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SUPERIOR COURT CLERK
THURSTON COUNTY CLERK

5 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
6 FOR THURSTON COUNTY

91 2 01654 0

7 STATE OF WASHINGTON)
8 DEPARTMENT OF ECOLOGY,)

No. _____

9 Plaintiff,)

AFFIDAVIT OF
LUCY E. PHILLIPS

10 v.)

11 LEWIS COUNTY, CITY OF)
12 CENTRALIA, CITY OF CHEHALIS,)
13 CITY OF MORTON, CITY OF)
14 MOSSYROCK, TOWN OF PE ELL,)
15 CITY OF VADER,)

16 Defendants.)

17 STATE OF WASHINGTON)
18) ss.
19 COUNTY OF THURSTON)

20 I, Lucy E. Phillips, being first duly sworn, on oath,
21 depose and say:

22 1. I am over twenty-one years of age and am competent
23 to testify herein. The facts set forth in this Affidavit are
24 from my own personal knowledge.

25 2. I am an Assistant Attorney General assigned to the
26 Ecology Division of the Attorney General's Office. I have
represented the Department of Ecology in negotiations that led
to the Consent Decree that is presented to the Court.

AFFIDAVIT OF LUCY E. PHILLIPS - 1

1 3. The parties agreed to a prior Consent Decree in
2 March of 1991. The prior Consent Decree was the subject of
3 public notice and a public hearing as required by RCW
4 70.105D.040(a). (See Exhibit A, attached to this Affidavit.)
5 As a result of public comment received, changes to the prior
6 Consent Decree were agreed to by the parties. No written
7 public comment was received by Ecology.

8 4. The following modifications were made to the Consent
9 Decree proposed in March 1991:

10 a. Replacement of passive venting of methane gas
11 with a gas collection and flaring system.

12 This revision was based on public comment from the
13 March 13, 1991 public meeting held at the Centralia City
14 Hall in Centralia, Washington. Mark Miller, head of the
15 Regional Citizen Advisory Committee, recommended
16 installation of a methane gas collection system rather
17 than the passive venting system. The CLCG responded to
18 Mr. Miller's suggestion by submitting to Ecology proposed
19 modifications to the Consent Decree and Scope of Work
20 that would replace the passive venting system with the
21 methane gas collection and flaring system. Ecology
22 agreed to the modifications and they are incorporated
23 into the Consent Decree and Scope of Work signed on June
24 1991 and filed with this Court.

1 b. Deletion of CERCLA claims.

2 The Consent Decree, as modified and filed with this
3 Court, indicates that Ecology does not assert claims
4 under the Comprehensive Environmental Response,
5 Compensation, and Liability Act (CERCLA), 42 U.S.C. §
6 9601, et seq.

7 c. Deletions of reference to the October 1989
8 Hazardous Waste Cleanup Sites Memorandum of Agreement
9 between Ecology and the Environmental Protection Agency,
10 Region X (MOA).

11 Ecology and the CLCG agreed to delete reference to
12 the MOA because the reference was misleading. The MOA
13 involves an agreement between Ecology and EPA that does
14 not grant authority to Ecology, but instead reflects an
15 agreement on how Ecology and EPA will achieve most
16 efficient allocation of resources in efforts to achieve
17 cleanup of hazardous waste contaminated sites in
18 Washington.

5. The revised Consent Decree is the one proposed for entry by the Court. Ecology has determined that no additional changes to the Consent Decree are necessary at this time.

Lucy E. Phillips
LUCY E. PHILLIPS, WSBA #19251

SUBSCRIBED AND SWORN TO before me this 9th day
of July, 1991.

Donna C. Chassey
NOTARY PUBLIC, in and for the
State of Washington, residing
at Barney.
My commission expires 9-1-83.

T4:phillips.aff

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON)

COUNTY OF LEWIS

ss

Lisa Gonzatti being first duly sworn on oath deposes and says that she is the legal clerk of

The Chronicle

a daily newspaper, which has been established, published in the English language, and circulated continuously as a daily newspaper in the City of Centralia, and in said County and State, and of general circulation in said county for more than six (6) months prior to the date of the first publication of the Notice hereto attached, and that the said Chronicle was on the 7th day of July 1941, approved as a legal newspaper by the Superior Court of said Lewis County, and

That the annexed is a true copy and was published in regular issues (and not in supplement form) of said newspaper once

each _____ for a period of _____

consecutive _____ commencing on the

5th day of March 19 91

and ending on the 8th day of

March 19 91, and both dates inclusive, and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is the sum of

