

**Public Participation Plan
for the
Ephrata Landfill Remedial Action**

**As required by
Agreed Order No. DE 3810**

**Washington State Department of Ecology
Grant County
City of Ephrata**

October 10, 2007

Opportunities to Participate

What is a Public Participation Plan?

This Public Participation Plan is a document that provides information about how citizens may become involved in the decision-making at certain stages of cleanup at the Ephrata Landfill site. The site is located three miles south of the City of Ephrata, on the east side of Highway 28 in Grant County, Washington (see Appendix A for Site Map).

The Plan is part of an Agreed Order signed by The Department of Ecology (Ecology) and the City of Ephrata and Grant County. The Order names the City and County as Potentially Liable Parties (PLPs) and requires them to conduct a Remedial Investigation and Feasibility Study at the Ephrata Landfill. The remedial investigation will determine the extent of contamination in soil and groundwater at the site. The feasibility study will evaluate cleanup alternatives. The Order also requires interim actions, which include removal of about 2,000 drums of waste and contaminated soils from the landfill.

Why Have a Public Participation Plan?

Washington State's cleanup law, the Model Toxics Control Act (MTCA), chapter 70.105D RCW and chapter 173-340-600 WAC, requires Ecology and the PLPs to develop a Public Participation Plan for each cleanup site. The goal of the Public Participation Plan is to provide the public with timely information and meaningful opportunities for participation that are commensurate with each site. It also serves as a way of gathering information from the public that will help Ecology, the City of Ephrata and Grant County with the investigation and planning for cleanup. The Plan will help the community living near the site, as well as the general public, keep informed about cleanup activities and how they may participate in the process.

Ecology will review the Plan as the cleanup progresses and may, working cooperatively with Grant County and the City of Ephrata, amend it if necessary. Amendments may also occur as part of a public comment period associated with cleanup documents at future stages of cleanup. Cleaning up the Ephrata Landfill site is important to the environmental quality of the Ephrata area and to its citizens, the City of Ephrata, Grant County, and Ecology. The "environment" is not just the natural condition of a place or area, but the interdependence of natural and socio-economic values. It is critical to look at all interests when selecting the best approach to cleanup the site.

Public input is an important part of the cleanup process since the public is familiar with the community, its history, and its values. Ecology's goal is to facilitate collaborative partnerships with all concerned about the effects of contaminants at the site. Public approval helps avoid delay, frustrations, and excess costs. Greater public input leads to a more successful project.

How Can I Become Involved?

Ecology, the City of Ephrata and Grant County invite you to become involved in the decision-making process of the cleanup. The following are some ways to participate:

- Visit Ecology’s web site for the Ephrata landfill site to learn more about the site and about the MTCA process.
- Get on the mailing list to receive information about the site.
- Contact the key people involved in the site cleanup for information (see next section for a list of contacts).
- Read fact sheets and comment on documents out for public comment.
- Attend meetings that explain the cleanup actions.

How Can I Find Out More?

Ecology staff are available to answer questions about specific cleanup issues, the process in general, or other questions related to the site. Staff can also help provide information on related environmental regulations and help find specific documents that may be of interest. E-mail or letters are the preferred form of communication as fieldwork will occasionally take staff away from their phones. In addition, personnel from Grant County and the City of Ephrata can answer questions about the cleanup and day-to-day activities on the site. If you have questions about the Ephrata Landfill site or the cleanup process in general, please contact one of the individuals listed below:

Ecology Site Manager Cole H. Carter Department of Ecology Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205 509/981-5948 e-mail: coca461@ecy.wa.gov	Spanish contact Para asistencia en Espanol Sr. Gregory Bohn Phone: 509/454-4171
	Russian contact Для помощи на русском языке Ms. Tatyana Bistrevsky Phone: 509/477-3881
Grant County contact Derek Pohle, P.E. Public Works Director/County Engineer 124 Enterprise Street S.E. Ephrata, WA 98823 509/754-6084	City of Ephrata contact Wes Crago City Administrator 121 Adler Street S.W. Ephrata, WA 98823 509/754-4601

Information about the site, including the Agreed Order and appendices, is available on-line at Ecology’s Ephrata Landfill website at the following address.

http://www.ecy.wa.gov/programs/tcp/sites/ephrata_lf/ephrata_lf_hp.htm

Background Information

Geology

The Columbia Basin area of central Washington state is underlain by volcanic rocks of the Columbia River Basalt Group. Ice dams melted about 15,000 years ago at the end of the last ice age, resulting in catastrophic flooding. This flooding created erosional channels in the basalt and deposited alluvial materials. The aquifers that underlie the landfill site are located in the outwash deposits and interbeds and

rubble zones in the basalt layers. The uppermost aquifer is about 32 feet below ground surface. At least three aquifers underlie the landfill site. Flow direction of the aquifers is generally to the south to southeast although the Rosa aquifer flows westerly at the northern portion of the site.

Community Information

The population of Ephrata was 6808 people in the year 2000. City-data.com says 10.3% of the population of Ephrata is Hispanic. According to the 2005 census, 33.8% of the population of Grant county is Hispanic. Several Russian-speaking families have also settled in the area.

Landfill Location and Operations History

The Ephrata Landfill is three miles south of the City of Ephrata, on the east side of Highway 28. Grant County currently owns and manages the 125 acre landfill site. The City of Ephrata began operations at the site in about 1942 and owned and managed the landfill until 1974. About 2000 drums of industrial waste were buried at the landfill in August 1975. During the time the City ran the landfill, it leased more property for the landfill from the U. S. Bureau of Reclamation. In 1974, Grant County took over operations of the landfill. In 1994, the City deeded the entire property to the County. Before 1962, the landfill was an open dump, and it ran continuously as an unlined cell until a new lined cell opened in 2005.

Contaminants

The Environmental Protection Agency (EPA) added the site to a list of potential hazardous sites in 1979. The Washington State Department of Ecology completed an Initial Investigation in 1987 and ranked the site as a 5 on a scale of 1 to 5. A rank of 5 represents the lowest level of concern relative to the other sites. Groundwater sampling at the site began in 1988. A 1990 assessment report noted high contaminant concentrations in groundwater in the uppermost aquifer. After discussions with Ecology in 2000, the County installed two extraction wells as part of a voluntary cleanup program. Recent sampling shows contamination with metals, solvents, and other chemicals in the upper three aquifers. Contaminants include 1,1-dichloroethane, 1,2-dichloroethane, 1,1,1-trichloroethane, trichloroethene, tetrachloroethene, vinyl chloride and other breakdown products, benzene, toluene, xylenes, and the pesticide 1,2-dichloropropane. The buried drums and waste in the old landfill cell may be contributing to the contamination. Some of the contaminants detected in groundwater at the site are the same chemicals noted during preliminary sampling of the drums. Continuing weakening of the drums may be releasing chemicals into the soil and groundwater. The County has finished adding waste to the portion of the landfill near the drums and that cell is awaiting capping and closure.

Agreed Order

Ecology issued Final Determinations of Potentially Liable Person (PLP) status to the City of Ephrata and Grant County on January 10, 2005. Since that time, the PLPs and Ecology have negotiated an Agreed Order for the investigation and cleanup of the landfill. An Agreed Order (AO) is a legal document discussed in MTCA in which a PLP agrees to perform cleanup at the site following the agreed terms. Negotiations for the AO began in October 2005 and were completed in January 2007. Before finalizing the AO, Ecology sought input from the public as described on the following page.

Remedial Investigation/Feasibility Study

The Agreed Order specifies that a Remedial Investigation/Feasibility Study and Interim Actions will be performed at the landfill. The purpose of a remedial investigation/feasibility (RI/FS) study is to collect, develop, and evaluate enough information about a site to select a cleanup action. The *Final Remedial Investigation/Feasibility Study Work Plan*, which is Exhibit B of the Agreed Order, discusses specific tasks in the RI/FS.

Interim Actions

In some situations, an Agreed Order may require Interim Actions as described in WAC 173-340-430. The following situations may require Interim Actions:

- A current threat warrants an immediate response,
- Contamination in specific areas is at levels that need prompt treatment, or
- A problem may get worse without expedited cleanup actions.

Ecology does not believe that a threat from contamination at the Ephrata Landfill warrants an immediate response or that contamination is at levels that need immediate treatment. However, the contamination in the groundwater could get worse as the buried drums deteriorate. The Interim Actions at the Ephrata Landfill include the removal of the buried drums and disposal of the drums and contents. Other Interim Actions at the Ephrata Landfill include pumping groundwater out of the aquifer at a low spot in the old section of the landfill and capping the old part of the landfill.

Site-specific Health & Safety Plans will be developed for each Interim Action. The Health & Safety Plans address procedures to minimize the risk of chemical exposure, physical accidents, and environmental contamination.

Remedial Action Grant

In 2006 the PLPs applied for a Remedial Action Grant from Ecology to help cover the cost of the RI/FS and interim actions required in the Agreed Order. In 2007, they received a grant of \$2.29 million. As the cleanup progresses at the site, the PLPs may apply for more grants.

Public Process for the Agreed Order

Before finalizing the Agreed Order (AO), Ecology conducted interviews in the community, developed a mailing list of interested persons, and sent fact sheets about the AO in English, Spanish, and Russian to everyone on the mailing list (see page 7). Ecology also provided a 30-day period for the public to provide comments on the AO and, on February 8, 2007, held a public meeting to discuss the AO and answer questions from the public. Ecology then prepared a Responsiveness Summary discussing community outreach for the Agreed Order. The Responsiveness Summary includes the comment forms from the community interviews, fact sheets on the AO, copies of letters from individuals with responses from Ecology, and public meeting presentation slides. This Responsiveness Summary was released to the public and is available at the Ephrata Landfill website and the repositories.

The Model Toxics Control Act

In November 1988, voters passed Initiative 97, which went into effect in March of 1989 as Chapter 70.105D RCW, the *Model Toxics Control Act (MTCA)*. MTCA changed the way that hazardous waste sites in the state are cleaned up. It provides a clear and efficient process to clean up chemical contamination of soils, sediments, surface water, and groundwater to levels that are protective of people and the environment. Representatives from citizen, environmental, and industry groups developed the implementing MTCA regulations with the Federal Superfund Law as a model.

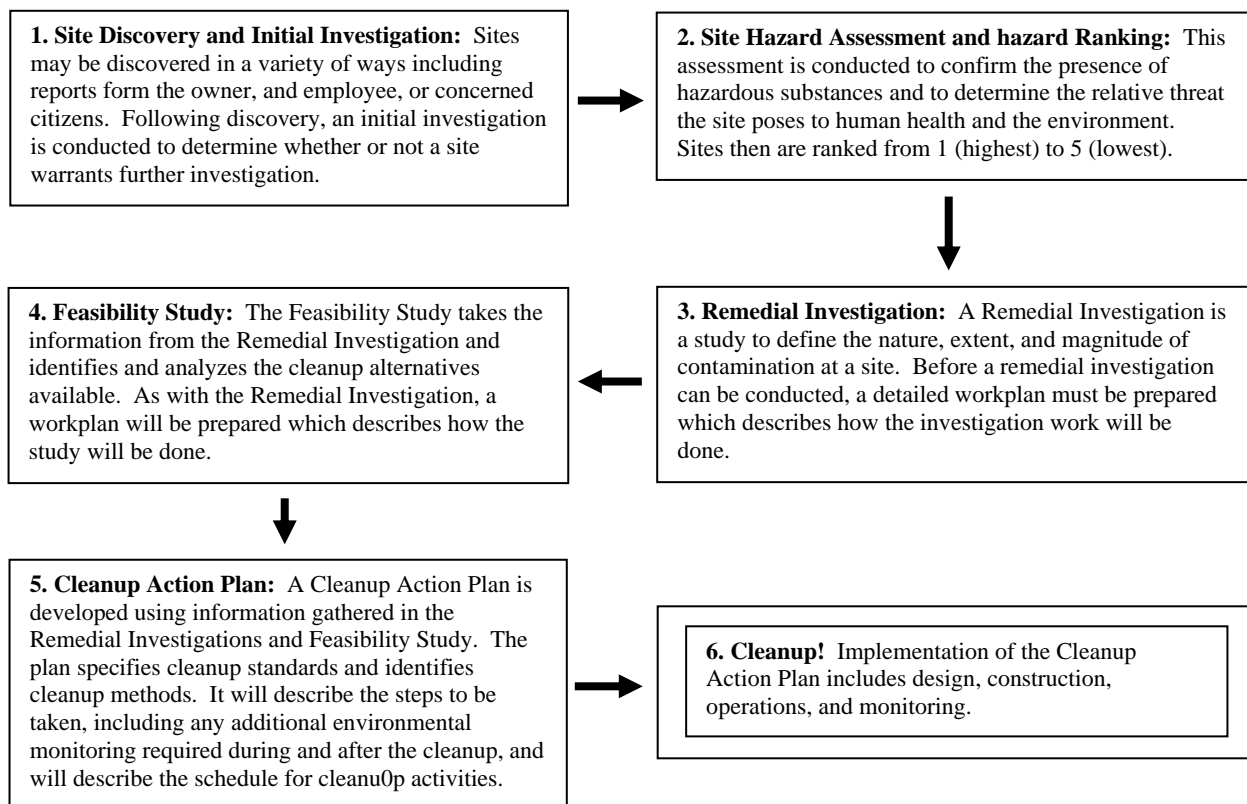
MTCA (Appendix B) and chapter 173-340 WAC are the laws that regulate the cleanup at the Ephrata Landfill. Ecology administers the MTCA regulations. MTCA does the following:

- Promotes cooperative cleanup agreements between Ecology and the responsible parties.
- Encourages an open process for the public, local government, and liable parties to discuss cleanup options and community concerns. Public awareness and involvement are keystones to the success of any MTCA cleanup.

Under MTCA, PLPs are responsible for researching and cleaning up the contamination. Although Ecology has the legal authority to order a liable party to perform a cleanup action, the department prefers to approach cleanups cooperatively. Ecology oversees each step of the cleanup to ensure that investigations, public involvement, cleanup, and monitoring are completed. The liable party pays the costs for this oversight.

