

**CITY OF STEVENSON
RESOLUTION 2022-397**

**ADOPTING FINDINGS OF FACTS SUPPORTING WASTEWATER MORATORIUM
RENEWAL ORDINANCE**

WHEREAS, the City Council for Stevenson, Washington approved Wastewater Moratorium Extension Ordinance No. 2021-1174 on September 16, 2021; and

WHEREAS, the City has not resolved the issues requiring the moratorium and has determined that a one-year extension is needed; and

WHEREAS, RCW 35.63.200 requires a City to conduct a public hearing and adopt Findings of Fact supporting the moratorium prior to renewal; and

WHEREAS, a public hearing was conducted on September 15, 2022, at a regular public meeting and the public and staff gave testimony concerning the wastewater moratorium.

NOW THEREFORE, the City Council of the City of Stevenson, Washington, does hereby resolve as follows:

The City Council of the City of Stevenson adopts the following findings of fact:

1. On April 7, 2017, the Washington State Department of Ecology issued a Notice of Violation for the City of Stevenson Wastewater Treatment Plant stating that the City has exceeded its design criteria for five (5)-Day Biochemical Oxygen Demand (BOD5) or Total Suspended Solids (TSS) on twenty-one (21) occasions, exceeded effluent limits for TSS or Fecal Coliform on five (5) occasions and has not submitted a plan for Maintaining Adequate Capacity (a copy of the notice is attached as Exhibit A);
2. On July 6, 2017, the City received an Administrative Order (attached as Exhibit B) from the Department of Ecology outlining actions for the City to take which include limiting new industrial connections;
3. On November 16, 2017, the City approved a wastewater moratorium which expired on May 15, 2018;
4. On May 17, 2018, the City approved a new wastewater moratorium which expired on November 17, 2018;
5. On November 15, 2018, the City approved a new wastewater moratorium which expired on November 15, 2019;
6. On November 14, 2019, the City approved an extension to the wastewater moratorium, which expired on November 14, 2020;
7. On November 14, 2019, the City adopted a work plan to address the wastewater deficiencies;
8. On October 15, 2020, the City approved an extension to the wastewater moratorium, which will expire on October 15, 2021;
9. On September 16, 2021, the city approved an extension to the wastewater moratorium, which will expire on September 16, 2022;

10. The City's treatment plant does not have adequate capacity to treat the wastewater for its existing connections due to excessive BOD5 and TSS loading;
11. Adding more commercial wastewater connections would further stress the City's wastewater treatment plant BOD5 and TSS loading and further impair the City's ability to meet current customer's wastewater needs;
12. The City has worked with the Department of Ecology to enact ordinances to reduce loading and is working with current users on a path forward to reduce BOD5 loading at the plant;
13. The City has received funding through the Department of Ecology to construct facilities to increase the City's wastewater treatment capacity by improving the current wastewater treatment plant;
14. Construction of the facility improvements began on May 13, 2022 and are contracted to reach substantial completion on July 30, 2023. Until this time, the City must continue its moratorium to minimize additional violations;
15. There is a significant demand for new wastewater connections to allow property development within the City and its wastewater service area;
16. The City may allow commercial wastewater connections as long as they create effluent that is no stronger than domestic strength or install pretreatment facilities to limit effluent strength to domestic levels since commercial development and job creation is in the public's best interests;
17. The Wastewater Moratorium Ordinance will provide the City time to complete construction of the wastewater treatment plant improvements;
18. Without a Moratorium, the City may be subject to moratorium imposed by the Washington State Department of Ecology that may be broader in scope, perhaps even including residential connections.

Passed by a vote of _____ at the regular city council meeting of September 15, 2022.

