



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

March 20, 2025

Jessi Bon  
City Manager  
City of Mercer Island  
9601 SE 36<sup>th</sup> Street  
Mercer Island, WA 98040

Re: Administrative Order

|                                      |                                                                                                            |
|--------------------------------------|------------------------------------------------------------------------------------------------------------|
| <b>Administrative Order Docket #</b> | #23515                                                                                                     |
| <b>Notice of Violation Docket #</b>  | #22903                                                                                                     |
| <b>Site Location</b>                 | Sanitary Sewer Lift Station #25 Located in King County<br>4266 E Mercer Way #25<br>Mercer Island, WA 98040 |

Dear City Manager Jessi Bon:

The Department of Ecology (Ecology) has issued the enclosed Administrative Order (Order). Through this Order, Ecology is taking an enforcement action requiring the City of Mercer Island to comply with:

- Chapter 90.48.080 Revised Code of Washington (RCW) – Discharge of polluting matter in waters prohibited.

If you have questions, please contact Greg Lipnickey at [Greg.Lipnickey@ecy.wa.gov](mailto:Greg.Lipnickey@ecy.wa.gov) or (425) 449-6560.

Sincerely,

Rachel McCrea  
Section Manager  
Water Quality Program  
Northwest Region Office

City of Mercer Island

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Enclosure: Administrative Order Docket #23515

By Certified Mail# 9171 9690 0935 0233 1454 76

cc: Sean Wilson, Permit Manager, Ecology, [Sean.Wilson@ecy.wa.gov](mailto:Sean.Wilson@ecy.wa.gov)  
Shawn McKone, Unit Supervisor, Ecology, [Shawn.Mckone@ecy.wa.gov](mailto:Shawn.Mckone@ecy.wa.gov)  
Greg Lipnickey, Enforcement Specialist, Ecology, [Greg.Lipnickey@ecy.wa.gov](mailto:Greg.Lipnickey@ecy.wa.gov)  
Jason Kintner, Chief of Operations, City of Mercer Island,  
[Jason.kintner@mercerisland.gov](mailto:Jason.kintner@mercerisland.gov)  
Alaine Sommargren, Deputy Public Works Director,  
[Alaine.Sommargren@mercerisland.gov](mailto:Alaine.Sommargren@mercerisland.gov)  
Chris Kelley, Sewer Foreman, City of Mercer Island, [Chris.Kelley@mercerisland.gov](mailto:Chris.Kelley@mercerisland.gov)

State of Washington  
Department of Ecology

In the Matter of an Administrative Order Against  
The City of Mercer Island  
Jessi Bon  
Administrative Order Docket #23515

To: Jessi Bon  
City Manager  
City of Mercer Island  
9601 SE 36<sup>th</sup> Street  
Mercer Island, WA 98040

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| <b>Administrative Order Docket #</b> | #23515                                                                                                     |
| <b>Notice of Violation Docket #</b>  | #22903                                                                                                     |
| <b>Site Location</b>                 | Sanitary Sewer Lift Station #25 Located in King County<br>4266 E Mercer Way #25<br>Mercer Island, WA 98040 |

The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring the City of Mercer Island to comply with:

- Chapter 90.48.080 Revised Code of Washington (RCW) – Discharge of polluting matter in waters prohibited.

Ecology has the authority to issue this Order under RCW 90.48.120(1).

This Order follows a Notice of Violation (NOV) Docket #22903 Ecology issued to the City of Mercer Island on July 1, 2024.

Ecology received a response to the Notice of Violation on July 29, 2024, and considered your response when administering this Order.

## 1. Facts

### Findings of Fact:

Between December 20, 2019, and December 5, 2023, the City of Mercer Island (Mercer Island) reported five overflows of sanitary sewage from Lift Station #25 located at 4266 E Mercer Way to the Ecology Environmental Report Tracking System (ERTS). The five events each lasted between 6.5 and 40 hours and each discharged between 45,000 and 160,000 gallons of untreated sanitary sewage to Lake Washington.

Ecology approved Mercer Island's latest General Sewer Plan (GSP) in January 2019. In the GSP, Mercer Island discusses their plan for maintaining and upgrading their sanitary sewer system for "the next 20 years"<sup>1</sup> and identifies some specific areas of the sanitary sewer system slated for upgrades, lining, or replacement of the pipe. The GSP also includes sections to discuss lift station capacity, maintenance, repair, replacement, or upgrades. LS #25 is mentioned briefly in Table 6.4 of the GSP for "capacity improvements." Table 6.4 also states that these improvements are to occur between 2019 and 2022. The most recent overflow event occurred after the dates stated in the GSP.

