



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

*Via Certified Mail: 7007 0710 0003 6240 3411*  
*Return Receipt Requested*

Mary McMillan  
President  
Cross Link Inc. dba Westar Marine Services  
Pier 50, Shed C  
San Francisco, CA 94158

Dear Ms. McMillan:


On September 9, 2010, a representative of the U.S. Environmental Protection Agency conducted a Clean Water Act compliance inspection of the towing and tugboat services facility operated by Westar Marine Services located at Pier 50, Shed C in San Francisco, California (Facility). A copy of the September 9, 2010 inspection report is enclosed for your information.

Based on the inspection and other available information, EPA today issues the enclosed Findings of Violation and Order for Compliance requiring Westar Marine Services to take specific actions to bring the Facility into compliance with the Clean Water Act, including the following:

1. Revise the Storm Water Pollution Prevention Plan for the Facility;
2. Develop a monitoring plan for the Facility;
3. Perform interim measures to cover and contain outdoor pollutant sources; and
4. Complete additional tasks identified in the Order, within the time specified by the Order.

If you have any questions concerning this matter, please contact Rick Sakow of my staff at (415) 972-3495.

Sincerely yours,

  
Alexis Strauss, Director  
Water Division  
10 June 2011

Enclosures

cc: Richard Berman, Port of San Francisco  
Christine Boschen, San Francisco RWQCB  
Rich Smith, Westar Marine Service

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
**REGION 9**

75 Hawthorne Street  
San Francisco, California 94105

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**IN THE MATTER OF:**

**Cross Link Inc.**  
**dba Westar Marine Services**  
Pier 50, Shed C  
San Francisco, CA 94158  
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Docket No. CWA 309(a)-11-007

**FINDINGS OF VIOLATION  
AND  
ORDER FOR COMPLIANCE**

Proceedings under Section 308(a) and 309(a)  
of the Clean Water Act, as amended, 33  
U.S.C. Sections 1318(a), and 1319(a)

**STATUTORY AUTHORITY**

The following Findings of Violation are made and Order for Compliance (Order) issued pursuant to the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Sections 308(a) and 309(a)(3), (a)(4), and (a)(5)(A) of the Clean Water Act, as amended (the Act or CWA), 33 U.S.C. §§ 1318(a), and 1319(a)(3), (a)(4), and (a)(5)(A). This authority has been delegated to the Regional Administrator of EPA, Region 9 and re-delegated by the Regional Administrator to the Director of the Water Division of EPA, Region 9. Notice of this action has been given to the State of California.

**FINDINGS OF VIOLATION**

1. Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants into waters of the United States, except in compliance with the Act, including Section 402, 33 U.S.C. § 1342.
2. Section 402 of the Act, 33 U.S.C. § 1342, establishes the National Pollutant Discharge Elimination System (NPDES) program. Under Section 402, 33 U.S.C. § 1342, EPA and states with EPA-approved NPDES programs are authorized to issue permits governing the discharge of pollutants from regulated sources.
3. Section 402(p) of the Act, 33 U.S.C. § 1342(p), and EPA's implementing regulations at 40 CFR § 122.26, require NPDES permit authorization for discharges of storm water associated with industrial activity. Facilities engaged in industrial activity, as defined by 40 CFR § 122.26(b)(14), must obtain NPDES permit authorization if they discharge or

propose to discharge storm water into waters of the United States. Pursuant to 40 CFR §§ 122.26(a)(1)(ii) and 122.26(c), dischargers of storm water associated with industrial activity are required to apply for an individual permit or to seek coverage under a promulgated storm water general permit.

4. Standard Industrial Classification (SIC) Major Group 44 includes establishments engaged in freight transportation on the open seas or inland waters and facilities furnishing such incidental services as lightering and towing. Towing and Tugboat Services, SIC 4492, falls under SIC Major Group 44 and includes establishments primarily engaged in furnishing marine towing and tugboat services in the performance of auxiliary or terminal services in harbor areas. The vessels used in performing these services do not carry cargo or passengers. Water Transportation of Freight, Not Elsewhere Classified, SIC 4449, falls under SIC Major Group 44 and includes establishments primarily engaged in the transportation of freight on inland waterways, including bays and sounds of the oceans. Water Transportation of Passengers not Elsewhere Classified, SIC 4489, falls under SIC Major Group 44 and includes establishments primarily engaged in furnishing water transportation of passengers in, among other vessels, water taxis. Pursuant to 40 CFR § 122.26(b)(14)(viii), establishments providing towing and tugboat service, Water Transportation of Freight not Elsewhere Classified, and Water Transportation of Passengers not Elsewhere Classified that have vehicle maintenance shops and equipment cleaning operations are engaged in industrial activities subject to the discharge and permitting requirements under Section 402 of the Act, 33 U.S.C. § 1342.
5. Section 308(a) of the Act, 33 U.S.C. § 1318(a), and its implementing regulations authorize EPA to, inter alia, require the owner or operator of any point source to establish records, make reports, or submit other reasonably required information, including individual and general NPDES permit applications.
6. The State of California has an EPA-approved NPDES program and issues permits, including storm water permits, through its State Water Resources Control Board (State Board) and nine Regional Water Quality Control Boards (Regional Boards). The permit that is currently effective, General Permit No. CAS000001, Water Quality Order No. 97-03-DWQ (General Permit) was adopted on April 17, 1997.
7. The General Permit requires facility operators to develop and implement a storm water pollution prevention plan (SWPPP) prior to commencing industrial operations. (General Permit, Section A(1)(a), pg. 11). The purpose of the SWPPP is to identify sources of industrial storm water pollution and to identify and implement site-specific best management practices (BMPs) to control discharges.
8. The SWPPP must include, inter alia, a narrative description of the storm water BMPs to be implemented at the facility for each potential pollutant and its source as well as a site map (or maps) that identifies: (a) facility boundaries and an outline of facility drainage areas, (b) the storm water collection and conveyance system, (c) an outline of impervious

areas, (d) locations where materials are directly exposed to precipitation, and (e) areas of industrial activity. (General Permit, Section A(4), pg. 12 and Section A(8), pg. 17).