Scott Anderson
Mayor of Stevenson

Leana Kinley
Clerk Treasurer

APPROVED AS TO FORM:

Kenneth B. Woodrich
City Attorney



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

April 7, 2017

The Honorable Frank Cox
Mayor of Stevenson
P.O. Box 371
Stevenson, WA 98648

Notice of Violation (NOV) Docket #	14032
Name	City of Stevenson Wastewater Treatment Plant
Location	686 Southwest Rock Creek Drive Stevenson, WA

Re: Notice of Violation

Dear Mayor Cox:

The Department of Ecology is issuing the enclosed Notice of Violation to you for violations of the city of Stevenson (City) National Pollutant Discharge Elimination System (NPDES) Permit:

1. Between January 2012 and December 2016, the City exceeded its design criteria for five (5)-Day Biochemical Oxygen Demand (BOD₅) or Total Suspended Solids (TSS) on twenty-one (21) occasions (violation of NPDES Permit Section S4.A).
2. Between September 2015 and September 2016, the City exceed effluent limits for TSS or Fecal Coliform on five (5) occasions (violation of NPDES Permit Section S1).
3. The City has not submitted a plan for Maintaining Adequate Capacity (violation of NPDES Permit Section S4.B).

This Notice of Violation is issued under the authority of Revised Code of Washington (RCW) 90.48.120(1).

All questions in response to this document should be directed to Patricia Bailey, Senior Compliance Specialist, at 360-407-6271 or patricia.bailey@ecy.wa.gov.

Sincerely,

Richard Doenges
Southwest Regional Manager
Water Quality Program

Enclosures: Notice of Violation Docket #14032

By Registered Mail: RE 884 766 776 US

cc: Eric Hanson, City of Stevenson
Public Works Department, City of Stevenson



Exhibit A

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF COMPLIANCE)
BY THE CITY OF STEVENSON, WA) NOTICE OF VIOLATION
WITH CHAPTER 90.48 RCW AND THE) DOCKET #14032
RULES AND REGULATIONS OF)
THE DEPARTMENT OF ECOLOGY)

To: The Honorable Frank Cox
Mayor of Stevenson
P.O. Box 371
Stevenson, WA 98648

Notice of Violation (NOV) Docket #	14032
Name	City of Stevenson Wastewater Treatment Plant
Location	686 Southwest Rock Creek Drive Stevenson, WA

The Department of Ecology (Ecology) is issuing this Notice of Violation (NOV) to you for violating provisions of Chapter 90.48 Revised Code of Washington (RCW) Water Pollution Control. This notice contains Ecology's determination that a violation has or will occur.

Ecology has the authority to issue this Notice of Violation under RCW 90.48.120(1) which reads in part:

"Whenever, in the opinion of Ecology, any person shall violate or create a substantial potential to violate the provisions of the chapter, or fails to control the polluting content of waste discharged, or to be discharged into any waters of the state the department shall notify such person of its determination by registered mail...."

PROJECT / SITE LOCATION

City of Stevenson Wastewater Treatment
686 Southwest Rock Creek Drive
Stevenson, WA

DETERMINATION OF VIOLATIONS

Notice is hereby given in accordance with RCW 90.48.120(1), as follows:

The city of Stevenson (City) owns a wastewater treatment plant that discharges treated

wastewater to the Columbia River under National Pollutant Discharge Elimination System (NPDES) Permit No WA002062 issued by Ecology. Since January 2012, influent wastewater at the Wastewater Treatment Plant (Plant) has, at times, exceeded the Plant's design capacity. The problem became acute in 2015, when influent wastewater exceeded the Plant's design capacity every month over a five (5)-month period (July through November). The City again exceeded its design capacity in 2016, over a six (6)-month period between June and November. Permit effluent violations occurred several times during this period and are likely the result of facility overloading. The City has not submitted a plan for Maintaining Adequate Capacity but reports that it is in the process of preparing one. The source of high loadings to the treatment plant are several commercial establishments according to recent City sampling.

This determination does not constitute an Order or directive under RCW 43.21B.310.

