanitary Wastewater Treatment Plant November 2021, December 2021, January 2022, February 2022, March 2022

PTPC reported the following TSS monthly average percent removals at the sanitary wastewater treatment plant in discharge monitoring reports (DMRs) for November 2021, December 2021, January 2022, and February 2022.

- For the month of November 2021, PTPC removed an average of 83% TSS at the sanitary wastewater treatment plant.
- For the month of December 2021, PTPC removed an average of 82% TSS at the sanitary wastewater treatment plant.
- For the month of January 2022, PTPC removed an average of 81% TSS at the sanitary wastewater treatment plant.
- For the month of February 2022, PTPC removed an average of 80% TSS at the sanitary wastewater treatment plant.
- For the month of March 2022, PTPC removed an average of 81% TSS at the sanitary wastewater treatment plant.
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Special condition S1.A of NPDES Permit No. WA0000922 requires that PTPC remove an average of 85% or more of the TSS from the incoming sanitary wastewater prior to discharge from the sanitary wastewater treatment plant. Therefore, PTPC violated Special Condition S1.A of NPDES Permit No. WA0000922 for the months of November 2021, December 2021, January 2022, February 2022, and March 2022.

Violation No.11 - Total Suspended Solids (TSS) Monthly Average at Sanitary Wastewater Treatment Plant (Outfall 005) March 2022

On April 15, 2022, PTPC submitted their DMR to Ecology for the monitoring period of March 1, 2022 through March 31, 2022. PTPC reported the below information.

- For the month of March 2022, PTPC discharged treated sanitary wastewater from Outfall 005 with an average concentration of 33 mg/L TSS.

Special condition S1.A of NPDES Permit No. WA000922 requires PTPC to discharge wastewater from its sanitary plant with concentrations no greater than 30 mg/L of TSS on a monthly average basis. PTPC exceeded this limitation for the month of March 2022. Therefore, PTPC violated Special Condition S1.A of NPDES Permit No. WA000922 for the month of March 2022.

Violation Nos. 12 and 13 – pH

PTPC submitted a written report of violation to Ecology on January 6, 2022 and February 14, 2022. The February 14, 2022 report stated that Outfall 001 pH was over 9.0 for a total of 35.4 hours between January 1, 2022 and January 3, 2022. The maximum pH during the event was 9.21.

Special Condition S1.A of PTPC’s permit allows for pH excursions between 9 and 10 for a total of 60 minutes for a single event and for no more than a total of 7 hours and 30 minutes for the entire month. This event exceeded the 60-minute maximum as well as the total monthly allowance and therefore violated Special Condition S1.A of NPDES Permit No WA0000922.

Violation Nos. 14, 15, 16, and 17 – Five-Day Biochemical Oxygen Demand (BOD$_5$) Daily Maximum at Outfall 001

On February 14, 2022, PTPC submitted their DMR to Ecology for the monitoring period of January 1, 2022 through January 31, 2022. On April 15, 2022, PTPC submitted their DMR to Ecology for the monitoring period of March 1, 2022 through March 31, 2022. PTPC reported the below information in the two DMRs.

- On January 1, 2022, PTPC discharged 9,622 lbs/day BOD$_5$ at Outfall 001
- On January 2, 2022, PTPC discharged 10,497 lbs/day BOD$_5$ at Outfall 001
- On January 3, 2022, PTPC discharged 13,626 lbs/day BOD$_5$ at Outfall 001
- On March 13, 2022 PTPC discharged 9,840 lbs/day of BOD$_5$ at Outfall 001
Special Condition S1.A of PTPC’s NPDES Permit No. WA0000922 allows PTPC to discharge no more than 8,850 lbs/day BOD5. Therefore, PTPC violated Special Condition S1.A of NPDES Permit No. WA0000922 on each of these days.

Violation No. 18 – BOD5 Monthly Average at Outfall 001

On April 15, 2022, PTPC submitted their DMR to Ecology for the monitoring period of March 1, 2022 through March 31, 2022. PTPC reported the below information.

- For the month of March 2022, PTPC discharged an average of 4,745 lbs/day of BOD5 through Outfall 001.

Special Condition S1.A of PTPC’s NPDES Permit No. WA0000922 allows PTPC to discharge no more than an average of 4,578 lbs per day of BOD5 each month. The average amount of BOD5 discharged during the month of March 2022 exceeded the monthly average limit. Therefore, PTPC violated Special Condition S1.A of NPDES Permit No. WA0000922 for the month of March 2022.

Violation No. 19 – TSS Monthly Average at Outfall 001


- For the month of January 2022, PTPC discharged an average of 8,317 lbs/day of TSS through Outfall 001.

Special Condition S1.A of PTPC’s NPDES Permit No. WA0000922 allows PTPC to discharge no more than an average of 8,243 lbs per day of TSS through Outfall 001 each month. The average amount of TSS that PTPC discharged through Outfall 001 for the month of January 2022 exceeded this limit. Therefore, PTPC violated Special Condition S1.A of NPDES Permit No. WA0000922.

ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations. Ecology has determined the requirements of RCW 34.05.110 do not apply to the violation(s) because you are not a small business as defined in RCW 34.05.110 (9).

FAILURE TO COMPLY WITH THIS NOTICE OF PENALTY

Continued failures of similar cause to the violation listed in this Notice of Penalty may result in additional, escalated penalties.
OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY

**Option 1:** Pay the penalty within 30 days after receiving the Notice of Penalty.

Make your payment payable to the *Department of Ecology*. Please include the penalty docket number on your payment.

**Mail payment to:**

Department of Ecology  
Cashiering Unit  
PO Box 47611  
Olympia, WA  98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid 30 days after receiving the Notice of Penalty, and have not appealed.

**Option 2:** Appeal to the PCHB and serve Ecology within 30 days after the date of receipt of the Notice of Penalty.

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 after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. 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

<table>
<thead>
<tr>
<th>Street Addresses</th>
<th>Mailing Addresses</th>
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<tbody>
<tr>
<td><strong>Department of Ecology</strong></td>
<td><strong>Department of Ecology</strong></td>
</tr>
<tr>
<td>Attn: Appeals Processing Desk</td>
<td>Attn: Appeals Processing Desk</td>
</tr>
<tr>
<td>300 Desmond Drive SE</td>
<td>PO Box 47608</td>
</tr>
<tr>
<td>Lacey, WA  98503</td>
<td>Olympia, WA  98504</td>
</tr>
<tr>
<td><strong>Pollution Control Hearings Board</strong></td>
<td><strong>Pollution Control Hearings Board</strong></td>
</tr>
<tr>
<td>1111 Israel Road SW</td>
<td>PO Box 40903</td>
</tr>
<tr>
<td>STE 301</td>
<td>Olympia, WA  98504-0903</td>
</tr>
<tr>
<td>Tumwater, WA  98501</td>
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</tbody>
</table>

CONTACT INFORMATION

Please direct all questions about this Notice of Penalty to:

Emily Toffol
Department of Ecology
Solid Waste Management Program – Industrial Section
PO Box 47600
Olympia, WA 98504-7706
Phone: (360) 790-8363
Email: emily.toffol@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board**
  http://www.eluho.wa.gov/Board/PCHB

- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
  http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B

- **Chapter 371-08 WAC – Practice and Procedure**

- **Chapter 34.05 RCW – Administrative Procedure Act**
  http://app.leg.wa.gov/RCW/default.aspx?cite=34.05

- **Ecology’s Laws, rules, & rulemaking website**
  https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking
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SIGNATURE

James DeMay, P.E.
Industrial Section Manager
Solid Waste Management Program
Washington State Department of Ecology

May 16, 2022
Date