



NPDES Reconnaissance Inspection Report

Division Five, Inc.

Tukwila, Washington

EPA Unpermitted ICIS No. WAU000677

Inspection Date: May 29, 2024

Prepared by:

Rick Cool
U.S. Environmental Protection Agency, Region 10
Enforcement & Compliance Assurance Division
Water Enforcement & Field Branch
Surface Water Enforcement Section

Inspector Signature/Date:

RICHARD COOL

Digitally signed by RICHARD COOL
Date: 2024.07.12 11:09:06 -07'00'

Supervisor Signature/Date:

Marshalonis, Daniel (Dino)

Digitally signed by Marshalonis, Daniel (Dino)
Date: 2024.07.12 12:37:19 -07'00'

Contents

I.	Facility Information	3
II.	Inspection Information.....	3
III.	Permit Information.....	4
IV.	Background.....	5
V.	Inspection Chronology.....	7
VI.	Opening Conference	8
VII.	Site Walk Through.....	9
VIII.	File Review.....	10
IX.	Areas of Concern	10
A.	Unpermitted Stormwater Discharges Associated with Industrial Activities.....	10
X.	Closing Conference.....	11
	ATTACHMENT A – Inspection Photograph Array.....	12
	ATTACHMENT B – Three Aerial Images of the Division Five, Inc. Facility.....	13

(Unless otherwise noted, most on-site Facility-specific operational details in this reconnaissance inspection report were obtained from conversations with Leslee Van, President, and Justin Hagedorn, General Manager, during the inspection opening conference and Facility walk-through, and from inspector observations)

I. Facility Information

Facility Name: Division Five, Inc. – Tukwila Facility

Facility Owner/Operator: Division Five, Inc. – Facility operator
An individual is the Facility property owner (*see* King County Department of Assessments real property records)

Physical Address: 6458 South 144th Street
Tukwila, Washington 98168

Lat/Long: 47.473939, -122.25296

Mailing Address: P.O. Box 69676
Tukwila, Washington 98168

Facility Contacts: Leslee Van, President
Business: (206) 988-5044
leslee@divisionfive.com

Justin Hagedorn, General Manager
Business: (206) 988-5044

EPA Unpermitted ICIS No: WAU000677

NAICS Code: 332312: Fabricated structural steel manufacturing.

SIC Code: 3441 (fabricated structural metal)*; 3441-9901 (building components – structural steel)*; 1791-04 (metal fabricators).** See information sources below.

Facility Size: 1.50+ acres (estimated from aerial images/map)

Receiving Water: Green-Duwamish River

II. Inspection Information

Inspection Date: May 29, 2024

Inspectors: Rick Cool – EPA; Russell Betteridge, City of Tukwila

Arrival Time:	Approx. 7:30 AM
Departure Time:	Approx. 11:00 AM
Weather:	Partly cloudy, sun breaks, dry, est. 50°
Purpose:	To evaluate industrial activities occurring at the Facility with assessment of potential applicability of the State of Washington Department of Ecology’s National Pollutant Discharge Elimination System – Industrial Stormwater General Permit, and the Clean Water Act (CWA).

III. Permit Information

According to the Environmental Protection Agency’s (EPA) Integrated Compliance Information System (ICIS) and as of the EPA May 29, 2024 reconnaissance (recon) inspection, the Division Five, Inc. (DFI) Tukwila facility (“Facility”) did not have permit coverage under the State of Washington Department of Ecology’s (Ecology) National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater General Permit (ISGP) or any other individual or general NPDES industrial stormwater discharge permit administered by Ecology or EPA.

The Ecology’s PARIS water quality permitting database was checked and the various database searches did not produce any matches or information regarding prior Ecology stormwater related inspections of the DFI Facility, any relevant direct Facility-related Ecology or EPA water quality permitting action at this Facility or any Facility submission of a completed ISGP-related certification-of-no-exposure (CNE) form for Ecology’s review and approval/denial.