Steps in the State Cleanup Process

The MTCA rules detail each step in the cleanup process to ensure that cleanups are thorough and protective of human health and the environment. The chart below defines these steps and how they apply to the project site. Legal documents such as “Agreed Orders” or “Consent Decrees” further define some of the steps and associated time frames.



The cleanup process is complex. During the process, issues often arise that need more scrutiny or evaluation, and may lead to changes in the scope or timing of the project. At the same time, it is in everyone’s interest to complete a cleanup as quickly as possible. Therefore, Ecology and the PLPs must work together to address issues that arise as efficiently as possible in order to avoid delays.

Public Involvement Opportunities

The Model Toxics Control Act cleanup process (WAC 173-340-600) emphasizes giving the public the chance to review and provide suggestions on cleanup decisions at all major steps in the process. The Agreed Order that applies to this project requires Ecology, the City of Ephrata, and Grant County to work cooperatively to provide the public with timely information, an understanding of the process, and

opportunities to review and comment on proposed cleanup decisions. Ecology will provide continuing updates on the cleanup and monitoring. Table 1 gives a detailed list of proposed public involvement milestones for the Ephrata Landfill project.

TABLE 1 Public Involvement Milestones (bold) and Associated Steps for the Investigation and Cleanup of the Ephrata Landfill Site	
MILESTONE	DATE or ESTIMATED DATE
Agreed Order (AO) signed by Grant County and the City of Ephrata. The AO includes a schedule for an Remedial Investigation/Feasibility Study and an Interim Action.	December 2006
Fact Sheets about the Agreed Order and the SEPA Determination of Non-significance mailed.	December 27, 2006
Legal Notice published in the Columbia Basin Herald and in the Grant County Journal	December 29, 2006
Legal Notice published in Spanish in El Mundo	January 4, 2007
Public Comment Period for SEPA	December 22, 2006 – January 12, 2007
Public Comment Period for the Agreed Order	December 28, 2006 – February 15, 2007
Agreed Order signed by Ecology and goes into effect.	January 30, 2007
Public Meeting to discuss the Ephrata Landfill Agreed Order for Remedial Action.	February 8, 2007
Responsiveness Summary completed	March 26, 2007
Draft Remedial Investigation/Feasibility Study (RI/FS) report to be submitted.	December 2008
Public Comment Period for the RI/FS.	January – February 2009
Public Meeting to discuss RI/FS (if requested by 10 or more people)	January 2009
RI/FS becomes final	February 2009
Draft Cleanup Action Plan (CAP) available for public review.	March 2009
Public Comment Period for the draft CAP	April 2009
Public Meeting to discuss CAP (if requested by 10 or more people)	April 2009
CAP finalized after public comment period.	May 2009
Cleanup implementation.	June 2009 (continues until completed)

For each public involvement milestone, Ecology will provide public notice using a variety of methods. Some of the methods for public notice are outlined below. Certain stages of cleanup require a public comment period of at least 30 days. Ecology may extend the comment period depending on the complexities of the material or if the public requests an extension.

- Mailing List** – Prior to finalizing the Agreed Order, Ecology developed a mailing list of individuals who live near the site. The potentially affected vicinity covers any adjacent properties and homes or businesses close to the site and areas that will be investigated. People in the affected area will receive copies of all fact sheets about the cleanup process by first-class mail. Also; individuals, organizations, local, state and federal governments, and any other interested parties will be added to the mailing list as requested. Interested people may request to

be on the mailing list by contacting Cole Carter at the Department of Ecology. See Appendix C for a copy of the mailing list.

- **Fact and Focus Sheets** – Ecology creates fact sheets during various stages of the cleanup and delivers them to individuals on the mailing list. These fact sheets explain the stage of cleanup, the site background, and what happens next in the cleanup. They may also ask for comments from the public. A 30-day comment period allows interested parties time to comment on the process. The fact sheets are also available on Ecology’s Web Site under the Toxics Cleanup Program at http://www.ecy.wa.gov/programs/tcp/sites/ephrata_lf/ephrata_lf_hp.htm.
- **Site Register** – Several types of site-related information are posted in the Site Register, including notice of public comment periods. The Site Register is published bi-monthly and is sent to those who request to be on that particular mailing list. Anyone interested in receiving the Site Register should contact Linda Thompson of Ecology at 360-407-6069 or Ltho461@ecy.wa.gov.
- **Public meetings** – If ten or more people request a meeting during a public comment period, or express a need to better understand the proposed cleanup, Ecology will hold the requested event. Ecology and the PLPs may also choose to hold public meetings if they believe they are needed.
- **Internet** – Ecology’s website for the Ephrata Landfill is as follows: http://www.ecy.wa.gov/programs/tcp/sites/ephrata_lf/ephrata_lf_hp.htm. The Agreed Order, Public Participation Plan, and future documents are located on this Web Site.
- **News Releases** – Ecology may issue news releases to local media on major milestones, significant events, and accomplishments as appropriate. News releases may also be provided to Seattle- or Spokane-based media and the Associated Press.
- **Legal Notices** – Paid notices that describe upcoming events and comment opportunities will be published in the *Columbia Basin Herald*, *The Grant County Journal*, and in Spanish in *El Mundo*.
- **Local Information Repository** – All documents related to public comment periods will be available at the repositories below.

Ephrata City Library
45 Alder Street NW
Ephrata, WA 98823

Department of Ecology
4601 N. Monroe
Spokane, WA 99205-1295

And on Ecology’s Web Site at:

http://www.ecy.wa.gov/programs/tcp/sites/ephrata_lf/ephrata_lf_hp.htm.

- **Ecology Files** – An Ephrata Landfill site file containing all studies and correspondence about the site is kept at Ecology’s Eastern Regional Office at the following address:

Department of Ecology
Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205

How Can You Be Sure Your Concerns Are Heard?

- **Comment Periods**—Public comment is invited at each major step in the cleanup.
- **Public Meetings and Workshops**—Ecology will hold public meetings if requested by 10 or more people during each public comment period to discuss and gather input on investigation and cleanup proposals.
- **Written Response to Comments**—Ecology will publish a Responsiveness Summary to comments received during comment periods. The Responsiveness Summary will detail the comments received and provide Ecology’s response to each issue.
- **Advocates**—Public interest groups will be invited to review the Responsiveness Summaries before their distribution to ensure the messages are clear.

Will Technical Assistance Be Provided for Review of Documents?

Access to Staff—Ecology has staff available to answer questions on the cleanup process or meet with individuals or groups as requested. Contact Cole Carter at 509/329-3609 if you have questions or would like someone to come speak to your group. Grant County and the City of Ephrata staff are also available to answer questions.

Public Participation Grants— Ecology’s Solid Waste and Financial Assistance Program can award Public Participation Grants to groups to use for technical assistance in interpreting cleanup documents. Information on Public Participation Grants is available at Ecology’s website at the following address:
<http://www.ecy.wa.gov/biblio/0407011.html>.

Is There a Process for Appeal?

Yes. RCW 70.105D.060 provides for an appeal process. This provision states the only way to challenge Ecology’s decisions about a cleanup action is through an action filed in the Superior Court of Thurston County or the county where the cleanup is occurring. The statute allows this type of challenge only under certain circumstances. These circumstances include a citizen suit to compel Ecology to perform a mandated duty that appears to have been neglected. The section also states “the court shall uphold the department's actions unless they were arbitrary and capricious.”

The rationale for the limitations on appeals is based on the hazards caused by fugitive toxic materials. Fugitive toxic materials may cause increased damage to the environment and the people of the State if cleanup action is curtailed for long periods of time to allow for resolving law suits.

Can This Plan Be Amended?

Ecology views this Plan as a living document that may be improved based on suggestions received from the community. Minor changes in the Plan, such as a suggestions for communicating more effectively with a particular part of the community, may be put into practice without formally amending the Plan.

However, the public participation activities specified for each step in the process will not be reduced without a formal amendment to the Plan. Such an amendment will only be made after an opportunity for public comment.

Appendix A – Site Map

Exhibit A Ephrata Landfill

Ephrata Landfill



County Owned Parcels
160901001: Parcel Number

Landfill Extents

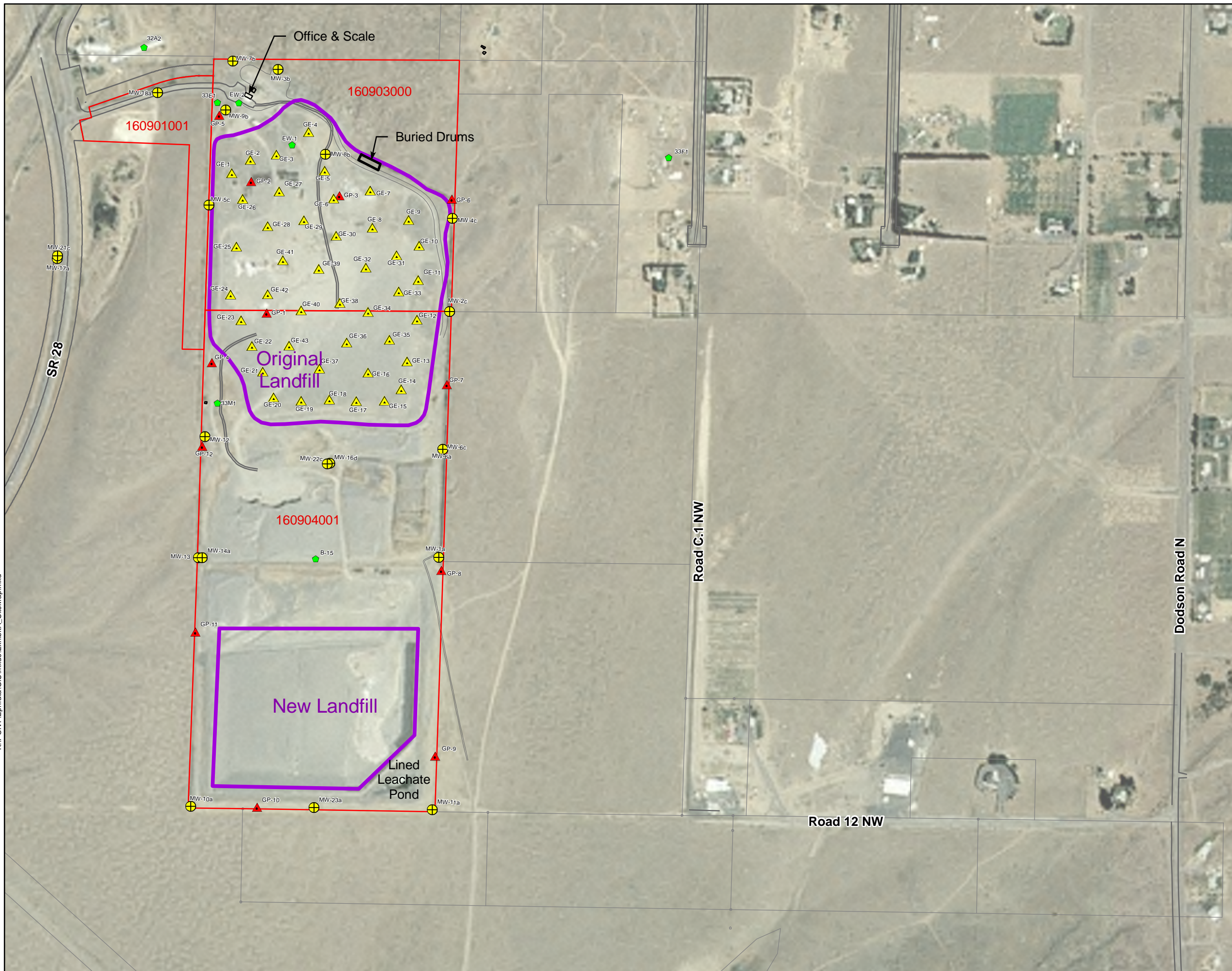
Well Type

- Monitoring Well (MW)
- Gas Extraction (GE)
- Gas Probe (GP)
- Other Well

2004 NAIP Orthophoto



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Appendix B – Model Toxics Control Act

Model Toxics Control Act

Chapter 70.105D RCW

Effective
January 1, 2003

Model Toxics Control Act

Chapter 70.105D RCW

Sections

- 70.105D.010 Declaration of policy.
- 70.105D.020 Definitions.
- 70.105D.030 Department's powers and duties.
- 70.105D.040 Standard of liability – Settlement.
- 70.105D.050 Enforcement.
- 70.105D.060 Timing of review.
- 70.105D.070 Toxics control accounts.
- 70.105D.080 Private right of action – Remedial action costs.
- 70.105D.090 Remedial actions – Exemption from procedural requirements.
- 70.105D.100 Grants to local governments – Statement of environmental benefits – Development of outcome-focused performance measures.
- 70.105D.110 Releases of hazardous substances – Notice – Exemptions.
- 70.105D.900 Short title – 1989 c 2.
- 70.105D.905 Captions – 1989 c 2.
- 70.105D.910 Construction – 1989 c 2.
- 70.105D.915 Existing agreements – 1989 c 2.
- 70.105D.920 Effective date – 1989 c 2.
- 70.105D.921 Severability – 1989 c 2.

NOTES:

Environmental certification programs—Fees—Rules—Liability: RCW 43.21A.175.

RCW 70.105D.010 Declaration of policy.

(1) Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right. The beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations.

(2) A healthful environment is now threatened by the irresponsible use and disposal of hazardous substances. There are hundreds of hazardous waste sites in this state, and more will be created if current waste practices continue. Hazardous waste

sites threaten the state's water resources, including those used for public drinking water. Many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and environment. The costs of eliminating these threats in many cases are beyond the financial means of our local governments and ratepayers. The main purpose of chapter 2, Laws of 1989 is to raise sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and waters.

(3) Many farmers and small business owners who have followed the law with respect to their uses of pesticides and other chemicals nonetheless may face devastating economic consequences because their uses have contaminated the environment or the water supplies of their neighbors. With a source of funds, the state may assist these farmers and business owners, as well as those persons who sustain damages, such as the loss of their drinking water supplies, as a result of the contamination.

