



NPDES Compliance Inspection Report

Port of Toledo Boatyard Toledo, Oregon

NPDES Permit Tracking Number
ORR203146

Inspection Date: December 20, 2023

Prepared by:

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

Inspector Signature/Date:

VANESSA OQUENDO	Digitally signed by VANESSA OQUENDO Date: 2024.02.22 15:56:53 -08'00'
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Supervisor Signature/Date:

Marshalonis, Daniel (Dino)	Digitally signed by Marshalonis, Daniel (Dino) Date: 2024.02.22 16:09:18 -08'00'
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Contents

I.	<u>Facility Information</u>	3
II.	<u>Inspection Information</u>	3
III.	<u>Permit Information</u>	4
IV.	<u>Facility Background</u>	4
V.	<u>Inspection Chronology</u>	5
VI.	<u>Opening Conference</u>	6
VII.	<u>Site Review</u>	6
VIII.	<u>File Review</u>	7
IX.	<u>Areas of Concern</u>	9
A.	<u>Minimize Exposure</u>	9
B.	<u>Waste Chemicals and Material Disposal</u>	9
C.	<u>Housekeeping</u>	9
D.	<u>Employee Education</u>	9
E.	<u>Statewide Benchmark Exceedances and Corrective Actions</u>	10
F.	<u>Monthly Site Inspections and Visual Observations</u>	10
G.	<u>Stormwater Pollution Control Plan (SWPCP)</u>	10
X.	<u>Closing Conference</u>	10

ATTACHMENT A - Aerial Image (EPA ArcGIS)

ATTACHMENT B - SWPPP Site Layout and Drainage Maps

ATTACHMENT C - Photograph Log

[Unless otherwise noted, all details in this inspection report were obtained from conversations with Ms. Debbie Scacco or from observations made during the inspection.]

I. Facility Information

Facility Name:	Port of Toledo Boatyard
Facility Address:	1000 Southwest Altree Lane Toledo, Oregon 97391
Facility Operator:	Port of Toledo 1000 Southwest Altree Lane Toledo, Oregon 97391
Facility Owner:	Port of Toledo 496 NE Hwy 20 Toledo, Oregon 97391
Facility Contact(s):	Debbie Scacco Assistant Port Manager Debbie.Scacco@portoftoledo.org 541-336-0333
Latitude/Longitude:	N 44.6167 W – 123.9482
NPDES Tracking Number:	ORR203146
NAICS Code(s):	336611 (Ship Building and Repairing)
SIC Code(s):	3732 (Boat Building and Repairing)
Facility Size:	Approximately 5.6 acres

II. Inspection Information

Inspection Date:	December 20, 2023
Inspector(s):	Vanessa Oquendo EPA Region 10, ECAD / SWES Kendra Girard Oregon Department of Environmental Quality, Western Region
Arrival Time:	1:00 PM
Departure Time:	4:30 PM

Weather: Sunny

Purpose: To evaluate compliance with the requirements of the Clean Water Act and the State of Oregon's National Pollutant Discharge Elimination System (NPDES) 1200-Z Industrial Stormwater Discharge General Permit.

III. Permit Information

The Port of Toledo Boatyard (hereinafter referred to as the "Facility") is permitted under the State of Oregon's NPDES Industrial Stormwater Discharge General Permit No. 1200-Z. The permit tracking number assigned to the Facility is ORR203146. The current version of the 1200-Z permit became effective on July 1, 2021 and is set to expire on June 30, 2026.

The Facility is subject to the "Marine Waters" region benchmark monitoring for pH, total copper, total lead, total zinc, and total suspended solids (TSS) as well as impaired waters monitoring for fecal coliform. The Facility also is subject to the sector specific requirements of Schedule E, Sector R, of the 1200-Z permit (Ship and Boat Building and Repair Yards). The requirements include additional technology-based effluent limits and additional Stormwater Pollution Control Plan (SWPCP) requirements.