The EPA ICIS unpermitted facility tracking number assigned post-inspection to the DFI Facility is WAU000677.

The current version of the Ecology’s ISGP became effective on January 1, 2020. The ISGP is set to expire on December 31, 2024. ISGP S1.A provides in part: “This statewide permit applies to facilities conducting industrial activities that discharge stormwater to a surface waterbody or to a storm sewer system that drains to a surface waterbody.”

ISGP S1.A.1 and Table 1 provide that facilities engaged in any industrial activities in Table 1 shall apply for coverage if stormwater from the facility discharges to a surface waterbody, or to a storm sewer system that discharges to a surface waterbody. ISGP S1.A.1 also notes the North American Industry Classification System (NAICS) groups generally, but not always, associated with these industrial activities are listed in Table 1.

Table 1 includes industrial activities associated with fabricated metal product manufacturing, NAICS Group 332xxx.

The ISGP, Appendix 2 – Definitions, includes the following definition: “**Material Handling** means storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product.”

ISGP S1.F.1 provides in part: “Industrial materials and activities include, but are not limited to, **material handling** equipment or activities, industrial machinery, raw materials, intermediate products, byproducts, and final products, or waste products.” (bolded italics in ISGP text).

IV. Background

DFI & DFI Facility Description.

DFI’s Business. The Washington Secretary of State’s (SOS) website indicates DFI received its certificate of incorporation on December 30 1994. The SOS website lists DFI’s nature-of-business as other manufacturing - fabrication of structural steel.

The Washington Department of Revenue (DOR) “Business Lookup” website indicates DFI has a registered trade name: “Division Five, Inc. The Steel Fabrication Company.” The DOR website (page 2, Tax Information) lists DFI’s NAICS as 332312 – fabricated structural steel manufacturing.

Other business information sources confirm DFI’s primary industrial activity of steel fabrication. For example, one source identifies DFI’s Standard Industrial Classification (SIC) Codes as 3441 (fabricated structural metal) and 3441-9901 (building components – structural steel). (* above: *see* Westlaw search – Dun & Bradstreet, Inc.). Another source associates DFI with a SIC Code 1791-04 (metal fabricators). (** above: *see* Data Axle (Reference Solutions)).

DFI’s corporate website indicates its primary industrial activity is custom structural and miscellaneous steel fabrication. The website’s structural steel fabrication examples include beams, columns, bracing, frames and trusses. The website’s miscellaneous steel fabrication examples include feature and exit stairs, handrails, guardrails, ladders, canopies and catwalks.

Facility representatives (Reps) indicate that structural steel fabrication represents approximately 80% of their metal fabrication work. Facility equipment includes welders, rollers, benders, grinders, drills and finishing activities include addition of shop coat primers applied in the outside, canopied work area of the Facility on the north side of the Facility’s main building. Fab shop employees’ skills include fitters (i.e., fabricator), welders and laborers.

Facility Location. The DFI Facility’s location is in the Hillman’s Seattle Gardens tract neighborhood of the City of Tukwila, Washington (King County).

The Facility is adjacent to and on the Green-Duwamish River and shoreline on its east/southeast side and adjacent to and on its east/northeast side by a segment of the Green River Trail, also adjacent to the river and shoreline.

The Facility office and vehicle/truck entrances/exits to the main building are on South 144th

Street and a Facility vehicle/truck entrance/exit (apparently not used frequently) from the Facility's north-side material storage yard on South 143rd Street. Both 143rd and 144th Streets are accessible directly from Interurban Avenue, a major arterial connection to Interstate I-5.

According to Facility Reps, DFI has been located at this South 144th Street industrial site since approximately fall, 1999.

Facility Description. The DFI Facility occupies an estimated, approximate 1.50 acre portion (i.e., approximate 65,340 sq. ft.) of property parcels under common ownership by a separate non-DFI affiliated individual.

