EXHIBIT D

Public Participation Plan
for the
Sudbury Road Landfill Remedial Action

Prepared by:
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City of Walla Walla

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GETTING INVOLVED IN CLEANUP AT SUDBURY ROAD LANDFILL

Ecology encourages the public to be informed and get involved in decision-making related to cleanup at the Sudbury Road Landfill Site (site). Opportunities for involvement are available during investigation and cleanup of contaminants.

This Public Participation Plan (plan) outlines when public notice will occur, deadlines for comments, location of the potentially affected area, and ways for the public to provide feedback. It also provides site background, a community profile, community concerns, and an overview of cleanup requirements under the Model Toxics Control Act (MTCA).

Overview of the Model Toxics Control Act (MTCA) and Public Participation Plan

Cleanup of contaminated sites in Washington is required under authority of the Model Toxics Control Act. MTCA is a "citizen- mandated" law that became effective in 1989. This law sets standards to make sure cleanup is protective of human health and the environment. A glossary of MTCA terms is included as Appendix C of this plan.

Current and former owners or operators, as well as any other party that may have contributed to contaminants at a site, may be held responsible for cleanup and are called Potentially Liable Persons (PLPs). The Department of Ecology (Ecology) has identified the City of Walla as PLP to this site. Ecology may identify other PLPs during the investigation process.

Ecology looks into reports of contamination through an initial investigation and site hazard assessment. Based on findings, Ecology ranks a site for cleanup prioritization and places it on a hazardous sites list. Because the City and Ecology had sufficient information about contaminants at this site through on-going monitoring at the landfill, Ecology did not do an initial investigation and site hazard assessment. So, Sudbury Road Landfill is not ranked nor is it on the hazardous sites list.

Public participation is an important part of cleanup under MTCA. Participation needs are assessed at each site according to the level of public interest and degree of risk posed by contaminants. Individuals who live on or near the site, community groups, businesses, government, other organizations and interested parties are provided an opportunity for involvement in the cleanup process. Participation may include interviews, citizen advisory groups, questionnaires or workshops.

This plan includes requirements for public notice such as:

- Repositories where reports are available for review;
- Public comment periods; and
- Public meetings or hearings.

Public Participation Grants and Technical Assistance

Citizen groups living near contaminated sites may apply for public participation grants (during open application periods). The grants help citizens receive technical assistance in understanding the cleanup process and create additional public participation avenues. **NOTE:** Ecology currently does not have a citizen technical advisor for providing assistance on issues related to the investigation and cleanup of this site.

Amendments to this Plan

This plan complies with the Model Toxics Control Act regulations (Chapter 173-340-600 WAC). Ecology will review it as cleanup progresses and amend it if necessary. Also, anyone may submit suggestions for amendments to Ecology's site manager, Marni Solheim. Ecology will make final approval of any amendments.

Project Contacts

If individuals are interested in knowing more about the site or have comments about this plan, please contact one of the individuals listed below.

WA Department of Ecology Contacts:

Marni Solheim, Site Manager
WA State Department of Ecology, Waste 2 Resources Program
4601 N. Monroe, Spokane, WA 99205, (509)329-3564, marni.solheim@ecy.wa.gov

Kari Johnson, Public Disclosure
WA State Department of Ecology
4601 N. Monroe, Spokane, WA 99205, (509)329-3415, kari.johnson@ecy.wa.gov

Sudbury Road Landfill Contact:

Frank Nicholson, City Utility Engineer
City of Walla Walla Public Works
55 Moore St., Walla Walla, WA 99362, (509)524-4510, fnicholson@ci.walla-walla.wa.us

SITE BACKGROUND

The Sudbury Road Landfill is generally located at 414 Sudbury Road, Walla Walla, WA 99362, about 4 miles west of the City of Walla Walla and ½ mile north of Highway 12 (see Appendix A). The landfill sits on 125 acres in a primarily rural area. The City of Walla Walla has always owned and operated the landfill. It began disposing of municipal solid waste and other materials in 1978 and continues to landfill municipal solid waste today.

Farmers conduct dry wheat farming on large expanses of land to the north and west of the landfill. Three rural homes are located more than ¾-mile west of the site. Rural housing developments are located south of State Highway 12, about 500 feet south of the landfill scale house. The Washington State Penitentiary is located immediately east of City property and more than one mile east of the landfill. Ecology does not expect significant changes to land uses around the site in the near future.

The City has tested groundwater around the landfill regularly since 1977. In 2001, the City installed a new well. Tests on water from this new well show the groundwater contains contaminants known as volatile organic compounds (VOCs) and other substances at levels that may be harmful to human health and the environment. Follow-up tests indicate the landfill is contributing to these impacts to groundwater.

