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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

OLYMPIC VIEW WATER AND SEWER
DISTRICT,

Plaintiff,

v.

EDMONDS SCHOOL DISTRICT NO. 15,

Defendant.

Case No. 2:25-cv-1409

COMPLAINT

JURY DEMAND

I. INTRODUCTION

1. This action is a citizen suit under the Safe Drinking Water Act (“SDWA” or “Act”) to enforce the SDWA’s prohibition on the underground injection of contaminants that endanger drinking water sources. See 42 U.S.C. § 300j-8. The SDWA prohibits (1) the underground injection of any contaminant in violation of or without a permit or rule-authorization, (2) underground injection that endangers drinking water sources, and (3) the 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).

2. The SDWA requires that where the Environmental Protection Agency (“EPA”) has designated a particular contaminant under its primary drinking water regulations for public

1 water systems, the EPA must establish a maximum contaminant level (“MCL”) for that
2 contaminant. 42 U.S.C. § 300f(1)(C)(i). The EPA has designated certain Per- and
3 Polyfluoroalkyl Substances (“PFAS”) as contaminants under the SDWA and established
4 MCLs for several PFAS contaminants.¹

5
6 3. The SDWA authorizes states to take primary responsibility for the management
7 and protection of underground sources of drinking water. State implementation of the SDWA
8 is subject to approval by the Environmental Protection Agency (“EPA”). 42 U.S.C. § 300h-1.
9 Washington’s Underground Injection Control (“UIC”) program has been approved by the
10 EPA, thereby granting the Department of Ecology (“Ecology”) the authority to implement the
11 SDWA. 49 F.R. 31875; WAC 173-218-020(2). A violation of Washington’s UIC program is
12 a violation of the SDWA for discharging contaminants in violation of a state-issued permit. *Id.*

13
14 4. Defendant Edmonds School District No. 15 (“Defendant ESD”) owns and
15 operates Madrona K-8 School (“Madrona K-8”), which is located at 9300 236th Street SW in
16 Edmonds, Washington 98020. Madrona K-8 has 16 Underground Injection Control Wells
17 (“UIC Wells”) rule-authorized by Ecology.

18
19 5. Plaintiff Olympic View Water and Sewer District (“OVWSD”) alleges that
20 Defendant ESD is violating the SDWA each and every day it discharges PFAS-contaminated
21 stormwater at concentrations that may violate the groundwater quality standards at Madrona
22 K-8 via the UIC Wells to underground sources of drinking water.

23 6. PFAS chemicals are water-soluble and highly mobile and can easily
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26 ¹ Specifically, the PFAS compounds with applicable MCLs are PFOA, PFOS, PFNA, PFHxS, and HFPO-DA.

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

7
8 7. OVWSD seeks declaratory and injunctive relief, the imposition of civil
9 penalties, and an award of costs, including attorneys' and expert witness fees, for Defendant's
10 repeated and ongoing violations of the SDWA as implemented by Washington's UIC program.

11 II. PARTIES

12 8. OVWSD is a Special Purpose District formed in approximately 1937 to provide
13 water to Unincorporated Snohomish County. OVWSD now consists of portions of the City of
14 Edmonds, the Town of Woodway, and Unincorporated Snohomish County. OVWSD is a
15 public utility authorized under Title 57 RCW that operates under a three-member Board of
16 Commissioners elected at large by District residents. OVWSD currently has about 15,000
17 water service customers, including the Madrona K-8 School and, therefore, constitutes a public
18 water system under the SDWA. See 42 U.S.C.A. § 300f(4)(A). OVWSD's principal place of
19 business is in unincorporated Snohomish County, Washington. OVWSD is a "person" under
20 42 U.S.C. § 300j-8(a)(1).
21

22
23 9. The Madrona K-8 School is located at 9300 236th Street SW in Edmonds,
24 Washington 98020. The Madrona K-8 School is located within the mapped buffer zone of the
25 Critical Aquifer Recharge Area for the Deer Creek Group A municipal water supply source.
26 The Deer Creek Group A Municipal water supply source consists of the Deer Creek Drinking

1 Water Aquifer and Deer Creek. The Deer Creek Drinking Water Aquifer supplies water to
2 Deer Creek. OVWSD operates a Municipal Drinking Water Treatment Plant that withdraws
3 water from Deer Creek. The Deer Creek Treatment Plant produces approximately 600,000
4 gallons of water each day of operation, which provides approximately 40% of OVWSD’s
5 annual drinking water supply. The volume of water treated contributes to the overall water
6 supply availability in the region.
7

8 10. OVWSD has standing to commence and maintain this action as a public water
9 system that relies upon water from the Deer Creek Drinking Water Aquifer to supply or can
10 be reasonably expected to supply drinking water to the public water system and its customers.
11 OVWSD is harmed by the threat that injection of PFAS-contaminated stormwater may violate
12 groundwater quality standards, exceed MCLs at OVWSD’s Deer Creek Treatment Plant,
13 and/or adversely affect the health of persons. Costs to treat PFAS-contaminated drinking water
14 at the Deer Creek Treatment Plant may be millions of dollars, if such treatment is even feasible.
15 OVWSD is then required to assess its customers the cost of such treatment. If treatment is not
16 feasible, then OVWSD cannot continue to rely upon the Deer Creek Drinking Water Aquifer
17 as a source for its water supply.
18

19 11. Defendant Edmonds School District No. 15, Snohomish County, State of
20 Washington is a municipal corporation organized pursuant to Title 28A of the Revised Code
21 of Washington (“RCW”). The Defendant owns and operates Madrona K-8 and is the registered
22 owner and operator of the 16 rule-authorized UIC Wells at Madrona K-8. The Defendant’s
23 principal place of business is located at 20420 68th Avenue W, Lynnwood, Washington 98036.
24 The Defendant is a “person” under 42 U.S.C. § 300j-8(a)(1).
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1 **III. JURISDICTION AND VENUE**

2 12. This Court has jurisdiction pursuant to 42 U.S.C. § 300j-8 (SDWA citizen suit
3 provision) and 28 U.S.C. § 1331 (federal question). The requested relief is proper under 42
4 U.S.C. § 300j-8.