FILE A REPORT WITH ECOLOGY

Pursuant to RCW 90.48.120(1), within thirty (30) days from receipt of this Notice of Violation, the city of Stevenson must file a full report with Ecology stating:

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

Send the report to:

Patricia Bailey
Department of Ecology
Southwest Regional Office
Water Quality Program
P.O. Box 47775
Olympia, Washington 98504-7775

ECOLOGY'S RESPONSE

Upon receipt of the report, Ecology will review the information provided and issue an Order or directive as it deems appropriate under the circumstances, and shall notify the city of Stevenson.

CONTACT INFORMATION

Please direct all questions about this Notice of Violation to:

Patricia Bailey
Mail: Address Above
Phone: 360-407-6271
E-mail: patricia.bailey@ecy.wa.gov

MORE INFORMATION

- **Chapter 90.48 RCW – Water Pollution Control**
<http://app.leg.wa.gov/RCW/default.aspx?cite=90.48>

SIGNATURE



Richard Doenges
Southwest Regional Manager
Water Quality Program

4/4/17
Date

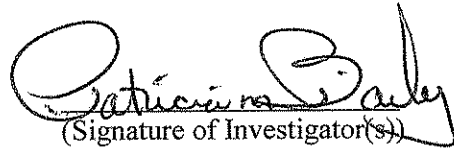
RECOMMENDATION FOR ENFORCEMENT ACTION
WATER QUALITY PROGRAM

Southwest Regional Office

Docket No. 14032

Date: February 20, 2017

From: Patricia Bailey
Senior Compliance Specialist


(Signature of Investigator(s))

RECOMMEND ENFORCEMENT ACTION TO BE TAKEN:

I. Against: The Honorable Frank Cox
Mayor of Stevenson

II. Location:

Mailing Address / Phone
P.O. Box 371
Stevenson, WA 98648
Phone: 509-427-5970

Location of Violation
City of Stevenson Wastewater Treatment Plant
686 Southwest Rock Creek Drive
Stevenson, WA

III. Type of Action

- A. Penalty, Revised Code of Washington (RCW) 90.48.144
- B. Notice of Violation, RCW 90.48.120 (1)
- C. Follow-up Order, RCW 90.48.120(1)
- D. Immediate Action Order, RCW 90.48.120(2)
- E. Amendment of Action
- F. Other (specify authority)

IV. Nature of Violation

- 1) Unlawful Discharge of Polluting Matter into Waters of the State, RCW 90.48.080.
- 2) Violation of the Terms of a Waste Discharge Permit Issued under RCW 90.48.160, 90.48.180 or 90.48.260 through 90.48.262.
- 3) Discharging Pollutants Without a Permit Authorized under RCW 90.48.160, 90.48.180, or 90.48.260 through 90.48.262.
- 4) Violation of the Terms of a Regulatory Order or other provisions of RCW 90.48.

- 5) Agricultural Discharges, RCW 90.48.450. Has consideration been given to the effect of the action on conversion of agricultural to nonagricultural uses?
- 6) Other

V. Name of Watercourse Involved: Columbia River above Bonneville Dam

VI. Narrative of Incident and Violations:

The city of Stevenson (City) owns a wastewater treatment plant that discharges treated wastewater to the Columbia River under National Pollutant Discharge Elimination System (NPDES) Permit No WA002062 issued by the Department of Ecology (Ecology). Since January 2012, influent wastewater at the Wastewater Treatment Plant (Plant) has at times exceeded the Plant's design capacity. The problem became acute in 2015, when influent wastewater exceeded the Plant's design capacity every month over a five (5)-month period (July through November). The City again exceeded its design capacity in 2016, over a six (6)-month period between June and November. Permit effluent violations occurred several times during this period and are likely the result of facility overloading. The City has not submitted a plan for maintaining adequate capacity but reports that it is in the process of preparing one. The sources of high loadings to the treatment plant are several commercial establishments according to recent City sampling.

