



REGION 10

SEATTLE, WA 98101

RETURN RECEIPT REQUESTED

Mr. Pete Gunderson
Owner
Gundie's, Inc.
3940 East Sunset Drive
Bellingham, Washington 98226

Re: INFORMATION REQUEST for Gundie's, Inc. Bellingham, Washington

Dear Mr. Gunderson:

The U.S. Environmental Protection Agency (EPA), Region 10, is seeking information regarding the facility at 3940 East Sunset Drive in Bellingham, Washington ("Facility") owned or operated by Pete Gunderson ("Respondent"). The enclosed Information Request is being issued to Gundie's, Inc. pursuant to Sections 308 and 311(m) of the Clean Water Act (CWA), 33 U.S.C. §§ 1318 and 1321(m).

EPA conducted an inspection of the Facility on February 10, 2021. During the inspection, EPA documented several areas of concern. EPA requires additional information to assess your compliance with the requirements of the CWA and Oil Pollution Prevention regulations found at 40 C.F.R. Part 112.

Sections 308 and 311(m) of the CWA, 33 U.S.C. §§ 1318, and 1321(m) authorizes EPA to require the submission of records, reports and other information for the purpose of determining whether any violations of the CWA have occurred and to carry out any other provision of the CWA. **By this letter, Gundie's, Inc. is required to provide information and documents in accordance with the enclosed Information Request (Enclosure 1) within 30 days of your receipt of this request.**

To aid EPA's timely review of your responses, EPA prefers you submit responses to this Information Request via an electronic submission. You may electronically submit your responses via email to Stacey Kim. To discuss alternative electronic submission methods, please contact Stacey Kim at kim.stacey@epa.gov or at (206) 553-1380.

If electronic submission is not possible, submit your response to this Information Request to:

Stacey Kim
Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 155, Mail Stop 20-C04
Seattle, Washington 98101

Please ensure the Statement of Certification (Enclosure 2) is signed by you or a duly authorized officer or agent of Gundie's, Inc. and returned with the response to this Information Request.

Failure to respond fully and truthfully to this Information Request in a timely manner may subject you to an enforcement action for civil penalties pursuant to Section 309 of the CWA, 33 U.S.C. § 1319. In addition, provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information provided in response to this Information Request may be used by EPA in administrative, civil or criminal proceedings.

EPA's [Small Business Resources Information Sheet](#) provides information on compliance assistance that may be helpful to you. For more information about the CWA regulations and requirements, please visit the EPA's webpage:

<https://www.epa.gov/enforcement/water-enforcement>.

Thank you for your cooperation in this important matter. For questions concerning this Information Request, please contact Stacey Kim, Compliance Officer, at kim.stacey@epa.gov or at (206) 553-1380. For legal questions, please have your attorney contact Chris Len, Assistant Regional Counsel, at len.chris@epa.gov or (206) 553-1743.

Sincerely,

Jeff KenKnight, Manager
Water Enforcement and Field Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Mr. Matt Kay
Store Manager, Gundie's, Inc.

Mr. Vincent McGowan
Washington Department of Ecology

Ms. Rachel McCrea
Washington Department of Ecology

Enclosure 1

CWA INFORMATION REQUEST

This information is requested pursuant to Section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318.

A. INSTRUCTIONS

1. Provide a separate narrative response to each question and subpart of a question in this Information Request. Mark each answer with the number of the question (and subpart, if applicable) to which it corresponds.
2. For each question, provide a copy of each document relied on or referred to in the preparation of the response or that contains information responsive to the question.
3. Indicate on each document produced in response to this Information Request, or in another reasonable manner, the number of the question to which it corresponds.
4. If requested information or documents are not known or are not available to you at the time of your response to this Information Request, but later become known or available to you, you must supplement your response to EPA. Moreover, if you find at any time after submission of your response that any portion is or becomes false, incomplete, or misrepresents the facts, you must provide EPA with a corrected response as soon as possible.
5. Provide the name, title, and business contact information for each person who prepared or was consulted in the preparation of your response. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein, or who may be able to provide additional responsive documents, provide the name, title, and business contact information for each such person and the additional information or documents that they may have.
6. If you believe a question is not applicable to the Facility, explain the reason for that belief.
7. The information requested herein must be provided whether or not you regard part or all of it as a trade secret or confidential business information. You may assert a confidentiality claim covering part or all of the information submitted, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, and 40 C.F.R. Part 2, by labeling such information at the time it is submitted to EPA as “trade secret,” “proprietary,” “company confidential,” or other suitable notice.

Information covered by such a claim will be disclosed by EPA only to the extent and by the procedures set forth in statutes and 40 C.F.R. Part 2, Subpart B. Note that certain

categories of information are not entitled to confidential treatment. Unless you make a claim at the time you submit the information in the manner described in 40 C.F.R. § 2.203(b), it may be made available to the public by EPA without further notice to you. See also 41 Fed. Reg. 36902 (Sept. 1, 1976).

