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ENVIRONMENTAL
LIFE SCIENCE CENTER

BEFORE THE POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

TRANSALTA CENTRALIA MINING
LLC,

Appellant,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondent.

PCHB No. 02-093.

STIPULATION AND AGREED
ORDER OF DISMISSAL

COMES NOW Appellant, TransAlta Centralia Mining LLC ("TransAlta") by and through its attorneys, Lane, Powell, Spears, Lubersky LLP and Mark J. Asplund; and Respondent, State of Washington, Department of Ecology ("Ecology") by and through its attorneys Christine O. Gregoire, Attorney General and Ronald L. Lavigne, Assistant Attorney General, and agree to the entry of this Stipulation and Agreed Order of Dismissal in the form attached.

I. RECITALS

1. On or about April 1, 2002, Ecology issued Notice of Penalty No. DE 02WQSR-3546 to TransAlta in the amount of \$24,000 for alleged violations of TransAlta's NPDES Permit.

1 represents that the SEP has a monetary value in excess of \$50,000. TransAlta's contribution
2 obligations pursuant to the SEP shall be as follows.

3 i On or before the one-year anniversary of the date the PCHB
4 signs the attached Order of Dismissal, TransAlta shall contribute at least
5 \$30,000 towards the SEP. If TransAlta elects to meet some of its obligation by
6 providing in-kind services, the services to be provided, as well as the value of
7 those services, must be approved by Ecology.

8 ii On or before the two-year anniversary of the date the PCHB
9 signs the attached Order of Dismissal, TransAlta shall contribute sufficient cash
10 or in-kind services to satisfy the remainder of the \$50,000 two-year contribution
11 requirement (the "Supplemental Amount"). TransAlta may meet its obligation
12 by either paying the Supplemental Amount in cash, by providing in-kind
13 services, or any combination of the two. If TransAlta elects to meet some of its
14 obligation by providing in-kind services, the services to be provided, as well as
15 the value of those services, must be approved by Ecology.

16 iii In the event Ecology rejects any in-kind services presented by
17 TransAlta to Ecology as satisfying TransAlta's obligations hereunder, the one-
18 year and two-year anniversaries shall be tolled for thirty (30) days to allow
19 TransAlta additional time to satisfy its payment obligations pursuant to either
20 subsection (i) or (ii), respectively.

21 6. Except as otherwise provided for in this Order, if TransAlta fails to timely
22 satisfy any of its obligations pursuant to Paragraph 5 above, TransAlta shall immediately
23 become liable to pay the unpaid balance of the \$60,000 plus 10% of the unpaid balance in cash
24 directly to Ecology. Ecology shall be entitled to recover its costs and attorneys fees in any
25 action brought to enforce the terms of this Stipulation.
26

1 7. Within 30 days of its completion of each obligation in Paragraph 1, above,
2 TransAlta shall provide notification to:

3 Marc Pacifico
4 Southwest Regional Office
5 300 Desmond Drive SE
6 Lacey, WA 98502

7 and to:

8 Ronald L Lavigne
9 Assistant Attorney General
10 Ecology Division
11 P.O. Box 40117
12 Olympia, WA 98504-0117

13 8. The payments made by TransAlta pursuant to Paragraphs 5 and 6 above are in
14 full settlement of all civil penalties that could be imposed pursuant to RCW Chap 90.48 for the
15 Violations.

16 9. By entering this Stipulation and Agreed Order, TransAlta does not admit
17 liability, guilt or wrongdoing for any of the Violations and specifically denies the same. It
18 enters this Stipulation and Agreed Order to avoid the cost and expense of further litigation in
19 this disputed matter.

20 10. The undersigned representatives for Ecology and TransAlta certify that they are
21 fully authorized by the party whom they represent to enter into the terms and conditions of this
22 Stipulation and Agreed Order of Dismissal and legally to bind such party thereto. Ecology and
23 TransAlta consent to the submission of this Stipulation and Agreed Order of Dismissal to the
24 Pollution Control Hearings Board for approval and entry.

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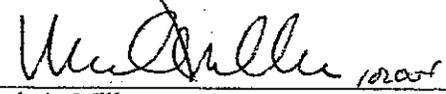
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RESPECTFULLY SUBMITTED this ____ day of June, 2003

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

TRANSALTA CENTRALIA MINING LLC



KELLY SUSEWIND, P.E.
Southwest Regional Manager
Water Quality Program

Mark A. Miller
Its: President

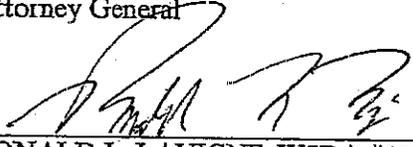
Dated: 6/25/03

Dated: 6/11/2003

Approved as to form and content:

CHRISTINE O. GREBOIRE
Attorney General

LANE POWELL SPEARS LUBERSKY LLP



RONALD L LAVIGNE, WSBA #18550
Attorneys for Respondent
State of Washington
Department of Ecology

MARK J. ASPLUND, WSBA #29076
Attorneys for Appellant
TransAlta Centralia Mining LLC

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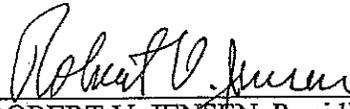
III. AGREED ORDER OF DISMISSAL

Having reviewed the foregoing Stipulation and the file and pleadings herein, and it appearing that the parties have reached an agreement;

IT IS HEREBY ORDERED that the foregoing Stipulation is entered as an Order of this Board, and this case, *TransAlta Centralia Mining LLC v. Ecology*, PCHB No. 02-093, is hereby DISMISSED with prejudice and without costs or attorneys fees.

DATED this 2nd day of ~~June~~ ^{July}, 2003.

POLLUTION CONTROL HEARINGS BOARD

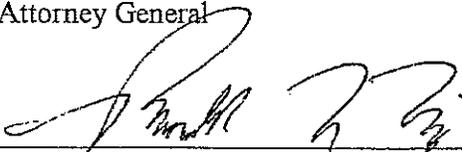

ROBERT V. JENSEN, Presiding


KALEEN COTTINGHAM, Member


WILLIAM H. LYNCH, Member

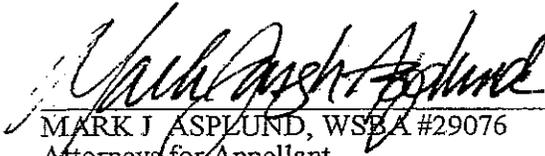
Presented by:

CHRISTINE O. GREBOIRE
Attorney General


RONALD L. LAVIGNE, WSBA #18550
Attorneys for Respondent
State of Washington
Department of Ecology

Approved as to form, notice of presentation waived

LANE POWELL SPEARS LUBERSKY LLP


MARK J. ASPLUND, WSBA #29076
Attorneys for Appellant
TransAlta Centralia Mining LLC