Under Section S1 of the City's NPDES permit, the City is authorized to discharge treated wastewater subject to the following limitations:

<i>Parameter</i>	<i>Monthly Average</i>	<i>Weekly Average</i>
<i>BOD-5</i>	<i>30 mg/l, 92 lbs/day 85% Removal</i>	<i>45 mg/l, 138 lbs/day</i>
<i>TSS</i>	<i>30 mg/l, 92 lbs/day 85% Removal</i>	<i>45 mg/l, 138 lbs/day</i>
<i>Fecal Coliform Bacteria (geometric mean values)</i>	<i>200/100 ml</i>	<i>400/100 ml</i>
<i>pH</i>	<i>Shall not be outside the range 6.0 to 9.0</i>	

Section S4 of the permit addresses facility overloading. Section S4.A (Design Criteria) states:

Flows or waste loadings of the following design criteria for the permitted treatment facility shall not be exceeded.

- *Average flow for the maximum month: 0.45 MGD*
- *Influent BOD5 loading for maximum month: 612 lbs/day*
- *Influent TSS loading for maximum month: 612 lbs/day*

Section S4.B. (Plans for Maintaining Adequate Capacity) states in part:

When the actual flow or wasteload reaches eighty-five (85) percent of the design capacity (paragraph A above) for three (3) consecutive months, ninety-five (95) percent capacity for any single month, or when the projected increases would reach design capacity within five years, whichever occurs first, the Permittee shall submit to Ecology, a plan and a schedule for continuing to maintain capacity at the facility sufficient to achieve the effluent limitations and other conditions of this permit.

Violations

1. Between January 2012 and December 2016, the City exceeded its design criteria for 5-Day Biochemical Oxygen Demand (BOD₅) or Total Suspended Solids (TSS) on twenty-one (21) occasions (Table 1) (violation of NPDES Permit Section S4.A).
2. Between September 2015 and September 2016, the City exceed effluent limits for TSS or Fecal Coliform on five (5) occasions (Table 1) (violation of NPDES Permit Section S1).
3. The City has not submitted a plan for maintaining adequate capacity (violation of NPDES Permit Section S4.B).

VII. Technical Assistance Efforts to Resolve Violation:

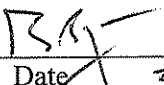
Ecology staff have had numerous communications with City staff over the past five (5) years regarding issues at the treatment plants.

VIII. Evidence Obtained:

- Samples, Lab. Report No.
- Pictures
- Video Tape
- Witness Statements
- Documents (Discharge Monitoring Reports)
- Maps
- Other: _____

ENDORSEMENTS

The following actions are recommended to resolve this matter:

Gregory Zentner, P.E. 
Unit Supervisor Date 3/20/2017

Concurrence with recommended action:

Richard Doenges 
Southwest Regional Manager Date 4/4/17

Gravity Criteria Definitions

1. Did the violation result in a public health risk?
 - Answer “no” if there is no evidence to support a claim of public health risk.
 - Answer “possibly” if a public health risk can be inferred from evidence and knowledge of the effects of the violation.
 - Answer “probably” if evidence supports a claim of public health risk and there is a plausible connection between this violation and the health or effect.
 - Answer “definitely” if there is direct evidence linking public health risk or adverse effects with the violation.

2. Did the violation result in environmental damage?
 - Answer “no” if there is no evidence to support a claim of environmental damage or impairment of beneficial uses.
 - Answer “possibly” if environmental damage or impairment of beneficial uses can be inferred from evidence or knowledge of the effects of the violation.
 - Answer “probably” if there is evidence to support a claim of environmental damage or impairment of beneficial uses and there is a plausible connection between the violation and the damage/impairment.
 - Answer “definitely” if there is direct evidence linking demonstrable environmental damage or impairment of the beneficial uses with the violation.