\$ 23.40

Subscribed and sworn to before me this

11th day of March 19 91

Notary Public in and for the State of Washington, residing at

Centralia

WASHINGTON
DEPARTMENT OF
ECOLGY
NOTICE OF PUBLIC
COMMENT PERIOD
AND PUBLIC MEETING ON
PROPOSED CONSENT DECREE
FOR THE CENTRALIA LANDFILL
The Washington Department of Ecology invites the public to comment on the proposed consent decree for interim cleanup action under the Model Toxic Control Act (Chapter 70.105D RCW). The interim cleanup action includes constructing a temporary landfill cover, improving leachate and surface water systems, and fencing the border of the Centralia Landfill. Interested citizens are invited to review and comment on the proposed consent decree through April 8, 1991. A public meeting will be held March 13, 1991 from 7:00 a.m. at the Centralia City Hall, 118 West Maple Street. Information representatives are at the following locations: Ecology Southwest Regional Office (7272 Clearwater Lane SW, Mail Stop 100-11, Olympia, WA 98504-0811), Centralia Public Works Department (118 West Maple Street), and Centralia Library (1114 South Silver). To review more detailed documents than those in the information repositories, contact Ecology's Mail Station at (206) 586-0366 to schedule an appointment. Written comments should be submitted to Tina Masterson, Site Manager, at the Ecology address listed above, for more detailed site information contact Tina Masterson at (206) 586-7310. If you would like to be placed on a mailing list for the site, contact Miriam Over at (206) 586-7308. March 8, 1991 10347/0414

Exhibit A-1

The Chronicle

321 N. PEARL, CENTRALIA, WA 98531
TELEPHONE 736-3311 or 748-3311

ECOLOGY SOUTHWEST REGIONAL OFFICE

7272 Cleenwater Lane SW-LU-11

Olympia, WA 98504-6811

- ☐ Trustee Sale
- ☐ Notice to Creditors
- ☐ Ordinance Number
- ☐ Abandoned Vehicle Auction
- ☐ Invitation to Bid
- ☐ Notice of Hearing
- ☒ Other Notice of Public Comment Period

*TIC 11132
OK to pay
Mickie E. Sullivan
3/15/91*

Legal Number 347

Amount Due \$ 23.40 45 lines x .52 x 1 insert

Published on March 8, 1991

AFFIDAVITS OF PUBLICATION WILL BE MAILED UPON RECEIPT
OF PAYMENT.

THANK YOU.

Exhibit A-2

Centralia Landfill

WASHINGTON STATE
DEPARTMENT
E C O L O G Y

CONSENT DECREE PROPOSED

The Washington Department of Ecology and the Centralia Landfill Closure Group, consisting of Lewis County and the Cities of Centralia, Chehalis, Morton, Mossyrock, Pe Ell, and Vader, propose to enter into a consent decree to construct a temporary landfill cover, improve leachate and surface water systems, and fence the border of the Centralia Landfill. A consent decree is a legal document, approved and issued by a court, formalizing an agreement reached between Lewis County and the Centralia Landfill Closure Group. The work proposed in the consent decree would be performed as an interim cleanup action under the Model Toxics Cleanup Act (Chapter 70.105D RCW) and as a time-sensitive removal action under the Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9601, et seq) which is commonly known as "Superfund."

Ecology invites the public to review and comment on the proposed consent decree through April 5, 1991. The public is also invited to a meeting on March 13, 1991 at which Ecology and representatives of the Centralia Landfill Closure Group will describe the proposed work, answer questions, and solicit comments from the public. The meeting will be limited to the issue of the proposed consent decree only. The consent decree includes exhibits

describing the scope and schedule of the work to be accomplished. The box at the right provides information on where to review documents, where to submit comments, and details about the public meeting.

Site Background

The Centralia Landfill, located at 1411 South Tower Avenue, within the city limits of Centralia in Lewis County, is a municipal solid waste landfill owned by the City of Centralia and operated by the Centralia Solid Waste Utility. The landfill is currently the only permitted municipal solid waste disposal facility serving Lewis County. It has been in operation since 1958, and is expected to close in early 1993.

The landfill has received primarily residential and commercial waste during its lifetime, but also has received some industrial waste. Some of these suspected wastes are PCB-contaminated incinerator ash, road striping paint, paper mill clarifier sludge and boiler ash.