9. Facility operators must reduce or prevent pollutants associated with industrial activity in storm water discharges and authorized non-storm water discharges using best available technology economically achievable (BAT) for toxic pollutants and best conventional pollutant control technology (BCT) for conventional pollutants. (General Permit, Effluent Limitation B(3), pg. 4).
10. Facility operators must develop a written monitoring program and must conduct quarterly visual observations of non-storm water discharges, monthly visual observations of storm water events, and prescribed storm water sampling and analysis. (General Permit, Section B(1), (3), (4), and (5), pg. 24-27). In addition, facility operators must submit an annual report to the Regional Board that summarizes visual observations and sampling and provides a comprehensive site compliance evaluation. (General Permit, Section B(14), pg. 35). A copy of the written monitoring program as well as records of inspections, steps taken to reduce or prevent discharges, and the annual report must be maintained for at least five years and must be available at the facility for review by facility employees or inspectors. (General Permit, Section B(13), pg. 34).
11. Cross Link Inc., doing business as Westar Marine Services (Westar or Respondent) is a California company and is thus a "person" under CWA Section 502(5), 33 U.S.C. § 1362(5).
12. Respondent operates a facility within the boundaries of the Port of San Francisco, (the Port) located at Pier 50, Shed C, in San Francisco, CA (Facility). Respondent operates tugboats, water taxis, and barges, and offers services to the San Francisco Maritime Community that include water taxi, barge and tanker escort, ship assist, construction support, anchor handling, and warehousing. A Westar representative stated during EPA's September 9, 2010 inspection that Westar does boat maintenance at the facility. Cleaning and maintenance equipment observed during the inspection include a pressure washer, a generator and a mobile diesel fuel tank. The vehicle maintenance and equipment cleaning operations that Respondent conducts at the Facility in support of its maritime services are industrial activities classified under SIC Major Group 44, and thus subject Respondent to the requirements of the General Permit.
13. Respondent submitted a notice of intent to comply (NOI) with the terms of the General Permit to the State Board on or about April 3, 1992 to operate at Pier 46b at the Port. The State Board assigned Waste Discharge Identification (WDID) 2 38I004063 for the Pier 46b location. On September 12, 1997, Respondent submitted a notice of termination indicating that it no longer operated at Pier 46b. On April 25, 2000, Respondent submitted a new NOI to operate at the Pier 50 Shed C location. The State Board assigned (WDID) Number 2 38I016043 for the Pier 50 Shed C facility on August 25, 2000.

14. Respondent participates in the Port of San Francisco's Tenant Group Storm Water Monitoring Program. In this voluntary program, Port staff or contractors collect wet weather samples from facilities. Port staff and consultants determine the appropriate sampling location by considering the drainage patterns and the locations of various industrial operations at the facility. This program only collects wet weather samples, and it remains the tenants' responsibility to conduct quarterly visual observations. The Port shares the analytical sample results with the tenant and it is the tenants' responsibility to submit these results to the Regional Report in an individual Annual Report.
15. All storm water runoff at the Facility flows into San Francisco Bay through scupper drains located along the northern edge of Pier 50 and through multiple 2-inch drains in the parking lot area west of Shed C and also through scupper drains located approximately every 30 feet along the footing of Shed C.
16. Storm water discharged from the Facility contains "pollutants," including industrial waste, as defined by Section 502(6) of the Act, 33 U.S.C. § 1362(6), and is storm water discharge associated with industrial activity as defined by EPA regulations in 40 CFR § 122.26(b)(14).
17. The San Francisco Bay is a "navigable water" within the meaning of Section 502(7) of the Act, 33 U.S.C. § 1362(7), and a water of the United States as defined by EPA regulations in 40 CFR § 122.2.
18. Portions of the San Francisco Bay have been listed under Section 303(d) of the Act, 33 U.S.C. § 1313(d), as an impaired water body for chlordane, DDT, dieldrin, dioxin compounds, furan compounds, invasive species, mercury, PCBs, and trash.
19. On September 9, 2010, representatives of EPA inspected the Facility to evaluate Respondent's compliance with the General Permit. The inspection report is attached and incorporated by reference, and contains evidence that Respondent:
  - a. Failed to comply with the Storm Water Pollution Prevention Plan (SWPPP) requirements of the General Permit (General Permit, Section A, pg. 11-23), including:
    1. Failure to identify a specific individual or individuals and their positions within the facility organization as members of a storm water pollution prevention team;
    2. Failure to develop a complete Facility map (General Permit, Section A(4), pg. 13);
    3. Failure to include a list of significant materials handled and stored at the Facility (Section A(5), pg. 14);
    4. Failure to include a narrative description of the Facility's industrial activities and associated potential pollutant sources (General Permit, Section A(6), pg. 14); and

5. Failure to include a narrative description of all storm water BMPs to be implemented at the Facility for each potential pollutant and its source identified in the site assessment phase (General Permit, Section A(8), pg. 17).
  - b. Failed to comply with the Monitoring Program and Reporting Requirements (Monitoring Program) of the General Permit (General Permit, Section B, pg. 24-45), including:
    1. Failure to perform and maintain records of quarterly non-storm water discharge visual observations and monthly wet weather visual monitoring (General Permit, Sections B(3)d, pg. 25 and B(13), pg. 34).
  - c. Failed to implement adequate BMPs, as required by the General Permit (Effluent Limitation B(3), pg. 4, and Section A(8), p. 17), in that:
    1. Metal shavings and other fine particulates were evident outdoors throughout Pier 50 that would discharge into San Francisco Bay as a result of rainfall and winds;
    2. Drums of liquid substances, boat engines, pumps, generators and other equipment were observed outdoors without cover or containment and leaks and stains were observed under equipment and elsewhere that could result in pollutant discharge to San Francisco Bay; and
    3. A hand washing station was situated at the edge of Pier 50 in such a way that detergents and hand-washing rinsate would discharge directly into San Francisco Bay.
20. Based on the foregoing, EPA has determined that Respondent has violated the CWA as follows:
- a. Respondent's failure to develop a SWPPP that complies with the requirements of the General Permit while engaged in industrial activity at the Facility violated the General Permit (General Permit, Provision E(2) pg. 6, and Section A, pg. 11-23), (which was issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342) and thus violated Section 301(a) of the Act, 33 U.S.C. § 1311(a);
  - b. Respondent's failure to develop and implement an adequate Monitoring Program while engaged in industrial activity at the Facility violated the General Permit (General Permit, Provision E(3) pg. 6, and Section B, pg. 24-45), (which was issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342) and thus violated Section 301(a) of the Act, 33 U.S.C. § 1311(a); and
  - c. Respondent's failure to implement the SWPPP, including its failure to implement adequate BMPs, while engaged in industrial activity at the Facility violated the General Permit (Provision E(2) pg. 6; Section A, pg. 11-23; and General Permit, Effluent Limitation B(3) pg. 4), (which was issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342) and thus violated Section 301(a) of the Act, 33 U.S.C. § 1311(a).

