



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

Snohomish County Public Works
Mr. Steve Pratt
1136 Avenue D
Snohomish, WA. 98290

Subject: Authorization to obtain rock from AAA Monroe Rock

Dear Mr. Pratt ;

As we have discussed , Ecology and AAA Monroe Rock/Fiorito Bros have reached a settlement on PCHB matters Numbers 98-152,98-210 and 99-077. The settlement is documented in the attached letter from Gregory Costello of Marten Brown - Attorney's at Law , dated January 5 , 2001.

This letter authorizes Snohomish County Public Works to receive from AAA Monroe, Rock \$47,000.00 worth of rock , to meet your specifications and your needs . Your Contact Person with AAA Monroe Rock is Ms. Stephanie Fiorito , phone 206-624-2664 . You will need to contact Ms. Fiorito to establish your particular communications and accounting .

I understand that the County's use of rock is significant and you don't anticipate a long period of time to utilize this amount . Ecology only needs to be informed when AAA Monroe Rock's commitment has been reached . Please let me know if you need any additional information . I am best reached via e-mail at bpen461@ecy.wa.gov . My phone number is 425-649-7074 . Thank-You .

Robert J Penhale
Water Quality Program
Washington Department of Ecology

ht, Bob
ek, John



**MARTEN
BROWN**

ATTORNEYS AT LAW

91 Second Avenue
Suite 2200
Seattle, WA 98101

Phone: 206 292 6300
Fax: 206 292 6301

January 5, 2001

Writer's Direct Line
(206) 292-2625
gcostello@martenbrown.com

Ken Lederman
Washington State Attorney General's Office
2425 Bristol Court SW, 2nd Floor
P.O. Box 40117
Olympia, WA 98504-0117

RE: *SUPPLEMENTAL ENVIRONMENTAL PROJECT FOR AAA MONROE
ROCK SETTLEMENTS*

Dear Ken:

As you know, in settlement of PCHB Matters Numbers 98-152 and 98-210, AAA Monroe Rock ("Monroe") agreed to perform supplemental environmental projects. Specifically, Monroe agreed to provide equipment and materials to be used for a restoration project on the Stillaguamish River in Snohomish County. This work and materials had an agreed upon value, to the best of my recollection, of \$20,000.00. In addition, as settlement of PCHB No. 99-077, Monroe agreed that it would submit a supplemental environmental project with an estimated value of \$27,000.00.

Based upon discussion with Bob Penhale and John Drabek at the Department of Ecology, we now understand that all of these supplemental environmental projects can be completed by Monroe supplying rock from its quarry to Snohomish County for restoration projects, that Snohomish County is undertaking in conjunction with the Department of Ecology. The agreed upon amount of rock is an amount equal to the posted value of \$47,000.00, as determined at the time of sale.

Please confirm by signing and dating this letter in the place indicated below, that this supplemental environmental project meets and fulfills the requirements of the Stipulation and Agreed Orders of Dismissal in the above referenced PCHB appeals. If this letter does not accurately reflect the resolution and the



Marten Brown Inc.

Ken Lederman
January 5, 2001
Page 2

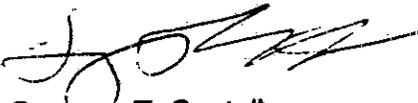
fulfillment of the conditions of those stipulations, please contact me immediately so that we may discuss them.



Ken Lederman 26515

1/10/00
Date

Sincerely,


Gregory T. Costello

GTC:km

Pollution Control Hearing Board
Shorelines Hearings Board
Forest Practices Appeals Board
Hydraulics Appeals Board



Glynn J. W.G.
C.C. Tella
Orig Deb

(360) 459-6327
FAX (360) 438-7699
E-Mail: EHO@EHO.WA.GOV
INTERNET: <http://www.eho.wa.gov>

STATE OF WASHINGTON
ENVIRONMENTAL HEARINGS OFFICE

4224 - 6th Avenue SE, Bldg. 2, Rowe Six
P.O. Box 40903, Lacey, WA 98504-0903

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DEPT. OF ECOLOGY
FISCAL & BUDGET

August 15, 2000

COPY

Gregory T. Costello
MARTEN & BROWN
1191 Second Avenue Suite 2200
Seattle WA 98101

Ken Lederman
Assistant Attorney General
Department of Ecology
PO Box 40117
Olympia WA 98504-0117

RE: PCHB NO. 99-077
AAA MONROE ROCK CORPORATION v. ECOLOGY (DE 99WQ-N336)

Dear Parties:

Enclosed is a Stipulation and Agreed Order of Dismissal in this matter.

