

Tulalip Landfill



Consent Decree Proposed for Natural Resource Damages

The Washington State Department of Ecology has prepared this fact sheet to update you on a federal consent decree proposed between the Natural Resource Trustees and Tulalip Landfill responsible parties. This federal decree, which also contains language settling state liability, proposes a settlement for natural resource damages at the former Tulalip Landfill site. The decree includes additional parties that did not settle in 1997 with the trustees and 185 other responsible parties, and other subsequent settlements.

A *consent decree* is a legal document approved and issued by a court. It formalizes an agreement reached between the trustees and responsible parties on the actions needed to compensate for injuries to natural resources from a site.

In this decree, the responsible parties will settle their liability by providing funds that will be used for restoring the injured resources or lost habitat. This decree does not relate to the cleanup of the landfill. That is the responsibility of the Environmental Protection Agency. If you have questions regarding the cleanup, please contact the Seattle EPA office.

The Trustees

- Department of Ecology
- United States Department of Interior
- National Oceanic and Atmospheric Administration (NOAA)
- Tulalip Tribes of Washington

The Potentially Responsible Parties

- The Port of Seattle
- Sears, Roebuck & Company
- Lockheed Martin, Inc.
- The Seattle School District
- General Disposal Corp
- The City of Mercer Island
- The United States Navy
- The Bureau of Indian Affairs of the United States Department of the Interior
- The Tulalip Tribes of Washington
- The Tulalip Section 17 Corporation

June 1999

Toxics Cleanup Program
Department of Ecology
300 Desmond Drive
Lacey WA

MAILING ADDRESS

P.O. Box 47600
Olympia WA 98504-7600

PUBLIC HEARING

June 17, 1999
12 noon to 2:00 P.M.
Sno-Isle Regional Library
Small Conference Room
6120 Grove Street
Marysville, WA 98270
(360) 658-5000

PUBLIC COMMENT PERIOD FOR PROPOSED CONSENT DECREE

June 11 to July 9, 1999

Written comments should be sent to Curtis Dahlgren at the address listed above or by e-mail
cdah461@ecy.wa.gov.

INFORMATION REPOSITORIES

Sno-Isle Regional Library
6120 Grove Street
Marysville, WA 98270
(360) 658-5000

Department of Ecology
Toxics Cleanup Program
300 Desmond Drive
Lacey Washington

Environmental Protection Agency
1200 Sixth Ave.
Seattle Washington

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The proposed decree specifies that the Trustees will receive funds from the responsible parties towards the cost of restoring the lost resources. In exchange, each responsible party will get a covenant not to sue and a release from liability related to natural resource damages. The ten responsible parties have agreed to make settlement payments totaling approximately \$675,348.08 for restoration purposes.

Site Background

The former Tulalip Landfill, located near Marysville, Washington in Snohomish County, occupies approximately 147 acres of former estuarine marsh on the western portion of Ebey Island. It is bordered by a berm and is surrounded by estuarine wetlands. From 1964 to 1979, the area was used as a disposal site for commercial and industrial wastes. Between three to four million tons of waste were disposed. Although the landfill was eventually closed and partially capped in 1979, hazardous substances were discovered in the soil at and around the site, in sediments around the site, in leachate flowing from the site, and in ground water at the site. The Tulalip Landfill is a federal Superfund site and was added to the federal National Priorities List (NPL) in April 1995.

The Proposal

The fill area still contains hazardous waste and can't be cost-effectively remediated because of the proscriptive requirement of the EPA cap and because of the large volume of material present. Under previous settlements, approximately 266 acres of nearby diked farmland had been purchased. Under this and subsequent consent decrees, funds will be used for the actual conversion of the land into estuarine wetlands to make up for the loss and destruction of the habitat lost at the landfill site.

Public Hearing

A public hearing will be held on Thursday, June 17, 1999, from 12 to 2 p.m., at the Sno-Isle Regional Library (small conference room), 6120 Grove Street, Marysville. Trustee representatives will be present to discuss the proposed decree and to answer formal and informal comments. Formal comments can also be submitted in writing during the public comment period (see page 1) without attending the formal hearing. Responses received during the state comment period will be combined under a separate federal comment period that will be held after notice in the Federal Register. A combined responsiveness summary will then be prepared and sent to those making formal comments under the state and federal comment period(s).

Public Comment Period

A public comment period is being held from June 11 through July 9, 1999. During this time you may review and provide comment on the proposed consent decree. The box on page 1 provides details on where the decree can be found and how to submit comments.

If you have questions or need more information, please contact Curtis Dahlgren, Toxics Cleanup Program, P.O.Box 47600, Olympia, WA 98504-7600, (360) 407-7187, fax (360) 407-7154 or e-mail cdah461@ecy.wa.gov.

PUBLIC NOTICE
Model Toxics Control Act Consent Decree Proposed for
Natural Resource Damages
Tulalip Landfill
Marysville, Washington

Public Comment Period: June 11 through July 9, 1999

A Natural Resource Damage Assessment Consent Decree has been proposed between the Natural Resource Trustees and 10 potentially responsible parties for the Tulalip Landfill site. The trustees include the Department of Ecology, as the lead state trustee; the United States Department of the Interior represented by the Fish and Wildlife Service; the National Oceanic and Atmospheric Administration; and the Tulalip Tribes of Washington. The responsible parties represent additional parties who have settled with the trustees since the first round of negotiations with 185 other parties in 1997.

The proposed decree specifies that the Trustees will receive approximately \$675,348 from the responsible parties toward the cost of restoring lost resources. In exchange, each responsible party will receive a covenant not to sue and a release from liability related to natural resource damages.

Ecology will be holding a Model Toxics Control Act public hearing to discuss the proposed decree and to answer formal and informal comments. The public hearing will be on June 17, from 12 to 2 p.m., at the Sno-Isle Regional Library, 6120 Grove Street, Marysville. Copies of the consent decree and a fact sheet concerning the settlement are available by contacting Curtis Dahlgren, Toxics Cleanup Program, Department of Ecology, P.O. Box 47600, Olympia WA 98504-7600, (360) 407-7187 or e-mail cdah461@ecy.wa.gov.