(4) It is in the public's interest to efficiently use our finite land base, to integrate our land use planning policies with our clean-up policies, and to clean up and reuse contaminated industrial properties in order to minimize industrial development pressures on undeveloped land and to make clean land available for future social use.

(5) Because it is often difficult or impossible to allocate responsibility among persons liable for hazardous waste sites and because it is essential that sites be cleaned up well and expeditiously, each responsible person should be liable jointly and severally.

(6) Because releases of hazardous substances can adversely affect the health and welfare of the public, the environment, and property values, it is in the public interest that affected communities be notified of where releases of hazardous substances have occurred and what is being done to clean them up.

[2002 c 288 § 1; 1994 c 254 § 1; 1989 c 2 § 1 (Initiative Measure No. 97, approved November 8, 1988).]

NOTES:

Severability – 2002 c 288: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [2002 c 288 § 5.]

RCW 70.105D.020 Definitions.

(1) **"Agreed order"** means an order issued by the department under this chapter with which the potentially liable person receiving the order agrees to comply. An agreed order may be used to require or approve any cleanup or other remedial actions but it is not a settlement under RCW 70.105D.040(4) and shall not contain a covenant not to sue, or provide protection from claims for contribution, or provide eligibility for public funding of remedial actions under RCW 70.105D.070(2)(d)(xi).

(2) **"Department"** means the department of ecology.

(3) **"Director"** means the director of ecology or the director's designee.

(4) **"Facility"** means (a) 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 (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

(5) **"Federal cleanup law"** means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

(6) **"Foreclosure and its equivalents"** means purchase at a foreclosure sale, acquisition, or assignment of title in lieu of foreclosure, termination of a lease, or other repossession, acquisition of a right to title or possession, an agreement in satisfaction of the obligation, or any other comparable formal or informal manner, whether pursuant to law or under warranties, covenants, conditions,

representations, or promises from the borrower, by which the holder acquires title to or possession of a facility securing a loan or other obligation.

(7) **"Hazardous substance"** means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on March 1, 1989, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

(8) **"Independent remedial actions"** means remedial actions conducted without department oversight or approval, and not under an order, agreed order, or consent decree.

(9) **"Holder"** means a person who holds indicia of ownership primarily to protect a security interest. A holder includes the initial holder such as the loan originator, any subsequent holder such as a successor-in-interest or subsequent purchaser of the security interest on the secondary market, a guarantor of an obligation, surety, or any other person who holds indicia of ownership primarily to protect a security interest, or a receiver, court-appointed trustee, or other person who acts on behalf or for the benefit of a holder. A holder can be a public or privately owned financial institution, receiver, conservator, loan guarantor, or other similar persons that loan money or guarantee repayment of a loan. Holders typically are banks or savings and loan institutions but may also include

others such as insurance companies, pension funds, or private individuals that engage in loaning of money or credit.

(10) "Indicia of ownership" means evidence of a security interest, evidence of an interest in a security interest, or evidence of an interest in a facility securing a loan or other obligation, including any legal or equitable title to a facility acquired incident to foreclosure and its equivalents. Evidence of such interests includes, mortgages, deeds of trust, sellers interest in a real estate contract, liens, surety bonds, and guarantees of obligations, title held pursuant to a lease financing transaction in which the lessor does not select initially the leased facility, or legal or equitable title obtained pursuant to foreclosure and their equivalents. Evidence of such interests also includes assignments, pledges, or other rights to or other forms of encumbrance against the facility that are held primarily to protect a security interest.

(11) "Operating a facility primarily to protect a security interest" occurs when all of the following are met: (a) Operating the facility where the borrower has defaulted on the loan or otherwise breached the security agreement; (b) operating the facility to preserve the value of the facility as an ongoing business; (c) the operation is being done in anticipation of a sale, transfer, or assignment of the facility; and (d) the operation is being done primarily to protect a security interest. Operating a facility for longer than one year prior to foreclosure or its equivalents shall be presumed to be operating the facility for other than to protect a security interest.

(12) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) 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;

The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the

government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility;

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility. Holders after foreclosure and its equivalent and holders who engage in any of the activities identified in subsection (13)(e) through (g) of this section shall not lose this exemption provided the holder complies with all of the following:

(A) The holder properly maintains the environmental compliance measures already in place at the facility;

(B) The holder complies with the reporting requirements in the rules adopted under this chapter;

(C) The holder complies with any order issued to the holder by the department to abate an imminent or substantial endangerment;

(D) The holder allows the department or potentially liable persons under an order, agreed order, or settlement agreement under this chapter access to the facility to conduct remedial actions and does not impede the conduct of such remedial actions;

(E) Any remedial actions conducted by the holder are in compliance with any preexisting requirements identified by the department, or, if the department has not identified such requirements for the facility, the remedial actions are conducted consistent with the rules adopted under this chapter; and

(F) The holder does not exacerbate an existing release. The exemption in this subsection (12)(b)(ii) does not apply to holders who cause or contribute to a new release or threatened release or who are otherwise liable under RCW 70.105D.040 (1) (b), (c), (d), and (e); provided, however, that a holder shall not lose this exemption if it establishes that any such new release has been remediated according to the requirements of this chapter and that any hazardous substances remaining at the facility after remediation of the new release are divisible from such new release;

(iii) A fiduciary in his, her, or its personal or individual capacity. This exemption does not preclude a claim against the assets of the estate or trust administered by the fiduciary or against a nonemployee agent or independent contractor retained by a fiduciary. This exemption also does not apply to the extent that a person is liable under this chapter independently of the person's ownership as a fiduciary or for actions taken in a fiduciary capacity which cause or contribute to a new release or exacerbate an existing release of hazardous substances. This exemption applies provided that, to the extent of the fiduciary's powers granted by law or by the applicable governing instrument granting fiduciary powers, the fiduciary complies with all of the following:

(A) The fiduciary properly maintains the environmental compliance measures already in place at the facility;

(B) The fiduciary complies with the reporting requirements in the rules adopted under this chapter;

(C) The fiduciary complies with any order issued to the fiduciary by the department to abate an imminent or substantial endangerment;

(D) The fiduciary allows the department or potentially liable persons under an order, agreed order, or settlement agreement under this chapter access to the facility to conduct remedial actions and does not impede the conduct of such remedial actions;

(E) Any remedial actions conducted by the fiduciary are in compliance with any preexisting requirements identified by the department, or, if the department has not identified such requirements for the facility, the remedial actions are conducted consistent with the rules adopted under this chapter; and

(F) The fiduciary does not exacerbate an existing release.

The exemption in this subsection (12)(b)(iii) does not apply to fiduciaries who cause or contribute to a new release or threatened release or who are otherwise liable under RCW 70.105D.040 (1) (b), (c), (d), and (e); provided however, that a fiduciary shall not lose this exemption if it establishes that any such new release has been remediated according to the requirements of this

chapter and that any hazardous substances remaining at the facility after remediation of the new release are divisible from such new release. The exemption in this subsection (12)(b)(iii) also does not apply where the fiduciary's powers to comply with this subsection (12)(b)(iii) are limited by a governing instrument created with the objective purpose of avoiding liability under this chapter or of avoiding compliance with this chapter; or

(iv) Any person who has any ownership interest in, operates, or exercises control over real property where a hazardous substance has come to be located solely as a result of migration of the hazardous substance to the real property through the ground water from a source off the property, if:

(A) The person can demonstrate that the hazardous substance has not been used, placed, managed, or otherwise handled on the property in a manner likely to cause or contribute to a release of the hazardous substance that has migrated onto the property;

(B) The person has not caused or contributed to the release of the hazardous substance;

(C) The person does not engage in activities that damage or interfere with the operation of remedial actions installed on the person's property or engage in activities that result in exposure of humans or the environment to the contaminated ground water that has migrated onto the property;

(D) If requested, the person allows the department, potentially liable persons who are subject to an order, agreed order, or consent decree, and the authorized employees, agents, or contractors of each, access to the property to conduct remedial actions required by the department. The person may attempt to negotiate an access agreement before allowing access; and

(E) Legal withdrawal of ground water does not disqualify a person from the exemption in this subsection (12)(b)(iv).

(13) "**Participation in management**" means exercising decision-making control over the borrower's operation of the facility, environmental compliance, or assuming or manifesting responsibility for the overall management of the enterprise encompassing the day-to-day decision making of the enterprise.

The term does not include any of the following: (a) A holder with the mere capacity or ability to influence, or the unexercised right to control facility operations; (b) a holder who conducts or requires a borrower to conduct an environmental audit or an environmental site assessment at the facility for which indicia of ownership is held; (c) a holder who requires a borrower to come into compliance with any applicable laws or regulations at the facility for which indicia of ownership is held; (d) a holder who requires a borrower to conduct remedial actions including setting minimum requirements, but does not otherwise control or manage the borrower's remedial actions or the scope of the borrower's remedial actions except to prepare a facility for sale, transfer, or assignment; (e) a holder who engages in workout or policing activities primarily to protect the holder's security interest in the facility; (f) a holder who prepares a facility for sale, transfer, or assignment or requires a borrower to prepare a facility for sale, transfer, or assignment; (g) a holder who operates a facility primarily to protect a security interest, or requires a borrower to continue to operate, a facility primarily to protect a security interest; and (h) a prospective holder who, as a condition of becoming a holder, requires an owner or operator to conduct an environmental audit, conduct an environmental site assessment, come into compliance with any applicable laws or regulations, or conduct remedial actions prior to holding a security interest is not participating in the management of the facility.

(14) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

(15) "Policing activities" means actions the holder takes to insure that the borrower complies with the terms of the loan or security interest or actions the holder takes or requires the borrower to take to maintain the value of the security. Policing activities include: Requiring the borrower to conduct remedial actions at the facility during the term of the security interest; requiring the borrower to comply or come into compliance with applicable federal, state, and local environmental

and other laws, regulations, and permits during the term of the security interest; securing or exercising authority to monitor or inspect the facility including on-site inspections, or to monitor or inspect the borrower's business or financial condition during the term of the security interest; or taking other actions necessary to adequately police the loan or security interest such as requiring a borrower to comply with any warranties, covenants, conditions, representations, or promises from the borrower.

(16) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040. The department shall give notice to any such person and allow an opportunity for comment before making the finding, unless an emergency requires otherwise.

(17) "Prepare a facility for sale, transfer, or assignment" means to secure access to the facility; perform routine maintenance on the facility; remove inventory, equipment, or structures; properly maintain environmental compliance measures already in place at the facility; conduct remedial actions to clean up releases at the facility; or to perform other similar activities intended to preserve the value of the facility where the borrower has defaulted on the loan or otherwise breached the security agreement or after foreclosure and its equivalents and in anticipation of a pending sale, transfer, or assignment, primarily to protect the holder's security interest in the facility. A holder can prepare a facility for sale, transfer, or assignment for up to one year prior to foreclosure and its equivalents and still stay within the security interest exemption in subsection (12)(b)(ii) of this section.

(18) "Primarily to protect a security interest" means the indicia of ownership is held primarily for the purpose of securing payment or performance of an obligation. The term does not include indicia of ownership held primarily for investment purposes nor indicia of ownership held primarily for purposes other than as protection for a security interest. A holder may have other, secondary reasons, for maintaining indicia of ownership, but the primary reason must be for protection of a security interest. Holding indicia

of ownership after foreclosure or its equivalents for longer than five years shall be considered to be holding the indicia of ownership for purposes other than primarily to protect a security interest. For facilities that have been acquired through foreclosure or its equivalents prior to July 23, 1995, this five-year period shall begin as of July 23, 1995.

(19) "**Public notice**" means, at a minimum, adequate notice mailed to all persons who have made timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

(20) "**Release**" means 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.

(21) "**Remedy**" or "**remedial action**" means any action or expenditure consistent with the purposes of this chapter to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(22) "**Security interest**" means an interest in a facility created or established for the purpose of securing a loan or other obligation. Security interests include deeds of trusts, sellers interest in a real estate contract, liens, legal, or equitable title to a facility acquired incident to foreclosure and its equivalents, and title pursuant to lease financing transactions. Security interests may also arise from transactions such as sale and leasebacks, conditional sales, installment sales, trust receipt transactions, certain assignments, factoring agreements, accounts receivable financing arrangements, easements, and consignments, if the transaction creates or establishes an interest in a facility

for the purpose of securing a loan or other obligation.

(23) "**Industrial properties**" means properties that are or have been characterized by, or are to be committed to, traditional industrial uses such as processing or manufacturing of materials, marine terminal and transportation areas and facilities, fabrication, assembly, treatment, or distribution of manufactured products, or storage of bulk materials, that are either:

(a) Zoned for industrial use by a city or county conducting land use planning under chapter 36.70A RCW; or

(b) For counties not planning under chapter 36.70A RCW and the cities within them, zoned for industrial use and adjacent to properties currently used or designated for industrial purposes.

(24) "**Workout activities**" means those actions by which a holder, at any time prior to foreclosure and its equivalents, seeks to prevent, cure, or mitigate a default by the borrower or obligor; or to preserve, or prevent the diminution of, the value of the security. Workout activities include: Restructuring or renegotiating the terms of the security interest; requiring payment of additional rent or interest; exercising forbearance; requiring or exercising rights pursuant to an assignment of accounts or other amounts owed to an obligor; requiring or exercising rights pursuant to an escrow agreement pertaining to amounts owed to an obligor; providing specific or general financial or other advice, suggestions, counseling, or guidance; and exercising any right or remedy the holder is entitled to by law or under any warranties, covenants, conditions, representations, or promises from the borrower.

(25)(a) "**Fiduciary**" means a person acting for the benefit of another party as a bona fide trustee; executor; administrator; custodian; guardian of estates or guardian ad litem; receiver; conservator; committee of estates of incapacitated persons; trustee in bankruptcy; trustee, under an indenture agreement, trust agreement, lease, or similar financing agreement, for debt securities, certificates of interest or certificates of participation in debt securities, or other forms of indebtedness as to which the trustee is not, in the capacity of trustee, the lender. Except as provided in sub-

section (12)(b)(iii) of this section, the liability of a fiduciary under this chapter shall not exceed the assets held in the fiduciary capacity.