## ORDER FOR COMPLIANCE

Considering the foregoing Findings of Violations and the potential environmental and human health effects of the violations, EPA has determined that compliance in accordance with the following requirements is reasonable. Pursuant to the authority of Sections 308 and 309 of the Act, 33 U.S.C. §§ 1318 and 1319, Respondent is hereby ordered to comply with the following requirements:

21. Immediately upon receipt of this Order, Respondent shall take all necessary measures to fully and properly comply with all terms and conditions of the General Permit.
22. Immediately upon receipt of this Order, Respondent shall take all necessary measures to fully and properly comply with the Monitoring Program and reporting requirements of the General Permit, including:
  - a. Conduct monthly storm water discharge visual observations from one storm event per month during the wet season (October 1 – May 30). Document and retain records of observations; and
  - b. Conduct quarterly non-stormwater water discharge visual observations. Document and retain records of observations.
23. Within 30 days of receipt of this Order, Respondent shall complete interim cleanup and housekeeping measures (Interim Measures) for all of the Facility's exposed areas of industrial activity to minimize or eliminate pollutant discharges to the San Francisco Bay. Respondent shall, at a minimum:
  - a. Implement appropriate cover / containment BMPs for outdoor sand storage area;
  - b. Clean up track-out staining and spills at all western entrances to Shed C;
  - c. Implement appropriate BMPs to prevent the track-out of oils and fluids from maintenance activities taking place in Shed C;
  - d. Clean up accumulated particulates and debris along Pier 50;
  - e. Place the oil drums stored outdoors on spill pallets and under cover; and
  - f. Implement appropriate containment BMPs to collect wash water at the hand washing station on the western side of Pier 50 to prevent rinsate from discharging into San Francisco Bay.

Within 30 days of receipt of this Order and upon completion of the Interim Measures, Respondent shall submit a Notice of Completion, which shall include a list of the Interim Measures taken, the date each Interim Measure was completed, the person(s) responsible for overseeing completion of each Interim Measure, and copies of documents associated with the completion of the Interim Measures, such as contracts, permits, manifests, and photographs.

24. In performing Interim Measures, care shall be taken to ensure they do not cause or contribute to any runoff to waters of the United States, the municipal storm drains, or the municipal sewer system. Care shall be taken to ensure compliance with all applicable

federal, state, and local waste storage and disposal requirements.

25. Within 60 days of the receipt of this Order, Respondent shall submit a revised SWPPP that fully complies with the General Permit (General Permit, Section A., pg. 11-23). The revised SWPPP shall include, among all other required elements:

- a. Identification of a specific individual or individuals and their positions within the Facility organization as members of a stormwater pollution prevention team;
- b. A current SWPPP Map that includes all required elements (General Permit, Section A(4), P. 12);
- c. A list of significant materials handled and stored at the Facility;
- d. A narrative description of industrial activities and potential pollutant sources at the Facility and descriptions of BMPs used to minimize spills and drippage; and
- e. A description of appropriate structural controls such as covering storm drains and keeping materials under cover.

26. Within 45 days of the receipt of this Order, Respondent shall submit a report to EPA on the costs associated with: revising the SWPPP and the projected incremental annual costs associated with implementing the revised SWPPP and the revised the Monitoring Program requirements.

27. All reports submitted pursuant to this Order must be signed by a principal executive officer, ranking elected official, or duly authorized representative of Respondent (as specified by 40 CFR § 122.22 (b)(2)) and shall include the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

28. All submissions requested by this Order shall be mailed to the following address:

U. S. Environmental Protection Agency - Region 9  
Clean Water Act Compliance Office WTR-7  
75 Hawthorne Street  
San Francisco, CA 94105  
Attention: Rick Sakow

All telephone inquiries should be made to Rick Sakow, Environmental Protection



Specialist, at (415) 972-3495.

29. Respondents shall send a copy of all submissions required under this Order to:
- San Francisco Bay Regional Water Quality Control Board  
1515 Clay Street, Suite 1400  
Oakland, CA 94612  
Attention: Christine Boschen
30. This Order shall be binding upon Respondent and its officers, directors, agents, employees, heirs, successors, and assigns.
31. This Order is not a permit under the CWA, and does not waive or modify Respondent's obligation and responsibility to ascertain and comply with all applicable federal, state, or local laws, regulations, ordinances, permits, or licenses.
32. This Order is not to be deemed an election by EPA to forgo any remedies available to it under the law, including without limitation, any administrative, civil, or criminal action to seek penalties, fines, or other appropriate relief under the Act. EPA reserves all rights and remedies, legal and equitable, available to enforce any violations cited in this Order and to enforce this Order.
33. Requests for information contained within this Order are not subject to review by the Office of Management and Budget under the Paperwork Reduction Act because it is not a "collection of information" within the meaning of 44 U.S.C. § 3502(3). It is directed to fewer than ten persons and is an exempt investigation under 44 U.S.C. § 3518(c)(1) and 5 CFR § 1320.4(a)(2).
34. Respondent may not withhold from EPA any information on the grounds that it is confidential business information. However, EPA has promulgated, under 40 CFR Part 2, Subpart B, regulations to protect confidential business information it receives. If legally supportable, a claim of business confidentiality may be asserted in the manner specified by 40 CFR § 2.203(b) for all or part of the information requested by EPA. EPA will disclose business information covered by such claim only as authorized under 40 CFR Part 2, Subpart B. If no claim of confidentiality accompanies the information at the time EPA receives it, EPA may make it available to the public without further notice.
35. Section 309(a), (b), (d) and (g) of the Act, 33 U.S.C. § 1319(a), (b), (d) and (g), provides administrative and/or judicial relief for failure to comply with the CWA. In addition, Section 309(c) of the Act, 33 U.S.C. § 1319(c), provides criminal sanctions for negligent or knowing violations of the CWA and for knowingly making false statements.