The DFI industrial site includes a metal-roofed main building (estimated at approximately 200' x 60' or 12,000 sq. ft.) containing offices and the primary fabrication shop with an attached, outdoor metal canopied work area (estimated at approximately 48' x 60' or 2880 sq. ft.) on the north side of the main building. *See* Canopied Work Area, **Photos 18-19**.

According to the DFI corporate website, the DFI industrial site includes 3 overhead cranes on a 60' wide x 440' long craneway which can handle up to 10 tons of steel. It appears the cranes move steel materials via two fixed, parallel elevated runways (rails) through the main building and canopied work area, then into the main storage yard. The two parallel runways extend beyond the canopied work area, approximately 220' beyond the canopied work area over the gravel surfaced main storage yard on rails with girder supports. *See* Runways & Girder Supports, **Photos 10-11, 17-19**.

A small portion of the industrial site includes an asphalt driveway, estimated at approximately 24' wide x 200' long (i.e., 4800 sq. ft.), running from the main building's S. 144th Street entrance along the east side of the main building until about the location where the main building adjoins the canopied work area. The asphalt driveway is skirted in its entire length by gravel surfaced areas. *See, e.g., Photos 1-2*.

Consequently, excluding impervious building/canopy roofs and asphalt paved areas, the industrial site has approximately 1.05 acres of unpaved, gravel surfaces areas including areas like the building skirt areas, storage yard associated drive areas, the main storage yard including areas within the operating range of the overhead cranes, and other areas like the north/northeast storage areas adjacent to the drainage swale sloped to the river and the Green River Trail support structure. *See, e.g., Photos 4-21*.

City of Tukwila's DFI Source Control Inspection.

The City of Tukwila is an Ecology-regulated MS4 general permittee (NPDES Phase II MS4 Permit No. WAR045544). The City is currently covered under the Ecology's Western Washington Phase II Municipal Stormwater Permit (Issued: July 1, 2019; Expiration Date: July 31, 2024).

Under this MS4 general permit, S5.C.8, the City is required to implement a source control program to prevent and reduce pollutants in stormwater runoff from existing developed areas. In

accord with S5.C.8.a.ii, the City’s source control program must include inspections of pollutant generating sources at privately owned institutional, commercial and industrial sites to enforce implementation of required best management practices (BMPs) to control pollution. The City has developed and implements a Source Control Inspection Program. *See, e.g., City’s 2024 Stormwater Management Program Plan (SWMP).*

The City conducted a business source control inspection of the DFI Facility on April 20, 2023, which completed City inspection form indicated the inspection was related to Facility discharges to surface water. The City’s DFI inspection form noted that general guidance and verbal recommendation were given, including on best management practices (BMPs).

The DFI inspection form recorded the City stormwater inspector’s observations of two stormwater catch basins (CB) in the unpaved truck travel lane area, east side of the main storage yard. The stormwater inspector observed one CB inundated with sediment and recommended DFI clean out the CB and install a CB filtration insert and pave the travel area. The City inspector observed a second CB covered with debris. Like the first recommendation, the inspector recommended removal and appropriate disposal of the debris and sediment followed by cleaning the CB, installing a CB filtration insert and paving the travel area.

The DFI inspection form’s “Action Items/Comments” section included the following summary:

There are two catch basins on site both within the truck lane area. Surrounding area is not paved. Recommended use of insert with filtration and proper maintenance schedule and paving the area. Sent Table 5.3 of the King County Stormwater Pollution Prevention Manual, Appropriate BMPs and pgs. 147-150 Catch Basin inserts. *This site should apply for a Industrial Stormwater General Permit (ISGP) as the NAICS begins with 332 (See Table 1 of the ISGP) to meet compliance standards.* (italics added here for emphasis).

During the recon inspection’s opening conference, Facility Reps indicated that in response to the City source control inspection, the CBs were cleaned (both CB cover grates and internal inspection) and measured (each CB about 6’ deep). The Facility created and retained a file of this documented correction actions, including the installation of filtration fabric on the CB grate covers. *See Photos 10 and 12.* The City inspector determined that the CBs were discharging to the river from their truck land area locations and the Facility Reps also concluded and presumed that was the CBs’ discharge flow direction and that the river was the ultimate discharge point.

