

CITY OF EPHRATA



May 10, 2024

Via Email

Kristin Beck
Site Manager
Department of Ecology
Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205-1265
Kristin.beck@ecy.wa.gov

RE: Grant County Ephrata Landfill No. 1 (Washington)

Dear Ms. Beck:

I am writing on behalf of the City of Ephrata (“City”) in response to Ecology’s May 2, 2024, letter requesting the City indicate its intention to sign the Third Amendment to the Agreed Order (“Amendment”) for the Grant County Ephrata Landfill No. 1 (“Landfill”) by May 10, 2024.

Having discussed the matter with our City Council, the City has determined that it must decline Ecology’s invitation to sign the Amendment. We have explained some of the reasons for that decision in previous correspondence and negotiations with the agency.

The City remains willing, however, to contribute to funding the cleanup of the Landfill by means of a de minimis settlement with Ecology, as provided for in MTCA.¹ Because the City’s contribution to contamination at the Landfill is minimal, a de minimis settlement would align with Ecology’s goal of making polluters pay rather than a local government which did not arrange for nor accept the hazardous waste disposed of at the Landfill which contaminated the groundwater beneath it. A de minimis settlement here is consistent with recent Ecology precedent in a strikingly similar situation.²

The City appreciates that Ecology and the Attorney General’s Office have thus far been unable to respond to the City’s request that Ecology indicate its willingness to consider negotiations for a de minimis settlement. The City looks forward to Ecology’s response via a separate letter. In the meantime, the City is available to provide any necessary materials to support its qualifications for a de minimis settlement and is willing to begin negotiations as soon as practicable.

¹ RCW § 70A.305.040(4); see also Washington Department of Ecology, Policy 520C: De Minimis Consent Decrees (Dec. 30, 2016), <https://apps.ecology.wa.gov/publications/documents/1609068.pdf>.

² De Minimis Consent Decree with Union Pacific Railroad Company (Feb. 20, 2020), <https://apps.ecology.wa.gov/cleanupsearch/site/3020> (determining that the Union Pacific Railroad Company qualified for a de minimis settlement because its contribution was “minimal in amount and toxicity.”).

Moving forward, the City will continue to comply with all previous terms and conditions of the original Agreed Order No. DE 3810 and First and Second Amendments that remain applicable.

Very truly yours,



Ray Towry
City Administrator

CC: Victoria Banks, Assistant Attorney General
Nicholas Acklam, VCP Unit Manager
City Council
Bradley M. Marten, Marten Law