36. This Order shall become effective upon the date of receipt by Respondent.

Alexis Strauss  
Alexis Strauss, Director  
Water Division

10 June 2011  
Date



# NPDES Industrial Storm Water Investigation and Case Development Worksheet (CA Industrial)

## Background Information

National Database Information		General	
Facility	Westar Marine Services	Inspector Name	Rick Sakow (EPA) Greg Gholson (EPA) Luis Garcia Bakarich (EPA) Carol Bach (Port of San Francisco)
WDID Number	238I016043	Telephone	Rick Sakow: (415) 972-3495
Inspection Date	September 9, 2010	Entry Time	11:15 am
Inspection Type	Clean Water Act Compliance	Exit Time	1:00 pm
Facility Type/SIC	4492 – Towing and Tugboat Services	Signature	<i>Rick Sakow 3/7/2011</i>

Facility Location Information				
Name/Location/ Mailing Address	Westar Marine Services Pier 50, Shed C San Francisco, CA 94158-2120			
GPS Coordinates	Latitude	37°46'26.99 N	Longitude	122°23'04.10 W
Receiving Water(s)	San Francisco Bay			
	Name	Telephone		
Owner	Mary McMillan, President	(415) 495-3191		
Operators	Dan De Forge, Sea Captain (415) 495-3191	Mark Gustin, Safety Officer (415) 495-3191		

Basic Permit Information <i>(bold one)</i>			Summary Site Evaluation*	
Permit Coverage	<b>Y</b>	N	Permit Coverage	S
Permit Type	<b>General</b>	Individual	SWPPP <i>(field review)</i>	U
Copy of SWPPP on Site?	<b>Y</b>	N	Records <i>(review includes maintenance, inspection training logs)</i>	U
Copy of permit on site?	Undetermined		SWPPP <i>(implementation)</i>	U

\*Use the following codes: (S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Evaluated)





# NPDES Industrial Storm Water Investigation and Case Development Worksheet (CA Industrial)

## SWPPP Implementation

<u>General</u>	
<b>Industrial Activity</b>	<p>Westar operates a fleet of tug boats, crew boats and barges, some of which are docked at Pier 50 and others are deployed offsite. At the Pier 50 facility, Westar performs general maintenance, repairs and fueling of marine vessels and also prepares barges for specialty events such as fire-works shows. Maintenance activities occur inside of a covered warehouse (Shed C) and outdoors along the 1400 foot dock on the northern edge of Pier 50. Inspectors observed the following industrial equipment outdoors on Pier 50 during the inspection: an above ground storage tank, a pressure washer, a generator, an oil-water separator, a hoist hydraulic lines and various pumps. Westar leases space along Pier 50 to private companies to dock, load and unload materials, fuel vessels and conduct repairs. Westar's 08/25/2000 Notice of Intent indicates that the facility operates as SIC 4449: Water Transportation of Freight, not elsewhere classified. However, based on the activities observed during the inspection, EPA believes that SIC 4492, Towing and Tugboat Services is the appropriate SIC.</p>
<b>Facility Description</b>	<p>Westar occupies one third of a covered warehouse on Pier 50 (Shed C) with the other portion occupied by Goodwill. Westar utilizes the entire 1400 ft length of dock space on the northern side of Pier 50. Pier 50 drains to San Francisco Bay through scuppers located along the edge of the pier. An employee and customer parking area located west of Shed C drains to San Francisco Bay through numerous three inch drainage pipes in the asphalt. There are scupper drains approximately every 20 feet along the foot of Shed C which also discharge directly to San Francisco Bay.</p>

<u>Storm Water Controls</u>	
<b>List the structural and non-structural controls employed by the facility.</b>	<p><b>Structural:</b> Mark Gustin of Westar stated during the inspection that most maintenance activities occur inside Shed C. However, it was apparent during the inspection that maintenance activities take place outdoors as well. Inspectors observed active fueling, as well as accumulated metal filings, staining on the surfaces of Pier 50 as well as track-out staining outside of the entrances to Shed C (see IMGP1796, IMGP1793 and IMGP1813). During the inspection, Westar utilized secondary containment pallets for an oil-water separator (see IMGP1790) and a mobile diesel fuel tank. The diesel tank was covered by a metal container.</p> <p><b>Non Structural:</b> Outdoor dumpsters were closed during the inspection (see IMGP1808).</p>



# NPDES Industrial Storm Water Investigation and Case Development Worksheet (CA Industrial)

<b>Are the controls reasonable and appropriate for the facility?</b>	<p>No. Exposed drums and maintenance equipment lined the 1400 foot pier without secondary containment or cover. Inspectors observed oil staining on the dock and track-out stains near the entrances to Warehouse C (see IMGP1811). Additional BMPs are needed to cover / contain maintenance equipment and materials stored outdoors.</p> <p>Sand used for pyrotechnics was stored outside without any containment (see IMGP1805 and IMGP1806) and inspectors observed accumulated sediments along the length of Pier 50 (see IMGP1800, IMGP1802, IMGP1822 and IMGP1827). Additional BMPs are needed to cover and contain materials stored outdoors.</p>
<b>Are the controls maintained in effective operating condition?</b>	Two secondary containment basins were observed during the inspection and they were both free of cracks and leaks. Shed C appeared to be in solid structural condition.
<b>Good Housekeeping</b>	Inspectors observed the outdoor storage of approximately 24 drums with unknown contents and a large amount of obsolete, rusting equipment with no cover or containment along Pier 50. Fine particulates were observed in areas along the entire stretch of Pier 50 with accumulated staining and track-out near the warehouse entrances (see IMGP1800, IMGP1802, IMGP1811, IMGP1816, IMGP1818, IMGP1822), indicating a need for additional good housekeeping practices.

