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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE
COUNTY OF KING

CITY OF MAPLE VALLEY, a municipal
corporation,

Plaintiff,

v.

ANTHONY BUNDRIDGE and JUAN
MOSQUERA,

Defendants.

No.: 24-2-05358-1

DECLARATION OF HALLEY
KIMBALL IN SUPPORT OF CITY'S
MOTION FOR WARRANT OF
ABATEMENT

I, Halley Kimball, declare as follows:

1. I am over the age of 18 and am otherwise competent to testify to all matters herein, and make the following statements based on my personal knowledge.
2. I am an employee of the City of Maple Valley. My position is SWM/NPDES Program Manager. I have been continuously employed with the City of Maple Valley since December of 2018.
3. Defendant Juan Mosquera owns the real property that is the subject of this matter, 21845 SE 272nd St., Maple Valley, WA 98038. Defendant Anthony Bundridge is a tenant of Mr. Mosquera on the property.

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- 1 4. Mr. Bundridge's work on cars has led to environmental contamination on the property
2 which the City is addressing in addition to the Notice of Violation mentioned above.
- 3 5. Chapter 13.40 MVMC was developed in accordance with the Clean Water Act National
4 Pollutant Discharge Elimination System (NPDES) Western Washington Phase II
5 Municipal Stormwater Permit, which regulates discharge from stormwater systems into
6 surface waters and groundwaters in small municipal separate storm sewer systems in
7 western Washington.
- 8 6. Under the NPDES Phase II Municipal Stormwater Permit, the City is responsible for
9 reporting non-stormwater discharges into surface waters and groundwaters to the
10 Department of Ecology, and having progressive enforcement mechanisms in place to
11 prevent discharges.
- 12 7. On July 12, 2023, the City received a notification from the Department of Ecology that
13 a report (ERTS #724021) of illegal dumping of vehicle fluids to a storm drain has
14 occurred on the property owned by Plaintiff Mosquera at 21845 SE 272nd Street in
15 Maple Valley, Washington.
- 16 8. Attached hereto as **Exhibit 1** is a true and correct copy of the notification from the
17 Department of Ecology.
- 18 9. On July 12, 2023, City inspector John Upshaw visited the site and confirmed that the
19 storm drain has been used as the dumping point for a significant amount of oil and
20 other fluids. The inspector witnessed open containers near a storm drain that connects
21 to an infiltration pipe (a perforated pipe that infiltrates stormwater into the ground).
- 22 10. Attached hereto as **Exhibit 2** is a true and correct copy of photographs taken on July
23 12th, 2023, which show the oils and fluids from work on cars at the property.

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1 11. The City reported the contamination to the City's Department of Ecology Permit
2 Manager, and reached out to the Department of Ecology Toxics Cleanup group to
3 request guidance on soil testing parameters. The City has continued to follow up with
4 the Department of Ecology Toxics Cleanup group to report the status of the
5 contamination on the property.

6 12. The City issued a warning letter to Mr. Mosquera on July 17th, 2023 of the illegal
7 contamination on his property in violation of Maple Valley Municipal Code MVMC
8 13.40.020. Both Mr. Mosquera, the owner of the property, and Mr. Bundridge, the
9 tenant who caused the contamination, are jointly responsible for the contamination.

10 13. Attached hereto as **Exhibit 3** is a true and correct copy of the letter sent on July 17,
11 2023.

12 14. Defendant Mosquera worked with Onsite Environmental to complete the soil sampling
13 required by the July 17, 2023 letter.

14 15. The sample report from September 20, 2023 tested both Diesel Range Organics and
15 Lube Oils in the soil collected from Mr. Bundridge's property (Gasoline Range
16 Organics were not sampled for at this time). The report indicated Lube Oils exceeded
17 Model Toxics Control Act levels.

18 16. Attached hereto as **Exhibit 4** is a true and correct copy of the September 20, 2023
19 report from Onsite Environmental.

20 17. The City issued a second letter to Mr. Mosquera on November 6, 2023 with the soil
21 sample results. The letter stated that to avoid the site from becoming listed as a toxic
22 site, the area needed to be excavated, and contaminated soils removed and disposed of
23 at a licensed facility. The letter also required further soil sampling, showing that the
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1 Lube Oils, Heavy Oil and Gasoline Range Organics are below the limits specified in
2 the MTCA. The letter required cleanup and soil sampling to be completed by January 6,
3 2024.

4 18. Attached hereto as **Exhibit 5** is a true and correct copy of the letter sent to Mr.
5 Mosquera on November 6, 2023.

6 19. On February 7, 2024, the City issued a Notice of Civil Violation and Order (NOV) that
7 formed the basis of the City's Complaint for Warrant of Abatement in this matter. The
8 NOV was sent to both Defendants by certified first-class mail.

9 20. Attached hereto as **Exhibit 6** is a true and correct copy of the NOV.

10 21. Defendants did not appeal the NOV, which would have needed to be filed within
11 fourteen calendar days of the service of the NOV.

12 22. Defendants have not paid the monetary penalties required by the NOV.

13 23. Defendants have not completed the corrective action required by the NOV. In order to
14 comply with the NOV, Defendants would need to remove the asphalt paving around the
15 storm drain and dig down to the infiltration pipe and remove the soil that is
16 contaminated. All soils would need to be stockpiled and covered during removal, and
17 be disposed of at a place that accepts contaminated soils (and the contamination needs
18 to be disclosed to the site). The drain and infiltration trench would also likely need to be
19 removed and replaced, and the City would need to inspect the replacement. Before they
20 fill the excavated areas, they would need to collect samples on each side and bottom or
21 the pit and receive analysis from an accredited lab that show that the samples are below
22 the acceptable levels set by the Department of Ecology. Then the excavated area could
23 be refilled and the asphalt replaced. The City has not received any notification from
24

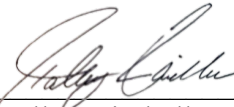
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1 Defendants that the property has been abated, or that Defendants have taken any of the
2 steps toward abatement. The City has not been informed about any removal of
3 contaminated soils, or the drain and infiltration trench. And the City has not received an
4 analysis demonstrating that the soil meets MTCA levels.

5
6 I declare under penalty of perjury under the laws of the State of Washington that the foregoing
7 is true and correct.

8 Dated this 13TH day of June, 2024 at Maple Valley, Washington.

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11 _____
12 Halley Kimball

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