



May 20, 2025

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VIA CERTIFIED MAIL, RETURN RECEIPT
REQUESTED AND EMAIL

Edmonds School District
Dr. Rebecca Miner, Superintendent
20420 68th Ave W.
Lynnwood, WA 98036
minerr@edmonds.wednet.edu

RE: NOTICE OF INTENT TO FILE SUIT UNDER THE SAFE DRINKING WATER ACT

Dear Dr. Miner:

The undersigned and this law firm represent the Olympic View Water and Sewer District (“OVWSD”) regarding the Underground Injection Control Wells (“UIC Wells”) at the Edmonds School District’s (“ESD’s”) Madrona K-8 School (“Madrona K-8”). This letter provides the ESD with sixty days’ notice of OVWSD’s intent to file a citizen suit against the ESD under the Safe Drinking Water Act (“SDWA”), 42 U.S.C. § 300j-8, for the violations described below, all of which are occurring and continue to occur at Madrona K-8 School in Edmonds, Washington.

I. Violations of the Safe Drinking Water Act

A. The Safe Drinking Water Act governs Underground Injection Control Wells in order to Protect Sources of Drinking Water.

Congress enacted the SDWA in 1974 to protect the quality of drinking water in the United States. 42 U.S.C.A. §§ 300f et seq. The SDWA was enacted to ensure that public water systems meet minimum national standards for the protection of the public health by regulating contaminants in drinking water. The SDWA defines a “contaminant” as “any physical, chemical, biological, or radiological substance or matter in water.” 42 U.S.C.A. § 300f (6). The SDWA defines a “public water system” as “a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves at least twenty-five individuals.” 42 U.S.C.A. § 300f(4)(A). The SDWA requires that where the Environmental Protection Agency (“EPA”) has designated a particular contaminant under its primary drinking water regulations for public water systems, the EPA must establish a maximum contaminant level (“MCL”) for that contaminant. 42 U.S.C.A. § 300f(1)(C)(i). The EPA has designated Per- and Polyfluoroalkyl Substances (“PFAS”) as contaminants under the SDWA and established MCLs for several PFAS chemicals.

The SDWA prohibits (1) the underground injection of any contaminant in violation of or without a permit, (2) underground injection that endangers drinking water sources, and (3) the

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failure to properly inspect, monitor, maintain records, and report to the applicable state agency about the underground injection. 42 U.S.C. § 300h(b)(1).

B. Washington implements the Safe Drinking Water Act through the State's Underground Injection Control Program in WAC 173-218 et seq.

The SDWA authorizes states to take primary responsibility for the management and protection of underground sources of drinking water. State implementation of the SDWA is subject to approval by the EPA. 42 U.S.C. § 300h-1. Washington's Underground Injection Control ("UIC") program has been approved by the EPA, thereby granting the Department of Ecology ("Ecology") the authority to implement the SDWA. 49 F.R. 31875; WAC 173-218-020(2). The SDWA prohibits the underground injection of contaminants in violation of a permit or rule-authorization. Once Washington received delegated authority to implement the UIC well program, then a violation of Washington's UIC program is a violation of the SDWA for discharging contaminants in violation of a state-issued permit. *Id.*

The UIC program permits the issuance of Class V UIC Wells for the injection of stormwater to groundwater. 40 CFR 144.1(g). A Class V UIC Well must be either rule authorized or receive a waste discharge permit from Ecology. 40 CFR 144.1(g). For rule authorization, the applicant for a Class V Well must register the well with Ecology. WAC 173-218-060(5).

To be approved, the well must meet the "nonendangerment standard." WAC 173-218-030. Washington's nonendangerment standard means "[t]o prevent the movement of fluid containing any contaminant into ground water if the contaminant [1] may cause a violation of the Water Quality Standards for groundwaters of the state of Washington, chapter 173-200 WAC or [2] may cause health concerns. WAC 173-218-030. A rule authorized UIC well must continue to meet the nonendangerment standard during its operation. Otherwise, "[r]ule authorization can be rescinded if a UIC well no longer meets the nonendangerment standard of this chapter." WAC 173-218-070.

To meet the nonendangerment standard, the owner or operator of the UIC well must further (1) comply with RCW 90.48.010, 90.48.080, 90.48.160, 90.48.162, and 90.48.455; (2) comply with chapter 173-200 WAC water quality standards for groundwaters of the state of Washington; and (3) operate and maintain the well in a manner that protects groundwater quality as described in 40 C.F.R. 144.12(a). WAC 173-218-080(1)-(3). Absent a specific groundwater quality standard, the MCL adopted by the EPA is applied as the standard for all groundwaters of the state. WAC 173-200-040(2).

The nonendangerment standard does not require an actual groundwater quality violation to occur. Rather, the standard merely prohibits any discharge of a contaminant to groundwaters of the state that "may cause a violation" of groundwater quality standards. WAC 173-218-030. The use of the word "may" indicates that a threat to groundwater quality is sufficient to violate the nonendangerment standard. *See e.g. Natural Resource Defense Council, Inc. v. U.S. E.P.A.*, 824

F.2d 1258, 1276 (5th Cir. 1987) (“We note in this regard that the definition of endangerment . . . does not require actual violations of primary drinking water standards but rather merely that underground injection *may* result in contamination in excess of the maximum contamination levels set forth pursuant to the Safe Drinking Water Act.” [emphasis in original]). The nonendangerment standard protects groundwater quality by “preventing ground water contamination[.]” WAC 173-218-010(1). Prevention, rather than remediation, is necessary to ensure nonendangerment because, as noted by the Fifth Circuit in *Natural Resource Defense Council*, it “cannot be done after the fact.” *Id.*

C. The Olympic View Water and Sewer District is a Public Water System that relies on water from the Deer Creek Aquifer as a drinking water source for its Customers.

