



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

June 13, 2022

Nicholas Dottino, CEO  
Cosmo Specialty Fibers, Inc.  
PO Box 539, WA 98537

<b>Notice of Penalty Docket #</b>	21177
<b>Site Location</b>	1701 First St, Cosmopolis WA 98537
<b>Penalty Amount</b>	\$18,000
<b>Due Date</b>	Within 30 days after receiving this Notice of Penalty.

**Re: Notice of Penalty**

Dear Nicholas Dottino:

The Department of Ecology (Ecology) has issued the enclosed Notice of Penalty to Cosmo Specialty Fibers, Inc. for violating provisions of:

- Chapter 90.48 Revised Code of Washington (RCW) - Washington Water Pollution Control Law
- Chapter 173-220 Washington Administrative Code (WAC) – National Pollutant Discharge Elimination System Permit Program
- National Pollutant Discharge Elimination System (NPDES) Permit No. WA0000809

Please read the enclosed Notice of Penalty describing the violation(s) and options for responding to the penalty.

Ecology issues news releases for all major penalties and enforcement actions, including this one. A courtesy copy of the draft news release is included. If you have a comment or question regarding the draft news release, contact Ecology communication manager Jeff Zenk at (360) 280-3704 or [jeff.zenk@ecy.wa.gov](mailto:jeff.zenk@ecy.wa.gov) by 9:00 A.M. tomorrow June 14, 2022.

Cosmo Specialty Fibers

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If you have questions please contact Ha Tran at (360) 407-6064 or htra461@ecy.wa.gov.

Sincerely,



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James DeMay, P.E.

Industrial Section Manager

Solid Waste Management Program

Enclosures: Notice of Penalty Docket # 21177  
Draft News Release

cc: Fiscal-Penalty Desk, Ecology

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

IN THE MATTER OF PENALTY  
ASSESSMENT AGAINST  
Cosmo Specialty Fibers, Inc.  
Nicholas Dottino

NOTICE OF PENALTY  
INCURRED AND DUE  
PENALTY DOCKET # 21177

To: Nicholas Dottino  
Cosmo Specialty Fibers, Inc.  
PO Box 539  
Cosmopolis, WA 98537

<b>Notice of Penalty Docket #</b>	21177
<b>Site Location</b>	1701 First St, Cosmopolis WA 98537
<b>Penalty Amount</b>	\$18,000
<b>Due Date</b>	Within 30 days after receiving this Notice of Penalty.

The Department of Ecology (Ecology) has assessed a penalty against Cosmo Specialty Fibers, Inc. (Cosmo) in the amount of \$18,000 for violating provisions of:

- Chapter 90.48 Revised Code of Washington (RCW) – Washington Water Pollution Control Law
- Chapter 173-220 Washington Administrative Code (WAC) – National Pollutant Discharge Elimination System Permit Program
- National Pollutant Discharge Elimination System (NPDES) Permit No. WA0000809

Ecology has authority to issue this penalty under RCW 90.48.144 and is basing the penalties on the violations listed in this notice.

**DETERMINATION OF VIOLATION(S)**

**Ecology's determination that a violation have occurred is based on the violations listed below.**

**Violation:**

Violation description:

Cosmo exceeded the production level 2 limit of 29,040 pounds (lbs) per day for 5-day biochemical oxygen demand (BOD<sub>5</sub>) at Outfall 001. In January 2022, the average monthly BOD<sub>5</sub> discharge from Outfall 001 was 31,439 lbs per day.

**ELIGIBILITY FOR PAPERWORK VIOLATION WAIVER AND OPPORTUNITY TO CORRECT**

Under RCW 34.05.110, small businesses are eligible for a waiver of a first-time paperwork violation and an opportunity to correct other violations. We have made no determination as to whether you meet the definition of a "small business" under this section.

However, we have determined that the requirements of RCW 34.05.110 do not apply to the violation(s) due to a conflict with federal law or program requirements, including federal requirements that are a prescribed condition to the allocation of federal funds to the state.

#### **FAILURE TO COMPLY WITH THIS NOTICE OF PENALTY**

Continued failure to correct the violations listed in this Notice of Penalty may result in additional, escalated penalties.

#### **OPTIONS FOR RESPONDING TO A NOTICE OF PENALTY**

##### **Option 1: Pay the penalty within 30 days after receiving the Notice of Penalty.**

Make your payment payable to the *Department of Ecology*. Please include the penalty docket number on your payment.

##### **Mail payment to:**

Department of Ecology  
Cashiering Unit  
PO Box 47611  
Olympia, WA 98504-7611

Note: Ecology may take legal action to collect the penalty if you have not paid 30 days after receiving the Notice of Penalty, and have not appealed.

##### **Option 2: Appeal to the PCHB and serve Ecology within 30 days after the date of receipt of the Notice of Penalty.**

The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do both of the following within 30 days after the date of receipt of this Notice of Penalty:

- File your appeal and a copy of this Notice of Penalty with the Pollution Control Hearings Board (PCHB) during regular business hours.
- Serve a copy of your appeal and this Notice of Penalty on Ecology in paper form, by mail or in person. E-mail is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

**ADDRESS AND LOCATION INFORMATION**

Street Addresses	Mailing Addresses
<p><b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503</p> <p><b>Pollution Control Hearings Board</b> 1111 Israel Road SW STE 301 Tumwater, WA 98501</p>	<p><b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608</p> <p><b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903</p>

**CONTACT INFORMATION**

Please direct all questions about this Notice of Penalty to:

Ha Tran  
Department of Ecology  
Industrial Section  
PO Box 47706, Olympia WA 98504-7706  
Phone: (360) 407-664  
Email: [htra461@ecy.wa.gov](mailto:htra461@ecy.wa.gov)

**MORE INFORMATION**

- **Pollution Control Hearings Board**  
<http://www.eluho.wa.gov/Board/PCHB>
- **Chapter 43.21B RCW - Environmental and Land Use Hearings Office – Pollution Control Hearings Board**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=43.21B>
- **Chapter 371-08 WAC – Practice and Procedure**  
<http://app.leg.wa.gov/WAC/default.aspx?cite=371-08>
- **Chapter 34.05 RCW – Administrative Procedure Act**  
<http://app.leg.wa.gov/RCW/default.aspx?cite=34.05>
- **Ecology's Laws, rules, & rulemaking website**  
<https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>

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**SIGNATURE**



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James DeMay, P.E.

Industrial Section Manager

Solid Waste Management Program

June 13, 2022

Date