



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

CERTIFIED MAIL

7007 2560 0000 6214 0327

November 25, 2008

The Port of Olympia
Ed Galligan, Executive Director
915 Washington Street NE
Olympia, Washington 98501

Dear Mr. Galligan:

RE: East Bay Redevelopment
315 Jefferson Street NE
Olympia, Washington 98501

Enclosed is the Notice of Penalty Incurred and Due No. 6186 which is being issued for Unlawful Discharge of Polluting Matter into Waters of the State. If you have any questions concerning the content of the document, please call Mohsen Kourehdar, at 360-407-6256. If you wish to formally contest the penalty, you must follow the procedures described in the Notice of Penalty.

Sincerely,

Rebecca S. Lawson, P.E., L.Hg.
Section Manager
Toxics Cleanup Program
Southwest Regional Office

Enclosures

cc: Penalty Desk, Fiscal Office
Jeff Lincoln, The Port of Olympia

Xxxxxx

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF PENALTY)
ASSESSMENT AGAINST)
The Port of Olympia (the Port))

NOTICE OF PENALTY
INCURRED AND DUE
No. 6186

To: The Port of Olympia
915 Washington Street NE
Olympia, Washington 98501

For the site located at:

East Bay Redevelopment
315 Jefferson Street NE
Olympia, Washington 98501

Notice is given that the Department of Ecology (Department) has assessed a penalty against you in the amount of \$500.00 for violation of chapter 90.48.080 of the Revised Code of Washington (RCW) at the location known as East Bay Redevelopment located at 315 Jefferson Street NE, Olympia, Washington 98501. This penalty is issued under the authority of RCW 90.48.144.

The penalty is based on the following Department findings:

On October 9 of 2008, the Port submitted a letter informing Ecology that between 1000 to 1500 gallons of water generated during the pilot study, has been released from a settlement tank into East Bay of Budd Inlet via a storm drain. According to the Port, the water was released by an employee of the baker tank company without any Port oversight. The data has shown lack of oversight by the Port has caused an Unlawful Discharge of Polluting Matter into Waters of the State RCW 90.48.080.

The penalty is due and payable by you within thirty (30) days of your receipt of this Notice.

Please send your penalty payment to:

Department of Ecology
Cashiering Unit
PO Box 47611
Olympia WA 98504-7611

You have the right to submit an **Application for Relief to Ecology**. You also have the right to **Appeal** this penalty to the Pollution Control Hearings Board immediately without exercising the option of filing an Application for Relief to Ecology.

If you file a timely Application for Relief to Ecology within thirty (30) days of your receipt of this notice of penalty, Ecology will respond with a "Notice of Disposition Upon Application for Relief." You will then have a right to appeal Ecology's "Notice of Disposition Upon Application for Relief" to the Pollution Control Hearings Board.

NOTICE: If you do not submit a timely Application for Relief or Appeal, this Penalty will become due and owing and will not be subject to further administrative or judicial review.

To submit an Application for Relief from an Assessed Penalty: Pursuant to chapter 43.21B RCW, your Application for Relief must be submitted in writing to the Department of Ecology within thirty (30) days of the date of receipt of this document.

To apply for relief you must

Mail your Application for Relief to:

Deliver your Application for Relief in person to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
PO Box 47608
Olympia WA 98504-7608

OR

The Department of Ecology
Appeals & Application for Relief
Coordinator
300 Desmond Dr SE
Lacey WA 98503

To Appeal this Notice of Penalty you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the "date of receipt" of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the "date of receipt" of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). "Date of receipt" is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of the Notice of Penalty that you are appealing with your Notice of Appeal.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey WA 98503

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
PO Box 47608
Olympia WA 98504-7608

OR

Deliver your appeal in person to:

The Department of Ecology
Appeals & Application for Relief
Coordinator
300 Desmond Dr SE
Lacey WA 98503

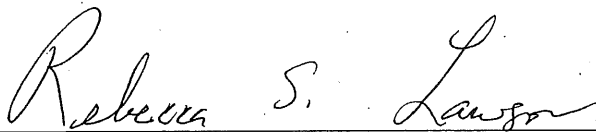
3. And send a copy of your appeal to:

Mohsen Kourehdar
Department of Ecology
Southwest Regional Office
P.O. Box 47775
Olympia, Washington 98504-7775

*For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov/>*

*To find laws and agency rules visit the Washington State Legislature Website:
<http://www.leg.wa.gov/CodeReviser>*

DATED this 25 day of November, 2008 at Olympia, Washington.



Rebecca S. Lawson, P.E., L.Hg.
Section Manager
Toxics Cleanup Program
Southwest Regional Office

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF THE ASSESSMENT) APPLICATION FOR RELIEF
OF PENALTY AGAINST) FROM PENALTY No. 6186
The Port of Olympia (the Port))

To: The Port of Olympia
915 Washington Street NE
Olympia, Washington 98501

To: Department of Ecology
Toxics Cleanup Program
Southwest Regional Office

The Port has received your "NOTICE OF PENALTY INCURRED AND DUE," which states that the Port has incurred a penalty of \$500.

I have further read and understand RCW 9A.72.030 (which is included with this document) which prescribed penalties for the making of false statements. I hereby make, under oath and on behalf of the Port, application for mitigation or remission of the penalties for the following reasons:

I swear that the foregoing is a true, full and complete statement of the facts of this case.

By: _____

Title: _____

SUBSCRIBED AND SWORN to before this _____ day of _____, 200__.

NOTARY PUBLIC in and for the State of Washington.

My commission expires: _____
RCW 9A.72.030 Perjury in the second degree.

(1) A person is guilty of perjury in the second degree if, in an examination under oath under the terms of a contract of insurance, or with intent to mislead a public servant in the performance of his or her duty, he or she makes a materially false statement, which he or she knows to be false under an oath required or authorized by law.

(2) Perjury in the second degree is a class C felony.