The OVWSD is a Special Purpose District formed in approximately 1937 to provide water to Unincorporated Snohomish County. The OVWSD now consists of portions of the City of Edmonds, the Town of Woodway, and Unincorporated Snohomish County. The OVWSD is a public utility authorized under Title 57 RCW that operates under a three-member Board of Commissioners elected at-large by District residents. OVWSD currently has about 15,000 water service customers including the Madrona K-8 School and, therefore, constitutes a public water system under the SDWA. *See* 42 U.S.C.A. § 300f(4)(A).

The Madrona K-8 School is located at 9300 236th Street SW in Edmonds, Washington 98020. The Madrona K-8 School is located within the mapped buffer zone of the Critical Aquifer Recharge Area for the Deer Creek Group A municipal water supply source. The Deer Creek Group A Municipal water supply source consists of the Deer Creek Aquifer and Deer Creek. The Deer Creek aquifer supplies surface water to Deer Creek. OVWSD operates a Municipal Drinking Water Treatment Plant that withdraws water from Deer Creek. The Deer Creek Treatment Plant produces approximately 600,000 gallons of water each day of operation which provides approximately 40% of OVWSD’s annual drinking water supply. The volume of water treated contributes to the overall water supply availability in the region.

D. The Edmonds School District injects Per- and Polyfluoroalkyl Substances into the Deer Creek Aquifer in amounts and at concentrations that violate the nonendangerment standard.

The Madrona K-8 School Replacement Project was completed by the ESD in and around 2018. The Project included the installation of a new stormwater management system, which collects water at catch basins and then conveys this stormwater to bioretention planters, an oil-water separator, or one of the 16 UIC Wells. The UIC Wells inject stormwater into the vadose zone of the unconfined Qva Deer Creek Aquifer. The unconfined Qva Deer Creek Aquifer is the OVWSD’s drinking water source. The UIC Wells are within the buffer zone to the Critical Aquifer Recharge Area where groundwater will reach the Deer Creek Municipal Drinking Water Treatment Plant in approximately 13 years. The UIC Wells are subject to the SDWA as implemented by Washington’s Underground Injection Control Program in WAC 173-218 *et seq.*

OVWSD vehemently opposed ESD’s installation of the UIC Wells because of the threat posed by discharging stormwater directly into the Deer Creek Aquifer. UIC Wells are a complete pathway between contaminated media (stormwater) and a drinking water source (the unconfined Qva Deer Creek Aquifer). ESD installed the UIC Wells over OVWSD’s objection.

In 2022, OVWSD sampled stormwater entering the stormwater conveyance system and UIC Wells at the Madrona K-8 School. The ESD conducted additional stormwater sampling in 2023 and 2024. The sample results in 2022, 2023, and 2024 throughout the property consistently reflect PFAS chemicals at various concentrations including concentrations that exceed the MCLs and State Action Levels (“SALs”). These results validate OVWSD’s concerns about the risk of pollutants entering drinking water when the UIC Wells were first installed.

In 2025, the ESD sampled soil within the bus loop and parking lot bioretention planters for PFAS. The bioretention planters collect stormwater from large portions of the Madrona K-8 School before directing stormwater to the UIC Wells. The soil in the bioretention planters contain concentrations of PFAS that significantly exceed both the MCLs and SALs. The ESD subsequently sampled waste soil previously removed from the bioretention planter and piled behind the Madrona K-8 School exposed to stormwater. The waste soil contains PFAS concentrations significantly exceeding both the MCLs and SALs likely resulting in leaching of stormwater contaminated with PFAS chemicals that is ultimately conveyed to a UIC Well.

The relevant data currently available to OVWSD is contained in the chart below:

Date	Stormwater or Soil	Sample Location	Result	MCL/SAL	Chemical Constituent
10/22/2022	Stormwater	SDCB 105 Parking Lot	32.2 ppt	4 ppt / 10 ppt	PFOA
10/22/2022	Stormwater	SDCB 105 Parking Lot	18.9 ppt	4 ppt / 15 ppt	PFOS
10/22/2022	Stormwater	SDCB 209 Playground	29.4 ppt	4 ppt / 10 ppt	PFOA
10/22/2022	Stormwater	SDCB 105 Playground	8.86 ppt	4 ppt / 15 ppt	PFOS