5 13. OVWSD has satisfied the jurisdictional requirements for bringing this suit. In
6 accordance with 40 C.F.R. § 135.11(a)(1), by certified letter dated and postmarked May 20,
7 2025, OVWSD notified Defendant regarding the SDWA violations and OVWSD’s intent to
8 sue for those violations (“Notice Letter”). OVWSD sent a supplemental letter, which identified
9 the specific UIC Wells at issue, by certified mail, dated and postmarked May 21, 2025
10 (“Supplemental Notice Letter”). OVWSD also notified the Administrator of the EPA, the
11 Administrator of EPA Region 10, the Attorney General of the State of Washington, and the
12 Director of Ecology of its intent to sue Defendant by mailing a copy of the Notice Letter and
13 Supplemental Notice Letter to those officials on May 20, 2025 and May 21, 2025, respectively.
14 A copy of the Notice Letter and Supplemental Notice Letter are attached to this complaint as
15 Exhibits 1 and 2, and the allegations therein are hereby incorporated by reference.
16

17 14. More than 60 days have passed since OVWSD mailed the Notice Letter and
18 Supplemental Notice Letter, and the violations complained of are continuing or reasonably
19 likely to recur.
20

21 15. At the time of the filing of this Complaint, neither EPA nor Ecology has
22 commenced an action constituting diligent prosecution to redress the violations alleged herein.
23

24 16. Venue is proper in this District under 28 U.S.C. § 1391(b)(2) because the events
25 or omissions giving rise to Plaintiff’s claim occurred in this judicial district, in Snohomish
26 County, Washington.

1 23. The SDWA authorizes states to take primary responsibility for the management
2 and protection of underground sources of drinking water. State implementation of the SDWA
3 is subject to approval by the EPA. 42 U.S.C. § 300h-1. Washington’s UIC program has been
4 approved by the EPA, thereby granting Ecology the authority to implement the SDWA. 49
5 F.R. 31875; WAC 173-218-020(2).
6

7 24. The SDWA prohibits the underground injection of contaminants in violation of
8 a permit or rule authorization. Because Washington has delegated authority to implement the
9 UIC program, any violation of this program—such as discharging contaminants in violation
10 of a state-issued permit or rule-authorization—constitutes a violation of the SDWA *Id.*

11 25. The UIC program permits the issuance of Class V UIC Wells for the injection
12 of stormwater to groundwater. 40 CFR 144.1(g). A Class V UIC Well must be either rule-
13 authorized or receive a waste discharge permit from Ecology. 40 CFR 144.1(g). For rule
14 authorization, the applicant for a Class V Well must register the well with Ecology. WAC 173-
15 218-060(5).
16

17 26. To be approved, the well must meet the “nonendangerment standard.” WAC
18 173-218-030. Washington’s nonendangerment standard means “[t]o prevent the movement of
19 fluid containing any contaminant into ground water if the contaminant [1] may cause a
20 violation of the Water Quality Standards for groundwaters of the State of Washington, chapter
21 173-200 WAC, or [2] may cause health concerns.” WAC 173-218-030. A rule-authorized UIC
22 well must continue to meet the nonendangerment standard during its operation. Otherwise,
23 “[r]ule authorization can be rescinded if a UIC well no longer meets the nonendangerment
24 standard of this chapter.” WAC 173-218-070.
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1 to the school.

2 30. Madrona K-8 School is located within the mapped buffer zone of the Critical
3 Aquifer Recharge Area for the Deer Creek Group A municipal water supply source. The Deer
4 Creek Group A Municipal water supply source consists of the Deer Creek Drinking Water
5 Aquifer and Deer Creek. The Deer Creek aquifer supplies water to Deer Creek. OVWSD
6 operates a Municipal Drinking Water Treatment Plant that withdraws water from Deer Creek.
7 The Deer Creek Treatment Plant produces approximately 600,000 gallons of water each day
8 of operation ,which provides approximately 40% of OVWSD’s annual drinking water supply.
9 The volume of water treated contributes to the overall water supply availability in the region.
10

11 31. The Madrona K-8 School Replacement Project included the installation of a
12 new stormwater management system, which collects water at catch basins and then conveys
13 this stormwater to bioretention planters, an oil water separator, or one of the 16 UIC Wells
14 located at the site.
15

16 32. The 16 UIC Wells were rule-authorized collectively by Ecology under
17 Registration No. 33981 on or about 2019. The UIC Wells are numbered as follows: SW 100,
18 SW 101, SW 102 SW 103, SW 104, SW 200, SW 201, SW 202, SW 203, SW 204, SW 300,
19 SW 301, SW 302, SW 400, SW 401, and SW 402.
20

21 33. The UIC Wells inject stormwater into the vadose zone of the unconfined Qva
22 Deer Creek Drinking Water Aquifer. The unconfined Qva Deer Creek Drinking Water Aquifer
23 is the OVWSD’s drinking water source. The UIC Wells are within the buffer zone to the
24 Critical Aquifer Recharge Area, where groundwater will reach the Deer Creek Municipal
25 Drinking Water Treatment Plant in approximately 13 years. The UIC Wells are subject to the
26

1 SDWA as implemented by Washington’s Underground Injection Control Program in WAC
2 173-218 *et seq.*

3 34. OVWSD vehemently opposed Defendant ESD’s decision to install UIC Wells
4 because of the threat posed by discharging stormwater directly into the Deer Creek Drinking
5 Water Aquifer. UIC Wells provide a complete pathway between contaminated media
6 (stormwater) and a drinking water source (the unconfined Qva Deer Creek Drinking Water
7 Aquifer). The Defendant ESD installed the UIC Wells despite OVWSD’s objection.
8

9 35. OVWSD’s concerns were well-founded. In 2022, OVWSD collected
10 stormwater samples from the stormwater conveyance system that discharges to the UIC Wells
11 at the Madrona K-8 School. Defendant ESD conducted additional stormwater sampling in
12 2023 and 2024. Each of these sample results confirmed the presence of PFAS chemicals at
13 various concentrations, including concentrations that exceed the MCLs and SALs, and
14 validated OVWSD’s original concerns about the risk of pollutants entering drinking water
15 when the UIC Wells were first installed.
16

17 36. In 2025, Defendant ESD tested soil from the bioretention planters located in
18 the bus loop and parking lot at Madrona K-8 School. The bioretention planters collect
19 stormwater from large portions of the campus before directing it to the UIC Wells. The
20 sampling revealed PFAS concentrations in the bioretention planters that significantly exceeded
21 both the MCLs and SALs. Defendant ESD subsequently sampled waste soil previously
22 removed from the bioretention planter and piled behind the Madrona K-8 School exposed to
23 stormwater. These samples also showed PFAS levels well above the MCLs and SALs, likely
24 resulting in leaching of stormwater contaminated with PFAS chemicals that is ultimately
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1 conveyed to a UIC Well.