Sincerely yours,

Ann Daley
Ann Daley, Presiding

AD/jg/P99-077 letter

Enc.

Cc: Leann Rysér - Ecology

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via United States Postal Service postage prepaid to the attorneys of record herein.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED Aug 15, 00 at Lacey, WA.

Charles Johnson

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AUG 30 2000

DEPT OF ECOLOGY



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ATTORNEY GENERAL'S OFFICE
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DEPT OF ECOLOGY

POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

AAA MONROE ROCK CORP.,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondent.

PCHB NO. 99-077

STIPULATION AND AGREED
ORDER OF DISMISSAL

COMES NOW appellant, AAA Monroe Rock Corp. ("AAA Monroe Rock"), through its attorneys, Gregory I. Costello and Kurt B. Peterson; and respondent, State of Washington, Department of Ecology ("Ecology") by and through its attorneys, Christine O. Gregoire, Attorney General, and Ken Lederman, Assistant Attorney General, and agree to the entry of this Stipulation and Agreed Order of Dismissal ("Order") in the form attached.

RECITALS

1.1 On April 30, 1999, Ecology issued Notice of Penalty No. DE 99WQ-N336 to AAA Monroe Rock. Ecology assessed a \$44,750 penalty against AAA Monroe Rock for alleged violations of Chapter 90.48 RCW, specifically: (1) failure to obtain a General Sand and Gravel National Pollutant Discharge Elimination System / State Waste Discharge Permit; and (2) illegal discharge of industrial stormwater to waters of the State of Washington.

1.2 On May 27, 1999, AAA Monroe Rock appealed Notice of Penalty No. DE 99WQ-N336 to the Pollution Control Hearings Board ("PCHB").

STIPULATION AND AGREED
ORDER OF DISMISSAL

1 1.3 In the spirit of compromise and to avoid extensive litigation, the parties wish
2 settle this appeal as set forth below.

3 **STIPULATION**

4 2.1 The parties agree to dismiss the above-entitled cases based on the following terms
5 of settlement:

- 6 1. Within sixty (60) days after the entry of this Order, AAA
7 Monroe Rock will pay the sum of \$3,000 to the Fiscal
8 Office of Ecology.
- 9 2. Within six (6) months after the entry of this Order, AAA
10 Monroe Rock will develop and submit to Ecology an
11 acceptable Supplemental Environmental Project (SEP) with
12 an estimated value of \$27,000. If requested, Ecology shall
13 assist AAA Monroe Rock in developing a previously
14 submitted SEP or in providing contacts to persons or
15 agencies that may be a source of a SEP. Failure to submit
16 an acceptable SEP within six (6) months after the entry of
17 this Order may result in full reinstatement of the entire
18 penalty pursuant to RCW 43.21B.300.
- 19 3. AAA Monroe Rock will complete the Ecology-approved
20 SEP described in Section 2.1 (2), *infra*, within eighteen
21 (18) months after approval by Ecology of the SEP. Failure
22 to complete the Ecology-approved SEP within eighteen
23 (18) months after approval by Ecology of the SEP may
24 result in full reinstatement of the entire penalty pursuant to
25 RCW 43.21B.300. The completion date for the SEP may
26 be extended where necessary to comply with any applicable
laws, including but not limited to the Endangered Species
Act, the State Environmental Protection Act, or other State
or municipal rules or regulations.
4. The deadlines listed in Sections 2.1(1)-(3) *infra* may be
extended due to reasonable delay or extenuating
circumstances, but any decision regarding an extension of
the aforementioned deadlines shall be within the sole
discretion of Ecology.
5. Ecology hereby agrees to suspend \$14,750 of the total
penalty amount for one (1) year from the date of the entry
of this Order. If after one (1) year from the date of the
entry of this Order, AAA Monroe Rock has received no
Notices of Violation from Ecology for violations of their
NPDES Permit or for violations of Chapter 90.48 RCW,
then Ecology hereby agrees to forgive the remaining
\$14,750 penalty. If, however, AAA Monroe Rock receives

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a Notice of Violation from Ecology for violations of Chapter 90.48 RCW within one year from the date of the entry of this Order, then Ecology may, in its discretion, reassess the remaining \$14,750 penalty against AAA Monroe Rock pursuant to RCW 43.21B.300.

