



Mr. Marc Isaacson
Director
King County Wastewater Treatment Division
King Street Center, KSC-NR-0500
201 South Jackson Street
Seattle, Washington 98104

Re: United States of America and the State of Washington v. King County
Consent Decree (Consent Decree), Civil Action No. 2:13-cv-00677-JCC
Demand for Payment of Stipulated Penalties

Dear Mr. Isaacson:

On July 3, 2013, the Environmental Protection Agency (EPA), the Washington State Department of Ecology (Ecology) and King County (County) entered into the above-mentioned Consent Decree (modified October 25, 2016) to resolve alleged violations of the Clean Water Act, including violations of your National Pollutant Elimination System Permit (NPDES Permit).

Section X of the Consent Decree requires the County to pay stipulated penalties for certain violations of the Consent Decree. Effluent limit violations of certain County combined sewer outfalls, as defined by Paragraph 58 of the Consent Decree, give rise to the County's obligation to pay stipulated penalties as follows:

- \$10,000 per annum for failing to meet the Total Suspended Solids removal efficiency;
- \$10,000 per annum for failing to meet the Settleable Solids annual average;
- \$2,000 per event for failing to meet the Settleable Solids maximum per event;
- \$2,000 per month for failing to meet the Fecal Coliform monthly geometric mean (Fecal limit);
- \$2,000 for failing to meet the Total Residual Chlorine daily maximum (TRC limit).

During the time frame of January 1, 2019, through June 30, 2020, there was a total of three violations for which EPA and Ecology have decided to issue stipulated penalties.

As shown in the table below, the County had two effluent violations including Total Residual Chlorine (TRC) at the Elliot West CSO Treatment Plant. Each occasion is a separate violation subject to a stipulated penalty of \$2,000. Additionally, there was one violation of the annual Settleable Solids limit at the Elliot West treatment plant. This violation is subject to a stipulated penalty of \$10,000.

The following table provides an itemized list of each violation.

Limit Violations

Date of Violation	Location of Incident	Parameter/Reported Value	Limit	Stipulated Penalty Value
12/19 -12/21/2019	Elliott West CSO 27	TRC 268 µg/l, TRC 1059 µg/l, TRC 113 µg/l	109 µg/l Max Daily	\$2,000
2019	Elliott West CSO 27	Settleable Solids 0.7 mL/L/hr	0.3 mL/L/hr	\$10,000
01/27/2020	Elliott West CSO 27	TRC 300 µg/l	109 µg/l Max Daily	\$2,000

Total Stipulated Penalty: \$14,000

Paragraph 65 of the Consent Decree allows the United States, the State, or both to seek stipulated penalties by sending a written demand to the County and further provides that when a joint demand for stipulated penalties is made, the County shall pay 50% of the demanded amount to the United States and 50% to the State. As a result of the three identified limit violations EPA and Ecology are jointly issuing a demand for payment of \$14,000. Accordingly, the County is required to pay \$7,000 to EPA and \$7,000 to Ecology.

Payment is due within thirty (30) days of the date this written demand is received by the County. See Paragraph 65 of the Consent Decree. Payment shall be made in accordance with Paragraphs 52 and 53 of the Consent Decree. See Paragraph 67 of the Consent Decree. Please note that the payment to the United States is by Electronic Fund Transfer and notice of such transfer as required by Paragraph 52 shall be sent to the following address:

EPA Cincinnati Finance Office
26 Martin Luther King Drive
Cincinnati, Ohio 45268

The notice that is sent to the above address shall include a copy of the electronic fund transfer authorization and a transmittal letter that states the payment is made for a civil penalty owed pursuant to the Consent Decree and shall reference the civil action number for this matter and the Department of Justice (DOJ) case number 90-5-1-1-10030. See Paragraph 52 of the Consent Decree. Consistent with Paragraph 53, payment to the State may be by check payable to “Department of Ecology” and mailed to:

Department of Ecology
Cashiering Unit
P.O. Box 47611
Olympia, Washington 98504-7611

Payment to the State must be accompanied by a transmittal letter that states the payment is for a civil penalty and owed pursuant to the Consent Decree and shall reference the civil action number for this matter. See Paragraph 54 of the Consent Decree.

In addition, the notices provided to the United States and State must also satisfy the notice requirement of Section XIII of the Consent Decree (Notices).

Please direct written notification or communication under Section XIII and Paragraph 85 of the Consent Decree to the following individuals:

For DOJ:

Chief, Environmental Enforcement Section
Environment & Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Ph: 202.514.5271
Fax: 202.514.0097

Kathryn C. Macdonald, Attorney
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
kathryn.macdonald@usdoj.gov
Ph: 202.353.7397
Fax: 202.514.0097

For EPA:

Ted Yackulic
Assistant Regional Counsel
U.S. EPA, Region 10
1200 6th Avenue, Suite 900 (ORC-158)
Seattle, Washington 98101
yackulic.ted@epa.gov
Ph: 206.553.1218
Fax: 206.553.0163

Rob Grandinetti
NPDES Compliance Officer
U.S. EPA, Region 10
1200 6th Avenue, Suite 900 (OCE-133)
Seattle, Washington 98101
grandinetti.robert@epa.gov
Ph: 509.376.3748
Fax: 509.376.2396

For Ecology:

Rachel McCrea
Water Quality Section Manager
Washington State Department of Ecology
Northwest Regional Office
3190 – 160th Avenue Southeast
Bellevue, Washington 98008-5452
rachel.mccrea@ecy.wa.gov
Ph: 425.649.7033

For the State of Washington:

Ronald L. Lavigne
Senior Counsel
Attorney General of Washington
Ecology Division
P.O. Box 40117
Olympia, Washington 98504
ronald.lavigne@atg.wa.gov
Ph: 360.586.6751

If the County believes the amount assessed is incorrect, the County may invoke the dispute resolution procedures under Section XII of the Consent Decree. As part of your statement of matters in dispute, please include the effluent limit violations or overflows the County wishes to dispute and the County's reasons for believing the assessed amount is incorrect.

In accordance with Section X, Paragraph 65, all penalties which are not in dispute are due and payable to the United States and Ecology within thirty (30) days of receipt of this letter.

Should you have any questions regarding this letter, you may contact Edward Kowalski at (206) 553-6695, Rachel McCrea at (425) 649-7033 or have your counsel contact Ted Yackulic, Assistant Regional Counsel, at (206) 553-1218 or Ronald Lavigne at (360) 586-6751.

Sincerely,

Date: _____

Edward J. Kowalski, Director
Office of Compliance and Enforcement
Environmental Protection Agency

Date: _____

Rachel McCrea
Water Quality Section Manager
Washington State Department of Ecology

Sent by Certified Mail No.: 9171 9690 0935 0233 2085 53

cc: Mr. Jeff Lafer
Water Quality Planner, King County Wastewater Treatment Division

Ms. Kathryn Macdonald
Attorney, U.S. Department of Justice

Mr. Ronald Lavigne
Attorney General, Washington State Department of Ecology

Mr. Vince McGowan
Water Quality Program Manager, Ecology, Headquarters

Mr. Greg Lipnickey
Municipal Compliance Specialist, Washington State Department of Ecology

Mr. Shawn McKone
Municipal Facility Manager, Washington State Department of Ecology