The City of Walla Walla will complete a Remedial Investigation and Feasibility Study at the Sudbury Road Landfill. It will do so under an Agreed Order, which is a legal document Ecology issues. The purpose of the Remedial Investigation is to gather more information to see where and how much contamination may be in soil and groundwater. The purpose of the Feasibility Study is to assess cleanup options for the contamination.

Geology

Information about the types of soil and water beneath a cleanup site is important to understand where contaminants might end up. This section provides some of that information.

The first aquifer (underground water source) beneath the site is 30-75 feet below ground surface. Water in this aquifer flows from the east to the west-southwest at a rate of about 21 feet per year. Contaminant transport time may differ significantly from the groundwater flow rate.

Starting at the ground surface, the soil types beneath the landfill consists of: Palouse silt; reworked lacustrine silt and clay of Touchet beds; interbedded alluvial gravels in a clayey silty or sandy matrix, underlain by a basal clay, comprising a unit termed the "old gravel and clay"; and Columbia River basalt. Soils overlying Columbia River basalt may be 600 feet or more in thickness.

Contaminants of Concern

Groundwater is contaminated with volatile organic compounds (VOCs) that include perchloroethylene (PCE), trichloroethylene (TCE), trichlorofluromethane, dichlorodifluoromethane, vinyl chloride, chloroethane, 1,1-dichlororethane and cis-1,2-dichloroethane. Inorganic substances with elevated levels include calcium, sodium, bicarbonate, chloride, alkalinity and dissolved solids.

COMMUNITY BACKGROUND

Early inhabitants of the Walla Walla region included several Native American Tribes who named the area "Walla Walla" which means "many waters." According to the 2010 Census, the population of Walla Walla is 31,731. Hispanics make up the second largest group after Caucasians. Blacks, Asians, American Indians/Alaska Natives, Native Hawaiian/Pacific Islander and "Other Race" follow in descending order of population.

Walla Walla lies at the foot of the Blue Mountains in a community rich in agricultural lands, rivers, and streams. The soil is fertile from past volcanic activity, and the county holds some of the oldest farms in Washington. Crops farmed include wheat, barley, corn, peas, onions and an increasing number of wine grapes. Some outdoor activities in the region include skiing, golfing, fishing and camping. In addition to farming, the area has a community college, two four-year colleges, several historic sites, museums and a state penitentiary. Employers range from state and local government to food processors, machinery and irrigation manufacturers, local farmers, and other businesses.

PUBLIC PARTICIPATION ACTIVITIES AND TIMELINE

Ecology will notify the public of opportunities for participation and place documents for review in the following manner:

- A **mailing list** will be created to notify people about the site (see Appendix B). The list will include adjacent property owners, property owners within ½ mile of the site, and other potentially affected properties; City and County officials; media; and others interested in receiving information about the site. Ecology will mail Fact Sheets regarding the cleanup via first-class mail. If interested in being on the mailing list, please contact Marni Solheim (contact information on page 4).

- **Public Repositories** will contain copies of any documents that go through the public review process and can be found at the following locations:

    - **Ecology's Web Site** at www.ecy.wa.gov/programs/tcp/sites/Sudbury/Sudbury-hp.html

    - **Walla Walla Public Library,** 238 E. Alder, Walla Walla, WA 99362, (509)527-4550

    - **WA Department of Ecology,** 4601 N. Monroe, Spokane, WA 99205
      Contact Kari Johnson, Public Disclosure Coordinator, (509)329-3415 or
      kari.johnson@ecy.wa.gov

- **Opportunity to Comment**

    - Ecology creates **Fact Sheets** when public comment periods are required, with input from the

City of Walla Walla, and then mails them to individuals on the mailing list. These Fact Sheets explain the site background, stage of cleanup, next steps in the cleanup process, times and location for public meetings or hearings (if any), and asks for comment from the public. Fact sheets will be available in English and Spanish.

- A **30-day comment period** allows interested parties time to comment on documents out for review. The Fact Sheet contains information on where to submit comments.

❖ Ecology will publish **display ads or legal notices** in the Walla Walla-Union Bulletin, ethnic newspapers when available, and on Ecology's Public Events Calendar at http://www.ecy.wa.gov . Ecology publishes these notices at the beginning of 30-day comment periods uses them to announce public meetings and public hearings.

❖ **Public meetings, workshops, open houses and public hearings** may be held based on the level of community interest. Ecology will hold a public hearing based on the subject of a public notice if requested by ten or more people. Ecology will gather formal comments at any hearing. Meetings, workshops or hearings will be held at a suitable location as near as the site as possible for the expected number of participants. The facility will meet ADA standards. Ecology announces these events using display ads or legal notices as explained above.

