



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300  
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

December 16, 2020

The Honorable Cheryl Selby  
Mayor of Olympia  
PO Box 1967  
Olympia, WA 98507-1967

<b>Notice of Penalty Docket #</b>	19471
<b>Site Location</b>	Percival Creek Bridge Olympia, WA
<b>Penalty Amount</b>	\$15,000
<b>Due Date</b>	Within 30 Days After Receiving this Notice of Penalty

Re: Notice of Penalty

Dear Mayor Selby:

The Department of Ecology (Ecology) has issued the enclosed Notice of Penalty to City of Olympia for violating provisions of:

- Chapter 90.48 Revised Code of Washington (RCW)

Please read the enclosed Notice of Penalty describing the violation(s) and options for responding to the penalty.

Ecology issues news releases for all major penalties and enforcement actions, including this one. A courtesy copy of the draft new release is enclosed. If you have a comment or question, contact Ecology communication manager, Larry Altose at [Larry.Altose@ecy.wa.gov](mailto:Larry.Altose@ecy.wa.gov) or (206) 920-2600 within one (1) business day of when you first receive the draft news release.

If you have questions please contact Patricia Bailey at [Patricia.Bailey@ecy.wa.gov](mailto:Patricia.Bailey@ecy.wa.gov) or (360) 489-4313.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Kolosseus".

Andrew Kolosseus  
Southwest Region Section Manager  
Water Quality Program

Enclosures: Notice of Penalty Docket #19471  
Draft News Release

Notice of Penalty  
Incurred and Due #19471  
December 16, 2020  
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cc: Fiscal-Penalty Desk, Ecology

**CERTIFIED MAIL: 9489 0090 0027 6085 7536 15**

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF PENALTY	)	NOTICE OF PENALTY
ASSESSMENT AGAINST	)	INCURRED AND DUE
City of Olympia	)	PENALTY DOCKET #19471

To: The Honorable Cheryl Selby  
Mayor of Olympia  
PO Box 1967  
Olympia, WA 98507-1967

<b>Notice of Penalty Docket #</b>	19471
<b>Site Location</b>	Percival Creek Foot Bridge Olympia, WA
<b>Penalty Amount</b>	\$15,000
<b>Due Date</b>	Within Thirty (30) Days After Receiving This Notice of Penalty.

The Department of Ecology (Ecology) has assessed a penalty against The City of Olympia in the amount of \$15,000 for violating provisions of:

- Chapter 90.48 Revised Code of Washington (RCW)

Ecology has authority to issue this penalty under RCW 90.48.144 and is basing the penalties on the violations listed in this notice.

**DETERMINATION OF VIOLATION(S)**

**Ecology's determination that a violation/violations has/have occurred is based on the violations listed below.**

**Violation(s):**

Violation description: Between May 22, 2020, and May 26, 2020, [five (5) days]  
232,560 gallons of unpermitted raw sewage was discharged into Percival Creek from the Percival Creek Bridge when a sewage pipe pump-around became dislodged.

**FAILURE TO COMPLY WITH THIS NOTICE OF PENALTY**

Continued failure to correct the violations listed in this Notice of Penalty may result in additional, escalated penalties.

**Option 1: Pay the Penalty Within Thirty (30) Days After Receiving the Notice of Penalty.**

Make your payment payable to the *Department of Ecology*. Please include the penalty docket number on your payment.

**Mail Payment To:**

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

Note: Ecology may take legal action to collect the penalty if you have not paid thirty (30) days after receiving the Notice of Penalty, and have not appealed.

**Option 2: Appeal to the Pollution Control Hearings Board (PCHB) and Serve Ecology Within Thirty (30) Days After the Date of Receipt of the Notice of Penalty.**

The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within thirty (30) days after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the PCHB during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

**ADDRESS AND LOCATION INFORMATION**

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive Southeast Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road Southwest, Suite 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

## CONTACT INFORMATION

Please direct all questions about this Notice of Penalty to:

Patricia Bailey  
Department of Ecology  
Southwest Regional Office

Phone: 360-407-6281

Email: [Patricia.Bailey@ecy.wa.gov](mailto:Patricia.Bailey@ecy.wa.gov)

## MORE INFORMATION

- **Pollution Control Hearings Board**  
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**  
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology's Laws, rules, & rulemaking website**  
<https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>

## SIGNATURE



Andrew Kolosseus  
Southwest Region Section Manager  
Water Quality Program

December 16, 2020

Date