2 37. OVWSD believes the UIC Wells began operating when the Madrona K-8
3 School Replacement Project was completed in 2019. Therefore, PFAS chemicals likely have
4 been entering the UIC Wells for approximately eight years.
5

6 38. Publicly available precipitation data shows that stormwater, likely with PFAS
7 concentrations, discharged through the UIC Wells for at least 406 days since 2020.² Moreover,
8 since the groundwater will reach Deer Creek in approximately 13 years after discharge in the
9 UIC Wells, PFAS chemicals in groundwater from the Madrona K-8 School are likely
10 approaching Deer Creek and the Deer Creek Municipal Drinking Water Treatment Plant.

11 39. At the time of rule authorization, Defendant ESD did not provide best
12 management practices (“BMPs”) used to protect groundwater quality from PFAS. There is no
13 BMP or treatment in place to protect the Deer Creek Group A municipal water supply source
14 from PFAS in stormwater in the UIC Wells at Madrona K-8 School. Defendant ESD’s
15 continuous discharge of PFAS-contaminated stormwater in the UIC Wells endangers
16 OVWSD’s customers, which includes the students and staff at the Madrona K-8 School.
17

18 40. On August 16, 2024, Ecology sent a letter of concern to Defendant ESD,
19 identifying that PFAS concentrations entering the UIC Wells may violate the
20 nonendangerment standard. Ecology requested that Defendant ESD conduct some limited
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24 ² Lake Forest Park Precipitation Data, National Centers for Environmental Information
25 operated by the National Environmental Satellite, Data, and Information Service, an Office of
26 the National Oceanic Atmospheric Administration (NOAA). See spreadsheet of precipitation
data attached to Exhibit 1 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.

1 monitoring to investigate the source of PFAS entering the UIC Wells. In response, Defendant
2 ESD prepared and conducted a limited sampling plan. However, the sampling plan was not
3 adequate to definitively identify the source of PFAS, and the sampling outlined in the plan
4 remains incomplete.

5
6 41. On March 25, 2025, Ecology requested Defendant ESD to replace the
7 bioretention planter media located in the bus loop area of the Madrona K-8 and conduct
8 additional stormwater sampling for PFAS (“First Proposed Plan”). However, Ecology did not
9 request Defendant ESD to abate further discharge of PFAS-containing stormwater into the
10 UIC Wells, nor did Ecology rescind Defendant ESD’s rule authorization.

11
12 42. On April 11, 2025, Ecology modified the First Proposed Plan to provide for
13 additional sampling in the bioretention planter and additional stormwater sampling for PFAS.
14 However, Ecology still did not request that Defendant ESD abate further discharges of PFAS-
15 containing stormwater into the UIC Wells, nor rescind Defendant ESD’s rule authorization.

16
17 43. On April 23, 2025, Defendant commenced a lawsuit in Snohomish County
18 Superior Court against Forma Construction Company. Defendant’s complaint in the lawsuit
19 asserts that “[t]he testing showed PFAS concentrations exceeding the federal Maximum
20 Contaminant Level (“MCL”) and the Washington State Action Level (“SAL”) at multiple
21 locations at the [Madrona K-8], including in stormwater runoff from the bus loop, in soil
22 located in the bus loop bioretention planters, and in the soil stockpile.” *Edmonds School*
23 *District No. 15 v. Forma Construction Company*, Case No. 25-2-03832-31, ¶ 22 (Snohomish
24 County Superior Court, April 25, 2025).

25
26 44. On May 12, 2025, Ecology requested that the Defendant ESD replace the

1 bioretention planter media located in the parking lot area of the Madrona K-8 and conduct
2 additional stormwater sampling for PFAS (“Second Proposed Plan”). As described earlier, soil
3 sampling from the bioretention planters located in the bus loop and parking lot revealed PFAS
4 concentrations above both MCLs and SALs. Again, Ecology did not request Defendant ESD
5 to abate further discharges of PFAS-containing stormwater into the UIC Wells nor rescind
6 Defendant ESD’s rule authorization. Despite OVWSD’s continuous efforts to compel ESD
7 and Ecology to address this risk, the discharge of PFAS-contaminated stormwater into the UIC
8 Wells from an unidentified source at the Madrona K-8 School remains wholly unabated.
9

10 45. The First Proposed Plan and Second Proposed Plan fail to comply with
11 Washington’s UIC well program and the SDWA because it does not prevent PFAS-
12 contaminated stormwater from entering the UIC Wells. The plans lack sufficient data on the
13 source, fate, transport, and exposure pathways of PFAS at the Madrona K-8 School, making it
14 impossible to make technically defensible decisions regarding its effectiveness. The plans also
15 fail to include adequate stormwater and groundwater confirmation sampling to verify
16 compliance with the SDWA and the UIC well program after the work implementing the plans
17 is complete. As a result, it is reasonably likely that Defendant ESD will continue to violate the
18 nonendangerment standard even if it completes the plans requested by Ecology.
19

20 46. As of the date of filing this complaint, Defendant ESD has neither completed
21 the work requested by Ecology in the First and Second Proposed Plans nor conducted
22 confirmation stormwater sampling to confirm its effectiveness. Moreover, Defendant asserted
23 in writing that it will not stop using the UIC Wells for stormwater management even if PFAS-
24 contaminated stormwater continues to be present at the Madrona K-8 School.
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1 47. As of the date of filing this complaint, Defendant ESD’s compliance with the
2 SDWA or the UIC program has not been verified. As a result, OVWSD has a good faith belief,
3 after reasonable inquiry, that violations of the SDWA as implemented by Washington’s UIC
4 program are ongoing and/or reasonably likely to recur, as Defendant ESD continues to
5 discharge PFAS-contaminated stormwater into the UIC Wells at the Madrona K-8 School.
6

7 48. Any and all additional violations of the SDWA and the UIC program by
8 Defendant ESD that occur or are discovered after those described in the Notice Letter or
9 Supplemental Notice Letter, but before a final decision in this action, are continuing violations
10 subject to this Complaint.

11 49. Defendant ESD is in ongoing violation of the SDWA and the UIC program.
12 Absent the imposition of appropriate civil penalties and the issuance of injunctive or other
13 relief, Defendant ESD will continue these violations, further endangering the Deer Creek
14 Drinking Water Aquifer, the Deer Creek Municipal Drinking Water Treatment Plant,
15 OVWSD, and the health of its customers.
16

17 **VI. CAUSES OF ACTION**

18 **FIRST CLAIM FOR RELIEF**

19 **Violation of the Safe Drinking Water Act – Nonendangerment Standard**
20 **42 U.S.C. § 300h(b)(1)(B) and WAC 173-218-080**

21 50. OVWSD realleges and incorporates by reference the Paragraphs 1 through 50.

