

December 14, 2020

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

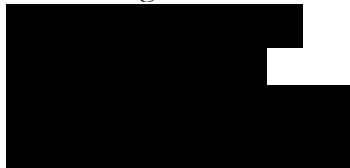
King County Courthouse  
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Seattle, Washington 98104  
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[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**ORDER OF DISMISSAL**

SUBJECT: Department of Natural Resources and Parks file no. **General Biodiesel**

**GENERAL BIODIESEL SEATTLE, LLC**  
Code Enforcement Appeal

Appellant: Roger Coulter  
*represented by* **Ame Lewis**  
Davis Wright Tremain



King County: Department of Natural Resources and Parks  
*represented by* **Michael Graves**  
Prosecuting Attorney's Office  
King County Courthouse  
516 Third Avenue Room W400  
Seattle, WA 98104  
Telephone: (206) 477-1120  
Email: [mgraves@kingcounty.gov](mailto:mgraves@kingcounty.gov)

Based on the parties' attached stipulation, and having reviewed the submitted files and records, we DISMISS WITH PREJUDICE this matter, without an award of attorney fees or cost to either party, and we CANCEL the hearing currently set for January 20–22, 2021.

DATED December 14, 2020.

A handwritten signature in blue ink, appearing to read "David Spohr", written over a horizontal line.

David Spohr, Hearing Examiner

December 14, 2020

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**CERTIFICATE OF SERVICE**

SUBJECT: Department of Natural Resources and Parks file no. **General Biodiesel**

**GENERAL BIODIESEL SEATTLE, LLC**

Code Enforcement Appeal

I, Lauren Olson, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER OF DISMISSAL** to those listed on the attached page as follows:

☒ EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

☒ placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED December 14, 2020.



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Lauren Olson  
Legislative Secretary

**Bromley, Verna**

Prosecuting Attorney's Office

**Coulter, Roger**

General Biodiesel Seattle, LLC

Hardcopy

**General Biodiesel Seattle, LLC**

Hardcopy

**Graves, Michael**

Prosecuting Attorney's Office

**Lewis, Ame**

Davis Wright Tremaine

Hardcopy

**GENERAL BIODIESEL SEATTLE, LLC**  
**v.**  
**KING COUNTY, DEPARTMENT OF NATURAL RESOURCE AND PARKS**

Code Enforcement Appeal, Date of Violation 1/11/2018

**STIPULATION AND AGREED  
ORDER OF DISMISSAL**

COMES NOW petitioner, General Biodiesel Seattle, LLC ("General Biodiesel"), by its attorney, Ame Lewis of Davis Wright Tremaine LLP, and respondent, King County, through its Wastewater Treatment Division, ("Division"), by the King County Prosecuting Attorney's Office, Michael Graves, Deputy Prosecuting Attorney, and agree and stipulate to the following:

1. On May 14, 2020, the Division, through its Industrial Waste Pretreatment Program, issued an Assessment of Penalty, Compliance Order, and Determination of Significant Noncompliance to General Biodiesel, based on a Notice of Violation (NOV) issued to General Biodiesel on August 26, 2019.
2. Following the denial by the Division of General Biodiesel's request for reconsideration of the Assessment of Penalty Notice and Compliance Order, General Biodiesel filed its Statement of Appeal, dated September 17, 2020, with the Office of the King County Hearing Examiner, pursuant to K.C.C. 28.84.100.
3. In order to settle the dispute between General Biodiesel and the Division, the parties agree to the terms and conditions set forth below.
4. For the purposes of settlement, and to resolve violations described in the Assessment of Penalty Notice and Compliance Order, General Biodiesel agrees to pay a penalty of \$11,500, with total amount due and paid in full within 30 days of executing this agreement.

5. General Biodiesel shall submit the payment to the following addresses:

Via online:

<https://payment.kingcounty.gov/Home/Index?app=AccountsReceivable>

OR

Via USPS mail:      Make Check Payable to:  
 KING COUNTY FINANCE  
 500 4TH AVE STE 600  
 SEATTLE WA 98104  
 Seattle, Washington 98104

6. Copies of all correspondence between the parties related to this Stipulation and Agreed Order for Dismissal shall be sent to the following persons;

For the Division:

Michael Graves  
 King County Prosecutor's Office  
 900 King County Admin. Bldg.  
 500 Fourth Avenue  
 Seattle, Washington 98104

For General Biodiesel:

Ame Wellman Lewis  
 Attorney at Law  
 Davis Wright Tremaine, LLP  
 1300 SW Fifth Avenue  
 Portland, Oregon 97201

7. The parties acknowledge that one alleged violation involves an alleged discharge which interfered with publicly owned treatment works operations defined under King County Code 28.82.810 as significant noncompliance. Pursuant to 40 CFR 403.8 and K.C.C. 28.84.060, the Division will publish, in a newspaper of general circulation, General Biodiesel in a list of industrial users determined to be in significant noncompliance. The Division agrees to use the following publication to describe the enforcement action:

Violations Resulting in Significant Non-Compliance (SNC) status and/or Penalties	Reason for Publication and Additional Comments
<b>General Biodiesel – Seattle</b> CODE VIOLATIONS: A Notice of Violation was issued for 1) Discharge of process water containing fats, oils, and grease (FOG) to the sanitary sewer, which obstructed the sewer and caused a sewer overflow and 2) failure to obtain written approval for the discharge of process water containing FOG from the facility.	General Biodiesel was issued a penalty, post violation charges and a compliance order. A determination of SNC was made for causing interference with the sewer system. This enforcement action was appealed by the company and a settlement was reached. As part of the settlement, General Biodiesel does not admit to any wrongdoing.

8. The execution of this Stipulation and Agreed Order of Dismissal shall constitute the Division's full and complete satisfaction and release of all claims described in the Assessment of Penalty, Compliance Order, and Determination of Significant Noncompliance Notice, and for any violations that may have occurred prior to the date of execution of this Stipulation and Agreed Order of Dismissal.

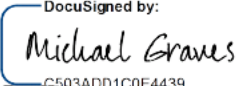
9. This Stipulation shall constitute an agreement of the signatory parties only, and the parties agree that it shall confer no rights or benefits on any other person or entity.

10. The parties shall have the right to enforce the requirements and conditions of this Stipulation and Agreed order of Dismissal in the Superior Court of King County, to the full extent permitted by law.

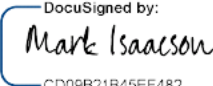
11. The parties further agree that this matter shall be dismissed with prejudice, with each party to bear its own attorney's fees and costs; provided, however, that either party shall have the right to enforce this Stipulation and Agreed Order of Dismissal upon the terms and conditions described above.

IN WITNESS WHEREOF, the Parties hereto have executed this agreement on  
the \_\_\_\_ day of \_\_\_\_\_, 2020.


Approved as to Form

By:   
Title: Deputy Prosecuting Attorney


King County:

By:   
Title: Department of Natural Resources and Parks

Approved as to Form

By:   
Title: Ame Lewis  
Davis Wright Tremaine LLP  
Attorneys for General Biodiesel Seattle, LLC

General Biodiesel Seattle, LLC

By:   
Title: CEO  
GENERAL BIODIESEL SEATTLE, LLC  
JEFF HAAS

**ORDER**

Based upon the above stipulation of the parties and the Hearing Examiner having reviewed the files and records herein, it is hereby:

ORDERED that this matter is dismissed with prejudice and without an award of attorney fees or costs to either party.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
HEARING EXAMINER