



# Water Quality Program

## Notice of Penalty

Construction Stormwater General Permit (CSGP) <input checked="" type="checkbox"/>	Industrial Stormwater General Permit (ISGP) <input type="checkbox"/>	Sand and Gravel (S&G) General Permit <input type="checkbox"/>	Boatyard (BY) General Permit <input type="checkbox"/>
---	--	---	---

Penalty #: 01211	Permit #: WAR 308378	Agency Docket #: 19663 (for internal use only)
------------------	----------------------	---

Responsible party: Brandon Smith, Milestones Companies

Location of violation (site address): 3933 Ingleside Dr SE Mailing address: (if different) PO Box 1376

City, State, Zip: Lacey, WA, 98503 City, State, Zip: Sumner, WA, 98390

Latitude and longitude (if available):

Date issued: Feb 24 2021 Time: Region: Southwest

Violation	Reason	Permit Condition
<input type="checkbox"/> RCW 90.48.160	Operating or discharging without a permit (all)	Does not apply.
<input type="checkbox"/> RCW 90.48.080	Polluting waters of the state (all)	
<input type="checkbox"/> RCW 90.48.080	Polluting impaired waters, discharge exceeds 303(d) limit (CSGP, ISGP, BY)	
<input type="checkbox"/> WAC 173-201A or WAC 173-200	Violating water quality standards (List specific standard violated.) (all)	
<input type="checkbox"/> RCW 90.48.080 (Unpermitted), or WAC 173-226-080 (Permitted)	Illicit discharge (all)	If Permitted.
<input type="checkbox"/> RCW 90.48.090	Denial or withdrawal of access, <b>permitted sites only</b> (all)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	Process water discharge without treatment in lined impoundment (S&G)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	Failure to clean up oil spills or repair leaking equipment (all)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	Cover or containment not provided for chemical or petroleum products (all)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	Corrective Action not taken (ISGP, BY)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	No Stormwater Pollution Prevention Plan (SWPPP) (all)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	SWPPP does not meet permit requirements (all)	
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	<input checked="" type="checkbox"/> Not <u>maintaining</u> best management practices (BMPs) (all) <input checked="" type="checkbox"/> Not <u>implementing</u> BMPs (all) <input type="checkbox"/> Failure to modify SWPPP per permit or Ecology Notice (all)	59.0.4 59.0.5 59.0.7 59.0.11
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-070	<input type="checkbox"/> BMP not <u>maintained</u> per Permit or Ecology Notice (all) <input checked="" type="checkbox"/> BMP not <u>implemented</u> per Permit or Ecology Notice (all)	59.0.4 59.0.5 59.0.7 59.0.12
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	<input type="checkbox"/> Inspections not completed as required by permit (all) <input type="checkbox"/> Inspections do not comply with permit requirements (all)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-090	<input type="checkbox"/> Monitoring not conducted as required by permit (all) <input type="checkbox"/> Sampling does not comply with permit requirements (all)	
<input type="checkbox"/> RCW 90.48, WAC 173-226-070	<input type="checkbox"/> Not keeping site log book (CSGP) <input type="checkbox"/> Not keeping inspection reports or checklists (all)	
<input checked="" type="checkbox"/> RCW 90.48, WAC 173-226-090	<input checked="" type="checkbox"/> Did not telephone report turbidity greater than 250 NTU (CSGP) <input type="checkbox"/> Discharge Monitoring Reports, or other Permit required documents not available (all) <input type="checkbox"/> Failure to notify Ecology of noncompliance with permit requirement (all)	55A

**Citation amount (not to exceed \$3,000.00):** Under the authority of RCW 90.48.144 the Department of Ecology assesses a penalty against you in the amount of \$ 1,500. This penalty must be paid within 30 days of receipt of this citation unless you file an appeal within that time.

To ask about the availability of this document in a version for the visually impaired, call the Water Quality Program at 360-407-6401. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

<b>I personally investigated or observed the violation(s) noted above.</b> <i>Morgan Maupin 2/24/2021</i>		<b>Ecology Regional Offices</b>		
Signature of Water Quality inspector <i>Morgan Maupin</i>	Date	Bellingham Field Office 1440 10 <sup>th</sup> St Suite 102 Bellingham WA 98225 360-715-5200	Vancouver Field Office 2108 Grand Blvd Vancouver WA 98661 360-690-7171	Central Regional Office 15 W Yakima Ave Ste 200 Yakima WA 98902 509-575-2490
<b>I acknowledge receipt of this action. A signature does not imply agreement.</b> <i>Brandon Smith 2/24/21</i>		Northwest Regional Office 3190 160 <sup>th</sup> Ave SE Bellevue WA 98008-5452 425-649-7000	Southwest Regional Office PO Box 47775 Olympia WA 98504-7775 360-407-6300	Eastern Regional Office 4601 N Monroe Spokane WA 99205-1295 509-329-3400
Signature of responsible party or site contact <i>Brandon Smith</i>	Date			
Printed name of responsible party or site contact				

This action does not limit the Dept. of Ecology from taking other enforcement actions as deemed necessary. You have a right to appeal this penalty. Detailed instructions are included on this page. Immediately contact the inspector that issued this penalty if you do not understand the appeal process.

Authority to issue penalties for these violations is found in RCW 90.48.144. Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations. We have made no determination as to whether you meet the definition of a "small business" under this section. However, we have determined that the requirements of RCW 34.05.110 do not apply to the violation(s) due to a conflict with federal law or program requirements, including federal requirements that are a prescribed condition to the allocation of federal funds to the state.

## OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY

### Option 1: Pay the penalty within 30 days after receiving the Notice of Penalty.

Make your payment payable to the *Department of Ecology*. Please include the penalty docket number on your payment.

#### Mail payment to:

Department of Ecology  
 Cashiering Unit  
 PO Box 47611  
 Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid 30 days after receiving the Notice of Penalty, and have not appealed.

### Option 2: Appeal to the PCHB within 30 days after the date of receipt of the Notice of Penalty.

The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

## ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Rd. SW, 3 <sup>rd</sup> Floor Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

White copy: Responsible party

Yellow copy: Fiscal

Pink copy: Remains in book, copy to file

For additional information visit the Environmental Hearings Office website: <http://www.eho.wa.gov>

To find laws and agency rules visit the Washington State Legislature website: <http://www1.leg.wa.gov/CodeReviser>