



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
INDUSTRIAL STORMWATER
EXPEDITED SETTLEMENT AGREEMENT



Permittee		Site Factors	
Site Name:	Wilbur - Ellis Company - Mt Vernon	Acres of Exposure:	6
Street Address:	13586 BayView Edison Road	Full Time Employees:	6
City, State, Zip:	Mt. Vernon, WA 98273	Environmental Harm:	Med
Lat/Long:	48.449123, -122.472412	Sector:	C - Chemical and Allied Products Mfg.
Permit ID:	WAR309307	Receiving Water(s):	Unnamed Stream
Inspection Date:	9/12/2023	Water(s) Status:	Medium Quality
Permit Section Citation		Magnitude*	Penalty Amount
S3.4	Control Measure Selection and Design Considerations	Moderate	\$1,688
S3.4	Non-Numeric Technology-Based Effluent Limits	Minimal	\$844
S7	Monthly Facility Inspections	< 5%	\$338
S4	General Sampling Requirements	Moderate	\$1,688
S5	Benchmark Monitoring	< 5%	\$844
S8	Corrective Actions	Minimal	\$1,181
S3	Stormwater Pollution Prevention Plan (SWPPP)	Minimal	\$1,688
S9	Reporting and Recordkeeping	Minimal	\$338
		Total:	\$8,606

FILED

May 14, 2025

5:23 P.M. PST

U.S. EPA REGION 10
HEARING CLERK

* "Magnitude" reflects the severity and/or duration of the violations identified by the Inspector(s) at the time of the Inspection.



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Permit Section Citation	Description of Violations
S3.4 Control Measure Selection and Design Considerations	Lack of filtration BMPs in catch basins and lack of cleaning of catch basins. There was sediment and gravel accumulations in the catch basin conveyance system (A1 - A3) west of the facility fertilizer tank farm.
S3.4 Non-Numeric Technology-Based Effluent Limits	The Facility is storing upwards of 50 – 100 totes (e.g., 275-gallons or more per tote) containing fertilizer materials on the Facility's north-side equipment parking and material storage area (near Facility's western boundary), outside of containment and immediately adjacent to the Facility's west-side biofiltration swale (north-south orientation). The Facility is storing upwards of 10 – 15 totes (e.g., 275-gallons per tote) containing fertilizer materials outside of containment near the maintenance shop approximately 35-40 feet from Catch Basin (CB) – B1. ISGP-compliant spill kits were not available within the exact 25-foot distance required in the ISGP or nearby.
S7 Monthly Facility Inspections	Facility had not conducted monthly facility inspections for industrial stormwater discharges between February 2020 and July 15, 2020 (Clean Water Act 5-year statute of limitations until permit coverage) as required by the 2020 ISGP that became effective January 1, 2020, and the facility should have had permit coverage given its industrial activity and operation since before the January 1, 2020 permit effective date.
S4 General Sampling Requirements	Stormwater samples, including pH samples, taken for Quarter 4 of 2020 and Quarter 1 of 2022 were transported to the analytical laboratory for analysis, which likely did not result in the pH samples being analyzed within 15 minutes of sample collection at the Facility's MP-1. WEC was not able to provide or produce the required sample documentation for the March 15, 2022 stormwater sampling event during the inspection. WEC failed to sample for BOD5 in its Quarter 1 of 2022 stormwater sampling event at the Facility's MP-1. The WEC DMR included a note/comment that BOD5 was not sampled/analyzed in Quarter 1 of 2022.
S5 Benchmark Monitoring	Not conducted benchmark monitoring for industrial stormwater discharges between February 2020 and July 15, 2020 (Clean Water Act 5-year statute of limitations until permit coverage) when facility has been operating since at least 1989 and the 2020 ISGP was available to submit an NOI for permit coverage for industrial stormwater discharges before permit effective date of January 1, 2020. There have been significant rain events (at least 0.5" rain) between February 10, 2020 and July 15, 2020 based on MOUNT VERNON 3.4 W weather monitoring station in which sampling and monitoring would have been required by the 2020 ISGP.
S8 Corrective Actions	Lack of presenting WEC's Q4 benchmark exceedances at MP-1 in 2020 in the annual report for 2020, and the annual report did not include any descriptions or narrative related to the required information for a Permittee's follow-up related to benchmark value exceedances, including no information on any Level 1 corrective actions. Additional benchmark exc
S3 Stormwater Pollution Prevention Plan (SWPPP)	In accordance with ISGP S3.B.4.b, the Permittee must justify each mandatory BMP omission in the SWPPP. The SWPPP, Table C.1, does not justify the omission of the vacuum sweeping BMP requirement. No staff SWPPP training log information or other training documentation was available or provided for 2020 and 2021.
S9 Reporting and Recordkeeping	WEC failed to submit an accurate DMR for Q4 2020 because the DMR failed to include the sampling results produced by Edge Analytical on January 4, 2021 regarding the WEC's December 18, 2020 stormwater sampling at MP-1. Late DMR submittals 4/1/24, 10/1/22, 7/1/22, 4/1/22, and 1/1/22 according to Washington's Permitting and Reporting Information System (PARIS).