

DEPARTMENT OF
ECOLOGY
State of Washington



DEC - 1 2015

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Pam Elardo, P.E.
King County Wastewater Treatment Division
King Street Center, KSC-NR-0500
201 S. Jackson St.
Seattle, WA 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, EPA, the Washington State Department of Ecology, and the 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, gives 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, 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 April 1, 2014, through December 31, 2014, the County committed seven violations for which EPA and Ecology have decided to issue stipulated penalties. As documented below, the County failed to meet the TRC limit at CSO outfall 27b (Elliott West CSO Treatment Plant) on five occasions. Each of these violations subjects the County to a stipulated penalty of \$2,000. The County also had two sewer overflows, each subject to a stipulated penalty of \$2,500.

Date of Violation	Location of Incident	Description
7/23/2014	Elliott West CSO 27	TRC 317 µg/L
8/12/14-8/13/14	Elliott West CSO 27	TRC 1009 µg/L and 203 µg/L
10/31/2014	Elliott West CSO 27	TRC 1264 µg/L
11/28/2014	Elliott West CSO 27	TRC 697 µg/L
12/23/2014	Elliott West CSO 27	TRC 414 µg/L
10/25/2014	Murray Pump Station	~200,000 gallons to Puget Sound
11/29/2014	Richmond Beach Pump Station	~25,000 gallons to Puget Sound

Note that the TRC maximum daily average limit is 104 µg/L.

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 five identified effluent limit violations and the two identified sanitary sewer overflows pursuant to this letter, EPA and Ecology are jointly issuing a demand for payment of \$15,000. Accordingly, the County is required to pay \$7,500 to EPA and \$7,500 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. 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 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-158)
Seattle, Washington 98101
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
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:

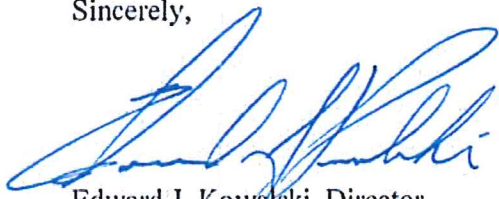
Ron L. Lavigne
Senior Counsel
Attorney General of Washington
Ecology Division
P.O. Box 40117
Olympia, WA 98504

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

cc: Betsy Cooper, King County Wastewater Treatment Division
Amy Jankowiak, Ecology Northwest Regional Office
Mark Henley, Ecology Northwest Regional Office
Shawn McKone, Ecology Northwest Regional Office
Robert Grandinetti, Environmental Protection Agency, Region 10
Ronald Lavigne, Washington State Office of the Attorney General Ecology Division
Kathryn Macdonald, U.S. Department of Justice

