



REGION 10
SEATTLE, WA 98101

Kamuron Gurol, Director
King County Wastewater Treatment Division
King Street Center, KSC-NR-5501
201 S. 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. Gurol:

On July 3, 2013, the United States of America, on behalf of the Environmental Protection Agency ("EPA"), the State of Washington, 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 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. Paragraphs 58 and 59 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;
- \$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); and,
- \$3,000 for failure to comply with the Compliance Program Requirements.

Furthermore, Paragraphs 61 and 62 of the Consent Decree requires the County to pay a stipulated penalty of \$7,500 per day for each Dry Weather Combined Sewer Overflow and \$2,500 per day for each Sewer Overflow.

During the time frame of July 1, 2021, through December 31, 2022, the County had twenty-five effluent limit violations, twelve failures to comply with the Compliance Program Requirements (pH violations at Elliott West and disinfection failures at Elliott West/Carkeek), three sewer overflows,

and one dry weather combined sewer overflow for which the 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
10/28/2021	Carkeek, CSO 46	Total residual chlorine, 3,139 µg/l	490 µg/l Max Daily	\$2,000
11/2021	Elliott West, CSO 27	Fecal Coliform, 330,000 #/100mL	400 #/100mL Monthly Geometric Mean	\$2,000
2021	Alki, CSO 51	Total Suspended Solids Removal, 36%	>50%	\$10,000
2021	Elliott West, CSO 27	Settleable Solids, 3.83 mL/L/hr	0.3 mL/L/hr	\$10,000
01/02/2022	MLK/Henderson, CSO 44	Total residual chlorine, 511 µg/l	39 µg/l Max Daily	\$2,000
01/02/2022	Elliott West, CSO 27	Total residual chlorine, 1,918 µg/l	109 µg/l Max Daily	\$2,000
01/02/2022	Carkeek, CSO 46	Total residual chlorine, 3,547 µg/l	490 µg/l Max Daily	\$2,000
01/03/2022	Elliott West, CSO 27	Total residual chlorine, 2,586 µg/l	109 µg/l Max Daily	\$2,000
01/03/2022	Carkeek, CSO 46	Total residual chlorine, 4,572 µg/l	490 µg/l Max Daily	\$2,000
01/04/2022	Carkeek, CSO 46	Total residual chlorine, 3,388 µg/l	490 µg/l Max Daily	\$2,000
01/05/2022	Elliott West, CSO 27	Total residual chlorine, 309 µg/l	109 µg/l Max Daily	\$2,000
01/06/2022	Elliott West, CSO 27	Total residual chlorine, 624 µg/l	109 µg/l Max Daily	\$2,000
01/07/2022	Carkeek, CSO 46	Total residual chlorine, 552 µg/l	490 µg/l Max Daily	\$2,000
02/27/2022	Elliott West, CSO 27	Total residual chlorine, 3,801 µg/l	109 µg/l Max Daily	\$2,000

Date of Violation	Location of Incident	Parameter, Reported Value	Limit	Stipulated Penalty Value
02/28/2022	Elliott West, CSO 27	Total residual chlorine, 4,354 µg/l	109 µg/l Max Daily	\$2,000
02/2022	Elliott West, CSO 27	Fecal Coliform, 2,133,073 #/100mL	400 #/100mL Monthly Geometric Mean	\$2,000
04/03/2022	Elliott West, CSO 27	Total residual chlorine, 566 µg/l	109 µg/l Max Daily	\$2,000
06/2022	Elliott West, CSO 27	Fecal Coliform, 4,469 #/100mL	400 #/100mL Monthly Geometric Mean	\$2,000
11/06/2022	Elliott West, CSO 27	Total residual chlorine, 229 µg/l	109 µg/l Max Daily	\$2,000
11/22/2022	Elliott West, CSO 27	Total residual chlorine, 110 µg/l	109 µg/l Max Daily	\$2,000
12/24/2022	Elliott West, CSO 27	Total residual chlorine, 642 µg/l	109 µg/l Max Daily	\$2,000
12/25/2022	Elliott West, CSO 27	Total residual chlorine, 219 µg/l	109 µg/l Max Daily	\$2,000
2022	Alki, CSO 51	Total Suspended Solids Removal, 37%	>50%	\$10,000
2022	Elliott West, CSO 27	Settleable Solids, 1.90 mL/L/hr	0.3 mL/L/hr	\$10,000
2022	Elliott West, CSO 27	Total Suspended Solids Removal, 39%	>50%	\$10,000
Subtotal:				\$90,000