22 51. Defendant ESD has violated and continues to violate the SDWA by operating
23 UIC wells at the Madrona K-8 School that discharge stormwater containing PFAS chemicals
24 at concentrations that exceed applicable MCLs and SALs. These PFAS contaminants are
25 discharged through the UIC wells into the Deer Creek Drinking Water Aquifer at levels and
26 for a duration that may cause violations of groundwater quality standards. The affected

1 groundwater lies within the buffer zone of OVWSD’s Deer Creek Treatment Plant, which
2 supplies drinking water to its customers. Accordingly, Defendant ESD’s discharge of PFAS-
3 contaminated stormwater violates and will continue to violate the nonendangerment standard.

4
5 52. Defendant ESD’s violations of the nonendangerment standard as described
6 herein, the Notice Letter, and the Supplemental Notice Letter, which constitute a violation of
7 the rule-authorization for the UIC Wells, are violations of “any requirement prescribed by . . .
8 [the SDWA]” as implemented by Washington’s UIC program. 42 U.S.C. § 300j-8(a)(1).

9
10 53. Upon information and belief, the violations committed by Defendant ESD are
11 continuing or are reasonably likely to continue to recur. Any and all additional violations of
12 the rule-authorization that occur after the date of the Notice Letter and Supplemental Notice
13 Letter, but before a final decision in this action, should be considered continuing violations
14 subject to this Complaint.

15 **SECOND CLAIM FOR RELIEF**

16 **Violation of the Safe Drinking Water Act – Nonendangerment Standard: Failure to**
17 **Implement All Known and Reasonable Methods**
18 **42 U.S.C. § 300h(b)(1)(B); WAC 173-218-080(1); RCW 90.48.010**

19 54. OVWSD realleges and incorporates by reference Paragraphs 1 through 50.

20 55. Pursuant to WAC 173-218-080(1) and RCW 90.48.010, Defendant ESD is
21 required to implement all known available and reasonable methods to prevent and control
22 pollution of the waters of the state of Washington.

23 56. Defendant ESD’s failure to implement all known available and reasonable
24 methods to prevent and control the discharge of PFAS chemicals to the Deer Creek Drinking
25 Water Aquifer violates and continues to violate the nonendangerment standard.

26 57. Defendant ESD’s violations of the nonendangerment standard and the rule-

1 authorization for the UIC Wells as described herein, the Notice Letter, and Supplemental
2 Notice Letter constitute violations of “any requirement prescribed by . . . [the SDWA]” as
3 implemented by Washington’s UIC program. 42 U.S.C. § 300j-8(a)(1).

4 58. Upon information and belief, the violations committed by Defendant ESD are
5 continuing or are reasonably likely to continue to recur. Any and all additional violations of
6 the rule-authorization that occur after the date of the Notice Letter and Supplemental Notice
7 Letter, but before a final decision in this action, should be considered continuing violations
8 subject to this Complaint.
9

10 **THIRD CLAIM FOR RELIEF**

11 **Violation of the Safe Drinking Water Act – Nonendangerment Standard: Failure to**
12 **Prevent the Discharge of Pollutants to Waters of the State**
13 **42 U.S.C. § 300h(b)(1)(B); WAC 173-218-080(1); RCW 90.48.080**

14 59. OVWSD realleges and incorporates by reference Paragraphs 1 through 50.

15 60. Pursuant to WAC 173-218-080(1) and RCW 90.48.080, Defendant ESD is
16 required to prevent the discharge of organic or inorganic matter that causes or tends to cause
17 pollution of waters of the State of Washington.

18 61. PFAS chemicals are an organic or inorganic matter that cause or tend to cause
19 pollution of the waters of the State of Washington. The Deer Creek Drinking Water Aquifer is
20 a water of the State of Washington. The PFAS chemicals discharged by the UIC Wells to the
21 Deer Creek Aquifer are at concentrations and for a duration that may cause a violation of state
22 water quality standards in groundwater.

23 62. Defendant ESD’s failure to prevent the discharge of PFAS chemicals to the
24 Deer Creek Aquifer violates and continues to violate the nonendangerment standard.

25 63. Defendant ESD’s violations of the nonendangerment standard and the rule-
26

1 authorization for the UIC Wells as described herein, the Notice Letter, and Supplemental
2 Notice Letter constitute violations of “any requirement prescribed by . . . [the SDWA]” as
3 implemented by Washington’s UIC program. 42 U.S.C. § 300j-8(a)(1).

4 64. Upon information and belief, the violations committed by Defendant ESD are
5 continuing or are reasonably likely to continue to recur. Any and all additional violations of
6 the rule-authorization that occur after the date of the Notice Letter and Supplemental Notice
7 Letter, but before a final decision in this action, should be considered continuing violations
8 subject to this Complaint.
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10 **FOURTH CLAIM FOR RELIEF**

11 **Violation of the Safe Drinking Water Act – Nonendangerment Standard: Failure to**
12 **Implement All Known, Available, and Reasonable Methods of Prevention, Control, and**
13 **Treatment**

14 65. 42 U.S.C. § 300h(b)(1)(B) and WAC 173-218-080(2)

15 66. OVWSD realleges and incorporates by reference Paragraphs 1 through 50.

16 67. Pursuant to WAC 173-218-080(2), Defendant ESD is required to comply with
17 groundwater quality standards by implementing BMPs at the Madrona K-8 School that will
18 fulfill all known, available, and reasonable methods of prevention, control, and treatment
19 (“AKART”).

20 68. Defendant ESD’s failure to implement AKART to ensure compliance with
21 groundwater quality standards of the state violates and continues to violate the
22 nonendangerment standard.

23 69. Defendant ESD’s violations of the nonendangerment standard and the rule-
24 authorization for the UIC Wells as described herein, the Notice Letter, and Supplemental
25 Notice Letter constitute violations of “any requirement prescribed by . . . [the SDWA]” as
26

1 implemented by Washington’s UIC program. 42 U.S.C. § 300j-8(a)(1).

2 70. Upon information and belief, the violations committed by Defendant ESD are
3 continuing or are reasonably likely to continue to recur. Any and all additional violations of
4 the rule-authorization that occur after the date of the Notice Letter and Supplemental Notice
5 Letter, but before a final decision in this action, should be considered continuing violations
6 subject to this Complaint.
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8 **FIFTH CLAIM FOR RELIEF**

9 **Violation of the Safe Drinking Water Act – Nonendangerment Standard: Failure to
10 Operate and Maintain to Protect Groundwater Quality and Meet Primary Drinking
11 Water Standards**

12 **42 U.S.C. § 300h(b)(1)(B); 40 C.F.R. 144.12(a); WAC 173-218-080(3)**

13 71. OVWSD realleges and incorporates by reference Paragraphs 1 through 50.