IV. Facility Background

The Port of Toledo Boatyard is a long and narrow shipyard owned by the Port of Toledo adjacent to the Yaquina River located in Toledo, Oregon. The upland work area consists of 5.6 acres. See **Attachment A**, Aerial Photo (EPA ArcGIS). According to the Facility's SWPCP, the shipyard has a warehouse building which contains the office, retail store, metal shop, wood shop, a parts sandblasting building, and a 14,723 square foot pre-engineered metal work building with office and crew room. The Facility also has a tent structure used for water treatment and storage, two paint storage containers, two paint thinner containers, two containers for storing air compressors and equipment, two containers for electrical components, two break trailers, and seven containers for storage of materials. The Facility has 25 employees and operates Monday through Friday from 8:00AM to 4:30PM, except on holidays, and occasionally operates on some weekends.

The property's use is for vessel maintenance, repair and fabrication, some of which occurs indoors or under cover and some of which occurs outdoors. The shipyard provides marine services including vessel hauling up to 660 tons, hull cleaning, sand blasting, painting, and repairs and manufacturing projects using wood, steel and fiberglass processes. Additional activities at the shipyard include onsite fueling by truck delivery, dockside services for vessels up to 125 feet in length, and onboard maintenance and repairs. To support these operations, there are loading/unloading, indoor and outdoor storage of materials, and waste management activities at the yard.

The property used for shipyard operations is relatively flat, with a slight graded slope

to direct stormwater away from work areas. The south portion of the yard located in Discharge Basin A, is bordered to the west by a hill. The north portion of the yard, located in Discharge Basin B, is bordered to the west by property owned by the Portland & Western Railroad. The east edge of the property is at the Yaquina River bank. The Yaquina River is listed as an impaired waterbody by ODEQ. See **Attachment B**, SWPCP Site Layout and Drainage Areas.

Drainage Basin A drains to a curtain drain that runs along the west side of the yard, at the base of the hill behind the yard into a 1,500-gallon vault with biochar filter bags (Biochar Filter Vault), then through an 18" plastic culvert to discharge into the Yaquina River at Discharge Point/Monitoring Point 001. Drainage Basin B is graded for stormwater to be collected in a lynch style catch basin in the middle of the yard that flows through an 18" culvert to discharge into the Yaquina River at Discharge Point/Monitoring Point 002. According to the Facility's SWPCP, impervious surface area encompasses approximately 0.63 acres in Drainage Basin A and approximately 0.40 acres in Drainage Basin B. Most of the impervious surfacing at the Facility was gravel. Pervious surfacing at the Facility consists of washdown pads, concrete aprons, dock space, enclosed work areas, and tent storage. The Facility may pave the entire boatyard in the future but lacks the funding to do so.

The shipyard stores most significant materials under cover. The inventory of steel and wood blocking is uncovered and could be exposed to stormwater. The industrial activities are the same throughout the property for both of the drainage basins. The largest potential for pollutants entering the waterways would be from fueling, painting, sanding and scraping boat bottoms on the dry storage sites. These types of pollutants would be heavy metals, gasoline and diesel fuel, paint, paint thinners, solvents, and spent sand blast sand.

According to EPA's Enforcement and Compliance History Online (ECHO) and Integrated Compliance Information System (ICIS), the Facility was not previously inspected by EPA or ODEQ in the last five years.

The Facility previously received a warning letter dated January 29, 2018 from ODEQ for failing to submit an updated SWPCP. The Facility received another warning letter dated December 18, 2020 from ODEQ for failure to submit a Tier I corrective action report for an E. Coli exceedance at Outfall 001 in December of 2019.

V. Inspection Chronology

This was an announced inspection. On Friday December 15, 2023, I called the Port of Toledo boatyard and asked to speak with Ms. Debbie Scacco. I was informed she was not in and that she would give me a call back when she returned. On Monday December 18, 2023, Ms. Scacco called me, and I briefly discussed the inspection plan. On Tuesday December 19, 2023, I followed up with Ms. Scacco via email providing further details for the inspection confirmed for Wednesday December 20, 2023 at 1:00PM. In the morning of the inspection on December 20, 2023, I sent Ms. Scacco an email letting her know that a colleague from ODEQ, Kendra Girard, would be joining me in the inspection.