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10/2023	Stormwater	SDCB205	7.6 ppt	4 ppt / 10 ppt	PFOA
10/2023	Stormwater	SDCB105	8.2 ppt	4 ppt / 15 ppt	PFOS
10/2023	Stormwater	SDCB105	22 ppt	4 ppt / 10 ppt	PFOA
12/2024	Stormwater	001	8.6 ppt	4 ppt / 15 ppt	PFOS
12/2024	Stormwater	001	24 ppt	4 ppt / 10 ppt	PFOA
12/2024	Stormwater	003	11 ppt	4 ppt / 15 ppt	PFOS
12/2024	Stormwater	003	28 ppt	4 ppt / 10 ppt	PFOA
1/2025	Soil	Bus Loop Bioretention Planter 001, Surface	11 ppt	4 ppt / 15 ppt	PFOS
1/2025	Soil	Bus Loop Bioretention Planter 001, Surface	20 ppt	4 ppt / 10 ppt	PFOA
1/2025	Soil	Bus Loop Bioretention Planter 001, 1 Ft.	13 ppt	4 ppt / 15 ppt	PFOS
1/2025	Soil	Bus Loop Bioretention Planter 001, 1 Ft.	9.5 ppt	4 ppt / 10 ppt	PFOA
1/2025	Soil	Bus Loop Bioretention Planter 002, Surface	5.7 ppt	4 ppt / 15 ppt	PFOS
1/2025	Soil	Bus Loop Bioretention Planter 002, Surface	4.7 ppt	4 ppt / 10 ppt	PFOA

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1/2025	Soil	Bus Loop Bioretention Planter 002, 1 Ft	12 ppt	10 ppt / 9 ppt	PFNA
1/2025	Soil	Bus Loop Bioretention Planter 002, 1 Ft.	13 ppt	4 ppt / 15 ppt	PFOS
1/2025	Soil	Bus Loop Bioretention Planter 002, 1 Ft.	37 ppt	4 ppt / 10 ppt	PFOA
1/2025	Soil	Soil Stockpile 003, 2.5 Ft	18 ppt	10 ppt / 9 ppt	PFNA
1/2025	Soil	Soil Stockpile 003, 2.5 Ft.	13 ppt	4 ppt / 15 ppt	PFOS
1/2025	Soil	Soil Stockpile 003, 2.5 Ft.	100 ppt	4 ppt / 10 ppt	PFOA
1/2025	Soil	Soil Stockpile 004, 2.5 Ft.	19 ppt	10 ppt / 9 ppt	PFNA
1/2025	Soil	Soil Stockpile 004, 2.5 Ft.	15 ppt	4 ppt / 15 ppt	PFOS
1/2025	Soil	Soil Stockpile 004, 2.5 Ft.	100 ppt	4 ppt / 10 ppt	PFOA
4/20205	Soil	West Parking Lot Bioretention Planter	4.1 – 8.8 ppt	10 ppt / 9 ppt	PFNA
4/20205	Soil	West Parking Lot Bioretention Planter	6.2 – 19 ppt	4 ppt / 15 ppt	PFOS
4/20205	Soil	West Parking Lot Bioretention Planter	6.3 – 21 ppt	4 ppt / 10 ppt	PFOA

4/20205	Soil	East Parking Lot Bioretention Planter	2.3 – 17 ppt	4 ppt / 15 ppt	PFOS
4/20205	Soil	East Parking Lot Bioretention Planter	2.1 – 23 ppt	4 ppt / 10 ppt	PFOA

Without conclusively identifying the source, OVWSD can only assume that concentrations of PFAS chemicals have entered the UIC Wells since construction of Madrona K-8 School was complete approximately eight years ago.¹ Publicly available precipitation data shows that stormwater, likely with PFAS concentrations similar to the chart above, discharged through the UIC Wells for at least 406 days since 2020.² Moreover, PFAS chemicals in groundwater from the Madrona K-8 School are likely approaching Deer Creek and the Deer Creek Municipal Drinking Water Treatment Plant since the groundwater will reach Deer Creek in approximately thirteen years after discharge in the UIC Wells.

PFAS chemicals are linked to serious health concerns, including developmental effects in children, impacts on the immune system, and increased risks of certain cancers. Because children are constantly developing, they may be more sensitive to the harmful effects of chemicals such as PFAS. Research is still underway to fully understand all the adverse health effects associated even with low levels of PFAS exposure over long periods of time, especially in children. These water-soluble and highly mobile chemicals can easily contaminate groundwater once deposited in soil or discharged in UIC wells.

At the time of rule authorization, the ESD did not provide best management practices used to protect groundwater quality from PFAS. There is no best management practice or treatment in place to protect the Deer Creek Group A municipal water supply source from PFAS in stormwater in the UIC wells at Madrona K-8 School. The ESD’s continuous discharge of PFAS containing stormwater in the UIC Wells is a violation of the Safe Drinking Water Act in multiple respects which endangers OVWSD’s customers, including the students and staff at the Madrona K-8 School. Since the ESD is violating the nonendangerment standard, the UIC Wells’ rule-authorization must be revoked and the wells must be closed.

On August 16, 2024, Ecology sent a letter of concern to ESD, identifying that concentrations of PFAS entering UIC wells may violate the nonendangerment standard. Ecology

¹ It is believed the UIC Wells began operating in 2018 when construction of the school was complete.

² Lake Forest Park Precipitation Data, National Centers for Environmental Information operated by the National environmental Satellite, Data, and Information Service, an Office of the National Oceanic Atmospheric Administration (NOAA). See spreadsheet of precipitation data attached as Exhibit “A.” The data is limited to only those days where there was at least 0.1 inches of rain observed at the collection location.

