



**REGION 10**  
SEATTLE, WA 98101

Andrew Lee, General Manager and CEO  
City of Seattle, Seattle Public Utilities  
P.O. Box 34018  
Seattle, Washington 98124-5177

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 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 the City of Seattle (“Seattle”) entered into the above-mentioned Consent Decree to resolve alleged violations of the Clean Water Act, including violations of Seattle’s National Pollutant Elimination System (“NPDES”) Permit (No. WA0031682).

Section X of the Consent Decree requires Seattle to pay stipulated penalties for certain violations of the Consent Decree. This letter constitutes a formal demand for stipulated penalties for Seattle’s 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 requires Seattle to pay a stipulated penalty of \$7,500 per day. See Paragraph 60 of the Consent Decree. The occurrence of a Sewer Overflow, as defined by Paragraph 9.aa of the Consent Decree, is a violation that gives rise to Seattle’s obligation to pay a stipulated penalty of \$2,500 per day. See Paragraph 61 of the Consent Decree.

During the time frame of July 1, 2021, through December 31, 2022, Seattle had one dry weather combined sewer overflow and 38 sewer overflows for which the EPA and Ecology are currently demanding stipulated penalties. The following tables provide an itemized list of each violation.

**Dry Weather Combined Sewer Overflow**

Date of Violation	Location of Incident	Description	Stipulated Penalty Value
11/13/2022	CSO Outfall 174 at 2 <sup>nd</sup> Ave NW/NW 36 <sup>th</sup> St	Dry weather overflow of 81,159 gallons into Lake Union Ship Canal due to a series of mechanical failures on a bypass pump system at the Ship Canal Water Quality Project.  After the primary pump failed, two back up pumps also failed. This caused a high flow	\$7,500

Date of Violation	Location of Incident	Description	Stipulated Penalty Value
		pump to turn on which discharges directly to the CSO Outfall.	
<b>Subtotal</b>			<b>\$7,500</b>

**Sewer Overflows**

Date of Violation	Location of Incident	Description	Stipulated Penalty Value
7/16/21	1718 Broadway	60 gallons to a building due to roots blocking the system	\$2,500
7/31/2021	10521 Meridian Ave N	4,900 gallons into a stormwater detention basin due to grease blocking the system.	\$2,500
9/18/2021	1212 5 <sup>th</sup> Ave N	An unknown volume to a building due to roots blocking the system	\$2,500
9/26/2021	8008 33 <sup>rd</sup> Ave NW	1,000 gallons to a building due to concrete and asphalt debris blocking the system	\$2,500
10/18/2021	9526 25 <sup>th</sup> Ave NW	An unknown volume to Puget Sound due to a structural failure of a drainpipe	\$2,500
10/28/2021	401 E Pike	1,300 gallons to Lake Union due to FOG blocking the system	\$2,500
10/28/2021	1721 1 <sup>st</sup> Ave S	An unknown volume to a building due to capacity issues	\$2,500
11/4/2021	3 <sup>rd</sup> Ave NW/NW Holman Rd	2,400 gallons to Puget Sound due to a blockage caused by construction	\$2,500
11/6/2021	15 <sup>th</sup> Ave NE/NE 65 <sup>th</sup> St	An unknown volume overflowed due to debris blocking the system	\$2,500
11/11/2021	9401 23 <sup>rd</sup> Ave NE	An unknown volume to a building due to roots blocking the system	\$2,500
11/20/2021	10841 44 <sup>th</sup> Ave SW	6,000 gallons to ground due to roots blocking the system	\$2,500
12/02/2021	900 2 <sup>nd</sup> Ave N	1,200 gallons to ground due to roots blocking the system	\$2,500
12/31/2021	1129 23 <sup>rd</sup> Ave S	9,000 gallons to the Duwamish West Waterway due to debris blocking the system	\$2,500