Upon arriving on-site, I made my way to the Facility's main office through the parking lot where I met with Ms. Scacco. Ms. Kendra Girard arrived a few minutes later, and then I began the inspection.

The inspection consisted of an opening conference, a walk-through of the Facility's general operations and stormwater areas, a cursory records review, and ended with a closing conference. We were accompanied by Ms. Scacco throughout the inspection.

VI. Opening Conference

Opening conference began at 1:05PM.

The opening conference was held with Ms. Debbie Scacco shortly after our arrival. We had initial introductions; Ms. Girard and I presented our inspector credentials and discussed the purpose and scope of the inspection. During the opening conference Ms. Scacco provided a general background of the Facility operations, current staffing, and general stormwater management responsibilities.

VII. Site Review

The Facility's primary industrial activity is the repair, maintenance, and fabrication of vessels through processes and activities described above. The Facility is divided into two drainage areas, Drainage Basin A and Drainage Basin B. According to the Facility's SWPCP, industrial activities are the same throughout the boatyard for both of the drainage basins. As mentioned earlier in this report, the Facility identified two discharge points/outfalls, one in each drainage basin. Outfall 001 is in Drainage Basin A and Outfall 002 is in Drainage Basin B. Stormwater in either basin may come from building rooftops, outdoor storage, vehicle traffic, outdoor equipment use, garbage receptacles, and outdoor vessel work and wash areas. All stormwater impacted areas were toured as part of the inspection walk-through. See **Attachment C**, for a photograph log of pictures taken during the site walk-through.

We began the facility walkthrough with Ms. Scacco starting inside the Facility's main work building that served as the large vessel building where a boat was being worked on (**Photo 1**). We then walked outside to the southern entrance/exit of the large vessel building where vehicle traffic occurs (**Photo 2**) in Drainage Basin B. We continued walking South into Drainage Basin A observing a vessel and equipment outside, including the Facility's large lift (**Photo 3 and Photo 5**). We walked along the western perimeter to observe the Facility's curtain drain, however, the drain that runs along the western perimeter was located in a ditch covered by dense vegetation and was not visible (**Photo 4**). Stormwater in Drainage Basin A collects in this curtain drain and flows through a 1,500-gallon vault filled with biochar filter bags (**Photo 6**) and then through an underground 18-inch culvert to Outfall 001 on the eastern perimeter of the Facility. As we continued South along the Facility's western perimeter, Ms. Scacco explained the possibility of the Facility receiving run-on from a residence up the hill that has dogs (**Photo 7**). Any run-on from up the hill may discharge into the Facility's curtain drain. We then observed some uncovered metal and wooden materials and empty

drums near the Facility's curtain drain (**Photo 8**).

We then cut across the Facility to observe uncovered metal material where the property slopes down on the eastern perimeter adjacent to Tokyo Slough that connects with the Yaquina River (**Photo 9**). We continued South along the Facility's eastern perimeter and observed more uncovered metal material adjacent to Tokyo Slough (**Photo 10**). We observed the Facility's closed loop wash system on a concrete pad in which active washing discharges into an open washwater drain while the stormwater drain is closed, which helps recover pollutants from contacting with stormwater (**Photo 11, Photo 12 and Photo 13**). This washwater is pumped into water storage tanks, treated with clay, and trucked offsite to a city of Toledo sewer. As we continued South touring Drainage Basin A, we observed a couple of outdoor small boat work areas utilizing tarping procedures in the middle of the property and on the western perimeter to contain any particulates from sand blasting or hand sanding activities (**Photo 14 and Photo 19**). Some of the sanding and painting work is conducted in a covered hangar (**Photo 20**). Spent sand blast sand in tarped areas is swept, placed in double plastic bags and disposed of offsite by Kleen Industrial Services or Dahl Disposal. We also observed an uncovered garbage bin missing a lid (**Photo 15**) and Drainage Basin A's main work building that served as the Facility's fabrication and retail sales shops (**Photo 16**). No vehicle or equipment with leaks are repaired in these shops. Vehicles or equipment with leaks are removed from service and taken to an offsite shop for repairs.

