

# Enforcement Promotes Understanding

## How a small enforcement action helped clean up a big problem



### Introduction

In October 2010, two Goldendale homeowners visited the Department of Ecology's (Ecology's) Central Regional Office (CRO) to enter a water quality complaint. The homeowners stated that the city of Goldendale (City) had dug out a wetland on their property, leaving behind a pond that smelled of sewage. While the case seemed simple at first, the outcome went farther than "just" environmental protection. CRO's subsequent enforcement and communication with the City helped bridge years of discontent between the City and Ecology.

### Problem

Around 1995, the City developed an infiltration pond for municipal stormwater runoff. Unfortunately, the City was unaware that the selected site had two key problems: (1) the land may have contained a wetland, and (2) the pond encroached on an adjacent landowner's property.

In the fall of 2010, neighbors discovered that the City had extended the pond, and it now smelled strongly of sewage. The neighbors filed a complaint with Ecology. Water testing showed very high levels of fecal coliform bacteria in the pond, always at least ten times the state's water quality criteria. During high flows, this pond discharges to the nearby Little Klickitat River.

Ecology staff knew that the City had a history of inflow and infiltration (I&I) problems in their municipal sewer lines. Therefore, it was likely that this new problem was related to the older I&I concerns.

### Actions taken

Bryan Neet, CRO water quality enforcement specialist, visited the site within a week after the complaint was received and collected water samples. In mid-November, Ecology issued a Notice of Violation (NOV) to the City for the discharge of water containing high levels of fecal coliform bacteria to a tributary of the Little Klickitat River.

The City and Ecology met in late November to determine a plan of action to correct the problem. At the meeting, City staff did some venting and noted that they had only intended to discharge stormwater into the pond, so that there must be leaking sewer mains causing the pollution. City staff closed by saying that they would do whatever it takes to fix the problem.

During December 2010, City staff conducted extensive testing on the City's sewer and stormwater systems to look for other leaks. They started by fixing the problem that directly caused the enforcement action, and then continued to fix every other sewage-leak problem they found. In short, the City went over and above what was required by Ecology's NOV. As the City proceeded with their leak elimination program, communications between the City and Ecology improved dramatically.



## Event goals

In issuing a timely NOV, Ecology had two main goals. The first was to make the City aware of a problem that needed prompt attention. Second, Ecology wanted to start up a dialogue with this small community that would lead to a cooperative resolution of the problem.

## Milestones and outcomes

- October 2010 – First complaints and sampling data received by Ecology. Ecology investigates and characterizes problem.
- November 2010 – NOV issued to City. City and Ecology meet and plan actions to correct problems.
- December 2010 – City had fixed the original problem ... and much more.

Major outcomes: the pond was cleaned up, the City's sewer mains were fixed, another impaired waterbody listing was probably avoided, and relations between the City and Ecology were significantly improved. A win-win situation for everyone!



## Project highlights

This could have been just another enforcement action, but due to the positive environmental outcome and improved relations between organizations there were benefits that go far beyond “business as usual.” For example,

- 1) The City responded quickly to the problem, rather than arguing and postponing the solution. The City's rapid response helped avoid further pollution.
- 2) The open and constructive communications generated by this enforcement action helped relieve the formerly complex and strained relationship between Ecology and the City.

What caused the superior results in this situation? We have some theories:

- 1) Talking and working together on projects can help break the ice and develop positive working relationships.
- 2) The NOV was issued quickly (within a month after first complaint), which showed the City that this was an important issue and helped set the pace for the rest of the work. The speed of this enforcement action was key and a welcome change for all parties.

## Partners

### Ecology Staff:

Sanjay Barik, Watershed Unit Engineer  
Charlie McKinney, Central Regional Office Section Manager  
Jonathan Merz, Watershed Unit Supervisor  
Bryan Neet, Non-Point Source Enforcement  
Terry Wittmeier, Municipal Stormwater Permit Manager

### City of Goldendale Staff:

Keith Grundei, Public Works Director  
Larry Bellamy, City Administrator  
Rogena Johnson, Wastewater Treatment  
Supervisor

## For more information

Submitted by: Bryan Neet, Non-Point Source Enforcement  
Central Regional Office  
509-575-2808  
[bryan.neet@ecy.wa.gov](mailto:bryan.neet@ecy.wa.gov)

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