In Mercer Island's response to the NOV, Mercer Island outlined plans for collection system modeling and improvements over the next four to six years. These projects and timelines are reasonable, timely, and in line with Mercer Island's goal of preventing future Sanitary Sewer Overflows (SSOs). Ecology used the projects and timelines included in Mercer Island's NOV response to inform the requirements of this Order.

**Violations:**

RCW 90.48.080 states that "It shall be unlawful for any person to throw, drain, run, or otherwise discharge into any of the water of this state, or to cause, permit or suffer to be thrown, run, drained, allowed to seep or otherwise discharge into such waters any organic or inorganic matter that shall cause or tend to cause pollution of such waters..."

During the five SSO events listed in Table 1, Mercer Island discharged a total of approximately 475,000 gallons of untreated sewage to Lake Washington. In addition to containing pollutants that can deplete surface waters of dissolved oxygen, untreated sewage is known to contain high levels of suspended solids, harmful bacteria, and viruses. Low oxygen levels and suspended solids disrupt the plants and animals in the affected waters. Bacteria and viruses are pollutants that can cause illness to humans and wildlife as well as interfere with designated uses of primary contact recreation.

## 2. Order to Comply

For these reasons, and in accordance with RCW 90.48.120(1), it is order that the City of Mercer Island take the following corrective actions.

**1. Overflow response and reporting:**

Mercer Island must take the following actions when it experiences a failure of any portion of its collection system:

Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the noncompliance and correct the problem.

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<sup>1</sup> City of Mercer Island General Sewer Plan, Final, November 2018, Executive Summary, ES-1

Mercer Island must immediately report to Ecology and the local health jurisdiction at the numbers listed below, all:

- Pump Station overflows or bypasses.
- Collection system overflows.
- Any other failures of the sewage system (pipe breaks, etc.).
- Any sanitary sewer overflow (SSO) that discharges to a municipal separate storm sewer system (MS4).

Northwest Region Office:

**206-594-0000**

Public Health – Seattle and King County:

[WaterRecreationProgramSewageRelease@kingcounty.gov](mailto:WaterRecreationProgramSewageRelease@kingcounty.gov) (business hours)

**206-263-7885** (non-business hours)

Immediate reporting is defined as reporting violations immediately without delay of any interval of time from the moment Mercer Island becomes aware of the violation.

Priority should first be given to stopping an active noncompliance.

Mercer Island must also submit to Ecology a written follow-up report within five days of the time that Mercer Island becomes aware of any reportable event. Email this report to the Ecology Permit Manager assigned to King County's treatment plant permits and the Ecology Regional Compliance Specialist. As of the issuance of the Order these contacts are Sean Wilson ([sean.wilson@ecy.wa.gov](mailto:sean.wilson@ecy.wa.gov)) and Greg Lipnickey ([greg.lipnickey@ecy.wa.gov](mailto:greg.lipnickey@ecy.wa.gov)).

Mercer Island may use any reporting form that includes all the required content listed in this section.

The report must contain:

- A description of the noncompliance and its cause.
- The period of noncompliance, including exact dates and times.
- The estimated time that Mercer Island expects the noncompliance to continue if not yet corrected.
- Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- Indicate the type of event (e.g., sanitary sewer overflow or pump failure).
- Indicate the type of sewer overflow structure (e.g., maintenance hole, pump station).
- Estimate the quantity (in gallons) of the untreated overflow.

- Indicate whether the noncompliance was related to or exacerbated by wet weather.
- Indicate the types of human health and environmental impacts of the event.
- Include a description of actions taken to stop, contain, and cleanup unauthorized discharges and to mitigate any associated environmental impacts.
- If an ERTS number was assigned to the event when it was initially reported, include this number in the five-day follow up report for reference.
- Identification of other agencies contacted per the emergency notification call list.
- If samples were taken to characterize the event or its impact, provide any analytical results that are available with the five-day report.

2. **Upgraded Sewer Supervisory Control and Data Acquisition (SCADA) System:**

Mercer Island must upgrade their existing SCADA system to better provide operators with real-time monitoring and control of lift station conditions. The upgraded SCADA system must also be able to export reports and allow operators to view trends to better respond to future precipitation events and reduce overflow events. Mercer Island must complete the SCADA upgrades by December 31, 2025.