<u>Miscellaneous</u>	
<b>Non-Storm Water Discharges</b>	<p>A hand washing station was observed along Pier 50 which discharges directly into San Francisco Bay. Westar staff indicated that biodegradable detergents are used at the hand washing station, but this was not confirmed during the inspection. BMPs are needed to prevent detergents and hand washing rinsate from discharging into San Francisco Bay.</p> <p>Potential sources of non-storm water discharges include:</p> <ul style="list-style-type: none"> <li>- Detergents and rinsate from the hand washing station;</li> <li>- Spillage of sand during the transport to barges;</li> <li>- Paint chips if vessel sanding is done outdoors;</li> <li>- Potential discharge of spilled bulk materials / fuels; and</li> <li>- Material and/or vessel wash-down rinsate from the pressure washer (IMGP1793).</li> </ul>





# NPDES Industrial Storm Water Investigation and Case Development Worksheet (CA Industrial)

<b>Any evidence of Non-Storm water Discharge?</b>	The hand wash station is positioned to discharge detergents and rinsate directly into the Bay. Significant oil staining and accumulated sediments along Pier 50 indicate the potential for non-storm water discharges to reach San Francisco Bay through the scuppers located along Pier 50 (see IMGP1799 and IMGP1809). Inspectors observed a pressure washer deployed, but not actively in use, during the inspection (IMGP1793).
<b>Do the storm water inlets correspond with site map?</b>	There was no site map included with the SWPPP provided during the inspection. Westar staff did provide an undated general site map titled "WESTAR MARINE SERVICES PIER 50" which did not show the location of storm drains in the parking lot area or scuppers along the Pier 50 and at the footing of Shed C. The stormwater sampling points were not included on the map. During the inspection, Westar staff stated that stormwater samples are collected from two scuppers located along Pier 50 – one in front of the mobile fuel tank (IMGP1813) and a second scupper labeled "15".

Notes
Westar staff Craig Page accompanied EPA staff during the inspection. Craig Page and Arvind Patel attended the closing conference at the end of the inspection.
Westar leases portions of the dock space along Pier 50 to private companies. During the inspection, General Petroleum occupied the western portion of Pier 50. Inspectors observed a General Petroleum fuel truck supplying fuel to a docked vessel without a containment boom deployed (see IMGP1793, IMGP1795 and IMGP1799). Westar staff indicated that they had no written lease agreement with General Petroleum. Therefore, there is no written agreement in place to assign responsibility of pollution prevention practices with tenants.
Westar participates in the Port of San Francisco's Tenant Group Storm Water Monitoring Program. In this voluntary program, Port staff or contractors collect wet weather samples from facilities. Port staff and consultants determine the appropriate sampling location by considering the drainage patterns and the locations of various industrial operations at the facility. This program only collects wet weather samples, and it remains the tenants' responsibility to conduct quarterly visual observations. The Port shares the analytical sample results with the tenant and it is the tenants' responsibility to submit these results to the Regional Report in an individual Annual Report.

## SWPPP Review

General			Notes:
Does the SWPPP contain the signature of a responsible party?	Y	<b>N</b>	Inspectors obtained a copy of the SWPPP during the inspection which was a one-page, three paragraph document that described the facility's location and operations. The SWPPP was not signed and did not reference a responsible party.
Is an individual/team responsible for developing/implementing SWPPP identified (e.g. pollution prevention team)?	Y	<b>N</b>	SWPPP contains no date or signature / certification page and it does not identify any person or team of people responsible for SWPPP development / implementation.





# NPDES Industrial Storm Water Investigation and Case Development Worksheet (CA Industrial)

<u>Site Map and Narrative</u>		Notes:	
Is there a site map?	Y	N	The SWPPP did not contain a site map during the inspection. The general site map provided during the inspection lacked many of the required elements of a SWPPP site map.
Drainage patterns/ outfalls?	Y	N	Drainage patterns and outfalls were not indicated on the site map provided during the inspection. The SWPPP states that "All storm water discharge points are inaccessible to Westar and impossible to isolate from other Port tenants at Pier 50." Westar staff stated during the inspection that Westar uses the entire length of Pier 50, and that there are two sampling locations.
Identification of types of pollutants likely to be discharged from each drainage area?	Y	N	Not shown on site map. The SWPPP describes the site as being 34% impervious, however the entire site, including the dock, is lined with asphalt and appears to be 100% impervious.
Location of major structural controls used to reduce pollutants in runoff?	Y	N	
Name of receiving water(s) listed?	Y	N	
Location of significant materials exposed to storm water?	Y	N	
List of significant spills and leaks, description of response taken, and actions to prevent similar spills in the future?	Y	N	
Location of fueling, maintenance, loading and unloading, material storage, waste disposal?	Y	N	

<u>Summary of Potential Pollutant Sources</u>		Notes:	
Description of activities, materials, features of site with potential to contribute significant amounts of pollutants to storm water?	Y	N	

<u>Storm Water Controls</u>		Notes:	
Does the SWPPP describe the <i>non-structural</i> controls that will be used to prevent/reduce discharge of pollutants in storm water runoff?	Y	N	The SWPPP states that "Maintenance and repairs during the storm season are limited to what can be performed in a covered or inside location to eliminate any exposure to storm discharge." The SWPPP states that "Westar has implemented a program to have major painting projects



# NPDES Industrial Storm Water Investigation and Case Development Worksheet (CA Industrial)

			performed at a shipyard or by an outside contractor.” This statement does not explicitly preclude painting projects from occurring onsite by a contractor. The SWPPP also states that “Maintenance and repair items are stored inside the facility, covered enclosures, or in covered areas of the vessels.”
Does the SWPPP describe the <i>structural</i> controls that will be used to prevent/reduce discharge of pollutants in storm water runoff?	<b>Y</b>	N	The SWPPP states that “Westar performs general maintenance and repairs onboard the vessels or in a repair shop inside the facility”.
Does the SWPPP describe other controls that will be used to prevent/reduce off-site tracking or blowing of sediment, dust and raw, final or waste materials, or other solid materials and floating debris?	Y	<b>N</b>	
Does the SWPPP incorporate baseline controls (good housekeeping, minimizing exposure, PM, spill prevention/response procedures, routine inspections and comprehensive site evaluations, employee training, sediment and erosion control, runoff management)?	Y	<b>N</b>	
Does the SWPPP contain completed inspection reports/logs regarding reportable implementation baseline controls?	Y	<b>N</b>	Inspectors asked for copies of all inspection reports. Westar generated copies of the Annual Site Inspection Reports dated 6/1/2010, 6/4/2009, 6/10/2008 and 6/11/2007. Each of these reports stated that no deficiencies were observed and no corrective actions were taken. Westar staff could not generate records of monthly wet weather visual observations nor quarterly non-storm water discharge visual observations during the inspection.
Does the SWPPP describe the pollutant or activity to be controlled by each selected control and provide an implementation schedule?	Y	<b>N</b>	