3. Was it a willful or knowing violation?
 - Answer “no” if the violator obviously did not know that the action or inaction constituted a violation.
 - Answer “possibly” if it is likely the violator knew.
 - Answer “probably” if the violator should have known.
 - Answer “definitely” if the violator clearly knew. If the answer is “definitely,” consider consulting with the environmental crimes unit.

4. Was the responsible person unresponsive in correcting the violation?
 - Answer “no” if the violation was corrected as soon as the responsible person learned of it.
 - Answer “possibly” if the violation was corrected in a less timely and cooperative fashion.
 - Answer “probably” if the responsible person attempted to correct the problem but did not correct it.
 - Answer “definitely” if the responsible person made no attempt to correct the violation.

5. Was the violation a result of improper operation or inadequate maintenance? (i.e., BMPs, pollution prevention plans, operation and maintenance (O&M) plans)
 - Answer “no” if the violation was not the result of improper operation or inadequate maintenance.
 - Answer “possibly” if the facility has an O&M plan, PPP, SWPPP, or BMP manual that is out of date or inadequate.
 - Answer “probably” if there is no O&M plan, PPP, SWPPP, or BMPs developed for the facility.
 - Answer “definitely” if the facility has no plans or is not following its plan AND the violation was clearly the result of improper operation or maintenance.

6. Did the facility fail to obtain all of the necessary permits, certifications, and approvals to operate at the time of the violation?
 - Answer “no” if the paperwork was complete and appropriate for the job or task that caused the violation.

- Answer “definitely” if the facility did not have all the required permits and approvals for the job or task that caused the violation.
7. Did anyone benefit economically from non-compliance?
- Answer “no” if it is clear that no one obtained an economic benefit.
 - Answer “possibly” if someone might have benefited.
 - Answer “probably” if anyone benefited, but the benefit is not quantifiable.
 - Answer “definitely” if the economic benefit is quantifiable.

Revised April 2005

Table 1
 City of Stevenson Permit Sections S1 and S4 Violations
 January 2012- December2016

<u>Month</u>	<u>Location</u>	<u>Parameter</u>	<u>Units</u>	<u>Duration</u>	<u>Value</u>	<u>Limit</u>	<u>Violation</u>
11/1/2016	Influent	BOD-5	Lbs/Day	AVM	641	612	Design Criteria
10/1/2016	Influent	BOD-5	Lbs/Day	AVM	793	612	Design Criteria
9/1/2016	Influent	BOD-5	Lbs/Day	AVM	834	612	Design Criteria
9/1/2016	Influent	TSS	Lbs/Day	AVM	866	612	Design Criteria
9/1/2016	Effluent	TSS	mg/L	AVM	33	30	Effluent Limit
9/1/2016	Effluent	TSS	mg/L	AVW	54	45	Effluent Limit
8/1/2016	Influent	BOD-5	Lbs/Day	AVM	1218	612	Design Criteria
8/1/2016	Influent	TSS	Lbs/Day	AVM	816	612	Design Criteria
7/1/2016	Influent	BOD-5	Lbs/Day	AVM	1037	612	Design Criteria
7/1/2016	Influent	TSS	Lbs/Day	AVM	720	612	Design Criteria
6/1/2016	Influent	BOD-5	Lbs/Day	AVM	676	612	Design Criteria
4/1/2016	Influent	BOD-5	Lbs/Day	AVM	639	612	Design Criteria
4/1/2016	Effluent	TSS	Lbs/Day	AVW	198	138	Effluent Limit
4/1/2016	Effluent	TSS	mg/L	AVM	57	30	Effluent Limit
4/1/2016	Effluent	TSS	mg/L	AVW	163	45	Effluent Limit
11/1/2015	Influent	BOD-5	Lbs/Day	AVM	619	612	Design Criteria
11/1/2015	Influent	TSS	Lbs/Day	AVM	637	612	Design Criteria
10/1/2015	Influent	BOD-5	Lbs/Day	AVM	877	612	Design Criteria
9/1/2015	Influent	BOD-5	Lbs/Day	AVM	938	612	Design Criteria
9/1/2015	Influent	TSS	Lbs/Day	AVM	848	612	Design Criteria
9/1/2015	Effluent	Fecal Coliform	#/100ml	AVW	1000	400	Effluent Limit
8/1/2015	Influent	BOD-5	Lbs/Day	AVM	904	612	Design Criteria
7/1/2015	Influent	BOD-5	Lbs/Day	AVM	1027	612	Design Criteria
12/1/2014	Influent	TSS	Lbs/Day	AVM	637	612	Design Criteria
2/1/2014	Influent	TSS	Lbs/Day	AVM	706	612	Design Criteria
3/1/2012	Influent	BOD-5	Lbs/Day	AVM	683	612	Design Criteria
1/1/2012	Influent	BOD-5	Lbs/Day	AVM	901	612	Design Criteria