14 72. Pursuant to 40 C.F.R. 144.12(a) and WAC 173-218-080(3), Defendant ESD is
15 required to operate and maintain its UIC Wells in a manner that protects groundwater quality
16 and meets primary drinking water standards.

17 73. Defendant ESD has failed and continues to fail to operate and maintain its UIC
18 Wells as required by 40 C.F.R. 144.12(a) because it discharges PFAS-contaminated
19 stormwater in a manner that may cause a violation of primary drinking water standards under
20 40 C.F.R. Part 142 or may otherwise adversely affect the health of persons.

21 74. Defendant ESD’s violations of the nonendangerment standard and rule-
22 authorization for the UIC Wells as described herein, the Notice Letter, and Supplemental
23 Notice Letter constitute violations of “any requirement prescribed by . . . [the SDWA]” as
24 implemented by Washington’s UIC program. 42 U.S.C. § 300j-8(a)(1).

25 75. Upon information and belief, the violations committed by Defendant ESD are
26 continuing or are reasonably likely to continue to recur. Any and all additional violations of

1 the rule-authorization that occur after the date of the Notice Letter and Supplemental Notice
2 Letter, but before a final decision in this action, should be considered continuing violations
3 subject to this Complaint.

4 **SIXTH CLAIM FOR RELIEF**

5 **Violation of the Safe Drinking Water Act – Nonendangerment Standard: Failure to**
6 **Implement Best Management Practices**
7 **42 U.S.C. § 300h(b)(1)(A); WAC 173-218-070**

8 76. OVWSD realleges and incorporates by reference Paragraphs 1 through 50.

9 77. Pursuant to 42 U.S.C. § 300h(b)(1)(A); WAC 173-218-070, Defendant ESD is
10 required to maintain BMPs to protect groundwater quality from PFAS chemicals to be rule-
11 authorized by Chapter 173-218 *et seq.* WAC.

12 78. Defendant ESD’s registration for rule authorization lacks BMPs that protect
13 groundwater quality because no such BMPs for PFAS exist. As a result of Defendant ESD’s
14 failure to identify and implement BMPs that safeguard groundwater, its UIC Wells at the
15 Madrona K-8 School cannot be rule-authorized under Chapter 173-218 *et seq.* WAC.

16 79. Defendant ESD’s UIC Wells violate and continue to violate 42 U.S.C.
17 § 300h(b)(1)(A) and WAC 173-218-070 by discharging PFAS-containing stormwater to the
18 Deer Creek Drinking Water Aquifer without a permit or rule authorization.

19 80. Defendant ESD’s violations of the nonendangerment standard and the rule-
20 authorization for the UIC Wells as described herein the Notice Letter, and Supplemental
21 Notice Letter constitute violations of “any requirement prescribed by . . . [the SDWA]” as
22 implemented by Washington’s UIC program. 42 U.S.C. § 300j-8(a)(1).

23 81. Upon information and belief, the violations committed by Defendant ESD are
24 continuing or are reasonably likely to continue to recur. Any and all additional violations of
25
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1 the rule-authorization that occur after the date of the Notice Letter and Supplemental Notice
2 Letter, but before a final decision in this action, should be considered continuing violations
3 subject to this Complaint.

4 **SEVENTH CLAIM FOR RELIEF**

5 **Violation of the Safe Drinking Water Act – Nonendangerment Standard: Failure to**
6 **Comply with the Demonstrative Approach**
7 **42 U.S.C. § 300h(b)(1)(A); WAC 173-218-090**

8 82. OVWSD realleges and incorporates by reference Paragraphs 1 through 50.

9 83. The owner or operator of UIC Wells must demonstrate compliance with the
10 nonendangerment standard before placing a new well into service. WAC 173-218-090(1)(c).
11 Based on site-specific data at the Madrona K-8 School, Defendant ESD is not presumed to
12 meet the nonendangerment standard and, therefore, must comply with the demonstrative
13 approach to be rule-authorized. WAC 173-218-090(1)(c)(ii)(D).

14 84. Defendant ESD failed to comply with the demonstrative approach to rule
15 authorization prior to placing the UIC Wells into service. By continuing to discharge PFAS-
16 contaminated stormwater into the UIC Wells without satisfying the requirements for rule
17 authorization, Defendant ESD is violating and continues to violate 42 U.S.C. § 300h(b)(1)(A)
18 and WAC 173-218-090 by discharging PFAS-contaminated stormwater to the Deer Creek
19 Drinking Water Aquifer without rule authorization or a permit.

20 85. Defendant ESD’s violations of the nonendangerment standard and the rule-
21 authorization for the UIC Wells as described herein, the Notice Letter, and the Supplemental
22 Notice Letter constitute violations of “any requirement prescribed by . . . [the SDWA]” as
23 implemented by Washington’s UIC program. 42 U.S.C. § 300j-8(a)(1).

24 86. Upon information and belief, the violations committed by Defendant ESD are
25
26

1 continuing or are reasonably likely to continue to recur. Any and all additional violations of
2 the rule-authorization that occur after the date of the Notice Letter and Supplemental Notice
3 Letter, but before a final decision in this action, should be considered continuing violations
4 subject to this Complaint.
5

6 **EIGHTH CLAIM FOR RELIEF**

7 **Violation of the Safe Drinking Water Act – Nonendangerment Standard: Injection of
8 Hazardous Substances**

9 **42 U.S.C. § 300h(b)(1)(A); RCW 70A.305.020(13); WAC 173-218-040(5)(b)(v)**

10 87. OVWSD realleges and incorporates by reference Paragraphs 1 through 50.

11 88. PFAS chemicals, including PFOS, PFOA, and PFNA, are designated as
12 hazardous substances under 42 U.S.C. § 9601(14) and RCW 70A.305.020(13).

13 89. Washington law prohibits Class V UIC wells from discharging hazardous
14 substances. WAC 173-218-040(5)(b)(v).

15 90. Defendant ESD’s UIC Wells violate and continue to violate 42 U.S.C.
16 § 300h(b)(1)(A) and WAC 173-218-040 by discharging PFAS-contaminated stormwater to the
17 Deer Creek Drinking Water Aquifer.

18 91. Defendant ESD’s violations as described herein, the Notice Letter, and the
19 Supplemental Notice Letter constitute violations of “any requirement prescribed by . . . [the
20 SDWA]” as implemented by Washington’s UIC program. 42 U.S.C. § 300j-8(a)(1).