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requested that the ESD conduct some limited monitoring to investigate the source of PFAS entering the UIC Wells. The ESD prepared and conducted a limited sampling plan, but the sampling plan is not adequate to definitively identify the source of PFAS entering the UIC Wells. The ESD conducted some of the sampling outlined in the plan, but the sampling work is incomplete.

On April 11, 2025, Ecology requested the ESD to replace soil in the bus loop bioretention planter and conduct additional stormwater sampling (“Proposed Plan”). Ecology, however, did not request ESD to abate further discharges of PFAS containing stormwater into the UIC Wells or rescind its rule-authorization. Despite OVWSD’s continuous efforts to compel ESD and Ecology to address this risk, the discharge of PFAS containing stormwater into the UIC Wells at the Madrona K-8 School remains wholly unabated.

On May 12, 2025, Ecology revised the Proposed Plan to include additional soil excavation and replacement in the parking lot bioretention planters and conduct additional stormwater sampling. Soil concentrations within the parking lot bioretention planters exceeds the MCLs and SALs for several PFAS chemicals.

Ecology’s Proposed Plan fails to comply with Washington’s UIC well program and the SDWA because the Proposed Plan will not prevent PFAS containing stormwater from entering the UIC Wells. The Proposed Plan lacks sufficient data on the source, fate, transport, and exposure pathways for PFAS at the Madrona K-8 School to make technically defensible decisions about the effectiveness of the Proposed Plan. Ecology’s request also fails to provide sufficient stormwater and groundwater confirmation sampling to verify compliance with the SDWA and the UIC well program after the Proposed Plan is complete. As a result, it is reasonably likely that the ESD will continue to violate the nonendangerment standard even if it completes the Proposed Plan requested by Ecology.

E. Violations of the Safe Drinking Water Act

The OVWSD is exercising its right to pursue a citizen suit claim for violations of the SDWA. “Any person may commence a civil action on his own behalf . . . against any person . . . who is alleged to be in violation of any requirement prescribed by or under this subchapter.” 42 U.S.C. § 300j-8. Both OVWSD and the ESD are a “person” under the SDWA. Washington’s UIC program, as a State with primary regulatory authority to implement the SDWA, is a “requirement prescribed by or under this subchapter.” The ESD is “in violation” of the SDWA as follows:

1. *Violations of 42 U.S.C. § 300h(b)(1)(B) and WAC 173-218-080 (Nonendangerment Standard – Groundwater Quality Standards).*

The ESD’s stormwater at the Madrona K-8 School contains PFAS chemicals at concentrations that exceed the MCLs and SALs for those contaminants. The PFAS chemicals

discharged by the UIC Wells to the Deer Creek Aquifer are at concentrations and for a duration that may cause a violation of groundwater quality standards. The groundwater beneath the Madrona K-8 School is in the buffer zone to OVWSD's Deer Creek Treatment Plant, where OVWSD's distributes water to serve its customers. The ESD's discharge of PFAS contaminated stormwater violates and will continue to violate the nonendangerment standard accordingly.

- 2. Violation of 42 U.S.C. § 300h(b)(1)(B) and WAC 173-218-080(1) (Nonendangerment Standard – RCW 90.48.010).*

The ESD's stormwater at the Madrona K-8 School contains PFAS chemicals at concentrations that exceed the MCLs and SALs for those contaminants. The PFAS chemicals discharged by the UIC Wells to the Deer Creek Aquifer are at concentrations and for a duration that may cause a violation of groundwater quality standards. To meet the nonendangerment standard, the ESD is required, pursuant to WAC 173-218-080(1), to implement all known available and reasonable methods to prevent and control pollution of the waters of the state of Washington. RCW 90.48.010. The ESD failed or refused, and continues to fail or refuse, to implement all known available and reasonable methods to prevent and control the discharge of PFAS chemicals to the Deer Creek Aquifer. The ESD's failure to implement all known available and reasonable methods to prevent and control the discharge of PFAS chemicals to the Deer Creek Aquifer violates and will continue to violate the nonendangerment standard.

- 3. Violation of 42 U.S.C. § 300h(b)(1)(B) and WAC 173-218-080(1) (Nonendangerment Standard – RCW 90.48.080).*

The ESD's stormwater at the Madrona K-8 School contains PFAS chemicals at concentrations that exceed the MCLs and SALs for those contaminants. The PFAS chemicals discharged by the UIC Wells to the Deer Creek Aquifer are at concentrations and for a duration that may cause a violation of state water quality standards in groundwater. To meet the nonendangerment standard, the ESD is required, pursuant to WAC 173-218-080(1), to prevent the discharge of organic or inorganic matter that cause or tend to cause pollution of waters of the state of Washington. RCW 90.48.080. PFAS chemicals are an organic or inorganic matter that causes or tends to cause pollution of the waters of the state of Washington. The Deer Creek Aquifer is a water of the state of Washington. The ESD's failure to prevent the discharge of PFAS chemicals to the Deer Creek Aquifer violates and continues to violate the nonendangerment standard.