Notes

BOD-5 Biochemical Oxygen Demand (5-day)
 AVM Average Monthly

TSS Total Suspended Solids
 AVW Average Weekly

RECEIVED
JUL 6 2017

BY: _____
[Signature]

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF AN)	
ADMINISTRATIVE ORDER)	ADMINISTRATIVE ORDER
AGAINST)	DOCKET #14221
City of Stevenson)	
The Honorable Frank Cox)	

To: The Honorable Frank Cox
Mayor of Stevenson
P.O. Box 371
Stevenson, WA 98648

Order Docket #	14221
Site Location	City of Stevenson Wastewater Treatment Plant 686 Southwest Rock Creek Drive Stevenson, WA 98648

The Department of Ecology (Ecology) has issued this Administrative Order (Order) requiring the city of Stevenson to comply with:

- Chapter 90.48 Revised Code of Washington (RCW) – Water Pollution Control
- National Pollutant Discharge Elimination System (NPDES) Permit Number WA002062

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

FACTS

The city of Stevenson (City) owns a wastewater treatment plant that discharges treated wastewater to the Columbia River under NPDES Permit No. WA002062 issued by Ecology. Since January 2012, influent wastewater at the wastewater treatment plant has at times exceeded the Plant's design capacity. In 2015, influent wastewater exceeded the Plant's design capacity every month over a five (5)-month period (July through November). The City again exceeded its design capacity in 2016, over a six (6)-month period (June through November). Permit effluent violations occurred several times during this period and are likely the result of facility overloading.

On April 2, 2017, Ecology issued the city of Stevenson a Notice of Violation #14032 (NOV) for the following permit violations:

1. Between January 2012 and December 2016, the City exceeded its design criteria for five (5)-Day Biochemical Oxygen Demand (BOD5) or Total Suspended Solids (TSS) on twenty-one (21) occasions.
2. Between September 2015 and September 2016, the City exceeded effluent limits for TSS or Fecal Coliform on five (5) occasions.
3. The City has not submitted a Plan for Maintaining Adequate Capacity, a requirement given exceedances of the design capacity.

On April 25, 2017, the City responded to the NOV, submitting a one (1) page schedule of actions the City will take to achieve compliance with its NPDES permit, including:

- Limit New Industrial Connections
- Promote Source Control
- Explore Funding Opportunities
- Require Industrial Pretreatment
- Modify Wastewater Treatment Plant Operations
- Update Wastewater Rates
- Complete General Sewer Plan Update
- Design Wastewater Treatment Plant Improvements
- Construct Wastewater Treatment Plant Improvements

ORDER TO COMPLY

For these reasons, and in accordance with RCW 90.48.120(1), it is ordered that the city of Stevenson take the following actions.