(b) "Fiduciary" does not mean:

(i) A person acting as a fiduciary with respect to a trust or other fiduciary estate that was organized for the primary purpose of, or is engaged in, actively carrying on a trade or business for profit, unless the trust or other fiduciary estate was created as part of, or to facilitate, one or more estate plans or because of the incapacity of a natural person;

(ii) A person who acquires ownership or control of a facility with the objective purpose of avoiding liability of the person or any other person. It is prima facie evidence that the fiduciary acquired ownership or control of the facility to avoid liability if the facility is the only substantial asset in the fiduciary estate at the time the facility became subject to the fiduciary estate;

(iii) A person who acts in a capacity other than that of a fiduciary or in a beneficiary capacity and in that capacity directly or indirectly benefits from a trust or fiduciary relationship;

(iv) A person who is a beneficiary and fiduciary with respect to the same fiduciary estate, and who while acting as a fiduciary receives benefits that exceed customary or reasonable compensation, and incidental benefits permitted under applicable law;

(v) A person who is a fiduciary and receives benefits that substantially exceed customary or reasonable compensation, and incidental benefits permitted under applicable law; or

(vi) A person who acts in the capacity of trustee of state or federal lands or resources.

(26) "Fiduciary capacity" means the capacity of a person holding title to a facility, or otherwise having control of an interest in the facility pursuant to the exercise of the responsibilities of the person as a fiduciary.

[1998 c 6 § 1; 1997 c 406 § 2; 1995 c 70 § 1; 1994 c 254 § 2; 1989 c 2 § 2 (Initiative Measure No. 97, approved November 8, 1988).]

NOTES:

Findings – Intent – 1997 c 406: "The legislature finds that:

(1) Engrossed Substitute House Bill No. 1810 enacted during the 1995 legislative session [1995 c 359] authorized establishment of the model toxics control act policy advisory committee, a twenty-two member committee representing a broad range of interests including the legislature, agriculture, large and small business, environmental organizations, and local and state government. The committee was charged with the task of providing advice to the legislature and the department of ecology to more effectively implement the model toxics control act, chapter 70.105D RCW.

(2) The committee members committed considerable time and effort to their charge, meeting twenty-six times during 1995 and 1996 to discuss and decide issues. In addition, the committee created four subcommittees that met over sixty times during this same period. There were also numerous working subgroups and drafting committees formed on an ad hoc basis to support the committee's work. Many members of the public also attended these meetings and were provided opportunities to contribute to the committee deliberations.

(3) The policy advisory committee completed its work and submitted a final report to the department of ecology and the legislature on December 15, 1996. That report contains numerous recommendations for statutory changes that were agreed to by consensus of the committee members or obtained broad support of most of the committee members. Chapter 406, Laws of 1997 is intended to implement those recommended statutory changes." [1997 c 406 § 1.]

RCW 70.105D.030 Department's powers and duties.

(1) The department may exercise the following powers in addition to any other powers granted by law:

(a) Investigate, provide for investigating, or require potentially liable persons to investigate any releases or threatened releases of hazardous substances, including but not limited to inspecting, sampling, or testing to determine the nature or extent of any release or threatened release. If there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents, or contractors may enter upon any property and conduct investigations. The department shall give reasonable notice before entering property unless an emergency prevents such notice. The department may by subpoena require the atten

dance or testimony of witnesses and the production of documents or other information that the department deems necessary;

(b) Conduct, provide for conducting, or require potentially liable persons to conduct remedial actions (including investigations under (a) of this subsection) to remedy releases or threatened releases of hazardous substances. In carrying out such powers, the department's authorized employees, agents, or contractors may enter upon property. The department shall give reasonable notice before entering property unless an emergency prevents such notice. In conducting, providing for, or requiring remedial action, the department shall give preference to permanent solutions to the maximum extent practicable and shall provide for or require adequate monitoring to ensure the effectiveness of the remedial action;

(c) Indemnify contractors retained by the department for carrying out investigations and remedial actions, but not for any contractor's reckless or wilful misconduct;

(d) Carry out all state programs authorized under the federal cleanup law and the federal resource, conservation, and recovery act, 42 U.S.C. Sec. 6901 et seq., as amended;

(e) Classify substances as hazardous substances for purposes of RCW 70.105D.020(7) and classify substances and products as hazardous substances for purposes of RCW 82.21.020(1);

(f) Issue orders or enter into consent decrees or agreed orders that include, or issue written opinions under (i) of this subsection that may be conditioned upon, deed restrictions where necessary to protect human health and the environment from a release or threatened release of a hazardous substance from a facility. Prior to establishing a deed restriction under this subsection, the department shall notify and seek comment from a city or county department with land use planning authority for real property subject to a deed restriction;

(g) Enforce the application of permanent and effective institutional controls that are necessary for a remedial action to be protective of human health and the environment;

(h) Require holders to conduct remedial actions necessary to abate an imminent or

substantial endangerment pursuant to RCW 70.105D.020(12)(b)(ii)(C);

(i) Provide informal advice and assistance to persons regarding the administrative and technical requirements of this chapter. This may include site-specific advice to persons who are conducting or otherwise interested in independent remedial actions. Any such advice or assistance shall be advisory only, and shall not be binding on the department. As a part of providing this advice and assistance for independent remedial actions, the department may prepare written opinions regarding whether the independent remedial actions or proposals for those actions meet the substantive requirements of this chapter or whether the department believes further remedial action is necessary at the facility. The department may collect, from persons requesting advice and assistance, the costs incurred by the department in providing such advice and assistance; however, the department shall, where appropriate, waive collection of costs in order to provide an appropriate level of technical assistance in support of public participation. The state, the department, and officers and employees of the state are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing, or failing to provide, informal advice and assistance; and

(j) Take any other actions necessary to carry out the provisions of this chapter, including the power to adopt rules under chapter 34.05 RCW.

(2) The department shall immediately implement all provisions of this chapter to the maximum extent practicable, including investigative and remedial actions where appropriate. The department shall adopt, and thereafter enforce, rules under chapter 34.05 RCW to:

(a) Provide for public participation, including at least (i) public notice of the development of investigative plans or remedial plans for releases or threatened releases and (ii) concurrent public notice of all compliance orders, agreed orders, enforcement orders, or notices of violation;

(b) Establish a hazard ranking system for hazardous waste sites;

(c) Provide for requiring the reporting by an owner or operator of releases of hazardous substances to the environment that may be a threat to

human health or the environment within ninety days of discovery, including such exemptions from reporting as the department deems appropriate, however this requirement shall not modify any existing requirements provided for under other laws;

(d) Establish reasonable deadlines not to exceed ninety days for initiating an investigation of a hazardous waste site after the department receives notice or otherwise receives information that the site may pose a threat to human health or the environment and other reasonable deadlines for remedying releases or threatened releases at the site;

(e) Publish and periodically update minimum cleanup standards for remedial actions at least as stringent as the cleanup standards under section 121 of the federal cleanup law, 42 U.S.C. Sec. 9621, and at least as stringent as all applicable state and federal laws, including health-based standards under state and federal law; and

(f) Apply industrial clean-up standards at industrial properties. Rules adopted under this subsection shall ensure that industrial properties cleaned up to industrial standards cannot be converted to nonindustrial uses without approval from the department. The department may require that a property cleaned up to industrial standards is cleaned up to a more stringent applicable standard as a condition of conversion to a nonindustrial use. Industrial cleanup standards may not be applied to industrial properties where hazardous substances remaining at the property after remedial action pose a threat to human health or the environment in adjacent nonindustrial areas.

(3) Before November 1st of each even-numbered year, the department shall develop, with public notice and hearing, and submit to the ways and means and appropriate standing environmental committees of the senate and house of representatives a ranked list of projects and expenditures recommended for appropriation from both the state and local toxics control accounts. The department shall also provide the legislature and the public each year with an accounting of the department's activities supported by appropriations from the state toxics control account, including a list of known hazardous waste sites and their

hazard rankings, actions taken and planned at each site, how the department is meeting its top two management priorities under RCW 70.105.150, and all funds expended under this chapter.

(4) The department shall establish a scientific advisory board to render advice to the department with respect to the hazard ranking system, cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the classification of substances as hazardous substances for purposes of RCW 70.105D.020(7) and the classification of substances or products as hazardous substances for purposes of RCW 82.21.020(1). The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

(5) The department shall establish a program to identify potential hazardous waste sites and to encourage persons to provide information about hazardous waste sites.

[1997 c 406 § 3; 1995 c 70 § 2. Prior: 1994 c 257 § 11; 1994 c 254 § 3; 1989 c 2 § 3 (Initiative Measure No. 97, approved November 8, 1988).]

NOTES:

Effective date – 2002 c 288 §§ 2-4: See note following RCW 70.105D.110.

Severability – 2002 c 288: See note following RCW 70.105D.010.

Part headings not law – Effective date – 2001 c 291: See notes following RCW 43.20A.360.

Findings – Intent – 1997 c 406: See note following RCW 70.105D.020.

Severability – 1994 c 257: See note following RCW 36.70A.270.

RCW 70.105D.040 Standard of liability – Settlement.

(1) Except as provided in subsection (3) of this section, the following persons are liable with respect to a facility:

(a) The owner or operator of the facility;

(b) Any person who owned or operated the facility at the time of disposal or release of the hazardous substances;

(c) Any person who owned or possessed a hazardous substance and who by contract, agree

ment, or otherwise arranged for disposal or treatment of the hazardous substance at the facility, or arranged with a transporter for transport for disposal or treatment of the hazardous substances at the facility, or otherwise generated hazardous wastes disposed of or treated at the facility;

(d) Any person (i) who accepts or accepted any hazardous substance for transport to a disposal, treatment, or other facility selected by such person from which there is a release or a threatened release for which remedial action is required, unless such facility, at the time of disposal or treatment, could legally receive such substance; or (ii) who accepts a hazardous substance for transport to such a facility and has reasonable grounds to believe that such facility is not operated in accordance with chapter 70.105 RCW; and

(e) Any person who both sells a hazardous substance and is responsible for written instructions for its use if (i) the substance is used according to the instructions and (ii) the use constitutes a release for which remedial action is required at the facility.

(2) Each person who is liable under this section is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the releases or threatened releases of hazardous substances. The attorney general, at the request of the department, is empowered to recover all costs and damages from persons liable therefore.

(3) The following persons are not liable under this section:

(a) Any person who can establish that the release or threatened release of a hazardous substance for which the person would be otherwise responsible was caused solely by:

(i) An act of God;

(ii) An act of war; or

(iii) An act or omission of a third party (including but not limited to a trespasser) other than (A) an employee or agent of the person asserting the defense, or (B) any person whose act or omission occurs in connection with a contractual relationship existing, directly or indirectly, with the person asserting this defense to liability. This defense only applies where the person asserting the defense has exercised the utmost care

with respect to the hazardous substance, the foreseeable acts or omissions of the third party, and the foreseeable consequences of those acts or omissions;

(b) Any person who is an owner, past owner, or purchaser of a facility and who can establish by a preponderance of the evidence that at the time the facility was acquired by the person, the person had no knowledge or reason to know that any hazardous substance, the release or threatened release of which has resulted in or contributed to the need for the remedial action, was released or disposed of on, in, or at the facility. This subsection (b) is limited as follows:

(i) To establish that a person had no reason to know, the person must have undertaken, at the time of acquisition, all appropriate inquiry into the previous ownership and uses of the property, consistent with good commercial or customary practice in an effort to minimize liability. Any court interpreting this subsection (b) shall take into account any specialized knowledge or experience on the part of the person, the relationship of the purchase price to the value of the property if uncontaminated, commonly known or reasonably ascertainable information about the property, the obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate inspection;

(ii) The defense contained in this subsection (b) is not available to any person who had actual knowledge of the release or threatened release of a hazardous substance when the person owned the real property and who subsequently transferred ownership of the property without first disclosing such knowledge to the transferee;

(iii) The defense contained in this subsection (b) is not available to any person who, by any act or omission, caused or contributed to the release or threatened release of a hazardous substance at the facility;

(c) Any natural person who uses a hazardous substance lawfully and without negligence for any personal or domestic purpose in or near a dwelling or accessory structure when that person is: (i) A resident of the dwelling; (ii) a person who, without compensation, assists the resident in the use of the

substance; or (iii) a person who is employed by the resident, but who is not an independent contractor;

(d) Any person who, for the purpose of growing food crops, applies pesticides or fertilizers without negligence and in accordance with all applicable laws and regulations.

(4) There may be no settlement by the state with any person potentially liable under this chapter except in accordance with this section.

(a) The attorney general may agree to a settlement with any potentially liable person only if the department finds, after public notice and any required hearing, that the proposed settlement would lead to a more expeditious cleanup of hazardous substances in compliance with cleanup standards under RCW 70.105D.030(2)(e) and with any remedial orders issued by the department. Whenever practicable and in the public interest, the attorney general may expedite such a settlement with persons whose contribution is insignificant in amount and toxicity. A hearing shall be required only if at least ten persons request one or if the department determines a hearing is necessary.

(b) A settlement agreement under this section shall be entered as a consent decree issued by a court of competent jurisdiction.

(c) A settlement agreement may contain a covenant not to sue only of a scope commensurate with the settlement agreement in favor of any person with whom the attorney general has settled under this section. Any covenant not to sue shall contain a reopener clause which requires the court to amend the covenant not to sue if factors not known at the time of entry of the settlement agreement are discovered and present a previously unknown threat to human health or the environment.

(d) A party who has resolved its liability to the state under this section shall not be liable for claims for contribution regarding matters addressed in the settlement. The settlement does not discharge any of the other liable parties but it reduces the total potential liability of the others to the state by the amount of the settlement.