- 4. Violations of 42 U.S.C. § 300h(b)(1)(B) and WAC 173-218-080(2) (Nonendangerment Standard - Best Management Practices and AKART).*

The ESD's stormwater at the Madrona K-8 School contains PFAS chemicals at concentrations that exceed the MCLs and SALs for those contaminants. The PFAS chemicals discharged by the UIC Wells to the Deer Creek Aquifer are at concentrations and for a duration that may cause a violation of groundwater quality standards. The ESD is required to implement

best management practices at the Madrona K-8 School to all known, available, and reasonable methods of prevention, control, and treatment (“AKART”) to comply with groundwater quality standards. WAC 173-218-080(2). The ESD’s failure to implement AKART to ensure compliance with groundwater quality standards of the state violates and continues to violate the nonendangerment standard.

5. *Violation of 42 U.S.C. § 300h(b)(1)(B), and WAC 173-218-080(3) (Nonendangerment Standard – Maintain to protect groundwater quality and meet primary drinking water standards 40 CFR 144.12(a))*

The ESD’s stormwater at the Madrona K-8 School contains PFAS at concentrations that exceed the MCLs and SALs for those contaminants. The PFAS chemicals discharged by the UIC Wells to the Deer Creek Aquifer are at concentrations and for a duration that may cause a violation of state water quality standards in groundwater. The ESD is required to operate and maintain its UIC Wells in a manner that protects groundwater quality as described in 40 C.F.R. 144.12(a). WAC 173-218-080(3). The ESD is failing to operate and maintain its UIC Wells in a manner that protects groundwater quality as described in 40 C.F.R. 144.12(a) because it discharges PFAS contaminated stormwater in a manner that may violate groundwater quality standards. The ESD is failing to operate and maintain its UIC Wells in a manner that protects groundwater quality as described in 40 C.F.R. 144.12(a) because it discharges PFAS contaminated stormwater in a manner that may cause a violation of primary drinking water regulations under 40 C.F.R. Part 142 or may otherwise adversely affect the health of persons.

6. *Violations of 42 U.S.C. § 300h(b)(1)(A) and WAC 173-218-070 (UIC Well Registration).*

The ESD’s stormwater at the Madrona K-8 School contains PFAS chemicals at concentrations that exceed the MCLs and SALs for those contaminants. The PFAS chemicals discharged by the UIC Wells to the Deer Creek Aquifer are at concentrations and for a duration that may cause a violation of groundwater quality standards. The ESD’s registration for rule authorization is required to contain best management practices to protect groundwater quality from PFAS chemicals to be rule-authorized by Chapter 173-218 *et seq* WAC. WAC 173-218-070. The ESD’s registration for rule-authorization does not contain best management practices that protects groundwater quality because no such best management practices exist. Because the ESD failed to identify and implement best management practices that protect groundwater quality, the ESD’s UIC Wells at the Madrona K-8 School cannot be rule-authorized under Chapter 173-218 *et seq* WAC. The ESD’s UIC Wells violate and continues to violate 42 U.S.C. § 300h(b)(1)(A) and WAC 173-218-070 by discharging PFAS containing stormwater to the Deer Creek Aquifer without a permit or rule-authorization.

7. *Violation of 42 U.S.C. § 300h(b)(1)(A), and WAC 173-218-090 (Nonendangerment Standard – Demonstrative Approach)*

The ESD's stormwater at the Madrona K-8 School contains PFAS at concentrations that exceed the MCLs and SALs for those contaminants. The concentrations of PFAS discharged by the UIC Wells to the Deer Creek Aquifer are at concentrations and for a duration that may cause a violation of state water quality standards in groundwater. The ESD's operation of the UIC Wells violate the nonendangerment standard accordingly. UIC Wells must show compliance with the nonendangerment standard before placing a new well into service. WAC 173-218-090(1)(c). Due to site-specific data at the Madrona K-8 School, the ESD is not presumed to meet the nonendangerment standard so it must comply with the demonstrative approach to be rule-authorized. WAC 173-218-090(1)(c)(ii)(D). The ESD has not complied with the demonstrative approach to rule-authorization prior to placing the UIC Wells into service. The ESD's failure to comply with the demonstrative approach while continuing to discharge PFAS containing stormwater into the UIC Wells violates and continues to violate 42 U.S.C. s. 300h(b)(1)(A) and WAC 173-218-090 by discharging PFAS containing stormwater to the Deer Creek Aquifer without rule-authorization or a permit.

8. *Violation of 42 U.S.C. § 300h(b)(1)(A) and WAC 173-218-040(5)(b)(v) (UIC Wells Injecting Hazardous Substances)*

The ESD's stormwater at the Madrona K-8 School contains PFAS at concentrations that exceed the MCLs and SALs for those contaminants. PFAS chemicals such as PFOS, PFOA, and PFNA, are designated as hazardous substances under 42 U.S.C. § 9601(14) and RCW 70A.305.020(13). A Class V UIC Well discharging hazardous substances is prohibited in Washington. WAC 173-218-040(5)(b)(v). The ESD's UIC Wells violate and continues to violate 42 U.S.C. § 300h(b)(1)(A) and WAC 173-218-040 by discharging PFAS containing stormwater to the Deer Creek Aquifer and such a Class V UIC Well cannot be permitted under Washington's UIC program or the SDWA.