We continued South coming back to the eastern perimeter where we observed the Facility's main chemical storage under a tent as well as the Facility's paint thinner storage with built-in secondary containment (**Photo 17 and Photo 21**). In between the chemical storage tent and the Facility's eastern perimeter was some worn tarping material (**Photo 18**). Behind the chemical storage tent and along the Facility's eastern perimeter, we observed more uncovered metal material (**Photo 22, Photo 23 and Photo 24**). At the Facility's southernmost point, we observed empty chemical barrels and stacked totes that are picked up and recycled by the local licensed recycling company (**Photo 25**). We then headed back toward the Facility's main building in Drainage Basin B walking along the eastern perimeter where we observed additional material storage, including zinc anode storage (**Photo 26 and Photo 28**). Spent zinc anodes are recycled by the local recycling company. We stopped at Outfall 001 and Outfall 002 and did not observe any active discharges (**Photo 27, Photo 31 and Photo 32**). Sampling and monitoring are conducted at each outfall pipe during active discharge. Samples are placed in coolers and taken to Newport, Oregon to be shipped to the HGS Analytical lab in Eugene, Oregon. We walked past an area with raw materials, equipment, and a small vessel slated to be worked on (**Photo 29**) and then observed a lynch style catch basin with grates at the washdown pad that discharges into an 18-inch culvert to Outfall 002 (**Photo 30**). We then proceeded back to the main building where we held the closing conference and discussed next steps including offsite records review and inspection report transmittal.

VIII. File Review

Most of the following documents were reviewed offsite as part of this inspection (electronically sent by the Facility post-inspection on February 2, 2024) and a cursory

review was conducted onsite for a few other records:

- 1200-Z General Permit – The Facility had the most current permit onsite.
- 1200-Z Permit Coverage Letter – The Facility submitted the most current permit coverage letter from ODEQ post-inspection.
- Stormwater Pollution Control Plan (SWPCP) – A copy of the SWPCP was available for review at the time of inspection, however it was submitted post-inspection for further offsite review. It was dated August 31, 2021 and prepared by Ms. Scacco. The SWPCP site maps did not include locations of loading/unloading areas, some material storage areas (metal) and locations and sources of run-on to the site from adjacent property (hillside residence). The revised SWPCP in response to Tier 2 corrective action requirements did not include a sufficient operation and maintenance plan for the Biochar vault being used as a treatment system.
- Employee Training Logs – The Facility submitted education and training logs documenting employee training in 2018, 2021, and 2024. Training documentation did not include training conducted in 2019, 2020, and 2022. Ms. Scacco explained in her February 2, 2024 email that SWPCP training was missed in 2023.
- Monthly Site Inspection Reports (2022 – 2023) – I reviewed the Facility's records of completed site inspections in 2022 and 2023 and found the Facility missed site inspections in November of 2022 and in October of 2023.
- Monthly Visual Observations (2022 – 2023) – I reviewed the Facility's records of completed visual observations in 2022 and 2023 and found the Facility missed visual observations in November of 2022 and in October of 2023.
- Emergency Response and Public Notification Plan – I reviewed this plan onsite and found it to comport with permit requirements.
- Quarterly Stormwater Monitoring Results – Post inspection, I conducted a cursory review of the Facility's discharge monitoring reports (DMRs) between 2020 and 2023 that were submitted quarterly to ODEQ. I also reviewed analytical lab reports and compared the analytical report values to the reported DMR values. Both DMRs and lab reports were provided by ODEQ prior to the inspection. The 2021 – 2022 geometric mean exceeded the applicable statewide benchmarks for total copper and TSS at Outfall 002, which triggered a Tier 2 corrective action response in accordance with permit requirements. The Facility also exceeded the statewide benchmark for total copper in November of 2023 at Outfall 002, triggering Tier 1 corrective action.
- Tier 2 Corrective Action Response Documentation – The Facility timely submitted the required Tier 2 report and updated SWPCP to ODEQ. The report comported with permit requirements and ODEQ notification requirements. The updated SWPCP did not have a sufficient operation and maintenance plan for the Biochar vault used as a treatment system.

