



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 17, 2021

Randy Bickle
Applied Aero Systems, LLC
10727 47th Pl. W.
Mukilteo, WA 98275-4702

Notice of Penalty Docket #	17962
Site Location	10727 47 th Pl W, Mukilteo, WA 98275
Penalty Amount	\$70,500
Due Date	Within 30 days after receiving this Notice of Penalty.

Re: Notice of Penalty

Dear Randy Bickle:

The Department of Ecology (Ecology) has issued the enclosed Notice of Penalty to Applied Aero Systems, LLC for violating provisions of:

- Chapter 173-216 Washington Administrative Code (WAC) – State Waste Discharge Permit
- Washington State Waste Discharge Permit number ST0501290

Please read the enclosed Notice of Penalty describing the violation(s) and options for responding to the penalty.

Ecology issues news releases for all major penalties and enforcement actions, including this one. A draft news release is being provided to you via email for a 24-hour courtesy review. If you have a comment or question, contact Ecology communications manager Larry Altose at lalt461@ecy.wa.gov or (425) 649-7009 within 24 hours of when you first receive the draft news release.

If you have questions, please contact Gretchen Onstad at gons461@ecy.wa.gov or (425) 457-0999.

Sincerely,

Vincent McGowan, PE
Water Quality Program Manager

Enclosures: Notice of Penalty Docket #17962

Sent by Certified Mail: 9489 0090 0027 6072 1470 38

Randy Bickle
May 17, 2021
Page 2

cc: Fiscal-Penalty Desk, Ecology

ecc: Randy Bickle, Applied Aero Systems, LLC
Ira Kaplan, Applied Aero Systems, LLC
Rick Matthews and Brandon Henson, Mukilteo Water and Wastewater District
Larry Altose, Communication Manager, Ecology
Rachel McCrea, Ecology
Maia Hoffman, Ecology
Gretchen Onstad, Ecology
Permit and Reporting Information System (PARIS), Applied Aero Systems, LLC, State
Waste Discharge Permit No. ST0501290

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF PENALTY)	NOTICE OF PENALTY
ASSESSMENT AGAINST)	INCURRED AND DUE
APPLIED AERO SYSTEMS, LLC)	PENALTY DOCKET #17962
RANDY BICKLE)	

To: Randy Bickle
Applied Aero Systems, LLC
10727 47th Pl W
Mukilteo, WA 98275-4702

Notice of Penalty Docket #	17962
Site Location	10727 47th Pl W, Mukilteo, WA 98275
Penalty Amount	\$70,500
Due Date	Within 30 days after receiving this Notice of Penalty.

The Department of Ecology (Ecology) has assessed a penalty against Applied Aero Systems, LLC in the amount of \$70,500 for violating provisions of:

- Chapter 173-216 Washington Administrative Code (WAC) – State Waste Discharge Permit
- Washington State Waste Discharge Permit number ST0501290

Ecology has authority to issue this penalty under RCW 90.48.144 and is basing the penalties on the violations listed in this notice.

DETERMINATION OF VIOLATIONS

Ecology's determination that violations have occurred is based on the violations listed in Tables 1-9.

This Notice of Penalty is being issued to Applied Aero Systems for failure to comply with Administrative Order Docket No. 16183 and failure to submit discharge monitoring reports (DMRs) for 2019 and the first half of 2020. This penalty culminates Applied Aero Systems' continued failure to comply with permitting requirements since 2016 despite repeated warnings and attempts by Ecology to provide technical assistance regarding permit compliance.

Background:

Applied Aero Systems engages in metal finishing, particularly anodizing and chromium conversion coating of aluminum parts. Applied Aero Systems is authorized under State Waste Discharge Permit number ST0501290 (Permit) to discharge metal finishing wastewater to the Mukilteo Water and Wastewater District (MWW) sanitary sewer system at the permitted location subject to complying with the discharge limits and prohibitions set forth in the permit.

Ecology inspectors Biniam Zelelow and Chris Smith visited Applied Aero Systems on March 5, 2018, to conduct a water quality compliance inspection in response to the facility not submitting discharge monitoring reports (DMRs). The inspectors noted violations of the Permit **special conditions S1, S2, S3, S4, S5, S8, S10, and general condition G4**, further explained in Table 1 below.