Stormwater/leachate collection ditches were constructed around the landfill in 1984 to catch surface water run-off contaminated by leachate leakages from the

March 1991

FACT SHEET

Ecology Southwest Regional Office
Toxics Cleanup Program
7272 Cleanwater Lane SW
Mail Stop LU-11
Olympia, WA 98504-6811
(206) 586-7310

PUBLIC COMMENT PERIOD ON CONSENT DECREE:

March 5, 1991 to April 5, 1991

Written comments and requests for updates should be directed to Tina Masterson, Site Manager, at the Ecology address listed above.

PUBLIC MEETING:

March 13, 1991, 7 - 10 p.m.
Centralia City Hall
118 West Maple Street
Centralia, WA 98531

REPOSITORIES


The consent decree can be reviewed at the following locations

Ecology Southwest Regional Office
address listed above

City of Centralia
Public Works Department
118 West Maple Street
Centralia, WA 98531
(206) 736-8284

Centralia Library
110 South Silver
Centralia, WA 98531
(206) 736-0193

Continued on Page 2

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ndrill side slopes. Leachate is liquid that is percolated through decomposing refuse, and has extracted dissolved or suspended materials from the garbage. The combined stormwater and leachate now is collected and transported in the perimeter ditches to a pump station, which periodically pumps it to the Centralia Wastewater Treatment Plant for final treatment and disposal. During flooding and periods of heavy rainfall, the treatment plant is frequently unable to accept flow from the landfill. At these times, the capacity of the perimeter ditches may be exceeded. When this occurs, the overflow eventually reaches Sulzer Creek.

What Will Be Accomplished During the Proposed Work?

The purpose of the interim action proposed in the consent decree is to improve the leachate collection system until final closure systems are installed and to restrict public access to the landfill. The action includes: installing a temporary cover over a portion of the landfill, and improving soil cover and erosion control in other portions of the landfill; separating stormwater from leachate; monitoring surface water to determine if contaminants are leaving the site; and building a fence around the perimeter of the landfill. CH2M Hill has been retained by the Centralia Landfill Closure Group to begin preliminary design of the interim action. Ecology will oversee the project to ensure that all terms of the consent decree are satisfied.

What Will Happen Next?

Public comment on the proposed consent decree will be considered and the consent

decree will be modified, if necessary. The decree will be finalized by being entered in federal court. Interim cleanup of the site will be governed by conditions in the final consent decree.

Another consent decree and scope of work will be proposed in the near future to address a detailed study of the extent and magnitude of the contamination at the landfill, and to evaluate various cleanup options. The study is known as a remedial investigation/feasibility study. The next proposed consent decree will also be available for public review and comment.

How Can You Be Involved?

You may review and comment on the proposed consent decree through April 5, 1991. Information repositories, which will include the consent decree, have been set up at the locations listed in the box on page one. To review more detailed documents related to the site than those in the information repositories, contact Ecology's Gail Eaton at (206) 586-0368 to schedule an appointment.

A public meeting is also being held at the Centralia City Hall, 118 West Maple, on March 13, 1991 beginning at 7 p.m. This will be an opportunity to learn about the Centralia Landfill and the proposed consent decree, and to voice your comments or concerns.

Please submit written comments to Tina Masterson, Site Manager, at the Ecology address listed in the box on page one. Ecology will review written and oral comments received and revise the consent decree, if necessary. Updates of site activities will be provided to those who submit comments or request to be placed on a mailing list for the site.

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WASHINGTON DEPARTMENT OF ECOLOGY

**NOTICE OF PUBLIC COMMENT PERIOD
AND PUBLIC MEETING ON
PROPOSED CONSENT DECREE
FOR THE CENTRALIA LANDFILL**

The Washington Department of Ecology invites the public to comment on the proposed consent decree for interim cleanup action under the Model Toxics Control Act (Chapter 70.105D RCW). The interim cleanup action includes constructing a temporary landfill cover, improving leachate and surface water systems, and fencing the border of the Centralia Landfill.

Interested citizens are invited to review and comment on the proposed consent decree through **April 5, 1991**. A public meeting will be held **March 13, 1991** from 7 - 10 p.m. at the Centralia City Hall, 118 West Maple Street. Information repositories at the following locations: Ecology Southwest Regional Office (7272 Cleanwater Lane SW, MAIL STOP LU-11, Olympia, WA 98504-6811), Centralia Public Works Department (118 West Maple Street), and Centralia Library (110 South Silver). To review more detailed documents than those in the information repositories, contact Ecology's Gail Eaton at (206) 586-0368 to schedule an appointment.

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