UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

MAY 11 2015

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-133

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Roger Healy
Chief Engineer
Alaska Department of Transportation & Public Facilities
Division of Design & Engineering Services
3132 Channel Drive
P.O. Box 112500
Juneau, Alaska 99811-2500

Re: United States of America v. State of Alaska, Department of Transportation and Public Facilities Consent Decree (Consent Decree), Civil Action No. 3:10-cv-00115-JWS
Demand for Payment of Stipulated Penalties

Dear Mr. Healy:

I would like to thank you and your staff for meeting with the United States Environmental Protection Agency (EPA) in Seattle on February 10, 2015, to discuss work performed by the State of Alaska, Department of Transportation and Public Facilities (DOT&PF) from 2010 through 2014 under the above-mentioned Consent Decree.

On September 21, 2010, EPA and DOT&PF entered into the above-mentioned Consent Decree to resolve alleged violations of the Clean Water Act, including failure to comply with a Federal Storm Water Construction General Permit, and for discharging dredged or fill material and/or controlling and directing the discharge of dredged or fill material into waters of the United States at 10 sites located on the Kenai Peninsula, Alaska, without authorization from the United States Army Corps of Engineers.

As discussed and agreed upon during our meeting on February 10, 2015, and as documented in subsequent correspondence between the parties, DOT&PF self-identified 406 instances of noncompliance with the Consent Decree accruing through December 31, 2014. In accordance with Section X (Stipulated Penalties) of the Consent Decree, EPA is demanding that DOT&PF pay $397,000 for stipulated penalties accrued through December 31, 2014.

After payment is received, EPA looks forward to receiving DOT&PF's request for the United States' consent to termination of Section III only of the Decree together with its certification that DOT&PF has satisfied the criteria listed in Paragraph 41.c. of the Consent Decree.

Should you have any questions regarding this letter, you may reach me at (206) 553-6695, or have your counsel contact Chris Bellovary, Assistant Regional Counsel, at (206) 553-2723. Thank you.

Sincerely,

Edward J. Kowalski
Director

Enclosure

cc: Ms. Anmei Goldsmith
Alaska Department of Law

Ms. Kathryn Macdonald
U.S. Department of Justice

Mr. Eric Norberg
Alaska DOT&PF

Mr. Jeff Stark
Alaska Department of Law

Printed on Recycled Paper

DOT&PF's Stipulated Penalty Calculation

Year	Stipulated Penalties
2010	$57,500
2011	$110,250
2012	$93,250
2013	$88,500
2014	$47,500
Total	**$397,000**

Paragraph	Description	Number of Penalties	2010	2011	2012	2013	2014
5a	Training for DOT&PF	2	0	2	0	0	0
6a2	PE SWPPP Certification	10	0	4	5	1	0
6a3	SWPPP Amendments	8	4	0	3	1	0
6a4	SWPPP Availability	1	0	0	1	0	0
6b	BMP Manual Citation	85	14	58	9	4	6
6c	Seasonal Stabilization	1	0	0	1	0	1
7a	Preconstruction Inspection	3	0	1	1	1	0
7b	Inspection Frequency	78	3	15	37	23	12
7c	Inspection Reports	4	2	2	0	0	0
7c1	Date on Inspection Report	0	0	0	0	0	0
7c2	Inspector Qualifications	7	2	3	1	1	0
7c3	Scope of Inspection	6	6	0	0	0	0
7c4	Weather and Discharges Since Last Inspection	46	13	14	18	1	9
7c5	Weather and Discharges During Inspection	5	1	1	2	1	0
7c7	Location of BMPs - Maintenance	10	2	8	0	0	0
7c9	Location of Additional BMPs	0	0	0	0	0	0
7c10	BMP Action Items and Complete-by Date	20	2	7	1	10	3
7c11	Certification of the Inspection	55	18	17	18	2	0
8a *	Completion of BMP Action Items by Date	51	5	19	11	16	18
9a	Endangerment Reports	7	0	1	4	2	1
9b	NOI Submission	7	0	3	2	2	1
Total		406	72	155	114	65	51

*Does not include length of violations