

DEPARTMENT OF  
**ECOLOGY**  
State of Washington

FEB - 9 2015



**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Nancy Ahern, Deputy Director  
City of Seattle  
Utilities Systems Management Branch  
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 Ms. Ahern:

On July 3, 2013, the EPA, the Washington State Department of 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, 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 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 of each sewer overflow. See, Paragraph 61 of the Consent Decree. During the timeframe of July 3, 2013 and March 31, 2014, there were two overflows in which EPA and Ecology are choosing to issue stipulated penalties. The first occurred on September 5, 2013 with a total overflow of 48,250 gallons. The second occurred March 5, 2014 with a total overflow of 39,000 gallons.

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, that the City shall pay 50% of the demanded amount to the United States and 50% to the State.

As a result of the two identified sewer overflows pursuant to this letter, EPA and Ecology are jointly issuing a demand for payment of \$5,000 as a result of the two sewer overflows. Accordingly, Seattle is required to pay \$2,500 to EPA, and \$2,500 to Ecology.

Payment is due within thirty 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 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, OH 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 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, WA 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 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 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 Ave, Suite 900 (ORC-158)  
Seattle, Washington 98101  
[yackulic.ted@epa.gov](mailto:yackulic.ted@epa.gov)  
Ph: 206.553.1218  
Fax: 206.553.0163

Rob Grandinetti  
NPDES Compliance Officer  
U.S. EPA, Region 10  
1200 6th Ave, Suite 900 (OCE-133)  
Seattle, Washington 98101  
[grandinetti.robert@epa.gov](mailto:grandinetti.robert@epa.gov)  
Ph: 509.376.3748  
Fax: 509.376.2396

For Ecology:

Mark Henley  
Municipal Unit Supervisor  
Washington State Department of Ecology  
Northwest Regional Office  
3190 - 160th Ave. SE  
Bellevue, WA 98008-5452

For the State:

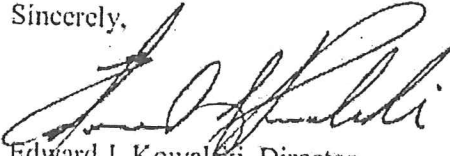
Ronald L. Lavigne  
Senior Counsel  
Attorney General of Washington  
Ecology Division  
P.O. Box 40117  
Olympia, WA 98504

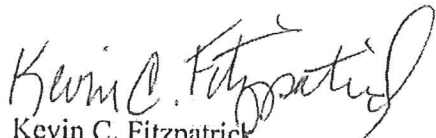
If Seattle believes the amount assessed is incorrect, Seattle may invoke the dispute resolution procedures under Section XII of the Consent Decree. As part of your statement of matters in dispute, please include the sanitary sewer overflow or overflows Seattle wishes to dispute, and Seattle's reasons 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 reach Edward Kowalski at (206) 553-6695, Mark Henley at (425) 649-7103, or have your counsel contact Ted Yackulic, Assistant Regional Counsel, at (206) 553-1218, or Ronald Lavigne, at 360-586-6751.

Sincerely,

  
Edward J. Kowalski, Director  
Office of Compliance and Enforcement  
Environmental Protection Agency

  
Kevin C. Fitzpatrick,  
Water Quality Section Manager  
Washington Department of Ecology

Enclosure

cc: Amy Jankowiak, Ecology Northwest Regional Office ✓  
Mark Henley, Ecology Northwest Regional Office  
Alison Evans, Ecology Northwest Regional Office  
Ronald Lavigne, Attorney General of Washington Ecology Division  
Kathryn Macdonald, U.S. Dept. of Justice