V. Inspection Chronology

This was an unannounced recon inspection. I was accompanied by Russell Betteridge, NPDES Coordinator, for the City of Tukwila Public Works Department’s MS4 program.

We arrived at the Facility at approximately 7:30 – 7:45 a.m. on Wednesday, May 29, and checked in at the Facility’s front office with Justin Hagedorn, General Manager. We introduced ourselves and I presented my inspector credentials and provided an EPA business card, and described the recon inspection purpose to Mr. Hagedorn. I also provided a copy of the EPA Small Business Resources Information Sheet. Leslee Van, President, arrived at the Facility

around 8:00 a.m., joined the opening conference and introductions and credential presentations were repeated.

We conducted the opening conference (including question and answer discussion) as discussed further below. In light of no prior ISGP coverage at this Facility, there was no need for a Facility records review to be conducted.

After the opening conference, we conducted a Facility walk-through accompanied by Ms. Van and Mr. Hagedorn. We walked the entire Facility counterclockwise, first around the 144th Street entrance and along the east side of the Facility next to the river, then to the Facility storage areas and back through the main storage yard to the canopied work area and finally through the main building's fab shop.

After the Facility walk-around, Mr. Betteridge and I had a short discussion about our observations and opening conference discussions, and then we conducted a closing conference with Ms. Van and Mr. Hagedorn. We exited the Facility at approximately 11:00 a.m.

We were not denied access to any part of the Facility.

VI. Opening Conference

We began the recon inspection with a brief opening conference with Mr. Hagedorn and Ms. Van. I explained the purpose and scope of the recon inspection and generally, an overview of my typical four part inspection process (e.g., opening conference, document review, facility walk-through and a closing conference). I then engaged them in some questions-and-answer discussions about the Facility, its operations and related stormwater pollution sources and stormwater infrastructure. Mr. Betteridge provided an overview of the City's MS4 control source inspection program and discussed some initial compliance assistance overview.

We discussed Facility operations (e.g., this location since fall 1999), property ownership, and Facility operating days/hours. The Facility employs eight full time employees, of which five are fabricators (e.g., welders, fitters, laborers).

I asked about Facility business operations regarding equipment use. On-site fabrication related equipment includes welders, shears, metal rollers, benders, grinders and drills. All fabrication work is done primarily in the fab shop (main building) as there is no electric power installed in the storage yard. Steel supplies are stored in the north storage yard until the fab shop needs it, with availability of the overhead cranes and one forklift for material handling.

We discussed waste product storage and disposal practices (e.g., third party vendor picks up used oil). There is no fueling of vehicle on-site and no regular vehicle wash bay. Shop coat primer is applied on finished products in the canopied work area.

We discussed the Facility's stormwater infrastructure (e.g., including the two stormwater catch basins noted above), the City's April 20, 2023 control source inspection, and the Facility's corrective actions taken in response to the City inspection. The Facility does not conduct routine

stormwater-related site inspections but filtration fabric was installed on the CB grate covers in response to the City inspection after the CBs were cleaned, inspected and measured. Facility Reps indicated there has not been any back-up or flooding from the CBs' operations.

Other than sanitary restroom sources, no other Facility drains are directed to the sanitary sewer.

VII. Site Walk Through

After completing the opening conference and question and answer discussion, we conducted a Facility walk-through accompanied by both Facility Reps.