21 92. Upon information and belief, the violations committed by Defendant ESD are
22 continuing or are reasonably likely to continue to recur. Any and all additional violations of
23 the rule-authorization that occur after the date of the Notice Letter and Supplemental Notice
24 Letter, but before a final decision in this action, should be considered continuing violations
25 subject to this Complaint.
26

VII. RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that the Court grant the following relief:

1. Declare that Defendant ESD has violated and continues to be in violation of the Safe Drinking Water Act, as alleged herein;

2. Issue injunctive relief directing Defendant ESD to comply with the SDWA as implemented by Washington’s UIC program;

3. Issue injunctive relief directing Defendant ESD to stop all further discharges to the UIC Wells, until Defendant ESD has demonstrated compliance with the SDWA and Washington UIC program;

4. Order Defendant ESD to pay civil penalties up to the maximum authorized by the SDWA per day of such violation, as authorized by 42 U.S.C. § 300h-2(b)(1) and 42 U.S.C. § 300j-8;

5. Award Plaintiff its litigation expenses, including costs and reasonable attorneys’ and expert witness fees, as authorized by 42 U.S.C. § 300j-8(d); and

6. Award such other relief as this Court deems just and appropriate.

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1 Dated this 25th day of July, 2025.

2
3 SCHWABE, WILLIAMSON & WYATT, P.C.

4 By: /s/ Ryen L. Godwin
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EXHIBIT 1

EXHIBIT 1



May 20, 2025

Ryen L. Godwin
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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

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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.*

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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

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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

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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

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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.

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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.

Edmonds School District
May 20, 2025

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.

Edmonds School District
May 20, 2025

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
4/4/2020	0.15
4/5/2020	0.01
4/6/2020	0
4/7/2020	0
4/8/2020	0
4/9/2020	0
4/10/2020	0
4/11/2020	0

4/12/2020	0
4/13/2020	0
4/14/2020	0
4/15/2020	0
4/16/2020	0
4/17/2020	0
4/18/2020	0.31
4/19/2020	0.01
4/20/2020	0
4/21/2020	0
4/22/2020	0
4/23/2020	0.84
4/24/2020	0.16
4/25/2020	0.14
4/26/2020	0.14
4/27/2020	0.19
4/28/2020	0
4/29/2020	0
4/30/2020	0.03
5/1/2020	0
5/2/2020	0.09
5/3/2020	0.28
5/4/2020	0
5/5/2020	0.01
5/6/2020	0.03
5/7/2020	0.02
5/8/2020	0
5/9/2020	0
5/10/2020	0
5/11/2020	0
5/12/2020	0.11
5/13/2020	0.01
5/14/2020	0.02
5/15/2020	0.05
5/16/2020	0
5/17/2020	0.63
5/18/2020	0.01
5/19/2020	0
5/20/2020	
5/21/2020	0.43
5/22/2020	0.19
5/23/2020	0.4
5/24/2020	0.02
5/25/2020	0.08

5/26/2020	0.17
5/27/2020	0
5/28/2020	0
5/29/2020	
5/30/2020	0
5/31/2020	1.44
6/1/2020	0.23
6/2/2020	0
6/3/2020	0.06
6/4/2020	0
6/5/2020	0
6/6/2020	0
6/7/2020	0.68
6/8/2020	0.04
6/9/2020	0.1
6/10/2020	0.09
6/11/2020	0.03
6/12/2020	0.11
6/13/2020	0.22
6/14/2020	0.75
6/15/2020	0.04
6/16/2020	
6/17/2020	0.12
6/18/2020	0
6/19/2020	0
6/20/2020	0.02
6/21/2020	0.02
6/22/2020	0.01
6/23/2020	0
6/24/2020	0
6/25/2020	0
6/26/2020	0
6/27/2020	0
6/28/2020	0.4
6/29/2020	0
6/30/2020	0.01
7/1/2020	0.04
7/2/2020	0
7/3/2020	0
7/4/2020	0
7/5/2020	0
7/6/2020	0
7/7/2020	0.06
7/8/2020	0.03

7/9/2020	0.01
7/10/2020	0.01
7/11/2020	0
7/12/2020	0.04
7/13/2020	0.04
7/14/2020	0
7/15/2020	0
7/16/2020	0
7/17/2020	0.01
7/18/2020	0
7/19/2020	
7/20/2020	0
7/21/2020	0
7/22/2020	0.01
7/23/2020	0.01
7/24/2020	0.01
7/25/2020	0
7/26/2020	0
7/27/2020	0
7/28/2020	0
7/29/2020	0
7/30/2020	0
7/31/2020	0
8/1/2020	0
8/2/2020	0
8/3/2020	0
8/4/2020	0
8/5/2020	0
8/6/2020	0.23
8/7/2020	0.23
8/8/2020	0.07
8/9/2020	
8/10/2020	0
8/11/2020	0
8/12/2020	
8/13/2020	
8/14/2020	
8/15/2020	
8/16/2020	
8/17/2020	
8/18/2020	
8/19/2020	
8/20/2020	
8/21/2020	0.1

8/22/2020	0.3
8/23/2020	0
8/24/2020	0
8/25/2020	0
8/26/2020	0
8/27/2020	0
8/28/2020	0
8/29/2020	0
8/30/2020	0
8/31/2020	0.06
9/1/2020	0
9/2/2020	0
9/3/2020	0
9/4/2020	0
9/5/2020	0
9/6/2020	0
9/7/2020	0
9/8/2020	0
9/9/2020	0
9/10/2020	0
9/11/2020	0
9/12/2020	0
9/13/2020	0
9/14/2020	0
9/15/2020	0.1
9/16/2020	0.03
9/17/2020	0
9/18/2020	
9/19/2020	0.33
9/20/2020	0.03
9/21/2020	0.04
9/22/2020	0.09
9/23/2020	0.1
9/24/2020	1.22
9/25/2020	0.69
9/26/2020	0.68
9/27/2020	0.01
9/28/2020	0
9/29/2020	0
9/30/2020	0
10/1/2020	0
10/2/2020	0
10/3/2020	0.02
10/4/2020	0.03

10/5/2020	0.02
10/6/2020	0
10/7/2020	
10/8/2020	0
10/9/2020	0
10/10/2020	0.92
10/11/2020	0.83
10/12/2020	
10/13/2020	
10/14/2020	0
10/15/2020	0
10/16/2020	0
10/17/2020	0.23
10/18/2020	0.09
10/19/2020	0.06
10/20/2020	0.16
10/21/2020	
10/22/2020	0.24
10/23/2020	
10/24/2020	
10/25/2020	0.02
10/26/2020	0.02
10/27/2020	0
10/28/2020	0
10/29/2020	0.01
10/30/2020	0
10/31/2020	0.07
11/1/2020	0
11/2/2020	0
11/3/2020	0.29
11/4/2020	0.38
11/5/2020	0.21
11/6/2020	0.18
11/7/2020	0.02
11/8/2020	0.02
11/9/2020	0
11/10/2020	0.13
11/11/2020	0.05
11/12/2020	0.01
11/13/2020	0.77
11/14/2020	0.01
11/15/2020	0.34
11/16/2020	0.01
11/17/2020	0.8