Non-Storm Water Discharges		Notes:	
Does the SWPPP describe methods to prevent non-storm water discharges?	<b>Y</b>	N	The SWPPP does not list measures to prevent non-storm water discharges from the hand washing station or equipment and materials stored outdoors.
Does the SWPPP describe the monitoring process for non-storm water discharges (quarterly dry weather screening)?	Y	<b>N</b>	





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Monitoring			Notes:
<p>Is the Facility conducting monitoring as required (monthly wet weather observations, quarterly visual observations, twice yearly sampling)?</p>	<b>Y</b>	N	<p>Westar staff could not generate records of monthly wet weather visual observations nor quarterly non-storm water discharge visual observations during the inspection.</p> <p>Westar participates in the Port of San Francisco's Tenant Group Storm Water Monitoring Program. In this voluntary program, Port staff or contractors collect wet weather samples from facilities. Port staff and consultants determine the appropriate sampling location by considering the drainage patterns and the locations of various industrial operations at the facility. This program only collects wet weather samples, and it remains the tenants' responsibility to conduct quarterly visual observations. The Port shares the analytical sample results with the tenant and it is the tenants' responsibility to submit these results to the Regional Report in an individual Annual Report.</p> <p>At the time of the inspection, Westar had two stormwater sampling locations, both along Pier 50.</p>
<p>Does the SWPPP discuss benchmark monitoring and responses to any monitoring with results over benchmark values?</p>	Y	<b>N</b>	<p>The 2009-2010 stormwater sampling analytical results show the following exceedances of benchmark levels:            Zinc detected (0.46 mg/L)      Benchmark level (0.117 mg/L),            TSS (180 mg/L)                      Benchmark (100 mg/L)</p> <p>The SWPPP does not mention benchmarks or corrective actions in response to potential exceedances.</p>

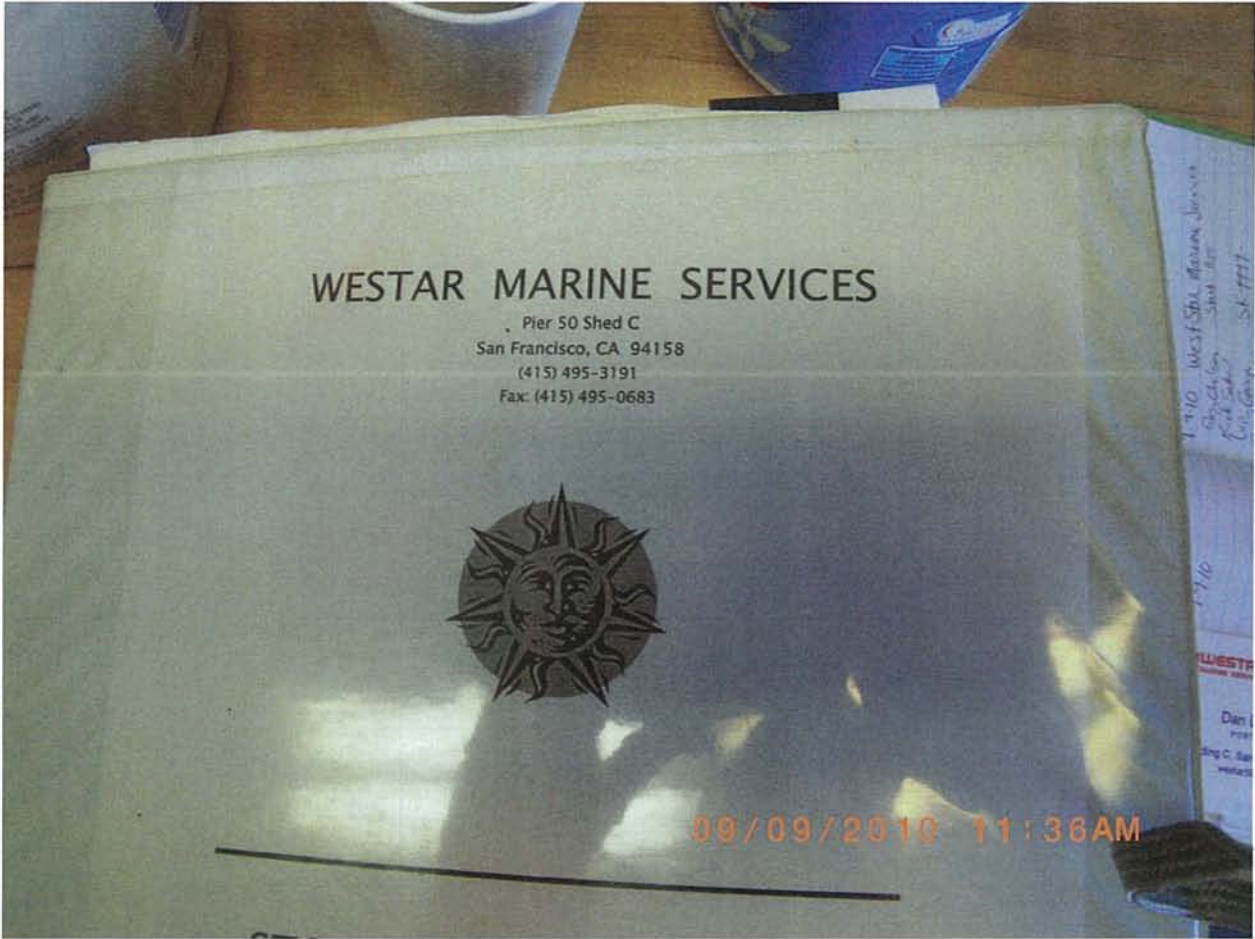
Photograph Log. Photos were taken by Rick Sakow using a Pentax Optio W80.	
IMGP1782	Orientation photo.
IMGP1783	Storm drain located west of Westar's main office in the parking area.
IMGP1784	A second storm drain located outside of Westar's southern loading area shown in IMGP1786.
IMGP1785	Scupper along the southern loading area. Scuppers were observed along the entire warehouse perimeter which discharge directly to the San Francisco Bay.
IMGP1786	Southern loading area, photo taken in same location as IMGP1784.
IMGP1787	Southern loading area. The chain-link fence on the right side of the photo is the Westar property boundary with the adjacent Goodwill facility.
IMGP1788	Storm drain inlet outside of the southern loading area.
IMGP1789	Trailer/Safety Office and entrance to Westar main offices. Note oil staining on parking area.
IMGP1790	Oil-water separator on secondary containment.
IMGP1791	Diesel powered water pump.
IMGP1792	Dock surface along northern end of dock.