F. Remedies for Violations of the Safe Drinking Water Act

OVWSD will seek the following relief in its citizen suit: (1) Declaratory relief finding that the ESD is in violation of the SDWA and Washington's UIC well program; (2) Injunctive relief directing the ESD to comply with the SDWA and Washington's UIC well program; (3) Injunctive relief directing the ESD to stop all further discharges to the UIC wells until the ESD can demonstrate that the UIC Wells comply with the SDWA and Washington's UIC well program; (4) Injunctive relief terminating ESD's rule-authorization for the UIC Wells until it complies with the SDWA and Washington's UIC well program; (5) A judgment for civil penalties of \$25,000³ per day of such violation under 42 U.S.C. § 300h-2; and (6) The OVWSD's attorney's fees and costs

³ As adjusted upward for inflation as provided by 40 C.F.R. Part 19.

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as provided by 42 U.S.C. § 300j-8(d); (7) Such other and further relief as the Court deems just and equitable.

II. Party Giving Notice

The full name, address, and telephone number of the party giving notice is:

Olympic View Water and Sewer District
c/o Bob Danson, General Manager
8128 228th Street SW
Edmonds, WA 98026
(425) 774-7769

III. Attorneys Representing OVWSD

The attorneys representing OVWSD in this matter is:

Ryen L. Godwin
David Hori
Schwabe, Williamson & Wyatt PC
1420 SW 5th Avenue, Suite 3400
Seattle, WA 98101
Tel: (206) 689-1213
Email: rgodwin@schwabe.com

IV. Conclusion

The Safe Drinking Water Act violations described in this Notice of Intent to Sue are ongoing. At the conclusion of the 60-day notice period, OVWSD intends to file a lawsuit against the ESD under the citizen suit provisions of the SDWA, 42 U.S.C.A. § 300j-8.

The above-described violations reflect the information currently available to OVWSD. However, OVWSD intends to sue for all violations, including those yet to be uncovered and those committed after the date of this Notice of Intent to Sue.

During the 60-day notice period, OVWSD will be willing to discuss settlement and effective remedies for the violations described and alleged in this letter. If you wish to pursue settlement discussions in the absence of litigation, we encourage you to initiate discussions within 10 days of receiving this notice so the parties can meet and discuss effective remedies for the violations alleged herein before the expiration of the 60-day notice period.

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Sincerely,

SCHWABE, WILLIAMSON & WYATT, P.C.



Ryen L. Godwin

RLG:tjl

Cc via Certified Mail, Return Receipt Requested:

Washington State Department of Ecology Director Casey Sixkiller
Washington State Office of the Attorney General Nicholas Brown
United States Environmental Protection Agency Administrator Lee Zeldin
United States Environmental Protection Agency Regional Administrator Emma Pokon

Cc via Email:

Eugene Radcliff, Ecology Statewide UIC Coordinator – erad461@ecy.wa.gov
Niki Guillot, DOH Source Water Protection Manager – nikki.guillot@doh.wa.gov
Michael Dunning, Perkins Coie – mdunning@perkinscoie.com

EXHIBIT A

LAKE FOREST PARK 0.7 WNW, WA US (US1WAKG0181) Precipitation Data

Date	PRCP (Inches)
3/1/2020	0.02
3/2/2020	0.09
3/3/2020	0.32
3/4/2020	0.26
3/5/2020	0.01
3/6/2020	0.55
3/7/2020	
3/8/2020	0.08
3/9/2020	0.03
3/10/2020	0
3/11/2020	0.03
3/12/2020	0
3/13/2020	0.08
3/14/2020	0.32
3/15/2020	0
3/16/2020	0.01
3/17/2020	0
3/18/2020	0
3/19/2020	0
3/20/2020	0
3/21/2020	0
3/22/2020	0
3/23/2020	0
3/24/2020	
3/25/2020	0.42
3/26/2020	0.06
3/27/2020	0.05
3/28/2020	0.01
3/29/2020	
3/30/2020	0.83
3/31/2020	0.09
4/1/2020	0.61
4/2/2020	0.12
4/3/2020	0.01
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6/27/2024	0.04
6/28/2024	0.57
6/29/2024	0

6/30/2024	
7/1/2024	0
7/2/2024	0
7/3/2024	0
7/4/2024	
7/5/2024	
7/6/2024	
7/7/2024	
7/8/2024	
7/9/2024	
7/10/2024	0
7/11/2024	0
7/12/2024	0
7/13/2024	0
7/14/2024	0
7/15/2024	0
7/16/2024	0
7/17/2024	0
7/18/2024	0
7/19/2024	0
7/20/2024	0
7/21/2024	0
7/22/2024	0
7/23/2024	0
7/24/2024	0
7/25/2024	0
7/26/2024	0
7/27/2024	0
7/28/2024	0
7/29/2024	0.05
7/30/2024	0.19
7/31/2024	0
8/1/2024	0
8/2/2024	0
8/3/2024	0
8/4/2024	0
8/5/2024	0
8/6/2024	0
8/7/2024	0
8/8/2024	0
8/9/2024	0
8/10/2024	0
8/11/2024	0
8/12/2024	

8/13/2024	0
8/14/2024	0
8/15/2024	0
8/16/2024	0
8/17/2024	
8/18/2024	
8/19/2024	
8/20/2024	
8/21/2024	0
8/22/2024	0
8/23/2024	0.27
8/24/2024	0.97
8/25/2024	0.15
8/26/2024	0
8/27/2024	0.53
8/28/2024	0.01
8/29/2024	
8/30/2024	
8/31/2024	
9/1/2024	
9/2/2024	
9/3/2024	
9/4/2024	
9/5/2024	
9/6/2024	
9/7/2024	
9/8/2024	
9/9/2024	
9/10/2024	
9/11/2024	
9/12/2024	
9/13/2024	
9/14/2024	
9/15/2024	
9/16/2024	
9/17/2024	0.01
9/18/2024	
9/19/2024	0
9/20/2024	0
9/21/2024	0
9/22/2024	0
9/23/2024	0.01
9/24/2024	0
9/25/2024	0.03

