



DEPARTMENT OF
ECOLOGY
State of Washington



Mr. Kamuron Gurol
Director
King County Wastewater Treatment Division
King Street Center, KSC-NR-5501
201 South Jackson Street
Seattle, Washington 98104

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

Dear Mr. Gurol:

On July 3, 2013, the United States of America, on behalf of the Environmental Protection Agency (EPA), the State of Washington ("State"), on behalf of the Washington State Department of Ecology ("Ecology"), and King County ("County") entered into the above-mentioned Consent Decree to resolve alleged violations of the Clean Water Act, including violations of the County's National Pollutant Discharge Elimination System (NPDES) Permit (No. WA0029181).

Section X of the Consent Decree requires the County to pay stipulated penalties for certain violations of the Consent Decree and its NPDES Permit. This letter constitutes a formal demand for stipulated penalties for the County's violations of the Consent Decree and its NPDES Permit. Paragraph 58 of the Consent Decree assesses stipulated penalties for permit violations in different amounts depending on the parameter, 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); and,
- \$2,000 for failing to meet the Total Residual Chlorine daily maximum (TRC limit).

Furthermore, Paragraph 62 of the Consent Decree requires the County to pay a stipulated penalty of \$2,500 per day for each Sewer Overflow.

During the time frame of July 1, 2020, through June 30, 2021, the County had six effluent limit violations and seven sewer overflows for which EPA and Ecology are currently demanding stipulated penalties. The following tables provide an itemized list of each violation.

Effluent Limit Violations

Date of Violation	Location of Incident	Parameter, Reported Value	Limit	Stipulated Penalty Value
12/21/2020	Elliott West CSO 27	Total residual chlorine, 694 µg/l	109 µg/l Max Daily	\$2,000
2020	Carkeek CSO 46	Settleable Solids, 0.4 mL/L/hr	0.3 mL/L/hr Annual Average	\$10,000
2020	Elliott West CSO 27	Settleable Solids, 2.18 mL/L/hr	0.3 mL/L/hr Annual Average	\$10,000
2020	MLK/Henderson CSO 44	Settleable Solids, 0.4 mL/L/hr	0.3 mL/L/hr Annual Average	\$10,000
1/4/2021	Elliott West CSO 27	Total residual chlorine, 467 µg/l	109 µg/l Max Daily	\$2,000
1/11/2021	Elliott West CSO 27	Total residual chlorine, 152 µg/l	109 µg/l Max Daily	\$2,000
Subtotal:				\$36,000

Sewer Overflows

Date of Violation	Location of Incident	Description	Stipulated Penalty Value
12/20/2020	W. Duwamish PS (Outfall 035)	Unknown amount of sewer overflow into the Duwamish River.	\$2,500
12/21/2020	E. Duwamish Pump Station (Outfall 034)	Unknown amount of sewer overflow into the Duwamish River.	\$2,500
12/21/2020	53 Ave SW Pump Station (Outfall 052)	Unknown amount of sewer overflow into Puget Sound	\$2,500
12/21/2020	63 rd Ave Pump Station (Outfall 054)	Unknown amount of sewer overflow into Puget Sound	\$2,500
12/21/2020	8 th Ave. Regulator	Unknown amount of sewer backups occurred in residences.	\$2,500
1/3/2021	8th Ave. Regulator	Unknown amount of sewer backups occurred in residences	\$2,500
1/13/2021	East Pine Pump Station (Outfall 002) (ERTS 703211)	~2.2 million gallons into Lake Washington	\$2,500
Subtotal			\$17,500
Total Stipulated Penalty			\$53,500

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. EPA and Ecology are jointly issuing a demand for payment of \$53,500. Accordingly, the County is required to pay \$26,750 to EPA and \$26,750 to Ecology.

Payment is due within 30 days of the date this written demand is received by the County, see Paragraph 65 of the Consent Decree and 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 sent to the above address shall include a copy of the electronic fund transfer authorization and a transmittal letter. The transmittal letter must state that the payment is made for a civil penalty owed pursuant to the Consent Decree and reference the civil action number for this matter and the 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 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 the 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 85 of the Consent Decree, please use the following individuals as to the United States:

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, WA 98101
yackulic.ted@epa.gov
Ph: 206.553.1218
Fax: 206.553.0163

Tara Martich
CWA Enforcement Specialist
U.S. EPA, Region 10
222 W. 7th Ave, Box 19
Anchorage, AK 99513
martich.tara@epa.gov
Ph: 907.271.6323

For Ecology:

Rachel McCrea
Water Quality Section Manager
Washington State Department of Ecology
Northwest Region Office
P.O. Box 330316
Shoreline, WA 98133-9716
rachel.mccrea@ecy.wa.gov
Ph: 206.594.0146

For the State of Washington:

Ronald L. Lavigne
Senior Counsel
Attorney General of Washington
Ecology Division
P.O. Box 40117
Olympia, WA 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 violations 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 30 days of receipt of this letter.

Should you have any questions regarding this letter, you may reach Edward Kowalski, at (206) 553-6695, Rachel McCrea, at (206) 594-0146 or have your counsel contact Ted Yackulic, Assistant Regional Counsel, at (206) 553-1218 or Ronald Lavigne, Assistant Attorney General, 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 Department of Ecology

Certified Mail No.: 9171 9690 0935 0233 1616 43

ecc: Jeff Lafer, King County Wastewater Treatment Division
Shawn McKone, Ecology Northwest Region Office
Rachel McCrea, Ecology Northwest Region Office
Sean Wilson, Ecology Northwest Region Office
Greg Lipnickey, Ecology Northwest Region Office
Ronald Lavigne, Washington State Office of the Attorney General Ecology Division
Kathryn Macdonald, U.S. Department of Justice