More violations were discovered following submission of 45 missing DMRs; 32 overdue DMRs were submitted in November 2018, and 13 were submitted in February 2019 (see Table 2). Violations discovered after the submission of these late DMRs are listed in Tables 3-6 below. Notably, daily monitoring (pH, flow) was only partially or not conducted from July 2016 through December 2018 (Table 3). Applied Aero Systems is required by permit special condition S1 to monitoring pH and flow every day there is a discharge occurring. Quarterly monitoring (cadmium, chromium, copper, lead, nickel, silver, zinc) was only conducted in the 2nd, 3rd and 4th quarters of 2018. The quarterly DMR results revealed zinc effluent limit violations (Table 4), failure to use sensitive methods for lead and silver (Table 5) and chromium detected at concentrations above detection limits (Table 6). Detection of chromium in the wastewater effluent is indicative of a discharge from a chromium containing process tank, which was not disclosed in the original permit application. Semi-annual monitoring (cyanide, Total Toxic Organics) was not conducted in 2016, 2017, or 2018 (Table 3).

Ecology issued Administrative Order Docket No. 16183 (Order #16183) to Applied Aero Systems on March 26, 2019 to address violations listed in Table 1. Order #16183 identified a chromate process in use but not included in their 2014 permit application, limited sampling and late DMRs submitted from 2016 to 2018, no slug discharge plan on site, and other violations (Tables 1-6).

Administrative Order #16183 included Five Required Corrective Action Items:

- 1) Submit a new permit application within 60 days of receipt of this order**
In accordance with permit special condition S8 and permit general condition G4, Applied Aero Systems must submit a new permit application fully and accurately listing all core metal finishing operations performed at this site within 60 days of receipt of this administrative order. Specifically, the anodizing and chromate conversion coating operations and any other core metal finishing operations as defined in 40 CFR 403.10 (a) must be listed in the application. In accordance with RCW 90.48.170, Applied Aero Systems must provide a description of all its operations, the quantity and type of waste material sought to be disposed of, and the proposed method of disposal.
 - a) Until a new application is received and the proposed discharge approved by the Department of Ecology, Water Quality Program, Applied Aero Systems must sample every batch discharge to sanitary sewer, and submit analytical sample results to Ecology showing that the effluent meets all discharge limits listed in permit special condition S1.
- 2) Submit plans for segregation of metal finishing rinse water streams and sludge dewatering and disposal, within 90 days of receipt of this order**

- 3) Prepare and submit a slug discharge control plan, within 90 days of receipt of this order
- 4) Prepare and submit a compliance sampling plan, within 90 days of receipt of this order
- 5) Construct berms around process tanks within 120 days of receipt of this order

Table 1. Permit violations cited from inspection of Applied Aero Systems on March 5, 2018, and following the submission of missing DMRs from 2016-2018, supporting Order #16183

Violation	RCW, WAC or Permit Section
1. Outfall 001 not sampled at location prior to discharge to MWWD <ol style="list-style-type: none"> a. All DMRs from the start of the permit cycle until the end of 2018 were submitted late and with considerable effort from multiple Ecology staff (Table 2). b. No records kept from July 2016 to March 2018 of flow, pH, cadmium, chromium, copper, lead, nickel, silver, zinc, cyanide, TTO (Table 3). c. Zinc limits exceeded in April, May and October 2018 (Table 4). Laboratory methods cannot detect violations of silver and lead effluent limits (Table 5). Flow and pH not monitored with required frequency (Table 3). 	S1. <i>Discharge Limits</i> S2. <i>Monitoring Requirements</i> S3.A. <i>Reporting Requirements</i>
2. Chromate conversion coating process in operation <ol style="list-style-type: none"> a. Unauthorized process at facility b. Chromium detected in discharge (Table 6). Potential unpermitted discharge of rinse water from chromate conversion coating process. 	S8 <i>Application for Permit Renewal or Modification for Facility Changes</i> , which is derived from WAC 173-216-110(5) G4 <i>Reporting a Cause for Modification</i> , which is derived from WAC 173-216-040(2) and RCW 90.48.110 RCW Chapter 90.48.080
3. Discharge of potentially dangerous waste	S5.B&C <i>Prohibited Discharges</i> Chapter 173-303 WAC
4. Lack of BMPs to prevent untreated discharge to MWWD <ol style="list-style-type: none"> a. No pH log kept for wastewater discharges b. No berms installed around wet processing areas c. No pretreatment system (other than pH adjustment) 	S4.B.(8,10,12) <i>Best Management Practices/Pollution Prevention Program</i>
5. Lack of a Slug Discharge Control Plan	S10. <i>Slug Discharge Control Plan</i>