❖ Flyers and bulletins may be posted in various locations throughout the community (e.g. local businesses, schools, libraries, etc.) and at the site to announce public comment periods, meetings, workshops, etc.

Answering Questions from the Public

Individuals may want to ask questions to better understand the cleanup process. Page 4 lists the contacts for Ecology and the Sudbury Road Landfill. If you are interested and have questions, you are encouraged to contact the people on that list by phone or e-mail to obtain information about the site, the process and potential decisions.

Comment Periods and Approximate Timeline

Documents for Review	Public Comment Period
Draft Interim Action Plan - describes plans for closure of certain parts of the landfill and corrections to stormwater flow	April 15, 2010 – May 14, 2010
Draft Agreed Order for Remedial Investigation and Feasibility Study – formalizes actions the City will take to investigate contaminants and propose cleanup actions	April 11, 2011 – May 11, 2011
Draft Remedial Investigation/Feasibility Study Report – describes finding from the Remedial Investigation and proposes cleanup actions	July 18, 2014 – August 18, 2014
Draft Consent Decree for site cleanup - formalizes actions the City must take to complete cleanup. This will include a Draft Cleanup Action Plan. This will also be combined with issuance of a SEPA DNS (State Environmental Policy Act, determination of non-significance).	Following completion of the actions identified in the Agreed Order.

APPENDIX A

SITE MAP

APPENDIX B

CURRENT MAILING LIST

Please see separate attachment.

APPENDIX C

GLOSSARY

Agreed Order: A legal document issued by Ecology which formalizes an agreement between the department and potentially liable persons (PLPs) for the actions needed at a site. An agreed order is subject to public comment. If an order is substantially changed, an additional comment period is provided.

Applicable State and Federal Law: All legally applicable requirements and those requirements that Ecology determines are relevant and appropriate requirements.

Area Background: The concentrations of hazardous substances that are consistently-present in the environment in the vicinity of a site which are the result of human activities unrelated to releases from that site.

Carcinogen: Any substance or agent that produces or tends to produce cancer in humans.

Chronic Toxicity: The ability of a hazardous substance to cause injury or death to an organism resulting from repeated or constant exposure to the hazardous substance over an extended period of time.

Cleanup: The implementation of a cleanup action or interim action.

Cleanup Action: Any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup levels; utilizes permanent solutions to the maximum extent practicable; and includes adequate monitoring to ensure the effectiveness of the cleanup action.

Cleanup Action Plan: A document which identifies the cleanup action and specifies cleanup standards and other requirements for a particular site. After completion of a comment period on a Draft Cleanup Action Plan, Ecology will issue a final Cleanup Action Plan.

Cleanup Level: The concentration of a hazardous substance in soil, water, air or sediment that is determined to be protective of human health and the environment under specified exposure conditions.

Cleanup Process: The process for identifying, investigating, and cleaning up hazardous waste sites.

Consent Decree: A legal document approved and issued by a court which formalizes an agreement reached between the state and potentially liable persons (PLPs) on the actions needed at a site. A decree is subject to public comment. If a decree is substantially changed, an additional comment period is provided.

Containment: A container, vessel, barrier, or structure, whether natural or constructed, which confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment.

Contaminant: Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

Enforcement Order: A legal document, issued by Ecology, requiring remedial action. Failure to comply with an enforcement order may result in substantial liability for costs and penalties. An enforcement order is subject to public comment. If an enforcement order is substantially changed, an additional comment period is provided.

Environment: Any plant, animal, natural resource, surface water (including underlying sediments), groundwater, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the state of Washington.

Exposure: Subjection of an organism to the action, influence or effect of a hazardous substance (chemical agent) or physical agent.

Exposure Pathways: The path a hazardous substance takes or could take form a source to an exposed organism. An exposure pathway describes the mechanism by which an individual or population is exposed or has the potential to be exposed to hazardous substances at or originating from the site. Each exposure pathway includes an actual or
potential source or release from a source, an exposure point, and an exposure route. If the source exposure point differs from the source of the hazardous substance, exposure pathway also includes a transport/exposure medium.

Facility: Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed or, placed, or otherwise come to be located.

Feasibility Study (FS): A study to evaluate alternative cleanup actions for a site. A comment period on the draft report is required. Ecology selects the preferred alternative after reviewing those documents.

Free Product: A hazardous substance that is present as a nonaqueous phase liquid (that is, liquid not dissolved in water).

Groundwater: Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In aquifers, groundwater occurs in sufficient quantities that it can be used for drinking water, irrigation, and other purposes.

Hazardous Sites List: A list of sites identified by Ecology that requires further remedial action. The sites are ranked from 1 to 5 to indicate their relative priority for further action.