6. During the one (1) year after the entry of this Order, if requested by AAA Monroe Rock, Ecology hereby agrees to provide technical assistance to AAA Monroe Rock to facilitate their compliance with their NPDES Permit and Chapter 90.48 RCW. If a technical assistance visit occurs, Ecology agrees not to penalize AAA Monroe Rock for any violations observed during that visit, so long as AAA Monroe Rock addresses the violations within a reasonable timeframe as determined by Ecology.

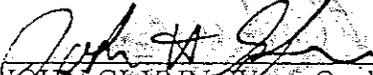
2.2. If either party is required to take legal action to enforce the terms of this Stipulation, then that party shall be entitled to recover all necessary costs, including administrative costs and attorneys fees.

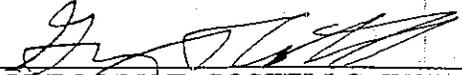
2.3. The undersigned representatives for Ecology and AAA Monroe Rock certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and Agreed Order of Dismissal and legally to bind such party thereto. Ecology and AAA Monroe Rock consent to the submission of this Stipulation and Agreed Order of Dismissal to the PCHB for approval and entry.

2.4. Nothing in this agreement shall preclude the Department of Ecology from pursuing its normal course of duties under Washington law, including conducting its own monitoring of water quality compliance at AAA Monroe Rock sites in Washington.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

MARTEN & BROWN, LLP


JOHN GLYNN, Water Quality Manager
Water Quality Program
North West Regional Office


GREGORY T. COSTELLO, WSBA #16247
KURT B. PETERSON, WSBA #27580
Attorneys for AAA Monroe Rock

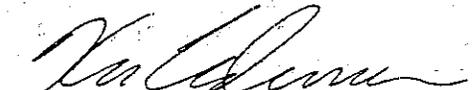
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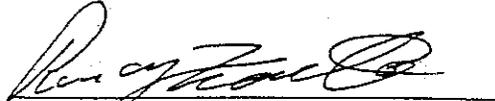
Dated: July 25, 2000

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CHRISTINE O. GREGOIRE
Attorney General

AAA MONROE ROCK CORP.





KEN LEDERMAN, WSBA #26515
Assistant Attorney General
Attorneys for Respondent
State of Washington
Department of Ecology
(360) 407-0329

RANDY FIORITO
AAA Monroe Rock Corp.
15421 166th Street SE
Snohomish, WA 98290

Dated: _____

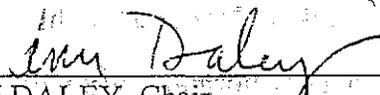
AGREED ORDER OF DISMISSAL

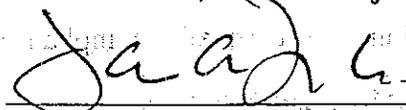
Having reviewed the foregoing stipulation and the file and pleadings herein, and it appearing that the parties have reached an agreement;

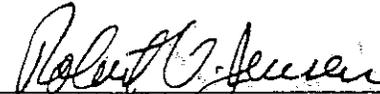
IT IS HEREBY ORDERED that the foregoing Stipulation be entered as an order of this Board and that this case, AAA Monroe Rock Corp. v. Ecology, PCHB No. 99-077, is heret DISMISSED with prejudice and without costs or attorneys fees.

SO ORDERED this 15th day of August, 2000.

POLLUTION CONTROL HEARINGS BOARD


ANN DALEY, Chair

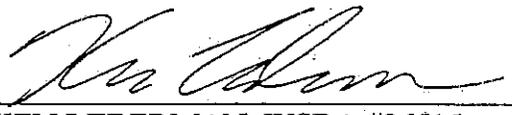

JAMES A. TUPPER, JR., Member


ROBERT V. JENSEN, Member

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Presented by:

CHRISTINE O. GREGOIRE
Attorney General



KEN LEDERMAN, WSBA #26515
Assistant Attorney General
Attorneys for Respondent
State of Washington
Department of Ecology
(360) 407-0329

Approved as to form, notice of
presentation waived:

MARIEN & BROWN, LLP



GREGORY T. COSTELLO, WSBA #16247
KURT B PETERSON, WSBA #27580
Attorneys for AAA Monroe Rock