IX. Areas of Concern

Observations during the inspection and post inspection records review identified the following areas of concern:

A. Minimize Exposure

Schedule A.1.a.i of the 1200-Z permit describes the requirement for the permittee to “minimize exposure of manufacturing, processing, material storage areas, loading and unloading, disposal, cleaning, maintenance and fixed fueling areas to rain, snow, snowmelt and runoff...Locate materials and activities indoors or protect them with storm resistant covers if stormwater from affected areas may discharge to surface waters.”

Multiple areas of uncovered material along the Facility’s eastern perimeter were observed in which there was potential to discharge pollutants in stormwater into the receiving waterbody that was located adjacent to this edge (the river bank).

B. Waste Chemicals and Material Disposal

Schedule A.1.c of the 1200-Z permit states that the permittee must “cover all waste contained in bins or dumpsters where there is a potential for drainage of stormwater through the waste to prevent exposure of stormwater to these pollutants.”

During the inspection we observed a full garbage container without a lid. According to an email sent on February 2, 2024, the Facility replaced the lid the day following the inspection.

C. Housekeeping

Schedule A.1.g of the 1200-Z permit describes activities that can be done to keep all exposed areas clean such as “keeping materials orderly and labeled” and “stowing materials in appropriate containers.”

During the inspection, multiple areas of uncovered, unlabeled, and disorderly material along the Facility’s eastern perimeter were observed in which there was potential to discharge pollutants in stormwater into the receiving waterbody that was located adjacent to this edge. There was also a garbage bin missing a lid. According to an email sent on February 2, 2024, the Facility replaced the lid the day following the inspection.

D. Employee Education

Schedule A.1.j.iii(3) of the 1200-Z permit describes employee education and training requirements and that education and training must occur annually.

The Facility submitted education and training logs documenting employee training in 2018, 2021, and 2024. Training documentation did not include training conducted in

2019, 2020, and 2022. Ms. Scacco explained in her February 2, 2024 email that SWPCP training was missed in 2023.

E. Statewide Benchmark Exceedances and Corrective Actions

Schedule A.11 and A.12 of the 1200-Z permit outline the benchmark exceedance criteria that trigger Tier 1 and Tier 2 corrective action responses.

Schedule B.2 Table 4 of the 1200-Z permit outlines the statewide benchmarks based on region for pH, total copper, total lead, total zinc, and TSS.

The 2021 – 2022 geometric mean exceeded the applicable statewide benchmarks for total copper and TSS at Outfall 002, which triggered a Tier 2 corrective action response in accordance with permit requirements. The Facility, however, has met the requirements of Tier 2 corrective action response so far other than the Facility possibly looking into changing out the Biochar sooner than expected in accordance with the product's maintenance schedule. The Facility has until September of 2024 to fully implement the corrective action outlined (installation of another Biochar vault). The Facility continued to exceed the statewide benchmark for total copper in November of 2023 at Outfall 002, triggering Tier 1 corrective action.

F. Monthly Site Inspections and Visual Observations

Schedule B.12.a of the 1200-Z permit outlines the monthly inspection requirements including monthly visual observations for signs of pollution.

The Facility missed site inspections and visual observations in November of 2022 and in October of 2023.

G. Stormwater Pollution Control Plan (SWPCP)

Schedule A.10 of the 1200-Z permit outlines the required elements of the SWPCP.

Schedule E.R.2 of the 1200-Z permit outlines additional SWPCP requirements for Sector R permittees.

The SWPCP site maps did not include locations of loading/unloading areas, some material storage areas (metal) observed during the inspection and previously described in Area of Concern A “Minimize Exposure,” and locations and sources of run-on to the site from adjacent property (hillside residence). The revised SWPCP in response to Tier 2 corrective action requirements did not include a sufficient operation and maintenance plan for the Biochar vault being used as a treatment system.

