



Public Works Department City of Bellingham

June 12, 2025

Greg Lipnickey
Municipal Enforcement Specialist
Water Quality Program
Dept. of Ecology
PO Box 330316
Shoreline, WA 98133-9716

RE: Notice of Violation Docket #23719 Electric Avenue Bridge over Whatcom Creek

Dear Mr. Lipnickey,

Thank you for the opportunity for the City of Bellingham (City) to respond to the notice of violation docket #23719 for the wastewater overflow that occurred at the Electric Avenue Bridge into Whatcom Creek on September 11, 2024.

The Notice of Violation revolves around two errors regarding how and when the incident was reported to the Department of Ecology:

- The incident was not reported immediately via phone to the Department of Ecology's Northwest Regional Office, the Department of Health, Shellfish Program, and Whatcom County Health Department.
- The incident report submitted via email from Mr. Jason Porter was not correctly submitted through the Water Quality Permitting Portal.

Pursuant to RCW 90.48.120(1) please accept this response:

1. *What steps **HAVE BEEN** taken to control such waste or pollution to otherwise comply with this determination of Ecology:*

As stated in the Notice of Violation Docket, on September 11, 2024, the City notified Ecology of the sanitary sewer overflow (SSO) incident via Ecology's ERTs system by 8:14 pm. Notification of the Dept. of Fish and Wildlife also occurred. **DETAILS:** This incident occurred after normal work hours and at the time, all attention was on mobilizing crews, responding to, and remediating the SSO, sampling to assess impacts and initiating swim beach closure and public notification, all which was initiated within the hour of notice given by the contractor. The City should have followed the protocol on immediate reporting detailed in section S3.F. of permit WA0023744. On September 13, 2024, Mr. Jason Porter submitted an email to Ecology's ERTs Coordinator Kelli Price, City Mayor, Public Works, Parks and Communications staff, and Whatcom County Health and Human Services staff as a follow-up report to ERTS #733720. The City mistakenly thought reporting the spill through ERTS was appropriate notification. After being corrected by Mr. David Matthews, the City attempted to submit the report on September 26, 2024 through the

Engineering
104 W. Magnolia Street, Suite 109
Bellingham, WA 98225
Phone: (360) 778-7700
Fax: (360) 778-7901
Email: pw@cob.org

Natural Resources
2221 Pacific Street
Bellingham, WA 98229
Phone: (360) 778-7700
Fax: (360) 778-7701
Email: pw@cob.org

Utilities Operations
2221 Pacific Street
Bellingham, WA 98229
Phone: (360) 778-7700
Fax: (360) 778-7701
Email: pw@cob.org

Transportation
2221 Pacific Street
Bellingham, WA 98229
Phone: (360) 778-7700
Fax: (360) 778-7701
Email: pw@cob.org

Water Quality Permitting Portal (SAW), but was unable to due to system errors. On October 1st, the City was finally able to submit the report on SAW.

As stated in the follow-up report, the Sanitary Sewer Overflow was fully controlled by diversion to another functioning sanitary sewer line at 9:30 pm on September 11, 2024. The spill was a result of a construction crew accidentally breaking an active sewer main during an emergency inspection of the Electric Avenue bridge. The bridge had recently been found to be weight limited due to rotting support beams. The sewer main that was struck was not properly mapped in the City's GIS utility mapping system. Shortly after the incident, the GIS system was corrected to accurately locate the subject main.

2. *What steps **ARE BEING** taken to control such waste or pollution to otherwise comply with this determination of Ecology.*

The City of Bellingham is currently pursuing funding for the design and re-construction of the Electric Avenue Bridge over Whatcom Creek. This project will include the replacement of existing sewer utilities to help protect against any future discharges.

Spill response standard operating procedures (SOP) have been modified and City staff are also attending additional training to ensure the newly adopted SOP will be followed in the future to ensure proper response and notifications are made complying with the City of Bellingham Post Point NPDES permit WA0023744 requirements.

Please do not hesitate to contact me at 360.778-7892 or via email at srbradshaw@cob.org with any questions.

Sincerely,



Steve Bradshaw
Superintendent of Plants
City of Bellingham