<b>Date of Violation</b>	<b>Location of Incident</b>	<b>Description</b>	<b>Stipulated Penalty Value</b>
01/02/2022	10337 Bedford Ct NW	1,600 gallons to Puget Sound due to pump station capacity	\$2,500
01/02/2022	7609 Perimeter Rd S	100,000 gallons to the Duwamish River due to pump station capacity	\$2,500
01/02/2022	730 Harvard Ave E	An unknown volume to a building due to roots blocking the system	\$2,500
01/02/2022	731 Broadway Ave E	An unknown volume to a building due to roots blocking the system	\$2,500
01/04/2022	37 <sup>th</sup> PI NW/NW 61 <sup>st</sup> St	5,000 gallons to Puget Sound due to construction debris blocking the system	\$2,500
01/06/2022	53 <sup>rd</sup> Ave S/Lake Washington Blvd S	100,000 gallons to Lake Washington due to a maintenance error at a CSO control structure	\$2,500
01/06/2022	7609 Perimeter Rd S	161,441 gallons to the King County International Airport drainage system due to pump station capacity	\$2,500
01/07/2022	9722 8 <sup>th</sup> Ave NW	An unknown volume to a building due to debris blocking the system	\$2,500
02/24/2022	SW Cambridge St/44 <sup>th</sup> Ave SW	1,000 gallons to Puget Sound due to debris blocking the system	\$2,500
02/28/2022	7609 Perimeter Rd S	125,200 gallons to the King County International Airport drainage system due to pump station capacity	\$2,500
02/28/2022	2623 SW Yancy St	48,000 gallons to Longview Creek due to structural failure in the collection system	\$2,500
02/28/2022	4339 SW Beveridge St	400 gallons to a building due to debris blocking the system	\$2,500
03/27/2022	3212 Claremont Ave S	5,400 gallons to the Duwamish River due to roots blocking the system	\$2,500
04/11/2022	7575 Perimeter Rd S	11,142 gallons to ground due to construction activities damaging a force main	\$2,500
04/18/2022	4540 8 <sup>th</sup> Ave NE	1,000 gallons to a building due to roots blocking the system	\$2,500
05/10/2022	7 <sup>th</sup> Ave/Madison St	10,000 gallons to Lake Union due to a blockage from construction debris	\$2,500

<b>Date of Violation</b>	<b>Location of Incident</b>	<b>Description</b>	<b>Stipulated Penalty Value</b>
05/22/2022	1600 Pike Pl	3,000 gallons to a building due to a structural failure of the collection system	\$2,500
06/15/2022	Western Ave/Virginia St	4,000 gallons to a building due to a structural failure of the collection system	\$2,500
06/29/2022	14300 Greenwood Ave N	200 gallons to a building due to FOG blocking the system	\$2,500
06/30/2022	SW Spokane St/33 <sup>rd</sup> Ave SW	200 gallons to ground due to a failed bypass pump that was being used during a sewer repair	\$2,500
10/28/2022	2 <sup>nd</sup> Ave NW/NW 36 <sup>th</sup> St	212,000 gallons to the Lake Union Ship Canal due to a series of mechanical failures on the bypass pump system at the Ship Canal Water Quality Project	\$2,500
10/31/2022	Hubbell Pl/University St	121,650 gallons to Lake Washington due to construction debris blocking the system	\$2,500
11/02/2022	5 <sup>th</sup> Ave/Columbia St	200 gallons to a building due to a structural failure of the collection system	\$2,500
12/01/2022	1215 E Fir St	53,400 gallons to ground due to debris blocking the system	\$2,500
12/24/2022	7609 Perimeter Rd S	55,676 gallons to the Duwamish River due to pump station capacity	\$2,500

**Subtotal**                    **\$95,000**  
**Total Stipulated Penalty**                    **\$102,500**

Paragraph 64 of the Consent Decree allows the United States, the State, or both to seek stipulated penalties by sending a written demand to Seattle; and further provides that when a joint demand for stipulated penalties is made, Seattle 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 \$102,500. Accordingly, Seattle is required to pay \$51,750 to the United States and \$51,750 to the State.

Payment is due within 30 days of the date this written demand is received by Seattle, see Paragraph 64 of the Consent Decree, and 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 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 90-5-1-1-1006. 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 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 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 83 of the Consent Decree, please use the following individuals:

**For DOJ:**

eescdcopy.enrd@usdoj.gov  
Re: Consent Decree, Civil Action No. 2:13-cv-00678-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-00678-JCC

**For EPA:**

Tara Martich  
martich.tara@epa.gov  
Re: Consent Decree, Civil Action No. 2:13-cv-00678-JCC

*OR*

Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 10  
1200 6<sup>th</sup> 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-00678-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-00678-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 Seattle believes the amount assessed is incorrect, Seattle may invoke the dispute resolution procedures under Section XII of the Consent Decree. As part of Seattle's statement of matters in dispute, please include the violations Seattle wishes to dispute, and Seattle's reasons for believing the assessed amount is incorrect.

In accordance with Section X, Paragraph 64, 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: Melissa Ivancevich, City of Seattle  
Ben Marré, City of Seattle  
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