(e) If the state has entered into a consent decree with an owner or operator under this section, the state shall not enforce this chapter against any owner or operator who is a successor in interest to

the settling party unless under the terms of the consent decree the state could enforce against the settling party, if:

(i) The successor owner or operator is liable with respect to the facility solely due to that person's ownership interest or operator status acquired as a successor in interest to the owner or operator with whom the state has entered into a consent decree; and

(ii) The stay of enforcement under this subsection does not apply if the consent decree was based on circumstances unique to the settling party that do not exist with regard to the successor in interest, such as financial hardship. For consent decrees entered into before July 27, 1997, at the request of a settling party or a potential successor owner or operator, the attorney general shall issue a written opinion on whether a consent decree contains such unique circumstances. For all other consent decrees, such unique circumstances shall be specified in the consent decree.

(f) Any person who is not subject to enforcement by the state under (e) of this subsection is not liable for claims for contribution regarding matters addressed in the settlement.

(5)(a) In addition to the settlement authority provided under subsection (4) of this section, the attorney general may agree to a settlement with a person not currently liable for remedial action at a facility who proposes to purchase, redevelop, or reuse the facility, provided that:

(i) The settlement will yield substantial new resources to facilitate cleanup;

(ii) The settlement will expedite remedial action consistent with the rules adopted under this chapter; and

(iii) Based on available information, the department determines that the redevelopment or reuse of the facility is not likely to contribute to the existing release or threatened release, interfere with remedial actions that may be needed at the site, or increase health risks to persons at or in the vicinity of the site.

(b) The legislature recognizes that the state does not have adequate resources to participate in all property transactions involving contaminated property. The primary purpose of this subsection (5) is to promote the cleanup and reuse of vacant

or abandoned commercial or industrial contaminated property. The attorney general and the department may give priority to settlements that will provide a substantial public benefit, including, but not limited to the reuse of a vacant or abandoned manufacturing or industrial facility, or the development of a facility by a governmental entity to address an important public purpose.

(6) Nothing in this chapter affects or modifies in any way any person's right to seek or obtain relief under other statutes or under common law, including but not limited to damages for injury or loss resulting from a release or threatened release of a hazardous substance. No settlement by the department or remedial action ordered by a court or the department affects any person's right to obtain a remedy under common law or other statutes.

[1997 c 406 § 4; 1994 c 254 § 4; 1989 c 2 § 4 (Initiative Measure No. 97, approved November 8, 1988).]

NOTES:

Findings – Intent – 1997 c 406: See note following RCW 70.105D.020.

RCW 70.105D.050 Enforcement.

(1) With respect to any release, or threatened release, for which the department does not conduct or contract for conducting remedial action and for which the department believes remedial action is in the public interest, the director shall issue orders or agreed orders requiring potentially liable persons to provide the remedial action. Any liable person who refuses, without sufficient cause, to comply with an order or agreed order of the director is liable in an action brought by the attorney general for:

(a) Up to three times the amount of any costs incurred by the state as a result of the party's refusal to comply; and

(b) A civil penalty of up to twenty-five thousand dollars for each day the party refuses to comply.

The treble damages and civil penalty under this subsection apply to all recovery actions filed on or after March 1, 1989.

(2) Any person who incurs costs complying with an order issued under subsection (1) of this

section may petition the department for reimbursement of those costs. If the department refuses to grant reimbursement, the person may within thirty days thereafter file suit and recover costs by proving that he or she was not a liable person under RCW 70.105D.040 and that the costs incurred were reasonable.

(3) The attorney general shall seek, by filing an action if necessary, to recover the amounts spent by the department for investigative and remedial actions and orders, and agreed orders, including amounts spent prior to March 1, 1989.

(4) The attorney general may bring an action to secure such relief as is necessary to protect human health and the environment under this chapter.

(5)(a) Any person may commence a civil action to compel the department to perform any nondiscretionary duty under this chapter. At least thirty days before commencing the action, the person must give notice of intent to sue, unless a substantial endangerment exists. The court may award attorneys' fees and other costs to the prevailing party in the action.

(b) Civil actions under this section and RCW 70.105D.060 may be brought in the superior court of Thurston county or of the county in which the release or threatened release exists.

(6) Any person who fails to provide notification of releases consistent with RCW 70.105D.110 or who submits false information is liable in an action brought by the attorney general for a civil penalty of up to five thousand dollars per day for each day the party refuses to comply.

[2002 c 288 § 4; 1994 c 257 § 12; 1989 c 2 § 5 (Initiative Measure No. 97, approved November 8, 1988).]

NOTES:

Severability – 1994 c 257: See note following RCW 36.70A.270.

RCW 70.105D.060 Timing of review. The department's investigative and remedial decisions under RCW 70.105D.030 and 70.105D.050 and its decisions regarding liable persons under RCW *70.105D.020(8) and 70.105D.040 shall be review

able exclusively in superior court and only at the following times: (1) In a cost recovery suit under RCW 70.105D.050(3); (2) in a suit by the department to enforce an order or an agreed order, or seek a civil penalty under this chapter; (3) in a suit for reimbursement under RCW 70.105D.050(2); (4) in a suit by the department to compel investigative or remedial action; and (5) in a citizen's suit under RCW 70.105D.050(5). The court shall uphold the department's actions unless they were arbitrary and capricious.

[1994 c 257 § 13; 1989 c 2 § 6 (Initiative Measure No. 97, approved November 8, 1988).]

NOTES:

***Reviser's note:** RCW 70.105D.020 was amended by 1994 c 254 § 2, changing subsection (8) to subsection (9); and was subsequently amended by 1995 c 70 § 1, changing subsection (9) to subsection (15); and was subsequently amended by 1997 c 406 § 2, changing subsection (15) to subsection (16).

Severability – 1994 c 257: See note following RCW 36.70A.270.

RCW 70.105D.070 Toxics control accounts.

(1) The state toxics control account and the local toxics control account are hereby created in the state treasury.

(2) The following moneys shall be deposited into the state toxics control account: (a) Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-three one-hundredths of one percent; (b) the costs of remedial actions recovered under this chapter or chapter 70.105A RCW; (c) penalties collected or recovered under this chapter; and (d) any other money appropriated or transferred to the account by the legislature. Moneys in the account may be used only to carry out the purposes of this chapter, including but not limited to the following activities:

(i) The state's responsibility for hazardous waste planning, management, regulation, enforcement, technical assistance, and public education required under chapter 70.105 RCW;

(ii) The state's responsibility for solid waste planning, management, regulation, enforcement,

technical assistance, and public education required under chapter 70.95 RCW;

(iii) The hazardous waste cleanup program required under this chapter;

(iv) State matching funds required under the federal cleanup law;

(v) Financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW;

(vi) State government programs for the safe reduction, recycling, or disposal of hazardous wastes from households, small businesses, and agriculture;

(vii) Hazardous materials emergency response training;

(viii) Water and environmental health protection and monitoring programs;

(ix) Programs authorized under chapter 70.146 RCW;

(x) A public participation program, including regional citizen advisory committees;

(xi) Public funding to assist potentially liable persons to pay for the costs of remedial action in compliance with cleanup standards under RCW 70.105D.030(2)(e) but only when the amount and terms of such funding are established under a settlement agreement under RCW 70.105D.040(4) and when the director has found that the funding will achieve both (A) a substantially more expeditious or enhanced cleanup than would otherwise occur, and (B) the prevention or mitigation of unfair economic hardship; and

(xii) Development and demonstration of alternative management technologies designed to carry out the top two hazardous waste management priorities of RCW 70.105.150.

(3) The following moneys shall be deposited into the local toxics control account: Those revenues which are raised by the tax imposed under RCW 82.21.030 and which are attributable to that portion of the rate equal to thirty-seven one-hundredths of one percent.

(a) Moneys deposited in the local toxics control account shall be used by the department for grants or loans to local governments for the following purposes in descending order of priority: (i) Remedial actions; (ii) hazardous waste plans and programs under chapter 70.105 RCW;

(iii) solid waste plans and programs under chapters 70.95, 70.95C, 70.95I, and 70.105 RCW; (iv) funds for a program to assist in the assessment and cleanup of sites of methamphetamine production, but not to be used for the initial containment of such sites, consistent with the responsibilities and intent of RCW 69.50.511; and (v) cleanup and disposal of hazardous substances from abandoned or derelict vessels that pose a threat to human health or the environment. For purposes of this subsection (3)(a)(v), "abandoned or derelict vessels" means vessels that have little or no value and either have no identified owner or have an identified owner lacking financial resources to clean up and dispose of the vessel. Funds for plans and programs shall be allocated consistent with the priorities and matching requirements established in chapters 70.105, 70.95C, 70.95I, and 70.95 RCW. During the 1999-2001 fiscal biennium, moneys in the account may also be used for the following activities: Conducting a study of whether dioxins occur in fertilizers, soil amendments, and soils; reviewing applications for registration of fertilizers; and conducting a study of plant uptake of metals.

(b) Funds may also be appropriated to the department of health to implement programs to reduce testing requirements under the federal safe drinking water act for public water systems. The department of health shall reimburse the account from fees assessed under RCW 70.119A.115 by June 30, 1995.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the state and local toxics control accounts may be spent only after appropriation by statute.

(5) One percent of the moneys deposited into the state and local toxics control accounts shall be allocated only for public participation grants to persons who may be adversely affected by a release or threatened release of a hazardous substance and to not-for-profit public interest organizations. The primary purpose of these grants is to facilitate the participation by persons and organizations in the investigation and remedying of releases or threatened releases of hazardous substances and to implement the state's solid and hazardous waste management priorities. However,

during the 1999-2001 fiscal biennium, funding may not be granted to entities engaged in lobbying activities, and applicants may not be awarded grants if their cumulative grant awards under this section exceed two hundred thousand dollars. No grant may exceed sixty thousand dollars. Grants may be renewed annually. Moneys appropriated for public participation from either account which are not expended at the close of any biennium shall revert to the state toxics control account.

(6) No moneys deposited into either the state or local toxics control account may be used for solid waste incinerator feasibility studies, construction, maintenance, or operation.

(7) The department shall adopt rules for grant or loan issuance and performance.

[2001 c 27 § 2; 2000 2nd sp.s. c 1 § 912; 1999 c 309 § 923. Prior: 1998 c 346 § 905; 1998 c 81 § 2; 1997 c 406 § 5; 1994 c 252 § 5; 1991 sp.s. c 13 § 69; 1989 c 2 § 7 (Initiative Measure No. 97, approved November 8, 1988).]

NOTES:

Finding – 2001 c 27: "The legislature finds that there is an increasing number of derelict vessels that have been abandoned in the waters along the shorelines of the state. These vessels pose hazards to navigation and threaten the environment with the potential release of hazardous materials. There is no current federal program that comprehensively addresses this problem, and the legislature recognizes that the state must assist in providing a solution to this increasing hazard." [2001 c 27 § 1.]

Severability – Effective date – 2000 2nd sp.s. c 1: See notes following RCW 41.05.143.

Severability – Effective date – 1999 c 309: See notes following RCW 41.45.063.

Construction – Severability – Effective date – 1998 c 346: See notes following RCW 50.24.014.

Local governments – Increased service – 1998 c 81: "If this act mandates an increased level of service by local governments, the local government may, under RCW 43.135.060 and chapter 4.92 RCW, submit claims for reimbursement by the legislature. The claims shall be subject to verification by the office of financial management." [1998 c 81 § 3.]

Findings – Intent – 1997 c 406: See note following RCW 70.105D.020.

Finding – Effective date – 1994 c 252: See notes following RCW 70.119A.020.

Effective dates – Severability – 1991 sp.s. c 13: See notes following RCW 18.08.240.

RCW 70.105D.080 Private right of action – Remedial action costs. Except as provided in RCW 70.105D.040(4) (d) and (f), a person may bring a private right of action, including a claim for contribution or for declaratory relief, against any other person liable under RCW 70.105D.040 for the recovery of remedial action costs. In the action, natural resource damages paid to the state under this chapter may also be recovered. Recovery shall be based on such equitable factors as the court determines are appropriate. Remedial action costs shall include reasonable attorneys' fees and expenses. Recovery of remedial action costs shall be limited to those remedial actions that, when evaluated as a whole, are the substantial equivalent of a department-conducted or department-supervised remedial action. Substantial equivalence shall be determined by the court with reference to the rules adopted by the department under this chapter. An action under this section may be brought after remedial action costs are incurred but must be brought within three years from the date remedial action confirms cleanup standards are met or within one year of May 12, 1993, whichever is later. The prevailing party in such an action shall recover its reasonable attorneys' fees and costs. This section applies to all causes of action regardless of when the cause of action may have arisen. To the extent a cause of action has arisen prior to May 12, 1993, this section applies retroactively, but in all other respects it applies prospectively.

[1997 c 406 § 6; 1993 c 326 § 1.]

NOTES:

Findings – Intent – 1997 c 406: See note following RCW 70.105D.020.

Effective date – 1993 c 326: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect immediately [May 12, 1993]." [1993 c 326 § 2.]

Severability – 1993 c 326: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1993 c 326 § 3.]

RCW 70.105D.090 Remedial actions – Exemption from procedural requirements.

(1) A person conducting a remedial action at a facility under a consent decree, order, or agreed order, and the department when it conducts a remedial action, are exempt from the procedural requirements of chapters 70.94, 70.95, 70.105, *75.20, 90.48, and 90.58 RCW, and the procedural requirements of any laws requiring or authorizing local government permits or approvals for the remedial action. The department shall ensure compliance with the substantive provisions of chapters 70.94, 70.95, 70.105, *75.20, 90.48, and 90.58 RCW, and the substantive provisions of any laws requiring or authorizing local government permits or approvals. The department shall establish procedures for ensuring that such remedial actions comply with the substantive requirements adopted pursuant to such laws, and shall consult with the state agencies and local governments charged with implementing these laws. The procedures shall provide an opportunity for comment by the public and by the state agencies and local governments that would otherwise implement the laws referenced in this section. Nothing in this section is intended to prohibit implementing agencies from charging a fee to the person conducting the remedial action to defray the costs of services rendered relating to the substantive requirements for the remedial action.

(2) An exemption in this section or in RCW 70.94.335, 70.95.270, 70.105.116, **75.20.025, 90.48.039, and 90.58.355 shall not apply if the department determines that the exemption would result in loss of approval from a federal agency necessary for the state to administer any federal law, including the federal resource conservation and recovery act, the federal clean water act, the federal clean air act, and the federal coastal zone management act. Such a determination by the department shall not affect the applicability of the exemptions to other statutes specified in this section.