We started by walking out the S. 144th Street office entrance and up the asphalt drive area on the eastside of the Facility. The southern portion of the asphalt drive area is sloped and the flow path crosses the gravel shoulder toward and down the riverbank at the end of S. 144th Street. *See Photo 2.*

A garden hose was observed in the area of the fenced welding gas storage area and a Facility Rep indicated that infrequent vehicle washing occurred here. *See Photo 1.*

The drive area gravel shoulder gently slopes toward a path around the unused, abandoned fish shack down the riverbank. *See Photo 3.*

There are equipment and metal supply storage areas on the east side of the Facility's main building, near the canopied work area. *See Photos 5 – 6.* Directly east of this fenced equipment and metal storage areas, are located piles of metal supplies on the gravel areas off the asphalt drive area, directly above the riverbank. *See Photo 4.*

The Green River Trail bridge crosses the Green-Duwamish River about mid-Facility and its concrete supporting structure abuts a Facility drainage swale that directs any swale-captured flow around the concrete structure down the riverbank, with various piles of used tires and metal supplies and metal storage located on or next to the swale. *See, e.g., Photos 7 – 9.*

The Facility's southern stormwater catch basin, located just east of the canopied work area, is located in the drive area approximately mid-point between the main storage yard and the swale entry point to the riverbank. *See Photo 10 (CB).* The Facility's northern stormwater catch basin is located about 125 feet north of the southern CB, approximately mid-point between the main storage yard and the Facility's eastern boundary with the Green River Trail. *See Photo 12 (CB).* Both stormwater catch basins were observed with the filtration fabric installed on the grate covers.

The Facility's northern end, including the main storage yard under the areas served by the overhead cranes, included numerous locations where metal storage and metal equipment was staged and located, all on gravel surfaces. *See e.g., Photos 11, 13, 15 – 16, 17 – 19.* The Facility forklift was observed. *See Photos 10 and 18.* An unused forklift is parked in the main storage yard. *See Photo 17.*

The Facility’s northern operational area included uncovered material storage, like an uncovered metal recycling roll-off, an uncovered waste storage bin, and an uncovered metal recycling bin. See **Photos 14 – 15, 20 – 21**.

VIII. File Review

Various file records and documents reviewed as part of this recon inspection include, but are not limited to, the following list below.

- Washington State Department of Ecology’s NPDES/Industrial Stormwater General Permit (Issuance Date: November 20, 2019; Effective Date: January 1, 2020).
- Washington Secretary of State and Department of Revenue on-line records, filings, etc.
- City of Tukwila MS4 Source Control Inspection Form, including two catch basin inspection photos, for April 2023 DFI inspection.

IX. Areas of Concern

Observations, document reviews, discussions and other applicable information results in the identification of the following area of concern:

A. Unpermitted Stormwater Discharges Associated with Industrial Activities

The CWA Section 301(a), 33 U.S.C. § 1311(a), prohibits the discharge of pollutants by any person from any point source into waters of the United States except, *inter alia*, as authorized by an NPDES permit issued pursuant to CWA Section 402, 33 U.S.C. § 1342.

ISGP S1.A provides in part: “This statewide permit applies to facilities conducting industrial activities that discharge stormwater to a surface waterbody or to a storm sewer system that drains to a surface waterbody.”

ISGP S1.A.1 and Table 1 provide that facilities engaged in any industrial activities in Table 1 shall apply for coverage if stormwater from the facility discharges to a surface waterbody, or to a storm sewer system that discharges to a surface waterbody.

Table 1 includes industrial activities associated with fabricated metal product manufacturing, NAICS Group 332xxx.

The ISGP, Appendix 2 – Definitions, states: “*Material Handling* means storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product or waste product.”

ISGP S1.F.1 provides in part: “Industrial materials and activities include, but are not limited to, ***material handling*** equipment or activities, industrial machinery, raw

materials, intermediate products, byproducts, and final products, or waste products.”
(bolded italics in original ISGP text).

DFI identifies its business industrial activities for the Facility as steel fabrication, and the DFI DOR website identifies the applicable NAICS Group 332312 - fabricated structural steel manufacturing. Other business information sources identify SIC Codes applicable to DFI that are related, same or similar as the fabricated structural steel manufacturing activity conducted at the Facility.

Facility conducts and engages in industrial materials and activities subject to ISGP coverage and regulation.