X. Closing Conference

Following the walk-through, a closing conference was held with Ms. Scacco where we discussed our observations, the areas of concern, and next steps regarding post

inspection and offsite records review and inspection report transmittal. We thanked her for her time and cooperation with the inspection. Closing conference concluded at 4:30PM.

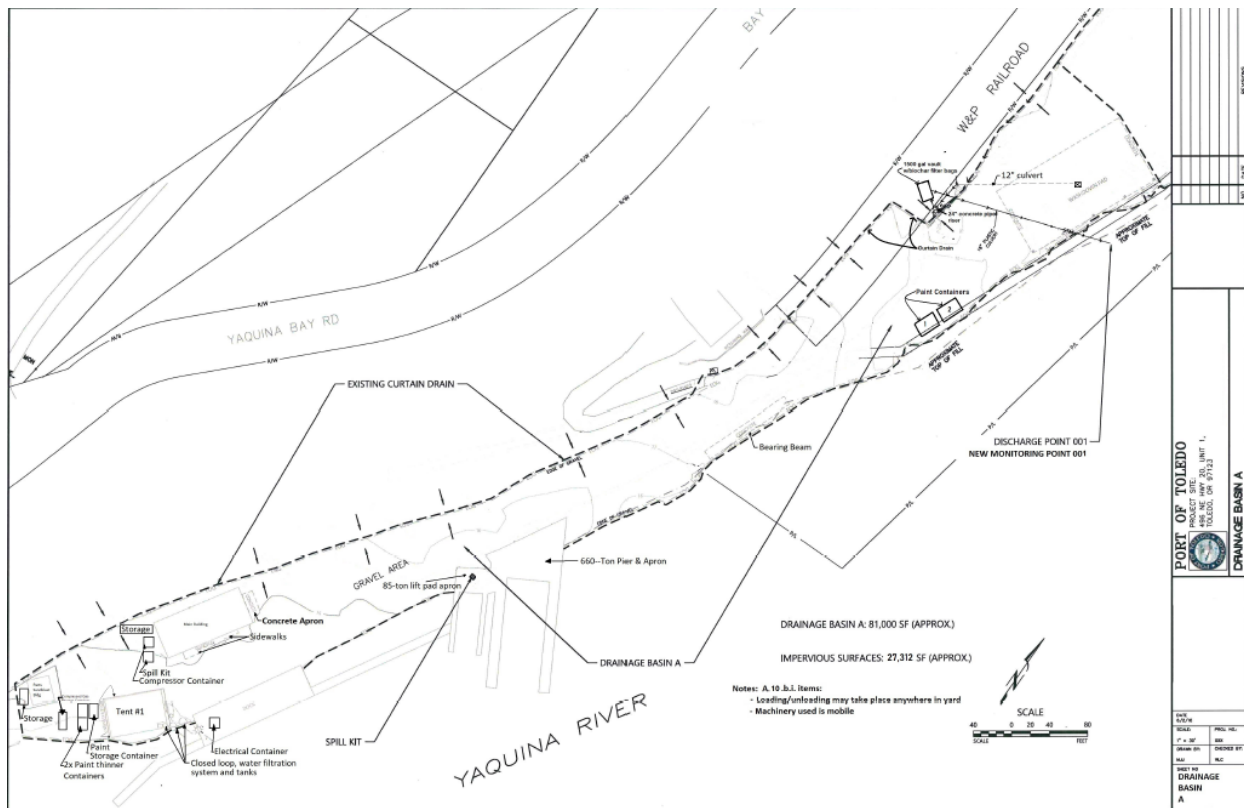
ATTACHMENT A

Aerial Image (EPA ArcGIS)