Compliance Program Requirement Violations

Date of Violation	Location of Incident	Requirement	Failure	Stipulated Penalty Value
01/02/2022	Elliott West, CSO 27	Maintain pH of effluent above 6.0 standard units	Reported effluent pH of 5.5	\$3,000
01/03/2022	Elliott West, CSO 27	Maintain pH of effluent above 6.0 standard units	Reported effluent pH of 4.8	\$3,000

Date of Violation	Location of Incident	Requirement	Failure	Stipulated Penalty Value
01/06/2022	Elliott West, CSO 27	Maintain pH of effluent above 6.0 standard units	Reported effluent pH of 5.3	\$3,000
01/06/2022	Elliott West, CSO 27	Properly operate and maintain all facilities and systems of treatment and control	Disinfection failure	\$3,000
01/07/2022	Carkeek, CSO 46	Properly operate and maintain all facilities and systems of treatment and control	Disinfection failure	\$3,000
02/28/2022	Carkeek, CSO 46	Properly operate and maintain all facilities and systems of treatment and control	Disinfection failure	\$3,000
06/05/2022	Elliott West, CSO 27	Properly operate and maintain all facilities and systems of treatment and control	Disinfection failure	\$3,000
12/24/2022	Elliott West, CSO 27	Maintain pH of effluent above 6.0 standard units	Reported effluent pH of 5.6	\$3,000
12/24/2022	Carkeek, CSO 46	Properly operate and maintain all facilities and systems of treatment and control	Disinfection failure	\$3,000
12/25/2022	Elliott West, CSO 27	Maintain pH of effluent above 6.0 standard units	Reported effluent pH of 3.5	\$3,000
12/26/2022	Elliott West, CSO 27	Maintain pH of effluent above 6.0 standard units	Reported effluent pH of 4.8	\$3,000
12/27/2022	Elliott West, CSO 27	Maintain pH of effluent above 6.0 standard units	Reported effluent pH of 4.7	\$3,000
Subtotal				\$36,000

Dry Weather Combined Sewer Overflow

Date of Violation	Location of Incident	Description	Stipulated Penalty Value
08/22/2022	East Pine Pump Station	20,000 gallons dry weather CSO to Lake Washington due to a pump station power outage	\$7,500
Subtotal			\$7,500

Sewer Overflows

Date of Violation	Location of Incident	Description	Stipulated Penalty Value
01/03/2022	Montlake Regulator Station	20,740,000 gallons to Lake Washington Ship Canal due to a CSO outfall gate failure	\$2,500
03/03/2022	Murray Ave Pump Station	33,500 gallons to Puget Sound due to force main leak	\$2,500
11/26/2022	Barton Pump Station	5,400 gallons to Puget Sound due to an unknown blockage of the system	\$2,500
Subtotal			\$7,500
Total Stipulated Penalty			<u>\$141,000</u>

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. The EPA and Ecology are jointly issuing a demand for payment of \$141,000. Accordingly, the County is required to pay \$70,500 to the United States and \$70,500 to the State.

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 made 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:

For DOJ:

eescdcopy.enrd@usdoj.gov
Re: Consent Decree, Civil Action No. 2:13-cv-00677-JCC

OR

EES Case Management Unit
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, D.C. 20044-7611
Re: Consent Decree, Civil Action No. 2:13-cv-00677-JCC

For the EPA:

Tara Martich
martich.tara@epa.gov
Re: Consent Decree, Civil Action No. 2:13-cv-00677-JCC

OR

Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 10
1200 6th Ave Suite 155
Seattle, Washington 98101

For the State of Washington:

Ronald Lavigne
ronald.lavigne@atg.wa.gov
Re: Consent Decree, Civil Action No. 2:13-cv-00677-JCC

OR

Attorney General of Washington
Ecology Division
P.O. Box 40117
Olympia, Washington 98504

For Ecology:

Sean Wilson
sean.wilson@ecy.wa.gov
Re: Consent Decree, Civil Action No. 2:13-cv-00677-JCC

OR

King County West Point WWTP Permit Manager
Water Quality Program
Washington Department of Ecology
Northwest Regional Office
P.O. Box 330316
Shoreline, Washington 98133

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 the County's 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 that are not in dispute are due and payable to the United States and the State 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. Thank you for your attention to this matter.

Sincerely,

Date: _____

Edward J. Kowalski, Director
Enforcement and Compliance Assurance Division
Environmental Protection Agency

Date: _____

Vince McGowan
Water Quality Program Manager
Washington Department of Ecology

cc: 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