The Facility has a stormwater sewer system (e.g., two stormwater catch basins) that discharges to the river. The Facility topography and other physical features (e.g., swale, gravel areas sloping to riverbank) provide sources of stormwater drainage to the riverbank and river.

Available information indicates that the Facility does not have Ecology ISGP coverage for Facility stormwater discharges associated with industrial activities or any other applicable individual or general NPDES industrial stormwater discharge permit administered by Ecology or EPA for Facility stormwater discharges associated with industrial activities. The Ecology’s PARIS water quality permitting database was checked and the various database searches did not produce any matches or information regarding any Facility submission of a completed ISGP-related certification-of-no-exposure (CNE) form for Ecology’s review and approval/denial.

X. Closing Conference

After the Facility walk-around and our internal briefing, Mr. Betteridge and I conducted a short closing conference with Ms. Van and Mr. Hagedorn. We shared our observations of the opening conference discussions (e.g., Q&A) and the Facility walk-through. I explained my primary area of concern in regard to the lack of Facility ISGP coverage. Mr. Betteridge provided some compliance assistance information. We thanked the Facility Reps for their time, help and cooperation and we exited the Facility at approximately 11:00 a.m.

ATTACHMENT A – Inspection Photograph Array

(Photographs were taken by Rick Cool with a Panasonic Lumix FH-25 camera)



Photo 1: P1010571

05/29/2024

SE Corner Main Bldg Outdoor Storage – Water Hose – Infrequent Vehicle Washing



Photo 2: P1010572

05/29/2024

SE Corner Asphalt Entrance Sloped to 144th Street River Bank



Photo 3: P1010573

05/29/2024

East Side Main Building Area - Unused Fish Shack on River Bank



Photo 4: P1010574

05/29/2024

Metal Storage Area – Treeline on River Bank



Photo 5: P1010575

05/29/2024

Storage Area East Side of Main Building



Photo 6: P1010576

05/29/2024

Metal Equipment Storage at Main Bldg/Canopied Work Area



Photo 7: P1010577

05/29/2024

Metal Materials Storage near Swale Under Green River Trail Structure



Photo 8: P1010578

05/29/2024

Drainage Swale Around Green River Trail Structure to River



Photo 9: P1010579 05/29/2024
Drainage Swale Along Facility-Green River Trail Structure Border (looking north)



Photo 10: P101580 05/29/2024
Southern Stormwater Catch Basin with Filtration BMP – Directly East of North End
Of Canopied Work Area



Photo 11: P1010581 05/29/2024
Metal Supplies in Storage Yard Along Overhead Craneway



Photo 12: P1010582 05/29/2024
Northern Stormwater Catch Basin with Filtration BMP – Looking North toward
Facility's Entrance/Exit to South 143rd Street