TTO = Total Toxic Organic Compounds; DMRs = Discharge Monitoring Reports; BMPs = Best Management Practices

Table 2. Late DMRs Submitted on November 10, 2018, and on February 6, 2019

DMR	Begin Date	End Date	Due Date	Received Date	Days Late
July 2016	7/1/2016	7/31/2016	8/28/2016	11/10/2018	804
August 2016	8/1/2016	8/31/2016	9/28/2016	11/10/2018	773
September 2016	9/1/2016	9/30/2016	10/28/2016	11/10/2018	743
3rd Qtr 2016	7/1/2016	9/30/2016	10/28/2016	11/10/2018	743
October 2016	10/1/2016	10/31/2016	11/28/2016	11/10/2018	712
November 2016	11/1/2016	11/30/2016	12/28/2016	11/10/2018	682
December 2016	12/1/2016	12/31/2016	1/28/2017	11/10/2018	651
4th Qtr 2016	10/1/2016	12/31/2016	1/28/2017	11/10/2018	651
2nd Half 2016	7/1/2016	12/31/2016	1/28/2017	11/10/2018	651
January 2017	1/1/2017	1/31/2017	2/28/2017	11/10/2018	620
February 2017	2/1/2017	2/28/2017	3/28/2017	11/10/2018	592
March 2017	3/1/2017	3/31/2017	4/28/2017	11/10/2018	561
1st Qtr 2017	1/1/2017	3/31/2017	4/28/2017	11/10/2018	561
April 2017	4/1/2017	4/30/2017	5/28/2017	11/10/2018	531
May 2017	5/1/2017	5/31/2017	6/28/2017	11/10/2018	500
June 2017	6/1/2017	6/30/2017	7/28/2017	11/10/2018	470
2nd Qtr 2017	4/1/2017	6/30/2017	7/28/2017	11/10/2018	470
1st Half 2017	1/1/2017	6/30/2017	7/28/2017	11/10/2018	470
July 2017	7/1/2017	7/31/2017	8/28/2017	11/10/2018	439
August 2017	8/1/2017	8/31/2017	9/28/2017	11/10/2018	408
September 2017	9/1/2017	9/30/2017	10/28/2017	11/10/2018	378
3rd Qtr 2017	7/1/2017	9/30/2017	10/28/2017	11/10/2018	378
October 2017	10/1/2017	10/31/2017	11/28/2017	2/6/2019	435
November 2017	11/1/2017	11/30/2017	12/28/2017	2/6/2019	405
December 2017	12/1/2017	12/31/2017	1/28/2018	2/6/2019	374
4th Qtr 2017	10/1/2017	12/31/2017	1/28/2018	2/6/2019	374
2nd Half 2017	7/1/2017	12/31/2017	1/28/2018	11/10/2018	286
January 2018	1/1/2018	1/31/2018	2/28/2018	11/10/2018	255
February 2018	2/1/2018	2/28/2018	3/28/2018	11/10/2018	227
March 2018	3/1/2018	3/31/2018	4/28/2018	11/10/2018	196
1st Qtr 2018	1/1/2018	3/31/2018	4/28/2018	11/10/2018	196
April 2018	4/1/2018	4/30/2018	5/28/2018	11/10/2018	166
May 2018	5/1/2018	5/31/2018	6/28/2018	11/10/2018	135
June 2018	6/1/2018	6/30/2018	7/28/2018	11/10/2018	105
2nd Qtr 2018	4/1/2018	6/30/2018	7/28/2018	2/6/2019	193
1st Half 2018	1/1/2018	6/30/2018	7/28/2018	2/6/2019	193
July 2018	7/1/2018	7/31/2018	8/28/2018	11/10/2018	74
August 2018	8/1/2018	8/31/2018	9/28/2018	11/10/2018	43
September 2018	9/1/2018	9/30/2018	10/28/2018	2/6/2019	101
3rd Qtr 2018	7/1/2018	9/30/2018	10/28/2018	2/6/2019	101
October 2018	10/1/2018	10/31/2018	11/28/2018	2/6/2019	70
November 2018	11/1/2018	11/30/2018	12/28/2018	2/6/2019	40
December 2018	12/1/2018	12/31/2018	1/28/2019	2/6/2019	9
4th Qtr 2018	10/1/2018	12/31/2018	1/28/2019	2/6/2019	9
2nd Half 2018	7/1/2018	12/31/2018	1/28/2019	2/6/2019	9