9/26/2024	0.45
9/27/2024	0.03
9/28/2024	0.01
9/29/2024	0
9/30/2024	0
10/1/2024	0
10/2/2024	0
10/3/2024	0
10/4/2024	0.23
10/5/2024	
10/6/2024	
10/7/2024	
10/8/2024	
10/9/2024	
10/10/2024	
10/11/2024	
10/12/2024	0.01
10/13/2024	0
10/14/2024	0
10/15/2024	0.02
10/16/2024	0.02
10/17/2024	0.01
10/18/2024	0
10/19/2024	0.1
10/20/2024	0.07
10/21/2024	0.02
10/22/2024	0.07
10/23/2024	0
10/24/2024	0.02
10/25/2024	0
10/26/2024	0.24
10/27/2024	0.96
10/28/2024	0.25
10/29/2024	0.16
10/30/2024	0.03
10/31/2024	0.22
11/1/2024	
11/2/2024	
11/3/2024	0.06
11/4/2024	0.08
11/5/2024	0.16
11/6/2024	0.02
11/7/2024	0
11/8/2024	0

11/9/2024	0
11/10/2024	0.15
11/11/2024	1.17
11/12/2024	0.21
11/13/2024	0.65
11/14/2024	0.57
11/15/2024	0.3
11/16/2024	0
11/17/2024	0.21
11/18/2024	0.2
11/19/2024	0.26
11/20/2024	0.17
11/21/2024	
11/22/2024	0.3
11/23/2024	0.19
11/24/2024	0.07
11/25/2024	0.4
11/26/2024	0.13
11/27/2024	0.02
11/28/2024	0
11/29/2024	
11/30/2024	
12/1/2024	
12/2/2024	0
12/3/2024	
12/4/2024	0
12/5/2024	0
12/6/2024	0.02
12/7/2024	0.45
12/8/2024	0.42
12/9/2024	0.02
12/10/2024	0
12/11/2024	0.01
12/12/2024	
12/13/2024	
12/14/2024	0.72
12/15/2024	0.02
12/16/2024	0.28
12/17/2024	0.06
12/18/2024	1.97
12/19/2024	0.01
12/20/2024	0.32
12/21/2024	0.02
12/22/2024	0.36

12/23/2024	0.21
12/24/2024	0.32
12/25/2024	0.01
12/26/2024	1.1
12/27/2024	0.1
12/28/2024	0.36
12/29/2024	0.02
12/30/2024	0.21
12/31/2024	0
1/1/2025	0.02
1/2/2025	0.12
1/3/2025	0.06
1/4/2025	0.58
1/5/2025	0.24
1/6/2025	0.04
1/7/2025	0.02
1/8/2025	
1/9/2025	0.01
1/10/2025	0.27
1/11/2025	0.2
1/12/2025	0.01
1/13/2025	0.05
1/14/2025	0
1/15/2025	0
1/16/2025	0
1/17/2025	0.03
1/18/2025	0
1/19/2025	0
1/20/2025	0
1/21/2025	0
1/22/2025	0
1/23/2025	0
1/24/2025	0.03
1/25/2025	0
1/26/2025	0
1/27/2025	0
1/28/2025	0
1/29/2025	0
1/30/2025	0
1/31/2025	0.35
2/1/2025	0.28
2/2/2025	0.08
2/3/2025	
2/4/2025	

2/5/2025	
2/6/2025	
2/7/2025	
2/8/2025	
2/9/2025	
2/10/2025	
2/11/2025	0
2/12/2025	0
2/13/2025	
2/14/2025	
2/15/2025	
2/16/2025	0.08
2/17/2025	0.29
2/18/2025	0.11
2/19/2025	0.2
2/20/2025	0.07
2/21/2025	0.02
2/22/2025	0.22
2/23/2025	0.83
2/24/2025	0.41
2/25/2025	
2/26/2025	
2/27/2025	0
2/28/2025	0
3/1/2025	0
3/2/2025	
3/3/2025	0.03
3/4/2025	0.01
3/5/2025	0.24
3/6/2025	0.01
3/7/2025	0
3/8/2025	0
3/9/2025	0
3/10/2025	0.55
3/11/2025	0.01
3/12/2025	0.08
3/13/2025	0.38
3/14/2025	0.01
3/15/2025	0.14
3/16/2025	0.28
3/17/2025	0.05
3/18/2025	0.14
3/19/2025	0.02
3/20/2025	0.1

3/21/2025	0.29
3/22/2025	0.08
3/23/2025	0.11
3/24/2025	0.01

**Number of Days with Greater than 0
inches of rain** **406**

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1. Article Addressed to:

Edmonds School District
Dr. Rebecca Miner, Superintendent
20420 68th Ave W.
Lynnwood, WA 98036



9590 9402 9409 5002 0671 03

2. Article Number (Transfer from service label)

9589 0710 5270 1506 3273 22

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	

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Edmonds School District
Dr. Rebecca Miner, Superintendent
20420 68th Ave W.
Lynnwood, WA 98036

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE.
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22 E22E 905T 0225 0T20 6856
22 E22E 905T 0225 0T20 6856

U.S. Postal Service™ 141152-292259
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Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Total Postage and Fees \$

Postmark Here

Edmonds School District
Dr. Rebecca Miner, Superintendent
20420 68th Ave W.