Photo 13: P1010583

05/29/2024

Metal Storage in Facility NE Corner



Photo 14: P1010584

05/29/2024

Uncovered Metal Recycling Roll-Off – looking north



Photo 15: P1010585

05/29/2024

Metal Storage & Uncovered Metal Recycling Roll-Off – looking south/SE



Photo 16: P1010586

05/29/2024

Metal Storage at Facility Entrance/Exit (Blocked) to S. 143rd Street



Photo 17: P1010587

05/29/2024

Facility Western Border/Craneway – looking S/SE toward Canopied Work Area



Photo 18: P1010588

05/29/2024

Structural Metal Storage Yard – looking South



Photo 19: P1010589

05/29/2024

Facility Storage Yard – looking South



Photo 20: P1010590

05/29/2024

Uncovered Waste Storage Bin



Photo 21: P010591

05/29/2024

Uncovered Metal Recycling Bin in Facility Storage Yard

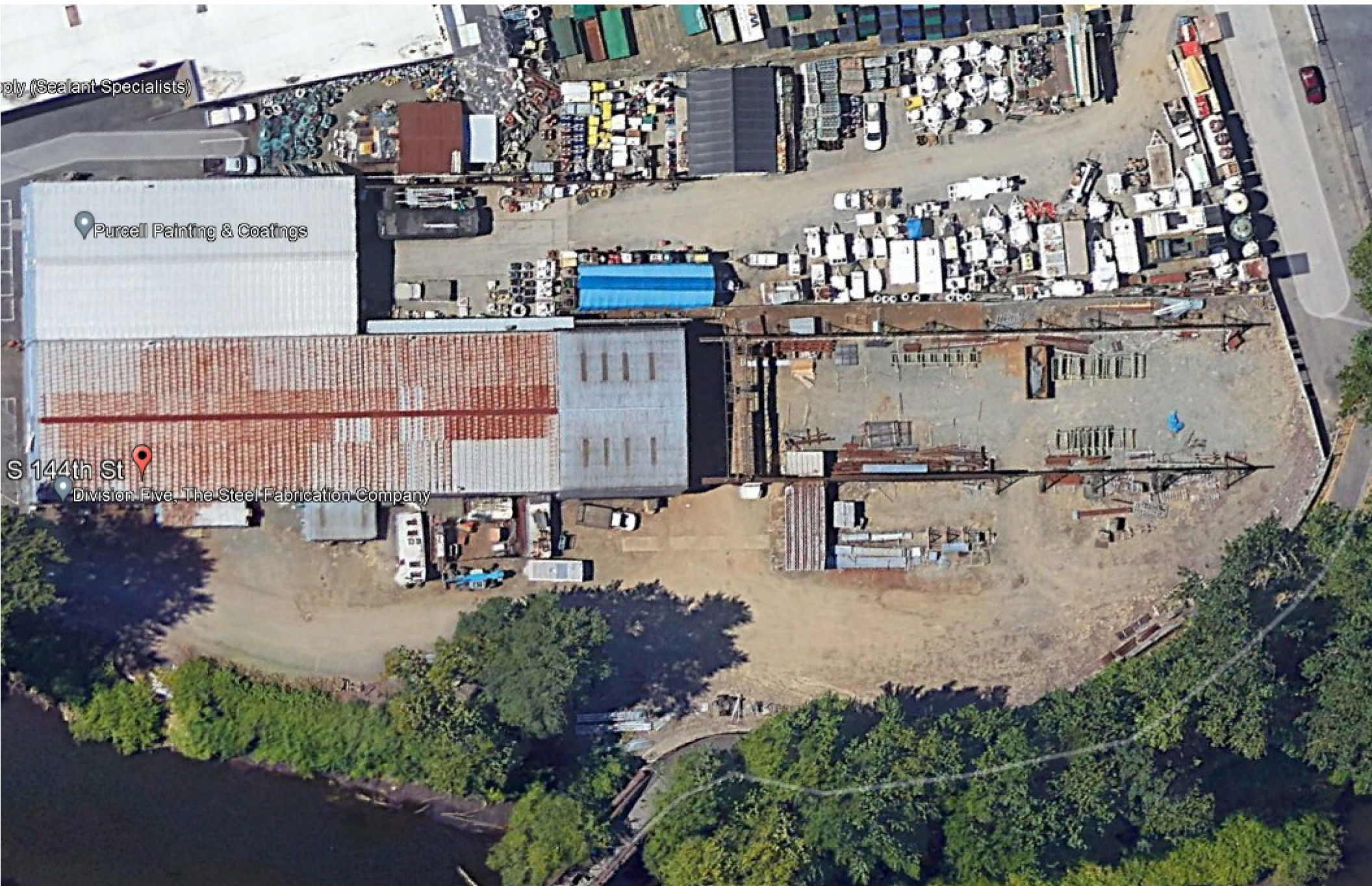
REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

**ATTACHMENT B – Three Aerial Images of the Division Five, Inc. Facility
(2020) – Entire Plant Site, South End and North End**

ply (Sealant Specialists)

Purecell Painting & Coatings

S 144th St
Division Five, The Steel Fabrication Company



Purell Painting & Coatings

6458

6460

Division Five, The Steel Fabrication Company