Table 3. Monitoring not conducted by Applied Aero Systems in 2016-2018

Monitoring Period	Parameter	Violation
July 2016	Flow, pH (daily monitoring)	Analysis not Conducted
August 2016	Flow, pH (daily monitoring)	Analysis not Conducted
September 2016	Flow, pH (daily monitoring)	Analysis not Conducted
3rd Qtr 2016	Cadmium, chromium, copper, lead, nickel, silver, zinc	Analysis not Conducted
October 2016	Flow, pH (daily monitoring)	Analysis not Conducted
November 2016	Flow, pH (daily monitoring)	Analysis not Conducted
December 2016	Flow, pH (daily monitoring)	Analysis not Conducted
4th Qtr 2016	Cadmium, chromium, copper, lead, nickel, silver, zinc	Analysis not Conducted
2nd Half 2016	Cyanide and Total Toxic Organics (TTO)	Analysis not Conducted
January 2017	Flow, pH (daily monitoring)	Analysis not Conducted
February 2017	Flow, pH (daily monitoring)	Analysis not Conducted
March 2017	Flow, pH (daily monitoring)	Frequency of Sampling
1st Qtr 2017	Cadmium, chromium, copper, lead, nickel, silver, zinc	Analysis not Conducted
April 2017	Flow, pH (daily monitoring)	Analysis not Conducted
May 2017	Flow, pH (daily monitoring)	Analysis not Conducted
June 2017	Flow, pH (daily monitoring)	Analysis not Conducted
2nd Qtr 2017	Cadmium, chromium, copper, lead, nickel, silver, zinc	Analysis not Conducted
1st Half 2017	Cyanide and Total Toxic Organics (TTO)	Analysis not Conducted
July 2017	Flow, pH (daily monitoring)	Analysis not Conducted
August 2017	Flow, pH (daily monitoring)	Analysis not Conducted
September 2017	Flow, pH (daily monitoring)	Analysis not Conducted
3rd Qtr 2017	Cadmium, chromium, copper, lead, nickel, silver, zinc	Analysis not Conducted
October 2017	Flow, pH (daily monitoring)	Analysis not Conducted
November 2017	Flow, pH (daily monitoring)	Analysis not Conducted
4th Qtr 2017	Cadmium, chromium, copper, lead, nickel, silver, zinc	Analysis not Conducted
2nd Half 2017	Cyanide and Total Toxic Organics (TTO)	Analysis not Conducted
1st Qtr 2018	Cadmium, chromium, copper, lead, nickel, silver, zinc	Analysis not Conducted
1st Half 2018	Cyanide and Total Toxic Organics (TTO)	Analysis not Conducted
November 2018	Flow, pH (daily monitoring)	Frequency of Sampling
December 2018	Flow, pH (daily monitoring)	Frequency of Sampling
2nd Half 2018	Cyanide and Total Toxic Organics (TTO)	Analysis not Conducted

Table 4. Effluent Limit Violations for Outfall 001 in 2018

Sampling Date	Parameter	Measurement	Limit	Units	Limit Type
April 2018	Zinc	2.41	1.48	mg/L	Monthly Average
April 30, 2018	Zinc	2.77	2.61	mg/L	Maximum Daily
May 2018	Zinc	3.57	1.48	mg/L	Monthly Average
May 11, 2018	Zinc	3.57	2.61	mg/L	Maximum Daily
October 2018	Zinc	2.60	1.48	mg/L	Monthly Average

Table 5. Failure to use sensitive method for Lead and Silver analysis of Outfall 001 in 2018

Sampling Date	Parameter	Measurement	Limit	Units	Limit Type
July 9, 2018	Silver	< 10	0.43	mg/L	Maximum Daily
August 16, 2018	Lead	< 2	0.69	mg/L	Maximum Daily
August 16, 2018	Silver	< 10	0.43	mg/L	Maximum Daily
September 5, 2018	Silver	< 10	0.43	mg/L	Maximum Daily

Sampling Date	Parameter	Measurement	Limit	Units	Limit Type
October 4, 2018	Silver	< 10	0.43	mg/L	Maximum Daily
November 14, 2018	Silver	< 10	0.43	mg/L	Maximum Daily
December 20, 2018	Silver	< 10	0.43	mg/L	Maximum Daily