Immediately upon receipt of this Order, the city of Stevenson must:

1. Implement the actions described in the City's April 25, 2017, response to Notice of Violation #14032.
2. Develop a Plan for Maintaining Wastewater Treatment Capacity.
 - a. By July 31, 2017, the City must submit to Ecology a Draft Plan for Maintaining Capacity at its wastewater treatment plant, per NPDES Permit Section S4.b. If the City submits a Draft General Sewer Plan to meet this requirement, the Plan

must be prepared under the direction of a qualified engineer licensed in the state of Washington; and the Plan must contain the elements outlined in Washington Administrative Code (WAC) 173-240-050 and -060, unless Ecology approves a more limited submittal.

- b. By November 31, 2017, or within 60 days of receiving the Ecology's comments on the Draft Plan, whichever date is later, the City must submit to Ecology, a Final Plan for Maintaining Capacity at its wastewater treatment plant.
 - c. Within ninety (90) days of Ecology's approval of the City's Plan, the City must adopt it by resolution or ordinance as appropriate.
3. Update the City's Municipal Code as needed to implement Source Control.
- a. By December 31, 2017, the City must submit to Ecology any proposed changes to its Municipal Code needed to implement the City's Plan for Maintaining Capacity or to Implement NPDES Permit Section S8.
 - b. By April 30, 2018, the City must adopt updates to the City's Municipal Code needed to implement the City's Plan for Maintaining Capacity or to implement NPDES Permit Section S8.
 - c. By June 30, 2018, the City must submit to Ecology an updated Industrial User Survey per NPDES Permit Section S8.2.
4. Continue to operate the plant based upon the existing Operations and Maintenance Manual, unless Ecology approves changes to that Manual. The City will submit any proposed changes to Operation and Maintenance practices to Ecology for review and approval as an Operations and Maintenance Plan Amendment, as required by the City's NPDES permit, sixty (60) days prior to proposed implementation.
5. Monitor final wastewater effluent for Ammonia weekly [twenty-four (24)-Hour Composite Sample] and submit sampling results to Ecology with the City's monthly Discharge Monitoring Report (DMR).
6. Submit to Ecology quarterly progress reports regarding the implementation of this Order on the following schedule:

<u>Implementation Period</u>	<u>Report Due</u>
January 1st to March 31st	April 15th
April 1st to June 30th	July 15th
July 1st to September 30th	October 15th
October 1st to December 31st	January 15th

The first progress report is due on July 15, 2017, for the period of April 1, to June 30, 2017.

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 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.

YOUR RIGHT TO APPEAL

You have a right to appeal this Order to the Pollution Control Hearing 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 43.21B.001(2).

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

- File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.

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

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.

ADDRESS AND LOCATION INFORMATION

Street Addresses	Mailing Addresses
<p>Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive Southeast Lacey, Washington 98503</p> <p>Pollution Control Hearings Board 1111 Israel Road Southwest, Suite 301 Tumwater, Washington 98501</p>	<p>Department of Ecology Attn: Appeals Processing Desk P.O. Box 47608 Olympia, Washington 98504-7608</p> <p>Pollution Control Hearings Board P.O. Box 40903 Olympia, Washington 98504-0903</p>

CONTACT INFORMATION

Please direct all questions about this Order to:

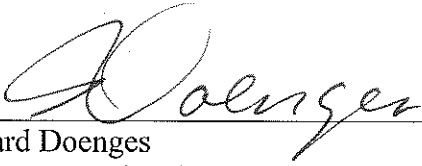
Patricia Bailey
Department of Ecology
Southwest Regional Office
Water Quality Program
P.O. Box 47775
Olympia, WA 98504-7775

Phone: 360-407-6281
Email: patricia.bailey@ecy.wa.gov

MORE INFORMATION

- **Pollution Control Hearings Board Website**
www.eho.wa.gov/Boards_PCHB.aspx
- **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>
- **Laws:** www.ecy.wa.gov/laws-rules/ecyrcw.html
- **Rules:** www.ecy.wa.gov/laws-rules/ecywac.html

SIGNATURE



Richard Doenges
Southwest Regional Manager
Water Quality Program

6/30/17

Date