



DEPARTMENT OF
ECOLOGY
State of Washington



Mr. Andrew Lee
Deputy Director
City of Seattle, Seattle Public Utilities
P.O. Box 34018
Seattle, Washington 98124-4018

Re: United States of America and the State of Washington v. The City of Seattle
Consent Decree (Consent Decree), Civil Action No. 2:13-cv-00678-JCC
Demand for Payment of Stipulated Penalties

Dear Mr. Lee:

On July 3, 2013, the Environmental Protection Agency (EPA), the Washington State Department of Ecology (Ecology) and the City of Seattle (Seattle) entered into the above-mentioned Consent Decree to resolve alleged violations of the Clean Water Act, including violations of your National Pollutant Elimination System Permit (NPES Permit) and sanitary sewer overflow violations.

Section X of the Consent Decree requires Seattle to pay stipulated penalties for certain violations of the Consent Decree. The occurrence of a dry weather Combined Sewer Overflow (CSO), as defined by Paragraph 9.o of the Consent Decree, is a violation that gives rise to Seattle's obligation to pay a stipulated penalty of \$7,500 per day for each dry weather CSO that occurs. See Paragraph 60 of the Consent Decree. The occurrence of a Sewer Overflow, as defined by Paragraph 9.a of the Consent Decree, is a violation that gives rise to Seattle's obligation to pay a stipulated penalty of \$2,500 per day of each sewer overflow. See Paragraph 61 of the Consent Decree.

During the time frame of January 1, 2019, through June 30, 2020, there were two dry weather overflows and seven sewer overflows for which EPA and Ecology have decided to issue stipulated penalties.

Dry Weather Overflows

Date of Incident	Location of Incident	Dry Weather Overflow Description	Stipulated Penalty Value
3/1/2019	CSO Outfall 018 at 3718 NE 41st St/3901 NE Surber Dr	Dry weather overflow of ~36,000 gallons to Union Bay due to debris blockage	\$7,500
7/14/2019	CSO Outfall 127 at 1103 Fairview Ave N	Dry weather overflow of ~6,000 gallons to Lake Union due to a grease blockage in the system and monitoring system problems	\$7,500

Sewer Overflows

Date of Incident	Location of Incident	Sewer Overflow Description	Stipulated Penalty Value
2/01/2019	10721 30th Ave NE	7,500 gallons to Thornton Creek due to debris blockage in the system	\$2,500
2/12/2019	1610 N 41st St.	2,000 gallons into a building due to root blockage.	\$2,500
6/15/2019	9700 Ravenna Ave NE	6,000 gallons to Thornton Creek due to a root blockage in the system	\$2,500
6/22-24/2019	2851 NW 94th St	165,000 gallons to Puget Sound due to debris blockage in the system	\$2,500
12/20/2019	1202 NW Carkeek Park Rd	9,000 gallons to Pipers Creek due to capacity issues with the gravity main	\$2,500
1/23/2020	1406 38th Ave E	2,600 gallons backed up into a building due to a blockage from roots	\$2,500
5/24/2020	1414 Seneca St	7,000 gallons to Lake Union due to a blockage from roots	\$2,500

Total Stipulated Penalty: \$32,500

Paragraph 64 of the Consent Decree allows the United States, the State, or both to seek stipulated penalties by sending a written demand to the City, and further provides that when a joint demand for stipulated penalties is made, the City shall pay 50% of the demanded amount to the United States and 50% to the State.

As a result of the two dry weather overflows and seven sewer overflows and pursuant to this letter, EPA and Ecology are jointly issuing a demand for payment of \$32,500. Accordingly, Seattle is required to pay \$16,250 to EPA and \$16,250 to Ecology.

Payment is due within 30 days of the date this written demand is received by Seattle. See Paragraph 64 of the Consent Decree. Payment shall be made in accordance with Paragraphs 52 and 53 of the Consent Decree. See Paragraph 66 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 90-5-1-1-1006. 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 53 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).

For written notification or communication under Section XIII and Paragraph 83 of the Consent Decree, please use 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 WA:
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 Seattle believes the amount assessed is incorrect, Seattle 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 sanitary sewer overflow or overflows Seattle wishes to dispute, and Seattle's reasons for believing the assessed amount is incorrect.

In accordance with Section X, Paragraph 64, all penalties which are not in dispute are due and payable to the United States and Ecology within 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: _____

Vince McGowan
Water Quality Program Manager
Washington State Department of Ecology

Sent by Certified Mail No.: 9171 9690 0935 0233 2085 46

cc: Ms. Betty Meyer
Wastewater Regulatory Compliance Manager, City of Seattle

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

Mr. Andrew Lee, Deputy Director
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Mr. Ronald Lavigne
Attorney General, Washington State Department of Ecology

Ms. Rachel McCrea
Water Quality Section Manager, Washington State Department of Ecology

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

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