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IMGP1793	The eastern portion of Pier 50 was currently occupied / leased by General Petroleum. Photo shows a power washer being used on a General Petroleum vessel.
IMGP1794	View of an entrance to a shed along the dock.
IMGP1795	General Petroleum tanker truck parked on Westar Property.
IMGP1796	Drums stored outdoors with no cover or secondary containment.
IMGP1797	Equipment stored outdoors without cover or secondary containment.
IMGP1798	Equipment stored outdoors without cover or secondary containment.
IMGP1799	The blue line painted on the separates the area leased by BP from dock space used by Westar.
IMGP1800	Equipment stored outdoors without cover or secondary containment.
MGP1801	Edge of Pier 50.
MGP1802	Generator with oil staining beneath it.
MGP1803	Same location as IMGP1802.
MGP1804	Empty drums stored outdoors. Mark Gustin stated that these drums would be removed and recycled.
MGP1805	Sand storage used for pyrotechnics stored without any containment along the northern dock boundary.
MGP1806	Same location as IMGP1805. Inspectors observed track-out of sand for approximately 20 feet in each direction of the sand pile.
MGP1807	Dumpsters were covered during the inspection.
MGP1808	Same location as IMGP1807.
MGP1809	The scupper labeled with a "15" is a stormwater sampling location.
MGP1810	West of IMGP1809.
MGP1811	Maintenance shop entrance near the western border of the building. Track-out and staining was observed outside of this door.
MGP1812	Same location as IMGP1811.
MGP1813	Mobile fuel tank stored under cover with secondary containment. Stormwater sample location is on the dock scupper in front of this fuel tank.
MGP1814	Same location as IMGP1814 & IMGP1815.
MGP1815	Viewing east along Westar's dock.
MGP1816	Outdoor equipment storage.
MGP1817	Outdoor equipment storage.
MGP1818	Outdoor equipment storage.
MGP1819	Outdoor equipment storage.
MGP1820	Vessel stored on eastern end of Westar's dock.
MGP1821	Eastern end of the dock.
MGP1822	Equipment storage on the eastern end of the dock. Note uncovered / uncontained and unlabeled barrels, sediment and accumulated rusting debris.
MGP1823	Eastern end of the dock.
MGP1824	Vessel stored on eastern end of the dock.
MGP1825	View of Westar's dock facing east. Note pavement staining.
MGP1826	Hand washing station and air manifold on the edge of the dock. The hand washing rinsate discharges into San Francisco Bay.
MGP1827	Track out and staining at the warehouse entrance / exit.