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Washington State Department of Ecology
Director Casey Sixkiller
P.O. Box 47600
Olympia, WA 98504-7600



9590 9402 9409 5002 0670 97

2. Article Number (Transfer from service label)
9589 0710 5270 1506 3272 92

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type Priority Mail Express®
 Registered Mail™
 Registered Mail Restricted Delivery

Adult Signature Signature Confirmation™
 Signature Confirmation Restricted Delivery

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

Mail Restricted Delivery (M)

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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Washington State Department of Ecology
Director Casey Sixkiller
P.O. Box 47600
Olympia, WA 98504-7600

141152-292259
TJL

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Certified Mail Fee \$ _____

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____

Postage \$ _____

Total Postage and Fees \$ _____

Postmark Here

STICKER AT TOP OF ENVELOPE TO THE RIGHT
RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®

26 222E 905T 0225 DT
26 222E 905T 0225 DT

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 WA State Office of the Attorney General
 Nicholas Brown
 1125 Washington Street SE
 PO Box 40100
 Olympia, WA 98504-0100



9590 9402 9409 5002 0670 66

2. Article Number (Transfer from service label)
 9589 0710 5270 1506 3273 39

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
- Adult Signature
 - Adult Signature Restricted Delivery
 - Certified Mail®
 - Certified Mail Restricted Delivery
 - Collect on Delivery
 - Collect on Delivery Restricted Delivery
 - Registered Mail™
 - Registered Mail Restricted Delivery
 - Signature Confirmation™
 - Signature Confirmation Restricted Delivery
 - Priority Mail Express®

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt

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WA State Office of the Attorney General
 Nicholas Brown
 1125 Washington Street SE
 PO Box 40100
 Olympia, WA 98504-0100

CERTIFIED MAIL

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS; HOLD AT DOTTED LINE

9589 0710 5270 1506 3273

9589 0710 5270 1506 3273

For delivery information, visit our website at www.usps.com

OFFICIAL USE

Postage

Extra Services & Fees (check box, add fee as appropriate)

Return Receipt (hardcopy) \$

Return Receipt (electronic) \$

Certified Mail Restricted Delivery \$

Adult Signature Required \$

Adult Signature Restricted Delivery \$

Certified Mail Fee \$

Postmark Here

for Instructions

WA State Office of the Attorney General
 Nicholas Brown
 1125 Washington Street SE
 PO Box 40100
 Olympia, WA 98504-0100

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

US Environmental Protection Agency
Regional Administrator Emma Pokon
1200 Sixth Avenue, Suite 155
Seattle, WA 98101



9590 9402 9409 5002 0670 73

2. Article Number (Transfer from service label)

9589 0710 5270 1506 3273 46

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent
 Addressee
X

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery
<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Signature Confirmation™
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Collect on Delivery Restricted Delivery	

Mail Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

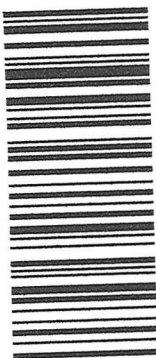
Domestic Return Receipt

US Environmental Protection Agency
Regional Administrator Emma Pokon
1200 Sixth Avenue, Suite 155
Seattle, WA 98101

U.S. Bank Centre, 1420 5th Avenue, Suite 3400, Seattle, WA 98101
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CLICKER AT TOP OF ENVELOPE TO THE RIGHT
RETURN ADDRESS. FOLD AT DOTTED LINE



94 E22E 905T 0225 01
94 E22E 905T 0225 01

U.S. Postal Service™ 141152-292259
CERTIFIED MAIL® RECEIPT TJC
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OFFICIAL USE

Certified Mail Fee \$

Extra Services & Fees (check box, add fee as appropriate)

<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage \$

Postmark Here

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

US Environmental Protection Agency
 Administrator Lee Zeldin
 1200 Pennsylvania Ave NW
 WJC Building North/South Room: 1448K
 Washington, DC 20460



9590 9402 9409 5002 0670 80

2. Article Number (Transfer from service label)

9589 0710 5270 1506 3272 85

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type

- Adult Signature
- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
- Collect on Delivery Restricted Delivery
- Insured Mail
- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery
- Priority Mail Express®
- Registered Mail™
- Signature Confirmation™ Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053

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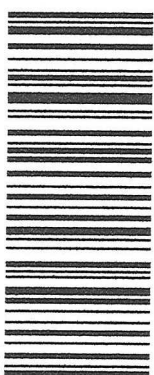
U.S. Postal Service™ 141152-292259
CERTIFIED MAIL® RECEIPT TR
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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$

Postmark
Here



58 222E 905T 0225 0T
 58 222E 905T 0225 0T

STICKER AT TOP OF ENVELOPE TO THE RIGHT
 RETURN ADDRESS: FOLD AT DOTTED LINE
CERTIFIED MAIL®