Table 6. Chromium detected in Outfall 001 in 2018, indicating potential unpermitted discharge from chromate coating conversion process

Sampling Date	Parameter	Measurement ^a	Limit	Units	Limit Type
April 1, 2018	Chromium	0.301	2.77	mg/L	Maximum Daily
April 30, 2018	Chromium	0.036	2.77	mg/L	Maximum Daily
May 11, 2018	Chromium	0.049	2.77	mg/L	Maximum Daily
July 9, 2018	Chromium	0.130	2.77	mg/L	Maximum Daily
August 16, 2018	Chromium	0.028	2.77	mg/L	Maximum Daily
September 5, 2018	Chromium	0.051	2.77	mg/L	Maximum Daily
October 4, 2018	Chromium	0.510	2.77	mg/L	Maximum Daily
November 14, 2018	Chromium	0.004	2.77	mg/L	Maximum Daily
December 20, 2018	Chromium	0.018	2.77	mg/L	Maximum Daily

^a Measurements did not exceed Maximum Daily (2.77 mg/L) or Monthly Average Limit (1.71 mg/L); chromium measurements exceeded the detection limit (DL, 0.0002 mg/L) and quantitation limit (QL, 0.001 mg/L) of EPA Method 200.8.

Violations supporting this Notice of Penalty:

Violation description:

A. Failure to Comply with Corrective Action Items in the Administrative Order:

Applied Aero Systems received Order #16183 on March 29, 2019. The three due dates for Order action items are listed in Table 7. Applied Aero Systems did not comply with any of the due dates. Ecology sent three warning letters (June 13th, 2019, July 8th, 2019, August 8th, 2019) to Applied Aero Systems for not completing action items, notifying Applied Aero Systems that due dates had passed, and reminding the facility of the necessity of complying with required actions.

Applied Aero Systems submitted a new permit application to Ecology on October 1, 2019, (4 months late) to address action item #1. The application included the specifications of the containment pans for the wet process tanks, satisfying action item #5. However, the application was incomplete. Applied Aero Systems submitted the missing information on February 10, 2021. This satisfied action item #1, and sunset the requirement of additional monitoring under action item #1a. Up until February 10, 2021, Applied Aero Systems was required to “sample every batch discharge to sanitary sewer,” and “submit analytical sample results to Ecology showing that the effluent meets all discharge limits listed in permit special condition S1,” as stated in corrective action item #1a. These results were never submitted to Ecology for the monitoring periods between April 2019 and December 2020 (21 months). On January 15, 2021, Applied Aero Systems submitted a draft slug discharge control plan in response to action item #3 (about 18 months late). A revised plan was approved by Ecology on February 4, 2021. On February 16, 2021, Applied Aero Systems submitted a draft sampling plan in response to action item #4 (about 19 months late). Ecology approved a revised sampling plan on March 11, 2021. Applied Aero Systems submitted an engineering report to Ecology on

April 13, 2021 which is intended to meet the requirements of action item #2 (about 22 months late). Ecology has not yet approved the engineering report or assessed compliance to action item #2.

B. Failure to Submit DMRs for 2019-2020 Monitoring Periods:

Applied Aero Systems has not submitted DMRs for 23 monitoring periods from April 2019 until June 2020 (see Table 8). Failure to submit DMRs is a violation of **Permit special condition S3.A – Reporting Requirements**. Ecology sent warning letters to Applied Aero Systems on May 6, 2019, December 2, 2019, and October 27, 2020 addressing the missing DMRs. These warning letters stated the importance of submitting timely DMRs, as the primary tool to assess compliance, and Ecology could take formal administrative enforcement actions, such as issuing orders or penalties, if Applied Aero Systems failed to comply. Applied Aero Systems recently submitted timely DMRs for monitoring periods beginning in July of 2020, for all required parameters, through February 2021.

The current Ecology permit manager, Maia Hoffman, conducted an unannounced inspection at Applied Aero Systems on November 10, 2020. The inspector discussed the October 2019 permit application, the information request to complete the permit application review, and the missing 2019 and 2020 DMRs. The inspector also noted inaccurate reporting in the July 2020 DMR, compared to discharge logs kept at the facility, improper notification of the new batch treatment system in accordance with WAC 173-240, possible monitoring deficiencies with the current discharge process, and continued lack of a slug discharge control plan. The inspection proceedings and observations were documented in an inspection report, which was sent to Applied Aero Systems via email on December 4, 2020. The July DMR was corrected by Applied Aero Systems and resubmitted to Ecology on December 8, 2020. The resulting flow effluent limit violations have been cited in Table 9. Exceedance of effluent limits is a violation of **Permit special condition S1 – Discharge Limits**.