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09/09/2010 11:36 AM

IMGP1782





IMG1783



IMGP1784





IMGP1785



IMGP1786





IMGP1787





IMGP1788



IMGP1789

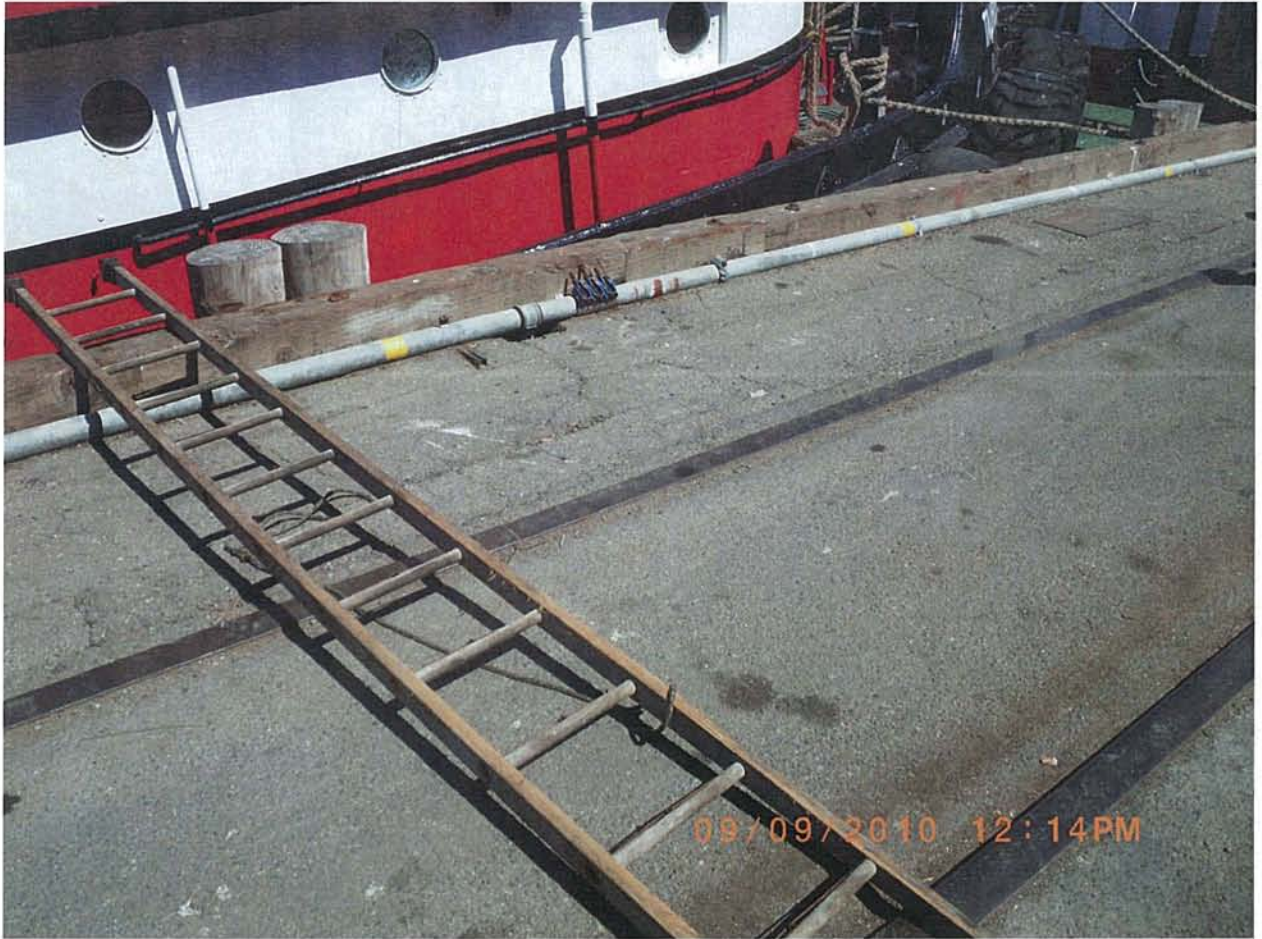


IMGP1790





IMGP1791



IMGP1792





IMGP1793



IMGP1794





IMGP1795





IMGP1796



IMG1797





IMGP1798



IMGP1799





IMG1800



IMGP1801





IMG1802

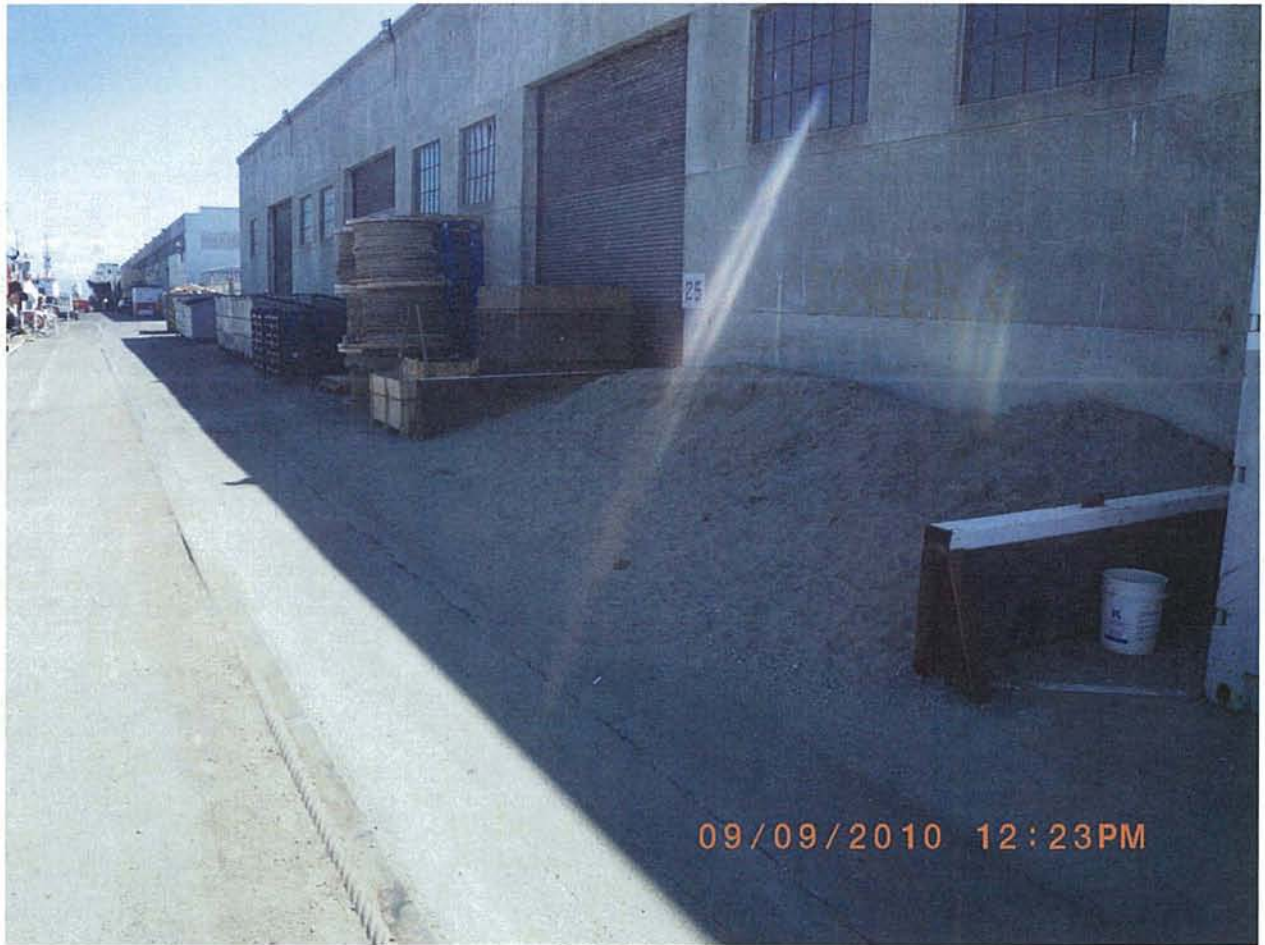


IMG1803





IMGP1804



IMG1805



IMGP1806





IMGP1807



IMGP1808



IMG1809





IMGP1810



IMGP1811



IMG1812





IMGP1813



IMGP1814



IMG1815





IMGP1816



IMGP1817



IMGP1818





IMG1819



IMG1820





IMG1821





IMGP1822



IMGP1823





IMGP1824





IMG1825



IMGP1826





IMGP1827