Hazardous Substance: Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) (any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes; (a) have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or (b) are corrosive, explosive, flammable, or may generate pressure through decomposition or other means,) and (6) (any dangerous waste which (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may affect the genetic makeup of man or wildlife; and is highly toxic to man or wildlife; (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment), or any dangerous or extremely dangerous waste as designated by rule under Chapter 70.105 RCW: any hazardous substance as defined in RCW 70.105.010 (14) (any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter,) or any hazardous substance as defined by rule under Chapter 70.105 RCW; petroleum products.

Hazardous Waste Site: Any facility where there has been a confirmation of a release or threatened release of a hazardous substance that requires remedial action.

Independent Cleanup Action: Any remedial action conducted without Ecology oversight or approval, and not under an order or decree.

Initial Investigation: An investigation to determine that a release or threatened release may have occurred that warrants further action.

Interim Action: Any remedial action that partially addresses the cleanup of a site.

Mixed Funding: Any funding, either in the form of a loan or a contribution, provided to potentially liable persons from the state toxics control account.

Model Toxics Control Act (MTCA): Washington State's law that governs the investigation, evaluation and cleanup of hazardous waste sites. Refers to RCW 70.105D. It was approved by voters at the November 1988 general election and known is as Initiative 97. The implementing regulation is WAC 173-340.

Monitoring Wells: Special wells drilled at specific locations on or off a hazardous waste site where groundwater can be sampled at selected depths and studied to determine the direction of groundwater flow and the types and amounts of contaminants present.

Natural Background: The concentration of hazardous substance consistently present in the environment which has not been influenced by localized human activities.

National Priorities List (NPL): EPA's list of hazardous waste sites identified for possible long-term remedial response with funding from the federal Superfund trust fund.

Owner or Operator: Any person with any ownership interest in the facility or who exercises any control over the facility; or in the case of an abandoned facility, any person who had owned or operated or exercised control over the facility any time before its abandonment.

Polynuclear Aromatic Hydrocarbon (PAH): A class of organic compounds, some of which are long-lasting and carcinogenic. These compounds are formed from the combustion of organic material and are ubiquitous in the environment. PAHs are commonly formed by forest fires and by the combustion of fossil fuels.

Potentially Liable Person (PLP): Any person whom Ecology finds, based on credible evidence, to be liable under authority of RCW 70.105D.040.

Public Notice: At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and opportunity for interested persons to comment.

Public Participation Plan: A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

Recovery By-Products: Any hazardous substance, water, sludge, or other materials collected in the free product removal process in response to a release from an underground storage tank.

Release: Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

Remedial Action: Any action to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance and any health assessments or health effects studies.

Remedial Investigation (Rl): A study to define the extent of problems at a site. When combined with a study to evaluate alternative cleanup actions it is referred to as a Remedial Investigation/Feasibility Study (RI/FS). In both cases, a comment period on the draft report is required.

Responsiveness Summary: A compilation of all questions and comments to a document open for public comment and their respective answers/replies by Ecology. The Responsiveness Summary is mailed, at a minimum, to those who provided comments and its availability is published in the Site Register.

Risk Assessment: The determination of the probability that a hazardous substance, when released into the environment, will cause an adverse effect in exposed humans or other living organisms.

Sensitive Environment: An area of particular environmental value, where a release could pose a greater threat than in other areas including: wetlands; critical habitat for endangered or threatened species; national or state wildlife refuge; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river;

rookery; riparian area; big game winter range.

Site: See Facility.

Site Characterization Report: A written report describing the site and nature of a release from an underground storage tank, as described in WAC 173-340-450 (4) (b).

Site Hazard Assessment (SHA): An assessment to gather information about a site to confirm whether a release has occurred and to enable Ecology to evaluate the relative potential hazard posed by the release. If further action is needed, an RI/FS is undertaken.

Site Register: Publication issued every two weeks of major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control Act. To receive this publication, please call (360) 407-7200.

Surface Water: Lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the state of Washington or under the jurisdiction of the state of Washington.

TCP: Toxics Cleanup Program at Ecology

Total Petroleum Hydrocarbons (TPH): A scientific measure of the sum of all petroleum hydrocarbons in a sample (without distinguishing one hydrocarbon from another). The "petroleum hydrocarbons" include compounds of carbon and hydrogen that are derived from naturally occurring petroleum sources or from manufactured petroleum products (such as refined oil, coal, and asphalt).

Toxicity: The degree to which a substance at a particular concentration is capable of causing harm to living organisms, including people, plants and animals.

Underground Storage Tank (UST): An underground storage tank and connected underground piping as defined in the rules adopted under Chapter 90.76 RCW.

Washington Ranking Method (WARM): Method used to rank sites placed on the hazardous sites list. A report describing this method is available from Ecology.