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### Transcript of Proceedings

*February 11, 2020*

State of Washington Department of Ecology Public Hearing v.

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STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

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Draft Consent Decree Amendment, Prospective Purchaser  
Consent Decree, Cleanup Action Plan Amendment, and  
Public Participation Plan for the  
Seattle Public Utilities Midway Landfill Site

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PUBLIC HEARING

February 11, 2020

Des Moines, Washington

1 APPEARANCES

2 Hearing Officer:

3 Melanie Forster  
4

5  
6 Comments Given By:

7 Brian Nash

8 Peter Barbin

9 Bill Pugnetti

10 Scott Carson

11 Victor

12 Ken Broyles  
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1 BE IT REMEMBERED that on Tuesday,  
2 February 11, 2020, at 23801 16th Avenue South, Des  
3 Moines, Washington, at 8:40 p.m., the following  
4 public hearing was had, to wit:

5  
6 <<<<<< >>>>>>

7  
8 HEARING OFFICER FORSTER: Now we  
9 will begin the formal hearing section of the meeting,  
10 which we record for the public record. At this time,  
11 I'm going to read some information that is required  
12 for the record.

13 I'm Melanie Forster, Hearings Officer for this  
14 hearing. This evening we are to conduct a hearing on  
15 the draft consent decree amendment, prospective  
16 purchaser consent decree, cleanup action plan  
17 amendment, and public --

18 UNIDENTIFIED SPEAKER: We can't  
19 hear.

20 HEARING OFFICER FORSTER: --  
21 partic --

22 UNIDENTIFIED SPEAKER: We can't  
23 hear a thing you're saying back here.

24 HEARING OFFICER FORSTER: This  
25 evening we are to conduct a hearing on the draft

1 consent decree amendment, prospective purchaser  
2 consent decree, cleanup action plan amendment, and  
3 public participation plan for the Seattle Public  
4 Utilities Midway Landfill Site.

5 Let the record show it's 8:41 on February 11,  
6 2020, and this hearing is being held at Des Moines  
7 Elementary School, 23801 16th Avenue South, Des  
8 Moines, Washington 98198.

9 Notices of this hearing were published in The  
10 Seattle Times, Federal Way Mirror, and Kent Reporter  
11 on January 3rd, 2020. A news release was sent to the  
12 Associated Press, Puget Sound Business Journal,  
13 Crosscut, Kent Reporter, Federal Way Mirror, Robinson  
14 Newspapers, B-Town Blog, Seattle Times, Seattle P-I,  
15 KUOW, KNKX, KIRO Radio, KOMO Radio, KOMO-TV, KING-TV,  
16 KIRO-TV, and KCPQ-TV. This message also went out to  
17 about 1200 Ecology news Listserv subscribers, and a  
18 blog announcement about this hearing went to around  
19 1200 e-mail subscribers.

20 So no one has indicated that they wish to provide  
21 oral testimony. But I'm going to open up the floor  
22 in case anyone has changed their mind. So is anyone  
23 here interested in providing oral testimony?

24 So please state your name and address for the  
25 record, and speak clearly so that we can get a good

1 recording of your testimony.

2 BRIAN NASH: My name is Brian Nash.

3 And my address is 2600 Second Avenue, Seattle, 98121.

4 And I am a member of a political action committee

5 called Protect Federal Way. And we are here -- I'm

6 here on behalf of them because the citizens and

7 businesses that are members of that wanted to ensure

8 that this project takes into account the potential

9 future of an OMF site at Midway Landfill. That is

10 our favorite site for economic and community impact

11 reasons for the OMF South, and we want to ensure that

12 this plan does not preclude that or increase the

13 costs of that or otherwise make that option less

14 available in the future.

15 HEARING OFFICER FORSTER: Thank you

16 very much.

17 Would anyone else like to come up and provide

18 testimony?

19 Please state your name and address for the

20 record.

21 PETER BARBIN: Peter Barbin. 15100

22 Sixth Avenue Southwest, Unit 409, Burien, Washington

23 98166.

24 HEARING OFFICER FORSTER: Begin

25 whenever you're ready.

1 PETER BARBIN: Purpose of my  
2 presence here at this meeting tonight is to bring  
3 daylight upon federal Superfund monies to clean up  
4 the entire site, not just a portion of the Midway  
5 Landfill. It's time to fully integrate a cleanup to  
6 provide a platform for Sound Transit's future needs,  
7 WSDOT's future needs of the State Route 509  
8 interchange, and WSDOT's lane expansion.

9 Having disjointed projects, such as the OMF  
10 South's timeline not integrating with this particular  
11 project on the Midway Landfill, is not wise and it's  
12 not a proper use of taxpayer dollars. We should  
13 clean up this site once and for all, and Sound  
14 Transit needs to fully integrate their timeline of  
15 all their projects, the OMFs and their stations and  
16 their track alignments. Thank you.

17 HEARING OFFICER FORSTER: Anyone  
18 else?

19 Have a seat, and please state your name and  
20 address for the record. Then you may begin  
21 testifying whenever you're ready.

22 BILL PUGNETTI: Okay. Bill  
23 Pugnetti, P-u-g-n-e-t-t-i. 29022 50th Place South,  
24 Auburn, Washington 98001.

25 HEARING OFFICER FORSTER: Begin

1 whenever you're ready.

2 BILL PUGNETTI: The track layment  
3 by the Midway Land Site needs to be -- it needs to  
4 be -- need to step back and take a macro look at the  
5 greater project of the prospect of putting the Midway  
6 Landfill as an OMF. That should be determined first  
7 before the track laying precludes the use of the  
8 Midway Landfill because it's blocking access for the  
9 construction equipment to remove material and send it  
10 down I-5.

11 HEARING OFFICER FORSTER: Thank you.

12 State your name and address for the record. And  
13 then you may begin testifying whenever you're ready.

14 SCOTT CARSON: Name is Scott  
15 Carson, C-a-r-s-o-n. Address is 29130 Ninth Place  
16 South, Federal Way.

17 We were here tonight to hear the presentation on  
18 the environmental impact statement. Many of the  
19 comments made by the audience tonight, though, are  
20 frustration expressed by the absence of any kind of  
21 comprehensive integrated plan. Those of us that are  
22 affected by it being a potential OMF site feel the  
23 lack of that integrated plan is likely to take the  
24 most favorable site, the Midway Landfill, out of  
25 contention. If that happens, we fully believe that



1 our site is at risk. And it is probably the one that  
2 impacts the greatest number of individuals and the  
3 greatest number of businesses of any of the three  
4 sites being considered.

5 What you heard tonight was our frustration from  
6 having made these comments time and time again at  
7 board meetings, at public hearings like this one, and  
8 getting absolutely zero feedback or zero recognition  
9 that our comments were ever made.

10 We are beyond frustrated by this process and by  
11 Sound Transit's complete lack of accountability for  
12 how they're treating the citizens of this region.

13 HEARING OFFICER FORSTER: Thank you  
14 very much.

15 Anyone else? Anyone else wish to come up?

16 VICTOR: So what do I say again?

17 HEARING OFFICER FORSTER: Please  
18 state your name and address, and begin testifying  
19 whenever you're ready.

20 VICTOR: So Victor. And then address  
21 is 34204 18th Place South, Federal Way, Washington  
22 98003.

23 In all these public meetings, it is primarily  
24 frustration and pushback against OMF having their  
25 sites located in Federal Way. For the most part,

1 everyone wants to have the site be located on the  
2 landfill. And residents and business owners are  
3 testifying and are commenting, but it is going  
4 nowhere. You need to listen to the public and also  
5 consider our needs.

6 HEARING OFFICER FORSTER: Anyone  
7 else?

8 Please state your name and address for the record.

9 KEN BROYLES: My name is Ken Broyles.  
10 I live at 1907 68th Avenue Northeast, Tacoma,  
11 Washington 98422.

12 I'm just a little bit frustrated with this track  
13 project because it's like they're putting the cart  
14 before the horse. If this track gets completed  
15 before they even take into consideration of the  
16 landfill, then Sound Transit could use that for an  
17 excuse and say, Oh, now we have the new tracks here;  
18 we can't bring all that other bad dirt out and haul  
19 it away.

20 And, you know, years ago -- I live in Pierce  
21 County -- we voted down ST3. And when I got my new  
22 car tabs, that was the first time I even -- I looked  
23 at that, and I said, What in the world? My wife's  
24 car and mine, I got to pay an extra \$800 a year. And  
25 the people in Pierce County spoke, and we said we

1 didn't want it. But yet here we set. Our voice has  
2 not been heard. Sound Transit doesn't seem like they  
3 want to listen to us.

4 I've been to every Sound Transit meeting except  
5 for one, and that was on the 23rd of May, because I  
6 heard that the vote was already voted on before the  
7 public comment on the 23rd. And, you know, it just  
8 gets so frustrating that everything is done behind  
9 closed doors and Sound Transit is not listening to  
10 the public and for what we want.

11 All we need to do is remember in November when we  
12 vote and get some people in the State that will  
13 listen to the people, because the people running the  
14 State now, they don't listen to us. Thank you.

15 HEARING OFFICER FORSTER: Thank you.

16 KEN BROYLES: You're welcome.

17 HEARING OFFICER FORSTER: Anyone  
18 else? Anybody here who would still like to provide  
19 oral testimony? Last call.

20 All right. If you would like to send Ecology  
21 written comments, please remember they're due  
22 February 25th, 2020. We accept written comments in  
23 the following ways: Here at the hearing, online  
24 using our online comment form, by mail.

25 To get instructions on how to comment by mail or

1 online, please pick up one of the flyers on the back  
2 table. The information is also available on our  
3 website, or you can contact Mark Adams at  
4 Mark.Adams@ecy.wa.gov.

5 All testimony received at this hearing, along  
6 with all written comments received by February 25th,  
7 2020, will be part of the official record for the  
8 comment period. Ecology will send notice about the  
9 availability of Response to Comments to everyone that  
10 provided written comments or oral testimony on the  
11 draft consent decree amendment, prospective purchaser  
12 consent decree, cleanup action plan amendment, and  
13 public participation plan; everyone who signed in for  
14 today's hearing, provided an e-mail address; and  
15 other interested parties on the agency's mailing list  
16 for these documents.

17 The Response to Comments will, among other  
18 things, contain agency's response to questions and  
19 issues of concern that were raised during the public  
20 comment period. If you would like to receive notice  
21 about availability of the Response to Comments but  
22 did not sign in, please see me after the hearing.

23 The next step is to consider the comments and  
24 make a determination whether to approve the  
25 documents. Ecology will look at the public comments,

1 the Response to Comments, and other appropriate  
2 documentation and staff recommendations and will make  
3 a decision about approving these documents and  
4 executing the consent decrees.

5 If we can be of further help to you, please do  
6 not hesitate to ask or you can contact Mark Adams if  
7 you have other questions. On behalf of Department of  
8 Ecology, thank you for coming. I appreciate your  
9 cooperation and courtesy.

10 Let the record show this hearing is adjourned at  
11 8:54 p.m.

12 (Adjournment at 8:54 p.m.)  
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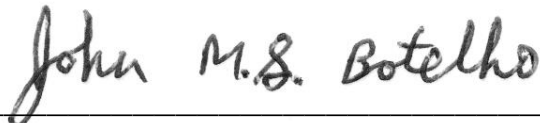
1 STATE OF WASHINGTON ) I, John M.S. Botelho, CCR, RPR,  
2 ) ss a certified court reporter  
3 County of Pierce ) in the State of Washington,  
4 do hereby certify:

5 That the foregoing PUBLIC HEARING was conducted in  
6 my presence and completed on February 11, 2020, and  
7 thereafter was transcribed under my direction; that the  
8 transcript is a full, true and complete transcript of the  
9 said public hearing, transcribed to the best of my ability;

10 That I am not a relative, employee, attorney or  
11 counsel of any party to this action or relative or employee  
12 of any such attorney or counsel and that I am not  
13 financially interested in the said action or the outcome  
14 thereof;

15 That I am herewith securely sealing the said  
16 transcript and promptly delivering the same to  
17 Nancy Lui, Washington State Department of Ecology.

18 IN WITNESS WHEREOF, I have hereunto set my hand  
19 this 19th day of February, 2020.

20 

21 \_\_\_\_\_  
22 John M.S. Botelho, CCR, RPR  
23 Certified Court Reporter No. 2976  
24 (Certification expires 5/26/20.)  
25

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