B. DEFINITIONS

All terms used in this Information Request have their ordinary meaning unless such terms are defined in this Information Request or in CWA Sections 311 or 502, 33 U.S.C. §§ 1321 or 1362, or 40 C.F.R. Part 112. For purposes of this Information Request:

1. The terms “you” or “Respondent” mean Gundie’s, Inc, and its subsidiaries, officers, directors, managers, partners, employees, contractors, and agents, as applicable.
2. “Facility” means the Gundie’s, Inc. owned or operated by Respondent located at 3940 E Sunset Drive in Bellingham, Washington.
3. “Document” means any object that records, stores, or presents information, and includes writings, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hard copy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. Include all attachments to or enclosures with any responsive document.
4. “Ecology” means the Washington State Department of Ecology.

C. INFORMATION REQUEST

Provide the following information for the Facility. Unless otherwise specified, provide all responsive information for the time period between December 1, 2018 and the date of this Information Request.

1. Provide the name and address of the legal owner of the Facility. If the owner and operator of the Facility are not the same entity, provide the name and address of the operator of the Facility and provide contracts/legal documents between entities as they relate to ownership, purchase or buy-back agreements and contract operation.
2. Submit the following information for the facility owned and/or operated by Gundie’s Inc., located in Bellingham, Washington:
 - a) Documentation of all NPDES permit coverage; include copies of permit applications, records of all data used to complete the application, copies of permit coverage letters, copies of facility Stormwater Pollution Prevention Plans (SWPPP);
 - b) All inspection reports documenting any self-inspections performed in accordance with an NPDES permit;

- c) Copies of all annual reports submitted in accordance with an NPDES permit;
- d) Copies of all monitoring reports compiled in accordance with an NPDES permit;
- e) Copies of all sampling results collected in accordance with an NPDES permit;
- f) Copies of all equipment calibration records;
- g) Copies of all BMP maintenance records;
- h) Documentation of all NPDES permit exceedances;
- i) Documentation of all response to benchmark exceedances performed in accordance with NPDES permit, include copies of studies conducted and SWPPP updates associated with corrective actions;
- j) Documentation that identifies continuing exceedances of NPDES benchmarks despite corrective action taken and Respondent's plan, if any, to address such exceedances in short and long term;
- k) Documentation of all NPDES effluent exceedances;
- l) Copies of all Solids Monitoring Reports (SMR) and waivers;
- m) Copies of all Modification of Coverage Forms and supporting documentation;
- n) Copies of all engineering reports;
- o) Copies of all O & M Manuals;
- p) Copies of all Level 2 and 3 waivers or extension requests;
- q) Copies of all noncompliance notifications;
- r) Copies of all Industrial Stormwater General Permit Discharge/ Sample Point Update Forms;
- s) Copies of all line cleaning documents and waivers;
- t) Copies of all authorized representative records;
- u) Copies of all notices to Ecology of planned changes in accordance with G19 of the NPDES Permit;
- v) Copies of all advance notices to Ecology of New/Supplemental Applications and supporting documents;

- w) Copies of all bypass notifications and records;
 - x) Copies of all SPCC Plan documents and approvals;
 - y) Copies of all oil storage, spills, and secondary containment records, including records of each container's storage capacity and secondary containment, amount stored per container and spills with associated response.
3. To the extent not provided in response to question C.2, submit the following information for the facility owned and/or operated by Respondent, located in Bellingham, Washington and covered under the Washington Industrial Stormwater General Permit or any individual NPDES permit or approved as a Class 1 facility in Washington:
- a) Copies of all Notices of Violations related to NPDES permits issued to a facility by Ecology;
 - b) Copies of all correspondence between Respondent and Ecology that mentions facility compliance with NPDES permits;
 - c) Documentation of all responses and corrective actions taken to address NPDES violations identified by Ecology. If no action was taken, state so in your response and indicate the reason and anticipated date by which Respondent intends to address those violations.
 - d) Copies and documentation of all correspondence between Respondent and Ecology related to compliance with the Oil Pollution Act of 1990 and Washington's Oil Spill Contingency Plan rule.

Enclosure 2

STATEMENT OF CERTIFICATION

Mr. Pete Gunderson

3940 E Sunset Drive
Bellingham, Washington 98226

I certify that the enclosed responses to EPA's Information Request issued to Pete Gunderson are true, accurate, and complete. I certify that the portions of these responses which I did not personally prepare were prepared by persons acting on behalf of Pete Gunderson under my supervision and at my instruction, and that the information provided is true, accurate, and complete. I am aware that there are significant penalties for submitting false information in response to this Information Request, including the possibility of fines and imprisonment.

Signature

Printed Name

Title

Date