11/18/2020	0.89
11/19/2020	
11/20/2020	0.35
11/21/2020	0
11/22/2020	0
11/23/2020	0.13
11/24/2020	0.01
11/25/2020	0.42
11/26/2020	0.02
11/27/2020	0.08
11/28/2020	0.02
11/29/2020	0.08
11/30/2020	0.44
12/1/2020	0
12/2/2020	0
12/3/2020	0
12/4/2020	
12/5/2020	0.02
12/6/2020	0.02
12/7/2020	
12/8/2020	0.03
12/9/2020	0.59
12/10/2020	0.02
12/11/2020	0.02
12/12/2020	
12/13/2020	0.05
12/14/2020	0.14
12/15/2020	0.15
12/16/2020	0.06
12/17/2020	0.55
12/18/2020	0.13
12/19/2020	0.21
12/20/2020	0.43
12/21/2020	0.66
12/22/2020	1.72
12/23/2020	0
12/24/2020	0
12/25/2020	0.03
12/26/2020	0.45
12/27/2020	
12/28/2020	
12/29/2020	
12/30/2020	
12/31/2020	

1/1/2021	
1/2/2021	
1/3/2021	1.48
1/4/2021	0.6
1/5/2021	0.35
1/6/2021	0.97
1/7/2021	0.02
1/8/2021	0.04
1/9/2021	0.16
1/10/2021	0.06
1/11/2021	
1/12/2021	1.71
1/13/2021	0.85
1/14/2021	0.02
1/15/2021	0.15
1/16/2021	0.01
1/17/2021	0.06
1/18/2021	0
1/19/2021	0
1/20/2021	0
1/21/2021	0.04
1/22/2021	0
1/23/2021	0
1/24/2021	0.15
1/25/2021	0.19
1/26/2021	0
1/27/2021	0.06
1/28/2021	0.12
1/29/2021	0.16
1/30/2021	0.11
1/31/2021	0.25
2/1/2021	0.59
2/2/2021	0.65
2/3/2021	0.31
2/4/2021	0.01
2/5/2021	0.4
2/6/2021	0.03
2/7/2021	0
2/8/2021	0.22
2/9/2021	0.01
2/10/2021	
2/11/2021	0
2/12/2021	
2/13/2021	

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2/15/2021	
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2/19/2021	
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2/21/2021	0.02
2/22/2021	
2/23/2021	
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2/26/2021	
2/27/2021	
2/28/2021	0.02
3/1/2021	0
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3/8/2021	0.37
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3/16/2021	0
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3/19/2021	0.25
3/20/2021	0.18
3/21/2021	0.1
3/22/2021	0.23
3/23/2021	0.02
3/24/2021	0.01
3/25/2021	0.39
3/26/2021	0.04
3/27/2021	
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3/29/2021	0.48

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4/5/2021	0
4/6/2021	0
4/7/2021	0
4/8/2021	0.34
4/9/2021	0.02
4/10/2021	
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4/14/2021	0
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4/16/2021	0
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4/19/2021	0
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5/2/2021	0.03
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5/4/2021	0.12
5/5/2021	0.01
5/6/2021	0
5/7/2021	0
5/8/2021	0.07
5/9/2021	0
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5/12/2021	0

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5/14/2021	0
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5/17/2021	0
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5/20/2021	0.01
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5/29/2021	0.02
5/30/2021	0
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6/15/2021	0.07
6/16/2021	0
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6/23/2021	0
6/24/2021	0
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7/22/2021	0
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7/26/2021	0
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8/3/2021	0
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8/5/2021	0
8/6/2021	0.19
8/7/2021	0.03
8/8/2021	0.11

8/9/2021	0
8/10/2021	0
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8/12/2021	
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8/23/2021	0
8/24/2021	0
8/25/2021	0
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8/27/2021	0.02
8/28/2021	0.06
8/29/2021	0
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9/1/2021	0.01
9/2/2021	0
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9/4/2021	0
9/5/2021	0
9/6/2021	0
9/7/2021	0
9/8/2021	0.04
9/9/2021	0
9/10/2021	0
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9/12/2021	0
9/13/2021	0.01
9/14/2021	0
9/15/2021	0
9/16/2021	0
9/17/2021	0.04
9/18/2021	0.85
9/19/2021	0.56
9/20/2021	0.11
9/21/2021	0

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9/23/2021	0.02
9/24/2021	
9/25/2021	0
9/26/2021	0
9/27/2021	1.03
9/28/2021	0.37
9/29/2021	0.06
9/30/2021	0.11
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10/2/2021	0.01
10/3/2021	0
10/4/2021	0.05
10/5/2021	0.07
10/6/2021	0.19
10/7/2021	0.02
10/8/2021	0
10/9/2021	0
10/10/2021	0.65
10/11/2021	0.26
10/12/2021	0
10/13/2021	0.05
10/14/2021	0.04
10/15/2021	0.1
10/16/2021	
10/17/2021	
10/18/2021	0.02
10/19/2021	0.01
10/20/2021	0.15
10/21/2021	0.15
10/22/2021	0.58
10/23/2021	0.03
10/24/2021	0.09
10/25/2021	0.37
10/26/2021	0.14
10/27/2021	0.23
10/28/2021	0.38
10/29/2021	1.73
10/30/2021	0.03
10/31/2021	0
11/1/2021	0.02
11/2/2021	0.1
11/3/2021	0.16
11/4/2021	0.65

11/5/2021	0.62
11/6/2021	0.03
11/7/2021	0.8
11/8/2021	0.22
11/9/2021	0.21
11/10/2021	0.19
11/11/2021	0.15
11/12/2021	0.72
11/13/2021	0.44
11/14/2021	0.24
11/15/2021	0.54
11/16/2021	0.67
11/17/2021	0.02
11/18/2021	0.02
11/19/2021	0.38
11/20/2021	0.02
11/21/2021	0
11/22/2021	
11/23/2021	
11/24/2021	
11/25/2021	0.2
11/26/2021	0.39
11/27/2021	0.17
11/28/2021	0.25
11/29/2021	0.24
11/30/2021	0.01
12/1/2021	0.04
12/2/2021	0.14
12/3/2021	0.02
12/4/2021	
12/5/2021	
12/6/2021	
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12/8/2021	
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1/15/2024	
1/16/2024	
1/17/2024	
1/18/2024	
1/19/2024	
1/20/2024	0.02
1/21/2024	0.36
1/22/2024	0.58
1/23/2024	0.23
1/24/2024	0.09
1/25/2024	0.23
1/26/2024	0.02
1/27/2024	0.44
1/28/2024	1.2
1/29/2024	0.03
1/30/2024	0.02
1/31/2024	0.32
2/1/2024	0.27
2/2/2024	0.03
2/3/2024	0.01
2/4/2024	0
2/5/2024	0.01
2/6/2024	0.25
2/7/2024	0.02
2/8/2024	0
2/9/2024	0.08
2/10/2024	0.06
2/11/2024	0.07
2/12/2024	0.33
2/13/2024	0.08
2/14/2024	0.01
2/15/2024	0.31
2/16/2024	0.22
2/17/2024	0.01
2/18/2024	0.01