3. **Comprehensive Hydraulic Modeling Development:**

Mercer Island must expand the current sewer system hydraulic model to encompass all of Mercer Island to assist in future infrastructure planning and response capabilities. Complete the model development by December 31, 2025. Submit the results of the update as a non-council approved addendum to Chapter 4 of the 2018 Mercer Island GSP to Ecology by June 30, 2026. This addendum must (1) demonstrate that the corrective actions listed in 4 and 5 of these recommendations will prevent future overflows from LS#25 and (2) define the location of the flow monitors described in corrective action 6.

4. **Wet Well Cleaning and Rehabilitation:**

Mercer Island must assess, clean, and rehabilitate the wet well at LS #25. Confirmation of completion must be submitted to Ecology by December 31, 2026.

5. **Lakeline Reach 1 Capacity Improvements:**

Mercer Island must complete a comprehensive review of the infrastructure that makes up the Lakeline Reach 1, which consists of pump stations (including LS #25), piping, and other structures. Develop and submit an engineering report that describes improvements required to prevent future SSOs at LS #25.

- a. By June 30, 2027, submit to Ecology for review and approval an engineering report and design plans and specifications that provides a comprehensive review of the system and identifies necessary improvements.

**FUTURE  
PHASE**

- b. Complete construction of identified projects by December 31, 2028. Submit a Declaration of construction of water pollution control facilities form (WAC 173-240-095) to Ecology by no later than January 31, 2029.

**6. Future Flow Monitoring Programs:**

- a. Mercer Island must install equipment capable of measuring the discharge flow rate at each pump station to enhance flow monitoring capabilities.
- b. Mercer Island must install equipment capable of measuring the flow rate at locations in the Mercer Island sewer collection system as identified in the addendum required by Item #3. This flow equipment will help Mercer Island staff to better detect inflow & infiltration (I&I) and identify capacity deficiencies.
- c. Mercer Island must complete installation of monitoring equipment and notify Ecology of the installation by December 31, 2028.

**FUTURE PHASE  
OR OTHER  
PROJECT**

**3. Termination of the Order**

This Order shall be deemed fulfilled and shall have no further effect on Mercer Island 90-days after the actions identified in Section 2 of this Order have been completed and all required completion notifications have been submitted to Ecology.

**4. Failure to Comply With This Order**

Failure to comply with this Order may result in the issuance of civil penalties or other actions, whether administrative or judicial, to enforce the terms of this Order.

**5. Your Right to Appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within thirty (30) days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B0.001(2).

To appeal, you must do all of the following within thirty (30) days of receipt of this Order:

- File your appeal and a copy of this Order with the PCHB (see address below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology by mail, in person and by email (see addresses below).

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

## **Filing with the PCHB**

For the most current information regarding filing with the PCHB, visit: <https://eluho.wa.gov/> or call: 360-664-9160.

## **Service on Ecology**

**Street Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
300 Desmond Drive SE  
Lacey, WA 98503

**Mailing Address:**

Department of Ecology  
Attn: Appeals Processing Desk  
PO Box 47608  
Olympia, WA 98504-7608

**E-Mail Address:**

[ecologyappeals@ecy.wa.gov](mailto:ecologyappeals@ecy.wa.gov)

## **6. Contact Information**

Please direct all questions about this Order to:

Greg Lipnickey  
Municipal Wastewater Permits Unit  
Water Quality Program  
Department of Ecology  
P.O. Box 330316  
Shoreline, WA 98133-9716

Phone: (425) 449-6560

Email: [Greg.Lipnickey@ecy.wa.gov](mailto:Greg.Lipnickey@ecy.wa.gov)

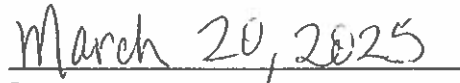
## 7. More Information

- **Pollution Control Hearings Board Website:**  
<https://www.eluho.wa.gov>
- **Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board:**  
<https://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**  
<https://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<https://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology's Laws, Rules, & Rulemaking Website**  
<https://ecology.wa.gov/Footer/rulemaking>

## 8. Signature



Rachel McCrea  
Section Manager  
Water Quality Program  
Northwest Region Office



Date