Table 7. Due dates for Action Items #1-5. Applied Aero Systems received the Order on 3/29/2019

#	Action Items to comply with Order #16183	Due Date	Received (completed)
1	Submit a new permit application,	5/28/2019	10/1/2019 (2/10/2021)
1a	Sample every batch discharge, submit results.	5/28/2019	incomplete
2	Submit plans for segregation of metal finishing rinse water streams and sludge dewatering and disposal	6/27/2019	4/13/2021 (incomplete)
3	Prepare and submit a slug discharge control plan	6/27/2019	1/15/2021 (2/2/2021)
4	Prepare and submit a compliance sampling plan	6/27/2019	2/16/2021 (3/11/2021)
5	Construct berms around process tanks	7/29/2019	10/1/2019

Table 8. Discharge monitoring reports (DMRs) not received from Applied Aero Systems 2019-2020

#	Monitoring period	Parameters to report with permit limits for compliance	Due Date
1	April 2019	Flow, pH (daily monitoring)	5/28/2019
2	May 2019	Flow, pH (daily monitoring)	6/28/2019
3	June 2019	Flow, pH (daily monitoring)	7/28/2019
4	2nd Qtr 2019	Cadmium, Chromium, Copper, Lead, Nickel, Silver, Zinc	7/28/2019

#	Monitoring period	Parameters to report with permit limits for compliance	Due Date
5	1st Half 2019	Cyanide and Total Toxic Organics (TTO)	7/28/2019
6	July 2019	Flow, pH (daily monitoring)	8/28/2019
7	August 2019	Flow, pH (daily monitoring)	9/28/2019
8	September 2019	Flow, pH (daily monitoring)	10/28/2019
9	3rd Qtr 2019	Cadmium, Chromium, Copper, Lead, Nickel, Silver, Zinc	10/28/2019
10	October 2019	Flow, pH (daily monitoring)	11/28/2019
11	November 2019	Flow, pH (daily monitoring)	12/28/2019
12	December 2019	Flow, pH (daily monitoring)	1/28/2020
13	4th Qtr 2019	Cadmium, Chromium, Copper, Lead, Nickel, Silver, Zinc	1/28/2020
14	2nd Half 2019	Cyanide and Total Toxic Organics (TTO)	1/28/2020
15	January 2020	Flow, pH (daily monitoring)	2/28/2020
16	February 2020	Flow, pH (daily monitoring)	3/28/2020
17	March 2020	Flow, pH (daily monitoring)	4/28/2020
18	1st Qtr 2020	Cadmium, Chromium, Copper, Lead, Nickel, Silver, Zinc	4/28/2020
19	April 2020	Flow, pH (daily monitoring)	5/28/2020
20	May 2020	Flow, pH (daily monitoring)	6/28/2020
21	June 2020	Flow, pH (daily monitoring)	7/28/2020
22	2nd Qtr 2020	Cadmium, Chromium, Copper, Lead, Nickel, Silver, Zinc	7/28/2020
23	1st Half 2020	Cyanide and Total Toxic Organics (TTO)	7/28/2020

Table 9. Effluent Limit Violations for Outfall 001 in 2020

Sampling Date	Parameter	Measurement	Limit	Units	Limit Type
July 6, 2020	Flow	650	500	gpd	Maximum Daily
July 29, 2020	Flow	830	500	gpd	Maximum Daily

ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT

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.

FAILURE TO COMPLY WITH THIS NOTICE OF PENALTY

Continued failure to correct the violations listed in this Notice of Penalty may result in additional, escalated penalties.

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 and serve Ecology 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 both of 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
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW STE 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

CONTACT INFORMATION

Please direct all questions about this Notice of Penalty to:

Gretchen Onstad, PhD
Compliance Specialist
Washington State Department of Ecology
Water Quality Program
3190 160th Avenue SE
Bellevue, WA 98008-5452

Phone: (425) 457-0999
Email: gons461@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board**
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology's Laws, rules, & rulemaking website**
<https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>

SIGNATURE



Vincent McGowan, PE
Water Quality Program Manager
Washington State Department of Ecology

Date 5/17/21