[1994 c 257 § 14.]

NOTES:

Reviser's note: *(1) Chapter 75.20 RCW was recodified as chapter 77.55 RCW by 2000 c 107. See

Comparative Table for that chapter in the Table of Disposition of Former RCW Sections, Volume 0.

******(2) RCW 75.20.025 was recodified as RCW 77.55.030 pursuant to 2000 c 107 § 129.

Severability – 1994 c 257: See note following RCW 36.70A.270.

RCW 70.105D.100 Grants to local governments – Statement of environmental benefits – Development of outcome-focused performance measures. In providing grants to local governments, the department shall require grant recipients to incorporate the environmental benefits of the project into their grant applications, and the department shall utilize the statement of environmental benefit[s] in its prioritization and selection process. The department shall also develop appropriate outcome-focused performance measures to be used both for management and performance assessment of the grant program. To the extent possible, the department should coordinate its performance measure system with other natural resource-related agencies as defined in RCW 43.41.270. The department shall consult with affected interest groups in implementing this section.

[2001 c 227 § 5.]

NOTES:

Findings – Intent – 2001 c 227: See note following RCW 43.41.270.

RCW 70.105D.110 Releases of hazardous substances – Notice – Exemptions.

(1) Except as provided in subsection (5) of this section, any owner or operator of a facility that is actively transitioning from operating under a federal permit for treatment, storage, or disposal of hazardous waste issued under 42 U.S.C. Sec. 6925 to operating under the provisions of this chapter, who has information that a hazardous substance has been released to the environment at the owner or operator's facility that may be a threat to human health or the environment, shall issue a notice to the department within ninety days. The notice shall include a description of any remedial actions planned, completed, or underway.

(2) The notice must be posted in a visible, publicly accessible location on the facility, to remain in place until all remedial actions except confirmational monitoring are complete.

(3) After receiving the notice from the facility, the department must review the notice and mail a summary of its contents, along with any additional information deemed appropriate by the department, to:

(a) Each residence and landowner of a residence whose property boundary is within three hundred feet of the boundary of the property where the release occurred or if the release occurred from a pipeline or other facility that does not have a property boundary, within three hundred feet of the actual release;

(b) Each business and landowner of a business whose property boundary is within three hundred feet of the boundary of the property where the release occurred;

(c) Each residence, landowner of a residence, and business with a property boundary within the area where hazardous substances have come to be located as a result of the release;

(d) Neighborhood associations and community organizations representing an area within one mile of the facility and recognized by the city or county with jurisdiction within this area;

(e) The city, county, and local health district with jurisdiction within the areas described in (a), (b), and (c) of this subsection; and

(f) The department of health.

(4) A notice produced by a facility shall provide the following information:

(a) The common name of any hazardous substances released and, if available, the chemical abstract service registry number of these substances;

(b) The address of the facility where the release occurred;

(c) The date the release was discovered;

(d) The cause and date of the release, if known;

(e) The remedial actions being taken or planned to address the release;

(f) The potential health and environmental effects of the hazardous substances released; and

(g) The name, address, and telephone number of a contact person at the facility where the release occurred.

(5) The following releases are exempt from the notification requirements in this section:

(a) Application of pesticides and fertilizers for their intended purposes and according to label instructions;

(b) The lawful and nonnegligent use of hazardous household substances by a natural person for personal or domestic purposes;

(c) The discharge of hazardous substances in compliance with permits issued under chapter 70.94, 90.48, or 90.56 RCW;

(d) De minimis amounts of any hazardous substance leaked or discharged onto the ground;

(e) The discharge of hazardous substances to a permitted waste water treatment facility or from a permitted waste water collection system or treatment facility as allowed by a facility's discharge permit;

(f) Any releases originating from a single-family or multifamily residence, including but not limited to the discharge of oil from a residential home heating oil tank with the capacity of five hundred gallons or less;

(g) Any spill on a public road, street, or highway or to surface waters of the state that has previously been reported to the United States coast guard and the state division of emergency management under chapter 90.56 RCW;

(h) Any release of hazardous substances to the air;

(i) Any release that occurs on agricultural land, including land used to grow trees for the commercial production of wood or wood fiber, that is at least five acres in size, when the effects of the release do not come within three hundred feet of any property boundary. For the purposes of this subsection, agricultural land includes incidental uses that are compatible with agricultural or silvicultural purposes, including, but not limited to, land used for the housing of the owner, operator, or employees, structures used for the storage or repair of equipment, machinery, and chemicals, and any paths or roads on the land; and

(j) Releases that, before January 1, 2003, have been previously reported to the department, or remediated in compliance with a settlement agreement under RCW 70.105D.040(4) or enforcement order or agreed order issued under this chapter or have been the subject of an opinion from the department under RCW 70.105D.030(1)(i) that no further remedial action is required.

An exemption from the notification requirements of this section does not exempt the owner or operator of a facility from any other notification or reporting requirements, or imply a release from liability under this chapter.

(6) If a significant segment of the community to be notified speaks a language other than English, an appropriate translation of the notice must also be posted and mailed to the department in accordance with the requirements of this section.

(7) The facility where the release occurred is responsible for reimbursing the department within thirty days for the actual costs associated with the production and mailing of the notices under this section.

[2002 c 288 § 2.]

NOTES:

Effective date – 2002 c 288 §§ 2-4: "Sections 2 through 4 of this act take effect January 1, 2003." [2002 c 288 § 6.]

Severability – 2002 c 288: See note following RCW 70.105D.010.

RCW 70.105D.900 Short title – 1989 c 2. This act shall be known as "the model toxics control act."

[1989 c 2 § 22 (Initiative Measure No. 97, approved November 8, 1988).]

RCW 70.105D.905 Captions – 1989 c 2. As used in this act, captions constitute no part of the law.

[1989 c 2 § 21 (Initiative Measure No. 97, approved November 8, 1988).]

RCW 70.105D.910 Construction – 1989 c 2.

The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

[1989 c 2 § 19 (Initiative Measure No. 97, approved November 8, 1988).]

RCW 70.105D.915 Existing agreements – 1989 c 2. The consent orders and decrees in effect on March 1, 1989, shall remain valid and binding.

[1989 c 2 § 20 (Initiative Measure No. 97, approved November 8, 1988).]

RCW 70.105D.920 Effective date – 1989 c 2.

(1) Sections 1 through 24 of this act shall take effect March 1, 1989, except that the director of ecology and the director of revenue may take whatever actions may be necessary to ensure that sections 1 through 24 of this act are implemented on their effective date.

*(2) This section does not apply and shall have no force or effect if (a) this act is passed by the legislature in the 1988 regular session or (b) no bill is enacted by the legislature involving hazardous substance cleanup (along with any other subject matter) between August 15, 1987, and January 1, 1988.

[1989 c 2 § 26 (Initiative Measure No. 97, approved November 8, 1988).]

NOTES:

***Reviser's note:** Neither condition contained in subsection (2) was met.

RCW 70.105D.921 Severability – 1989 c 2.

If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

[1989 c 2 § 18 (Initiative Measure No. 97, approved November 8, 1988).]

Appendix C – Mailing List

Mailing List for Ephrata Landfill

Title	First Name	Last Name	Company Name	Other	Number	Street	City	State	Zip
Mr.	Will	Abercrombie	Hart Crowser		1910	E Fairview Ave	Seattle	WA	98102-3699
Ms.	Deborah	Abrahamson				P. O. Box 61	Wellpinit	WA	99040-0061
Ms.	Wanda	Abrahamson	Spokane Tribe of Indians		6208	Ford Wellpinit Road	Spokane	WA	99040
Mr. and Ms.	Steven L. and Jennifer L.	Adams				P. O. Box 425	Ephrata	WA	98823
Mr. and Ms.	Benjamin J. and Jada J.	Addink			444	Maringo Rd	Ephrata	WA	98823
Mr. and Ms.	Steven A. and Kerri L.	Adler			12548	Dodson Rd NW	Ephrata	WA	98823
Mr.	Chris C.	Akerblade			740	W Sunset Dr	Burbank	WA	99323
Mr. and Ms.	Douglas G. and Kirsten H.	Anderson			2265	Cherry Blossom Dr	Ephrata	WA	98823
Mr. and Ms.	Rubio A. and Antonia D.	Angel			2322	Cherry Blossom Dr	Ephrata	WA	98823
Mr. and Ms.	Earl W. and Marvel L.	Atkins			13043	Railroad Ave NW	Ephrata	WA	98823
Mayor	Jim	Baergen	City of Hartline			P. O. Box 127	Hartline	WA	99135
Mr. and Ms.	Gary W. and Nancy M.	Balentine			2346	Cherry Blossom Dr	Ephrata	WA	98823
Mr. or Ms.		Balle			2700	Rd. 11.7 NW	Ephrata	WA	98823
Mr.	Rob	Banes	Office of Environmental Health Assessments	Site Assessment Section		P. O. Box 47846	Olympia	WA	98504-7846
Mr. and Ms.	Wayne L. and Gloria J.	Barger			2374	Cherry Blossom Dr	Ephrata	WA	98823
Mr. and Ms.	Reynold and Mable	Barth			27	Apple Lane	Ephrata	WA	98823
Mr.	Harold E.	Basso			1126	Yakima St SE	Ephrata	WA	98823
Ms.	Harroet	Beale	Puget Sound Action Team			P. O. Box 40900	Olympia	WA	98504-0900
Ms.	Bonnie	Beavers	Center for Justice		35	W Main St	Spokane	WA	99201
Mr.	Jim	Bellatty	Department of Ecology	Water Quality Program	4601	North Monroe Street	Spokane	WA	99205
Mr. and Ms.	Michael And Gayle	Belles			2325	Cherry Blossom Dr	Ephrata	WA	98823
Mr. and Mrs.	James and Laura Ann	Bensch			12605	Rd. C.3 NW	Ephrata	WA	98823
Mr. and Ms.	James L. and Dorothy A.	Berens			16456	Rd 1 NW	Quincy	WA	98848
Ms.	Karin	Berkholtz	Department of Community Development			P. O. Box 48300	Olympia	WA	98504-8300
Ms.	Tatyana	Bistrevsky	WSU County Extension		222	N Havana	Spokane	WA	99202-4799
Mr. or Ms.		Bittle			13391	Rd. E NW	Ephrata	WA	98823
Mr. or Ms.		Black			12995	Dodson Rd. NW	Ephrata	WA	98823
Mayor	Katherine	Bohnet	City of Wilson Creek			P. O. Box 162	Wilson Creek	WA	98860
Mr.	Tim	Bohr			12975	Rd C.3 NW	Ephrata	WA	98823
Mr. and Ms.	Darrell and Karen	Bolyard				P. O. Box 733	Ephrata	WA	98823
Mr.	Art	Bookstrom	US Geological Survey		904	W Riverside Ave, Room 202	Spokane	WA	99201-1087
Mr.	Kevin	Booth	Avista		1411	E Mission Msc-21	Spokane	WA	99202
Mr.	Jerry	Boyd	Paine Hamblen		717	W Sprague Ave, Ste 1200	Spokane	WA	99201-3505
Mr.	Clarence Marvin	Braman			331	Statter Rd	Ephrata	WA	98823
Mr. and Ms.	Ermal L. and Reiko	Brandon			12978	Dodson Rd NW	Ephrata	WA	98823
Mr.	Lloyd	Brewer	City of Spokane	Environmental Affairs	808	W Spokane Falls Blvd	Spokane	WA	99201-3333
Ms.	Lisa	Brown	Department of Ecology	Hazardous Waste & Toxics Reduction Program	4601	North Monroe Street	Spokane	WA	99205
Mr. and Ms.	Terry D. and Debbie K.	Brown			12061	Dodson Rd	Ephrata	WA	98823
Mr. and Ms.	Carl D. and Carol J.	Burck			2399	Basin St SW	Ephrata	WA	98823
Mr. and Ms.	Loyd And Tami	Burleson II			12948	Rebecca Ct NW	Ephrata	WA	98823
Ms.	Janie Marie	Burton				P. O. Box 7731	Covington	WA	98042
Mr. or Ms.		Butcher			2654	Rd. 11.9 NW	Ephrata	WA	98823
Mayor	Tammara	Byers	City of Grand Coulee			P. O. Box 180	Grand Coulee	WA	99133-0180
Hon.	Maria	Cantwell	US Senator		920	W Riverside	Spokane	WA	99201-1010
Mr. and Mrs.	Scott	Carabaja			12632	Rd. C.3 NW	Ephrata	WA	98823
Mayor	Mary Jo	Carey	City of Elmer City			P. O. Box 179	Elmer City	WA	99124
Ms.	Ann L.	Carrigan			2321	Cherry Blossom Dr	Ephrata	WA	98823
Mr. and Ms.	Salud and Maria	Castillo			12530	Rd C.5 NW	Ephrata	WA	98823