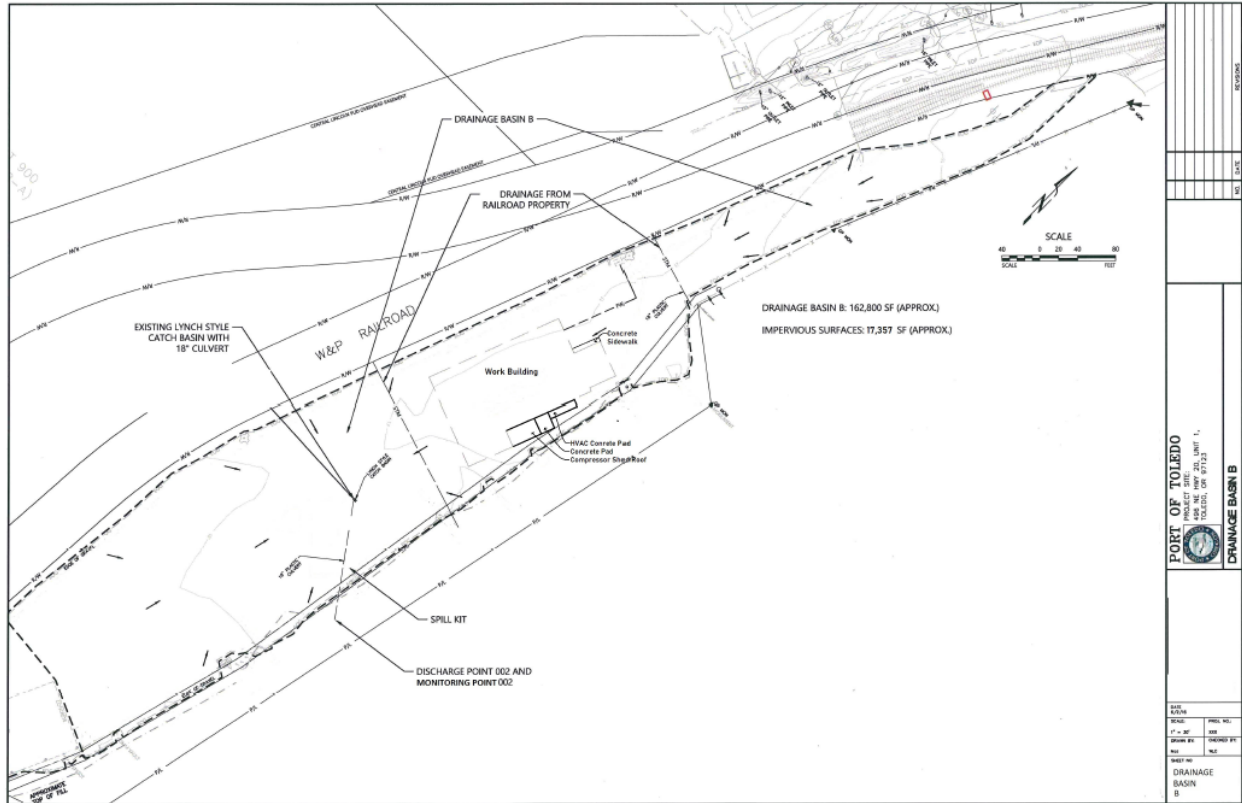


ATTACHMENT B

SWPCP Site Layout and Drainage Areas



Drainage Basin A



Drainage Basin B Page 15

ATTACHMENT C

Photograph Log

All photographs taken by Vanessa Oquendo on December 20, 2023

Olympus Tough TG-6/F2.0 Camera

Port of Toledo Boatyard



Photo #:01 (PC200101)

Description: Photo of a boat being worked on inside the Facility's main work building that serves as the large vessel building.



Photo #:02 (PC200104)

Description: Facing northeast, photo of the southern entrance/exit into the Facility's large vessel building.



Photo #:03 (PC200105)

Description: Facing east, photo of a vessel outside that will receive repair and maintenance work.



Photo #:04 (PC200110)

Description: Facing west, photo of ditch overgrown with vegetation hiding the Facility's curtain drain that runs along the Facility's western perimeter.

Port of Toledo Boatyard



Photo #:05 (PC200113)

Description: Facing north, photo of the Facility's large lift.



Photo #:06 (PC200114)

Description: Facing west, photo of the lid containing the Facility's biochar filter vault.



Photo #:07 (PC200115)

Description: Facing west, photo of up a hill where a residence is located potentially contributing run-on to the Facility's curtain drain.



Photo #:08 (PC200118)

Description: Facing west, photo of uncovered metal and wooden materials and drums adjacent to ditch where the Facility's curtain drain is located.