2/19/2024	0
2/20/2024	0.07
2/21/2024	0.08
2/22/2024	0.23
2/23/2024	0
2/24/2024	0.01
2/25/2024	0.01
2/26/2024	
2/27/2024	0.02
2/28/2024	0.11
2/29/2024	1.37
3/1/2024	0.19
3/2/2024	0.2
3/3/2024	0.15
3/4/2024	0.11
3/5/2024	0.01
3/6/2024	0
3/7/2024	0
3/8/2024	0
3/9/2024	0
3/10/2024	0.17
3/11/2024	0.22
3/12/2024	0.29
3/13/2024	0.09
3/14/2024	0.01
3/15/2024	0
3/16/2024	0
3/17/2024	0
3/18/2024	0
3/19/2024	
3/20/2024	0
3/21/2024	0.08
3/22/2024	0.08
3/23/2024	0.33
3/24/2024	0.16
3/25/2024	0
3/26/2024	0.16
3/27/2024	0.13
3/28/2024	0.44
3/29/2024	
3/30/2024	
3/31/2024	0
4/1/2024	0
4/2/2024	0

4/3/2024	0.53
4/4/2024	0
4/5/2024	0.03
4/6/2024	0
4/7/2024	0.14
4/8/2024	0
4/9/2024	0.24
4/10/2024	0.21
4/11/2024	0
4/12/2024	
4/13/2024	
4/14/2024	
4/15/2024	
4/16/2024	
4/17/2024	
4/18/2024	
4/19/2024	0
4/20/2024	0
4/21/2024	0
4/22/2024	0
4/23/2024	0
4/24/2024	0
4/25/2024	0.06
4/26/2024	0.43
4/27/2024	0.02
4/28/2024	0.03
4/29/2024	0.29
4/30/2024	0.11
5/1/2024	0.01
5/2/2024	0
5/3/2024	
5/4/2024	
5/5/2024	
5/6/2024	0.24
5/7/2024	0.12
5/8/2024	0.01
5/9/2024	0
5/10/2024	0
5/11/2024	0
5/12/2024	0
5/13/2024	0
5/14/2024	0
5/15/2024	0
5/16/2024	0.01

5/17/2024	
5/18/2024	
5/19/2024	
5/20/2024	
5/21/2024	0
5/22/2024	1.02
5/23/2024	0
5/24/2024	0
5/25/2024	0.07
5/26/2024	0.14
5/27/2024	0.05
5/28/2024	0
5/29/2024	0.09
5/30/2024	0.27
5/31/2024	0.01
6/1/2024	0.01
6/2/2024	0
6/3/2024	0.93
6/4/2024	0.05
6/5/2024	0.08
6/6/2024	0
6/7/2024	0
6/8/2024	0
6/9/2024	0
6/10/2024	0
6/11/2024	0
6/12/2024	0
6/13/2024	0
6/14/2024	0
6/15/2024	0.52
6/16/2024	0.3
6/17/2024	0.08
6/18/2024	0.04
6/19/2024	0
6/20/2024	0
6/21/2024	0
6/22/2024	0
6/23/2024	0
6/24/2024	0.02
6/25/2024	0
6/26/2024	0
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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EXHIBIT 2

EXHIBIT 2



May 21, 2025

Ryen L. Godwin
D: 206-689-1213
C: 206-643-4253
rgodwin@schwabe.com

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: SUPPLEMENT TO 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”) identified as UIC Site Number 33981. This letter supplements the Notice of Intent to Sue Letter dated May 20, 2025 (“Notice Letter”) which is incorporated herein by this reference.

I. Supplement

The Notice Letter identified all the UIC Wells on the ESD’s Madrona K-8, but it omitted the specific Department of Ecology registration numbers for each well. For purposes of clarity, the Notice Letter applies to all the UIC Wells rule-authorized on ESD’s Madrona K-8. The list of registration numbers is as follows: SW 100, SW 101, SW 102 SW 103, SW 104, SW 200, SW 201, SW 202, SW 203, SW 204, SW 300, SW 301, SW 302, SW 400, SW 401, and SW 402.

II. Party Giving Supplemental 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

Edmonds School District
May 21, 2025

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

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:

John Bhend, Ecology Statewide UIC Coordinator – jbhe461@wecy.wa.gov
Chelsea Cannard, DOH Source Water Protection Manager – chelsea.cannard@doh.wa.gov
Michael Dunning, Perkins Coie – mdunning@perkinscoie.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

OLYMPIC V IEW WATER AND SEWER DISTRICT

(b) County of Residence of First Listed Plaintiff SNOHOMISH (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Schwabe, Williamson & Wyatt, P.C. - Ryen L. Godwin, 1420 5th Ave. Ste. 3400, Seattle, WA 98101, 2066221711

DEFENDANTS

EDMONDS SCHOOL DISTRICT NO. 15

County of Residence of First Listed Defendant SNOHOMISH (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Perkins Coie LLP - Meredith Weinberg 1301 2nd Ave. Ste. 4200, Seattle, WA 98101, 2063598000

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff, 2 U.S. Government Defendant, 3 Federal Question (U.S. Government Not a Party), 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State, Citizen of Another State, Citizen or Subject of a Foreign Country, PTF DEF, 1 1, 2 2, 3 3, 4 4, 5 5, 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal codes and categories.

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding, 2 Removed from State Court, 3 Remanded from Appellate Court, 4 Reinstated or Reopened, 5 Transferred from Another District, 6 Multidistrict Litigation - Transfer, 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 42 USC s. 300j-8. Brief description of cause: Safe Drinking Water Act Citizen Suit

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [X] Yes [] No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE DOCKET NUMBER

DATE 07/25/2025 SIGNATURE OF ATTORNEY OF RECORD s/ Ryen L. Godwin

FOR OFFICE USE ONLY

RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE