

DEPARTMENT OF
ECOLOGY
State of Washington



SEP 03 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Ms. Pam Elardo, P.E.
King County Wastewater Treatment Division
King Street Center, KSC-NR-0500
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 Ms. Elardo:

On July 3, 2013, the EPA, the Washington State Department of Ecology, and King County (County), 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.

Section X of the Consent Decree requires King County to pay stipulated penalties for certain violations of the Consent Decree. Effluent limit violations of certain County combined sewer outfalls (CSO), as defined by Paragraph 58 of the Consent Decree, give rise to the County's obligation to pay a stipulated penalty of \$10,000 per annum for failing to meet the Total Suspended Solids removal efficiency, \$2,000 per month for failing to meet the Fecal Coliform monthly geometric mean (Fecal limit), \$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, and \$2,000 for failing to meet the Total Residual Chlorine daily maximum (TRC limit). Furthermore, Paragraph 62 of the Consent Decree, gives rise to the County's obligation to pay a stipulated penalty of \$2,500 per day for each Sewer Overflow.

During the time frame of July 3, 2013 through March 31, 2014, the County committed six violations for which EPA and Ecology have made a decision to issue stipulated penalties. The County failed to meet the TRC limit at CSO outfall 27b (Elliott West CSO Treatment Plant) on three occasions, failed to meet the TRC limit at the CSO outfall 51 (Alki CSO Treatment Plant) on a single occasion, failed to meet the TRC limit at CSO outfall 44 (MLK/Henderson CSO Treatment Plant) on a single occasion, and failed to meet its fecal coliform limit at CSO outfall 51 (Alki CSO Treatment Plant) on a single occasion. Each of these violations subjects the County to a stipulated penalty of \$2,000.

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.

As a result of the six identified effluent limit violations identified in this letter, EPA and Ecology are jointly issuing a demand for payment of \$10,000 as a result of the five TRC limit violations, and \$2,000

for the one fecal coliform limit violation. Accordingly, the County is required to pay \$6,000 to EPA, and \$6,000 to Ecology.

Payment is due within thirty 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, 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 90-5-1-1-10030. 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. Bo 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 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 Ave, Suite 900 (ORC-113)
Seattle, Washington 98101
yackulic.ted@epa.gov
Ph: 206.553.1218
Fax: 206.553.1762

Rob Grandinetti
NPDES Compliance Officer
U.S. EPA, Region 10
1200 6th Ave, Suite 900 (OCE-101)
Seattle, Washington 98101
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:

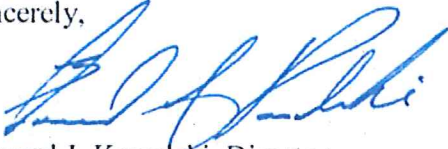
Ronald L. Lavigne
Senior Counsel
Attorney General of Washington
Ecology Division
P.O. Box 40117
Olympia, WA 98504

If the County believes the amount assessed is incorrect, King 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 the effluent limit violations the County wishes to dispute, and the County's reasons for believing the assessed amount is incorrect.

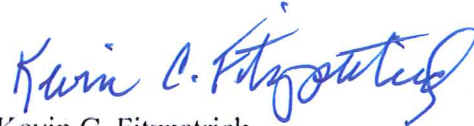
In accordance with Section X, Paragraph 65, all penalties which are not in dispute are due and payable to the United States and Ecology within 30 days of receipt of this letter.

Should you have any questions regarding this letter, you may reach Edward Kowalski at (206) 553-6695, 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. Thank you.

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
Washington Department of Ecology
Northwest Regional Office

Mark Henley
Washington Department of Ecology
Northwest Regional Office

Ronald Lavigne
Attorney General of Washington
Ecology Division

Kathryn Macdonald
U.S. Department of Justice