Port of Toledo Boatyard



Photo #:09 (PC200122)

Description: Facing north, photo of uncovered metal materials on the Facility's eastern perimeter/edge with Tokyo Slough adjacent to this edge. Tokyo Slough connects with the Yaquina River.



Photo #:10 (PC200131)

Description: Facing east, photo of uncovered metal material on the eastern perimeter/edge with Tokyo Slough adjacent to this edge. Tokyo Slough connects with the Yaquina River.



Photo #:11 (PC200137)

Description: Facing north, photo of one of the Facility's catch basins that is closed when a boat washwater drain is open.



Photo #:12 (PC200139)

Description: Facing north, photo of the Facility's storm and boat washwater drain system in which one is closed while the other is open (closed-loop system).

Port of Toledo Boatyard



Photo #:13 (PC200140)

Description: Facing south, photo of the boat washwater drain.



Photo #:14 (PC200141)

Description: Facing south, photo of the Facility's outdoor vessel repair and maintenance work area.



Photo #:15 (PC200142)

Description: Facing northeast, photo of one of the Facility's garbage containers that was uncovered at the time of inspection.



Photo #:16 (PC200145)

Description: Facing west, photo of the Facility's fabrication and retail sales shops.

Port of Toledo Boatyard



Photo #:17 (PC200149)

Description: Facing south, photo of the Facility's outdoor tent covered chemical storage area.



Photo #:18 (PC200151)

Description: Facing south, photo of uncovered tarping material along the Facility's eastern perimeter/edge with the Yaquina River adjacent to this edge.



Photo #:19 (PC200155)

Description: Facing west, photo of tarped area of the Facility where paint chips can be produced from work performed in it.



Photo #:20 (PC200156)

Description: Facing southwest, photo of a covered area at the Facility where painting and other work is performed.

Port of Toledo Boatyard



Photo #:21 (PC200157)

Description: Facing northwest, photo one of the Facility's paint thinner storage containers with built-in secondary containment.



Photo #:22 (PC200158)

Description: Facing south, photo of uncovered metal material along the Facility's eastern perimeter/edge with the Yaquina River adjacent to this edge.



Photo #:23 (PC200160)

Description: Facing northeast, photo of uncovered metal material along the Facility's eastern perimeter/edge with the Yaquina River adjacent to this edge.



Photo #:24 (PC200163)

Description: Facing north, photo of additional uncovered metal material behind the storage tent and near the Facility's eastern perimeter/edge with the Yaquina River adjacent to this edge.

Port of Toledo Boatyard



Photo #:25 (PC200166)

Description: Facing south, photo of the gravel road extending into the southern-most point of the Facility with empty chemical barrels and totes stacked for service pick-up.



Photo #:26 (PC200168)

Description: Facing southeast, photo of additional paint storage at the Facility.



Photo #:27 (PC200170)

Description: Facing east, photo of the Facility's Outfall 001. No active discharge at the time of inspection.

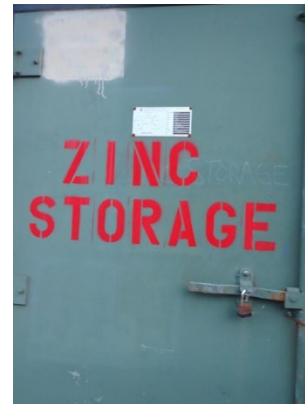


Photo #:28 (PC200173)

Description: Facing east, photo of zinc anode storage at the Facility.

Port of Toledo Boatyard



Photo #:29 (PC200174)

Description: Facing north, photo of raw materials and equipment and vessel getting ready to be worked on at the Facility.



Photo #:30 (PC200176)

Description: Facing north, photo of the Facility's catch basin with perforation to catch debris leading to Outfall 002.



Photo #:31 (PC200178)

Description: Facing east, photo of the Facility's Outfall 002. No active discharge at the time of inspection.



Photo #:32 (PC200181)

Description: Facing east, photo of the area immediately downstream into Tokyo Slough from Outfall 002.