Mailing List for Ephrata Landfill

Title	First Name	Last Name	Company Name	Other	Number	Street	City	State	Zip
Ms.	Emily	Celto Vache	Department of Ecology	Hazardous Waste & Toxics Reduction Program	4601	North Monroe Street	Spokane	WA	99205
Mr.	Peter	Christiansen	Department of Ecology	Solid Waste & Financial Assistance Program	3190	160th Avenue SE	Bellevue	WA	98008-5452
Mr. and Ms.	Robert and Rebecca	Church			8886	Hillcrest Dr	Moses Lake	WA	98837
Mr.	Scott	Clark	Grant County			P. O. Box 37	Ephrata	WA	98823-0037
Mr. and Ms.	Sherman L. and Pamela A.	Clayton			3178	Rd 12 NW	Ephrata	WA	98823
Mr.	Wayne	Clifford	Office of Environmental Health Assessments	Site Assessment Section		P. O. Box 47846	Olympia	WA	98504-7846
Mr.	Randy	Connolly	Spokane Tribe of Indians			P. O. Box 480	Wellpinit	WA	99040
Mayor	Ronald C.	Covey	City of Moses Lake			P. O. Box 1579	Moses lake	WA	98837
Ms.	Linda	Crerar	Department of Agriculture			P. O. Box 42560	Olympia	WA	98504-2560
Mr. and Ms.	Robert V. and Shannon M.	Criss			12859	Rd B.8 NW	Ephrata	WA	98823
Mr. and Ms.	Timothy J. and Lisa A.	Culbertson			20094	Delta Rd NW	Soap Lake	WA	98851
Mr. and Ms.	C & S	Dahl			238	G Street SW	Ephrata	WA	98823
Ms.	Valerie M.	Dalosto			12221	164Th Ave SE	Renton	WA	98059
Ms.	Laurie	Davies	Department of Ecology	Solid Waste & Financial Assistance Program		P. O. Box 47775	Olympia	WA	98504-7775
Mr.	Chase	Davis	Sierra Club		10	N Post, Ste 447	Spokane	WA	99201-0705
Mr. and Ms.	Arthur W. and Grace L.	Dazell				P. O. Box 234	Ephrata	WA	98823
Ms.	Cyndy	De Bruler	Columbia Riverkeeper			P. O. Box 912	Bingen	WA	98605
Mr.	Jim	Degraffenreid	Lincoln County Public Works		27234	SR 25 North	Davenport	WA	99122
Mr.	Carlos	Diaz	WA State Migrant Council		105	S 6Th Street #B	Sunnyside	WA	98944
Mr. and Ms.	Steve M. and Paula R.	Dietrich			12860	Rd B.8 NW	Ephrata	WA	98823
Mr. and Ms.	Harald and Laura	Dilling			2795	Rd 12.8 NW	Ephrata	WA	98823
Ms.	Anne	Duffy	WA Department of Health			P. O. Box 47825	Olympia	WA	98504-7825
Mr.	Andy	Dunau	Lake Roosevelt Forum		2206	S Sherman St	Spokane	WA	99203
Mr. and Ms.	Cecil E. and Delola M.	Durham				P. O. Box 771	Ephrata	WA	98823
		Editor	Grant County Journal		29	Alder Street SW	Ephrata	WA	98823
		Editor	El Mundo		10	N. Mission	Wenatchee	WA	98807
		Editor	Columbia Basin Herald			P. O. Box 910	Moses Lake	WA	98837
		Editor	Spokesman-Review Local Circulation		7770	Rainier Road NE	Moses Lake	WA	98837
		Editor	Escenario Hispano Newspaper		813	W. 3rd Avenue	Moses Lake	WA	98837
		Editor	Basin Business Journal		815	W. 3rd Avenue	Moses Lake	WA	98837
Mayor	Judy K.	Esser	City of Mattawa			P. O. Box 965	Mattawa	WA	99349
Ms.	Teresa	Eturaspe	Department of Fish and Wildlife			P. O. Box 43200	Olympia	WA	98504-3155
Mr. and Ms.	Darvin D. and Kathy A.	Fales			12501	Dodson Rd NW	Ephrata	WA	98823
Ms.	Cathy	Fallon			839	Cliff Drive	Spokane	WA	99204
Mr. or Ms.		Farer			4022	Rd. 13.5 NW	Ephrata	WA	98823
Mr.	Brian	Farmer	Department of Ecology	Shorelines & Environmental Assistance Program	4601	North Monroe Street	Spokane	WA	99205
Mr. and Ms.	Ernest O. and Heidi K.	Farmer			6663	Martin Rd NW	Ephrata	WA	98823
Mr. and Ms.	William J. and Melinda L.	Farmer			4592	Rd 13.5 NW	Ephrata	WA	98823
Mr.	Allen	Fiksdal	Energy Facility Site Evaluation Council			P. O. Box 43172	Olympia	WA	98504-3172
Ms.	Betty	Fowler	Safe Water Coalition of Washington State		5615	W Lyons Ct	Spokane	WA	99208-3777
Ms.	Darlene	Frye	Department of Ecology	Solid Waste & Financial Assistance Program	15	West Yakima Avenue	Yakima	WA	98902-3387
Mr.	James A.	Frye				P. O. Box 10991	Yakima	WA	98909
Mr.	Luz M.	Garcia			2768	Rd S SW	Quincy	WA	98848
Ms.	Jani	Gilbert	Department of Ecology	Public Information Officer	4601	North Monroe Street	Spokane	WA	99205
Mr. and Ms.	Daniel E. and Wendy L.	Gilfeather			12886	Rebecca Ct NW	Ephrata	WA	98823
Mr. and Ms.	Jerry and Rhonda E.	Gingrich			2435	Cherry Blossom Dr	Ephrata	WA	98823
Ms.	Jodi L.	Gingrich			31	Apple Lane	Ephrata	WA	98823
Ms.	Flora	Goldstein	Department of Ecology	Toxics Cleanup Program	4601	North Monroe Street	Spokane	WA	99205

Mailing List for Ephrata Landfill

Title	First Name	Last Name	Company Name	Other	Number	Street	City	State	Zip
Ms.	Lauren H.	Gordon			12944	Rd B.8 NW	Ephrata	WA	98823
Mr.	Tom J.	Gray			12592	Rd C.1 NW	Ephrata	WA	98823
Mr. and Ms.	Bruce L. and Krysta	Gribble			12913	Rd B.8 NW	Ephrata	WA	98823
Mr. and Ms.	Stephen L. and Sandra L.	Grout			2305	Cherry Blossom Dr	Ephrata	WA	98823
Mr.	Castaneda	Guillermo	La Clinica Migrant Health Center			P. O. Box 1323	Pasco	WA	99301-1323
Mr. and Ms.	Kevin L. and Rebecca G.	Guinn			24	Peachtree Dr	Ephrata	WA	98823
Mr.	Salud	Gutierrez			12582	Rd C.5 NW	Ephrata	WA	98823
Mr. and Ms.	Gary and Megan	Hagy			2456	Cherry Blossom Dr	Ephrata	WA	98823
Mayor	Raymond	Halsey	City of Electric City			P. O. Box 130	Electric City	WA	99123
Mr. and Ms.	James D. and Karen F.	Hand			20922	SE 270Th St	Covington	WA	98042
Mr.	Benjamin R.	Hankins			2306	Cherry Blossom Dr	Ephrata	WA	98823
Mr.	Tom	Hargreaves	The Lands Council		129	W. 16th	Spokane	WA	99203
Hon.	Doc	Hastings	WA State Representative		2715	St. Andrews Loop Ste D	Pasco	WA	99301
Mr.	Sanford T.	Hastings			9804	Mariner Dr NW	Olympia	WA	98502
Mr. or Ms.		Hawkins			12329	Dodson Rd. NW	Ephrata	WA	98823
Mr. and Ms.	John L. and Nancy	Hawkins Jr				P. O. Box 96	Ephrata	WA	98823
Ms.	Jan	Haywood	Department of Health			P. O. Box 47820	Olympia	WA	98504-7820
Mr.	David L.	Hazzard			4301	Martin Rd NW	Ephrata	WA	98823
Mr.	William P.	Helfrich			8599	Rd 4 NW	Ephrata	WA	98823
Ms.	Shirley A.	Herr				P. O. Box 304	Ephrata	WA	98823
Hon.	Bill	Hinkle	WA State Representative			P. O. Box 40600	Olympia	WA	98504-0600
Mr. and Ms.	Kevin J. and Geri Lynn	Hinkle			5255	Painted Hills Rd, #6	Ephrata	WA	98823
Mr. or Ms.		Hinsen			4900	Rd. 13.5 NW	Ephrata	WA	98823
Mr.	Jim	Hollingsworth			2508	Adams Rd	Veradale	WA	99037
Hon.	Janea	Holmquist				P. O. Box 40413	Olympia	WA	98504-0413
Mr.	Thomas	Horne			14626	Renton/Issaquah Rd	Renton	WA	98059
Mayor	Wayne R.	Hovde	City of Soap Lake			P. O. Box 1270	Soap lake	WA	98851
Mr.	Bob	Hubenthal	Department of Social and Health Services	Lands and Building Division		P. O. Box 45848	Olympia	WA	98504-5848
Mr. and Ms.	Thomas and Cynthia K.	Inch			12872	Rd B.7 NW	Ephrata	WA	98823
Mr. and Ms.	Norman R. and Cheryl A.	Jackson			11987	Dodson Rd NW	Ephrata	WA	98823
Mayor	Chris	Jacobson	City of Ephrata		121	Alder Street SW	Ephrata	WA	98823
Mayor	Justin	Jenks	City of Royal City			P. O. Box 1239	Royal City	WA	99357
Mr. and Ms.	Darcy J. and Robert J.	Jensen			2424	Cherry Blossom Lane	Ephrata	WA	98823
Ms.	Rhonda	Jensen			130	H St NE	Ephrata	WA	98823
Mr.	Bill	Jolly	Parks and Recreation Commission			P. O. Box 42668	Olympia	WA	98504-2668
Mr. and Ms.	Jerry L. and Kellie D.	Kaler			11923	Dodson Rd NW	Ephrata	WA	98823
Mr. and Ms.	Michael G. and Sandy Jo	Kallstrom				P. O. Box 155	Ephrata	WA	98823
Mr. or Ms.		Kibby			2086	Rd. 11.9 NW	Ephrata	WA	98823
Ms.	Vivian Peterson	Kirkevold				P. O. Box 210215	Auke Bay	AK	99821
Mr. and Ms.	Gerald and Elizabeth	Klein			12385	Dodson Rd NW	Ephrata	WA	98823
Mr. and Ms.	Paul and Karrie	Klingeman			12867	Rebecca Ct NW	Ephrata	WA	98823
Mayor	Elliot	Kooy	City of George			P. O. Box 5277	George	WA	98824
Mr.	James	Layman	Inland Northwest Wildlife Council		6116	N Market St	Spokane	WA	99207
Dr.	Hugh	Lefcort	Gonzaga University		502	E Boone	Spokane	WA	99258
Mr.	Keith	Lenssen			13836	Rd C.4 NW	Ephrata	WA	98823
Mr. and Ms.	Larry D. and Janet A.	Lenssen			13836	Rd C.4 NW	Ephrata	WA	98823
Mr.	John C	Linder			11969	Dodson Rd NW	Ephrata	WA	98823
Ms.	Karen	Lindheldt	Center for Justice		35	W Main, Ste 300	Spokane	WA	99201

Mailing List for Ephrata Landfill

Title	First Name	Last Name	Company Name	Other	Number	Street	City	State	Zip
Mr.	Robert M.	Lowy	TDP Roberts Corporation		1014	W. 16th Avenue	Spokane	WA	99203
Mr.	Tom	Luce			4121	N Standard	Spokane	WA	99207
Mr.	Michael G.	Lufkin	Marten Law Group		1191	Second Avenue, Suite 2200	Seattle	WA	98101
Ms.	Joyce	Manship			12660	Dodson Rd NW	Ephrata	WA	98823
Mr. and Ms.	Darral E. and Barbara A.	Manthey			2304	Plum St	Ephrata	WA	98823
Mr. and Ms.	Robert and Mary	Mantz			4388	Rd. 13.5 NW	Ephrata	WA	98823
Mr.	Paul	Markham				P. O. Box 2251	Hailey	ID	83303
Mr. and Ms.	Eduardo and Martha	Martinez			224	J St NE	Ephrata	WA	98823
Ms.	Patricia J. Hooper	Martinez			740	Fairbanks Dr	Moses Lake	WA	98837
Mr. and Ms.	Clayton J. and Leona	Massey			12313	Dodson Rd NW	Ephrata	WA	98823
Mr. and Ms.	Kraig M. and Rosa M.	Massey			3230	Rd 12.8 NW	Ephrata	WA	98823
Ms.	Rosa	Massey			3230	Rd. 12.8 NW	Ephrata	WA	98823
Mr. and Ms.	Hector and Dalia	Matus			3202	Rd 5 NW #1	Ephrata	WA	98823
Mr.	Billy W.	Mc Anulty Et.Al.				P. O. Box 33	Ephrata	WA	98823
Mr. and Ms.	Jeffrey A. and Laura L.	Mc Cracken			3060	Rd 12 NW	Ephrata	WA	98823
Mr.	James F.	Mc Donnell			11997	Dodson Rd NW	Ephrata	WA	98823
Mr. or Ms.		McMillan			2661	Rd. 12.8 NW	Ephrata	WA	98823
Mr/	Larry Scott	Miller			2441	Basin St SW	Ephrata	WA	98823
Ms.	Terri	Miller	Department of Ecology	Shorelines & Environmental Assistance Program	4601	North Monroe Street	Spokane	WA	99205
Mr. and Ms.	Patrick R. And Judy G.	Molitor			4121	Peninsula Dr	Moses Lake	WA	98837
Mr. and Ms.	Clint & Anne	Moore			4503	SR 28	Ephrata	WA	98823
Mr. and Ms.	Clinton and Anna Belle	Moore				P. O. Box 2	Ephrata	WA	98823
Ms.	Martha	Morales			12582	Rd. C.5 NW	Ephrata	WA	98823
Mr. and Ms.	Robert L. and Marie E.	Morrison			11977	Dodson Rd	Ephrata	WA	98823
Mr. and Ms.	Robert and Peggy	Muchlinski			2266	Cherry Blossom Dr	Ephrata	WA	98823
Ms.	Leslie C.	Nellermoe	Heller Ehrman		701	Fifth Avenue, Suite 6100	Seattle	WA	98104-7098
Mr. and Ms.	Dale S. and Carol S.	Nelson			1075	Basin St SW	Ephrata	WA	98823
Mr. and Ms.	Robert A. and Yvonne	Nichols			2290	Cherry Blossom Dr	Ephrata	WA	98823
Mr. and Ms.	Fedor A. and Vera V.	Novikov			10138	Linden Rd NW	Soap Lake	WA	98851
Mr. and Ms.	Victor and Hortencia	Olivares			12637	Rd C.5 NW	Ephrata	WA	98823
Ms.	Carol D.	Olsen			2339	Plum St	Ephrata	WA	98823
Mr. or Ms.		Olson			620	Rd. B.7 NW	Ephrata	WA	98823
Dr.	John	Osborn			2421	W Mission	Spokane	WA	99201
Mr. and Ms.	Leonid and Elena	Pashkovsky			12679	Rd C.5 NW	Ephrata	WA	98823
Mr. and Ms.	Nikolay and Ludmilla	Pashkovsky			12596	Rd C.3 NW	Ephrata	WA	98823
Mr. and Ms.	Vladimir and Lydmila	Pashkovsky			12731	Rd C.5 NW	Ephrata	WA	98823
Ms.	Larena	Perez				P. O. Box 1285	Ephrata	WA	98823
Mr.	Rodney R.	Peters				P. O. Box 73	Ephrata	WA	98823
Mr.	Mike	Peterson	The Lands Council		423	W First, Ste 240	Spokane	WA	99201
Mr.	Grant	Pfeifer	Department of Ecology	Eastern Regional Office Director	4601	North Monroe Street	Spokane	WA	99205
Mr.	Darryl	Piercy	Kittitas County		411	North Ruby Street #2	Ellensburg	WA	98926
Mr. and Ms.	Leroy and Barbara	Pinney			22	Apple Lane	Ephrata	WA	98823
Ms.	Teila	Plaaster			3354	12.8 NW	Ephrata	WA	98823
Mr. and Ms.	Thomas C. and Judith L.	Potter			30	Apple Lane	Ephrata	WA	98823
Mr. and Ms.	Everett W. and Tracy J.	Purrington			12947	Rd B.8 NW	Ephrata	WA	98823
Ms.	Linda	Razey			3354	Rd. 12.8 NW	Ephrata	WA	98823
Ms.	Angela	Reife			3158	Rd. 12.8 NW	Ephrata	WA	98823
		Resident			11923	B Dodson Rd. NW	Ephrata	WA	98823

