



## REGION 10

SEATTLE, WA 98101

Kamuron Gurol  
Director  
King County Wastewater Treatment Division  
King Street Center, KSC-NR-5501  
201 South Jackson Street  
Seattle, Washington 98104

Re: United States of America and the State of Washington v. King County  
Consent Decree, Civil Action No. 2:13-cv-00677-JCC  
Demand for Payment of Stipulated Penalties

Dear Kamuron Gurol:

On July 3, 2013, the United States of America, on behalf of the Environmental Protection Agency (EPA), the State of Washington, on behalf of the Washington State Department of Ecology ("State" or "Ecology") and King County ("County") entered into the above-mentioned Consent Decree to resolve alleged violations of the Clean Water Act, including violations of the County's National Pollutant Discharge Elimination System (NPDES) Permit No. WA0029181.

Section X of the Consent Decree requires the County to pay stipulated penalties for certain violations of the Consent Decree and its NPDES Permit. This letter constitutes a formal demand for stipulated penalties for the County's violations of the Consent Decree and its NPDES Permit. Paragraphs 58 and 59 of the Consent Decree assesses stipulated penalties for permit violations in different amounts depending on the parameter, as follows:

- \$10,000 per annum for failing to meet the Total Suspended Solids removal efficiency;
- \$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;
- \$2,000 per month for failing to meet the Fecal Coliform monthly geometric mean (Fecal limit);
- \$2,000 for failing to meet the Total Residual Chlorine daily maximum (TRC limit); and
- \$3,000 for failure to comply with the Compliance Program Requirements.

Furthermore, Paragraph 62 of the Consent Decree requires the County to pay a stipulated penalty of \$2,500 per day for each Sewer Overflow and \$7,500 per day for each Dry Weather Combined Sewer Overflow.

During the time frame of January 1, 2023, through December 31, 2023, the County had five effluent violations and four Compliance Program requirement violations for which EPA and Ecology are currently demanding stipulated penalties. The following tables provide an itemized list of each violation.

### Effluent Limit Violations

Date of Violation	Location of Incident	Parameter, Reported Value	Limits	Stipulated Penalty Value
11/2023	Carkeek, Outfall 46	Fecal Coliform, Monthly Geometric Mean 160,000 #/100 mL	400 #/100mL	\$2,000
12/04/2024	Elliott West, Outfall 27b	Total Residual Chlorine, Maximum Daily Average 490 µg/L	109 µg/L	\$2,000
2023	Alki, Outfall 51	Total Suspended Solids Removal, Annual Average 31%	>50%	\$10,000
2023	Carkeek, Outfall 46	Settleable Solids, Annual Average 1.80 mL/L/hr	0.3 mL/L/hr	\$10,000
2023	Elliott West, Outfall 27b	Settleable Solids, Annual Average 1.50 mL/L/hr	0.3 mL/L/hr	\$10,000
<b>Subtotal</b>				<b>\$34,000</b>

### Compliance Program Requirement Violations

Date of Violation	Location of Incident	Compliance Program Requirement Violation Description	Stipulated Penalty Value
02/17/2023	Barton Pump Station, Outfall 57	101,000 gallons to Puget Sound due to power disruptions causing VFD faults on both pumps at the Barton Street Pump Station.	\$3,000
09/20/2023	Ballard Regulator Station, Outfall 003 and 004	592,626 gallons to the Lake Washington Ship Canal when a storm gate failed to open due to faulty control logic programming.	\$3,000
12/04/2023	Alki, Outfall 51	Reported a minimum pH of 3.8 standard units for 10 minutes violating the instantaneous limit of 6.0 standard units.	\$3,000
12/04/2023	Carkeek, Outfall 46	3,200,000 gallons of non-disinfected effluent to Puget Sound due to a faulty pressure relief valve and cracked tubing	\$3,000
<b>Subtotal</b>			<b>\$12,000</b>
<b>Total Stipulated Penalty</b>			<b>\$46,000</b>

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. EPA and Ecology are jointly issuing a demand for payment of \$46,000. Accordingly, the County is required to pay \$23,000 to EPA and \$23,000 to Ecology.

Payment is due within 30 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, Ohio 45268

The notice sent to the above address shall include a copy of the electronic fund transfer authorization and a transmittal letter. The transmittal letter must state that the payment is made for a civil penalty owed pursuant to the Consent Decree and 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, Washington 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:**

[eescdcopy.enrd@usdoj.gov](mailto:eescdcopy.enrd@usdoj.gov)

Re: Consent Decree, Civil Action No. 2:13-cv-00677-JCC

*OR*

EES Case Management Unit  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044-7611

Re: Consent Decree, Civil Action No. 2:13-cv-00677-JCC

**For EPA:**

Tara Martich

[martich.tara@epa.gov](mailto:martich.tara@epa.gov)

Re: Consent Decree, Civil Action No. 2:13-cv-00677-JCC

*OR*

Director

Enforcement and Compliance Assurance Division

U.S. Environmental Protection Agency, Region 10

1200 6<sup>th</sup> Avenue, Suite 155

Seattle, Washington 98101

**For the State of Washington:**

Adam Levitan

[adam.levitan@atg.wa.gov](mailto:adam.levitan@atg.wa.gov)

Re: Consent Decree, Civil Action No. 2:13-cv-00677-JCC

*OR*

Attorney General of Washington

Ecology Division

P.O. Box 40117

Olympia, Washington 98504

**For Ecology:**

Sean Wilson

[sean.wilson@ecy.wa.gov](mailto:sean.wilson@ecy.wa.gov)

Re: Consent Decree, Civil Action No. 2:13-cv-00677-JCC

*OR*

King County West Point WWTP Permit Manager

Water Quality Program

Washington Department of Ecology

Northwest Region Office

P.O. Box 330316

Shoreline, Washington 98133

If the County believes the amount assessed is incorrect, the 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 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 Dino Marshalonis with EPA at

(206) 553-1519, Rachel McCrea with Ecology at (206) 594-0146 or have your counsel contact Ted Yackulic, Assistant Regional Counsel, at (206) 553-1218 or Adam Levitan, Assistant Attorney General, at (360) 586-4616. Thank you.

Sincerely,

Date: \_\_\_\_\_

Date: \_\_\_\_\_

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Vince McGowan  
Water Quality Program Manager  
Washington Department of Ecology

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Edward J. Kowalski, Director  
Enforcement and Compliance Assurance Division  
Environmental Protection Agency

ecc: Jeff Lafer, King County Wastewater Treatment Division  
Shawn McKone, Ecology Northwest Region Office  
Rachel McCrea, Ecology Northwest Region Office  
Sean Wilson, Ecology Northwest Region Office  
Greg Lipnickey, Ecology Northwest Region Office  
Adam Levitan, Washington State Office of the Attorney General Ecology Division  
Tara Martich, U.S. Environmental Protection Agency  
EES Case Management Unit, U.S. Department of Justice