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## Stormwater Enforcement: U.S. Environmental Protection Agency and Lynden, Washington Refrigerated Warehousing/Storage Facility Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Americold Logistics, LLC – Lynden (“ALL”) entered into a March 9th Consent Agreement (“CA”) to address alleged violations of a Clean Water Act Stormwater Industrial General Permit. See Docket No. CWA-10-2020-0026.

The CA provides that ALLL owns and operates a facility (“Facility”) at Lynden, Washington.

The Facility is described as conducting operations that include receiving and providing temperature-controlled storage for perishable goods. Such activities are stated to be categorized under Standard Industrial Classification code 4222 (Refrigerated Warehousing and Storage).

The Facility is stated to discharge stormwater into a creek via four identified discharge points. Such stormwater is stated to contain pollutants within the meaning of Section 502(6) and (12) of the Clean Water Act. The discharge is stated to have been authorized by ISGP permit number WAR301590 (i.e., discharge of stormwater associated with industrial activity). The Facility is stated to have implemented a draft Stormwater Pollution Prevention Plan (“SWPPP”).

EPA is stated to have conducted a compliance evaluation inspection at the Facility on August 2, 2017, to determine the Facility’s compliance with the stormwater permit. Further, EPA is stated to have requested records concerning the Facility’s compliance with the stormwater permit including the SWPPP. The draft SWPPP is stated to have been provided to EPA. Further, EPA is stated to have reviewed the SWPPP, quarterly discharge monitoring reports, analytical records, SWPPP training records, annual reports, and electronic work order system records.

The compliance evaluation inspection allegedly determined certain violations of terms and conditions of the stormwater permit which include:

- Failure to Store Petroleum Products Within Secondary Containment
- Failure to Submit Accurate Discharge Monitoring Reports
- Failure to Collect Quarterly Samples
- Failure to Submit Discharge Monitoring Reports
- Failure to Retain Copies of Discharge Monitoring Reports On-site
- Failure to Retain Copies of Laboratory Reports On-site

- Failure to Implement Level 3 Corrective Actions
- Failure to Sign and Certify the SWPPP
- Failure to Identify Potential Sources of Pollutants in the SWPPP
- Failure to identify Parameters for Analysis and Holding Times
- Failure to Meet Sampling Holding Time
- Failure to Submit Annual Reports
- Failure to Retain Records of Monthly Inspections
- Failure to provide Annual SWPPP Training
- Failure to Properly Describe Business Hours in SWPPP

ALLL is stated to neither admit nor deny the specific factual allegations contained in the CA.

The CA assesses a civil penalty of \$41,500.

A copy of the CA can be downloaded [here](#).