Mailing List for Ephrata Landfill

Title	First_Name	Last_Name	Company_Name	Other	Number	Street	City	State	Zip
		Resident			11239	Dodson Rd. NW	Ephrata	WA	98823
		Resident			11275	Dodson Rd. NW	Ephrata	WA	98823
		Resident			11397	Dodson Rd. NW	Ephrata	WA	98823
		Resident			11443	Dodson Rd. NW	Ephrata	WA	98823
		Resident			11586	Dodson Rd. NW	Ephrata	WA	98823
		Resident			11589	Dodson Rd. NW	Ephrata	WA	98823
		Resident			11617	Dodson Rd. NW	Ephrata	WA	98823
		Resident			11751	Dodson Rd. NW	Ephrata	WA	98823
		Resident			11823	Dodson Rd. NW	Ephrata	WA	98823
		Resident			11987	Dodson Rd. NW	Ephrata	WA	98823
		Resident			12009	Dodson Rd. NW	Ephrata	WA	98823
		Resident			12259	Dodson Rd. NW	Ephrata	WA	98823
		Resident			12345	Dodson Rd. NW	Ephrata	WA	98823
		Resident			12439	Dodson Rd. NW	Ephrata	WA	98823
		Resident			12483	Dodson Rd. NW	Ephrata	WA	98823
		Resident			12545	Dodson Rd. NW	Ephrata	WA	98823
		Resident			12689	Dodson Rd. NW	Ephrata	WA	98823
		Resident			12997	Dodson Rd. NW	Ephrata	WA	98823
		Resident			13065	Railroad Ave.	Ephrata	WA	98823
		Resident			11449	Rd. 11.3 NW	Ephrata	WA	98823
		Resident			4392	Rd. 13.5 NW	Ephrata	WA	98823
		Resident			4712	Rd. 13.5 NW	Ephrata	WA	98823
		Resident			4844	Rd. 13.5 NW	Ephrata	WA	98823
		Resident			12936	Rd. B.6 NW	Ephrata	WA	98823
		Resident			12873	Rd. B.7 NW	Ephrata	WA	98823
		Resident			12924	Rd. B.7 NW	Ephrata	WA	98823
		Resident			12925	Rd. B.7 NW	Ephrata	WA	98823
		Resident			12936	Rd. B.7 NW	Ephrata	WA	98823
		Resident			12939	Rd. B.7 NW	Ephrata	WA	98823
		Resident			12632	Rd. C NW	Ephrata	WA	98823
		Resident			13019	Rd. E NW	Ephrata	WA	98823
		Resident			13175	Rd. E NW	Ephrata	WA	98823
Mr. and Ms.	Alvin and Sherry	Richardson			2371	Basin St SW	Ephrata	WA	98823
Mr. and Ms.	Larry A. and Diane M.	Riebli			3277	Rd 12.9 NW	Ephrata	WA	98823
Ms.	Barbara	Ritchie	Department of Ecology	Environmental Review		P. O. Box 47703	Olympia	WA	98504-7703
Ms.	Carol Lee	Roalkvam	Department of Transportation			P. O. Box 47330	Olympia	WA	98504-7330
Mr. and Ms.	Bradley G. and Amy J.	Rodman				8 Apple Lane	Ephrata	WA	98823
Mr. and Ms.	Dewey R. and Barbara S.	Rogers Jr				P. O. Box 1325	Ephrata	WA	98823
Mr. and Ms.	Michael D. and Jennifer	Roland				P. O. Box 1166	Ephrata	WA	98823
Mr.	Mike	Roland			3553	Rd. 12.8 NW	Ephrata	WA	98823
Mr. and Ms.	Andrew J. and Angela H.	Rolfe			3158	Rd 12.8 NW	Ephrata	WA	98823
Mr.	Russell	Romig			247	J St NE, Apt. J	Ephrata	WA	98823
Mr.	Albert D.	Rosellini			5936	6Th Ave S	Seattle	WA	98108
Mr. or Ms.	D.	Rostel			11911	Dodson Rd. NW	Ephrata	WA	98823
Mr.	Kirk A.	Sager			5431	Rd 11.7 NW	Ephrata	WA	98823
Mr. and Ms.	Vicente and Raquel	Sanchez Jr.			12912	Dodson Rd NW	Ephrata	WA	98823
Mr. and Ms.	Thomas Dean and Donna L.	Scheelke			2338	Cherry Blossom Lane	Ephrata	WA	98823
Mr. and Ms.	Harvy A. and Bonnie L.	Schuch			8	Peachtree Dr	Ephrata	WA	98823

Mailing List for Ephrata Landfill

Title	First Name	Last Name	Company Name	Other	Number	Street	City	State	Zip
Mr. and Ms.	Gary D. and Cindy L.	Sell			2455	Cherry Blossom Dr	Ephrata	WA	98823
Mr. and Ms.	Ronald P. and Michiko	Sell And Garcia			1224	D St SW	Ephrata	WA	98823
Mr. and Ms.	Mark D. and Sue Ellen	Sherwood			7	Apple Lane	Ephrata	WA	98823
Ms.	Christina	Shields			2408	Cherry Blossom Dr	Ephrata	WA	98823
Mr.	Etalvadim	Shipovskiy			521	Glenmoor Dr	Moses Lake	WA	98837
Ms.	Kay	Shirey	Office of the Attorney General	Ecology Division		P. O. Box 40117	Olympia	WA	98504-0117
Mr. and Ms.	Edward and Louise A.	Sivula			12574	Rd C.1 NW	Ephrata	WA	98823
Ms.	Amy Jo	Smith			12574	Rd C.3 NW	Ephrata	WA	98823
Mr.	Ronald D.	Smith			20807	Pacific Hwy 103	Ocean Park	WA	98640
Mr. and Ms.	Steven D. and Deborah C.	Smith				P. O. Box 537	Ephrata	WA	98823
Mr. and Ms.	Dale E. and Donna J.	Smith			12887	Rebecca Ct NW	Ephrata	WA	98823
Ms.	Nora D.	Snider				P. O. Box 33	Ephrata	WA	98823
Mayor	Quincy	Snow	City of Coulee Dam		300	Lincoln Ave	Coulee Dam	WA	99116
Mr. and Ms.	Thomas W. and Pamela S.	Sortomme			368	3rd Ave SE	Ephrata	WA	98823
Mr. and Ms.	Jeff and Kelli	Spencer			12720	Dodson Rd NW	Ephrata	WA	98823
Mr. and Ms.	David J. and Joyce E.	Spencer			1250	Sage Rd	Ephrata	WA	98823
		Stecker			11355	Dodson Rd. NW	Ephrata	WA	98823
Mr.	Mark	Stephens	Department of Ecology	Spills Program	4601	North Monroe Street	Spokane	WA	99205
Mr.	Cullen	Stephenson	Department of Ecology	Solid Waste & Financial Assistance Program	300	Desmond Drive	Lacey	WA	98504-7600
Mr. and Ms.	Edwin C. and Edith N.	Stocker			63	Lincoln Ave	Snohomish	WA	98290
Mr.	Keith	Stoffel	Department of Ecology	Water Resources Program	4601	North Monroe Street	Spokane	WA	99205
Mr. and Ms.	Randall W. and Sabrina	Strong			60	Peachtree Dr	Ephrata	WA	98823
Ms.	Nicky	Swanson	Department of Ecology	Hazardous Waste & Toxics Reduction Program	4601	North Monroe Street	Spokane	WA	99205
Mr. and Ms.	Allan C. and Diane K.	Swensen			12687	Dodson Rd N	Ephrata	WA	98823
Mr.	Jim	Tiffany	Editor, El Mundo Newspaper			P. O. Box 2231	Wenatchee	WA	98807
Mr. and Ms.	Terrance and Leslie	Trachsler				P. O. Box 207	Ephrata	WA	98823
Ms.	Joanna S.	Tupling			38	Peachtree Dr	Ephrata	WA	98823
Mr.	Michael J.	Uhl, ETAL			4077	Highway 28 W	Ephrata	WA	98823
Mr.	Jesus R.	Vega			15	Mt View Dr	Quincy	WA	98848
Ms.	Halah	Voges	The Retec Group, Inc.		1011	SW Klickitat Way, Suite 207	Seattle	WA	98134-1162
Ms.	Amber	Waldref	The Lands Council		423	W 1 Street, #240	Spokane	WA	99201
Mr.	Calvin J.	Walker				P. O. Box 842	Ephrata	WA	98823
Hon.	Judy	Warnick	WA State Representative			P. O. Box 40600	Olympia	WA	98504-0600
Mr. and Ms.	Donald L. and Karin D.	Webster			333	Brickyard Pt Rd N	Beaufort	SC	29907
Mr. and Ms.	Larry A. and Debbie M.	Weis			2337	Cherry Blossom Dr	Ephrata	WA	98823
Mr. and Ms.	Joseph M. and Linda J.	White				P. O. Box 1145	Ephrata	WA	98823
Dr.	Robert	Whitlam	Office of Archaeology and Historic Preservation			P. O. Box 48343	Olympia	WA	98504-8343
		Whitmans			2156	Rd. 11.9 NW	Ephrata	WA	98823
Mr. and Ms.	Ronald L. and Evelyn	Wilkinson			2289	Cherry Blossom Dr	Ephrata	WA	98823
Mr. and Ms.	Gary R. and Christine R.	Williamson			13511	E 54Th Dr	Yuma	AZ	85367
Mr.	Loren	Wiltse	Adams County		165	North 1st Ave	Olympia	WA	99344-1065
Mr. and Ms.	Rock R. and Cynthia	Witte				P. O. Box 1153	Ephrata	WA	98823
Mr. and Ms.	Thomas B. and Terri L.	Witte			9589	Rd 1.5 NE	Ephrata	WA	98823
		Wolen			11879	Dodson Rd. NW	Ephrata	WA	98823
Ms.	Karen	Wood	Department of Ecology	Air Quality Program	4601	North Monroe Street	Spokane	WA	99205
Mr.	Colton James	Wright				P. O. Box 294	Oroville	WA	98844
Mr. and Ms.	Ronald D. and Shelley M.	Yenney			8278	Martin Rd NW	Ephrata	WA	98823
Mayor	Dick	Zimbelman	City of Quincy			City Hall	Quincy	WA	98848

Mailing List for Ephrata Landfill

Title	First_Name	Last_Name	Company_Name	Other	Number	Street	City	State	Zip
Mr. and Ms.	William and Delanas	Zimbelman			12695	Rd C.1 NW	Ephrata	WA	98823
			Hopp Family Limited Ptrn		13612	122Nd Ave E	Puyallup	WA	98374
			Oasis Park RV and Golf		2541	Basin Street Southwest	Ephrata	WA	98823
			Sunwest Park LLC		2233	California Ave SW	Seattle	WA	98116
			Washington St Wildlife Dept		600	Capitol Way N GJ-11	Olympia	WA	98501
			Grant County Public Works		124	Enterprise St SE	Ephrata	WA	98823
			Apparatus Repair & Welding		4301	Martin Rd.	Ephrata	WA	98823
			US Fish & Wildlife Service		2315	N. Discovery Pl	Spokane Valley	WA	99216
			Country Boys Inc			P. O. Box 115	Ephrata	WA	98823
			Consolidated Disposal Service			P. O. Box 1154	Ephrata	WA	98823
			Madrona East Mhp LLC			P. O. Box 22637	Seattle	WA	98122
			Basin Estates LP			P. O. Box 2444	Gig Harbor	WA	98335
Mayor			City of Warden			P. O. Box 428	Warden	WA	98857
			Department of Natural Resources	SEPA Center		P. O. Box 47015	Olympia	WA	98504-7015
			P U D #2 Grant County			P. O. Box 878	Ephrata	WA	98823
			Pheasant Land Company, LLC		19474	Rd B NW	Soap Lake	WA	98851
			Orchard View Homes LLC		13836	Rd C.4 NW	Ephrata	WA	98823
			U.S. EPA Region 10 (HW 117)	Community Relations	1200	Sixth Avenue	Seattle	WA	98101-3188
			Aspi Group		5200	Southcenter Blvd #100	Tukwila	WA	98188

Appendix D – Glossary of Terms

APPENDIX D 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), ground water, 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 from 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 hazardous 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 Party: see Potentially Liable Person.

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 (RI): 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.