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**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SKAGIT**

**ANNIE JANICKI,**

**Petitioner,**

**v.**

**CITY OF SEDRO-WOOLLEY, a municipal corporation; DELUXE RECYCLING AND DISPOSAL LLC, a Washington limited liability company; and FIRE RIDGE LLC, an Oregon limited liability company,**

**Respondents,**

**v.**

**SKAGIT COUNTY, a political subdivision of the State of Washington,**

**Intervenor.**

No. 08-2-01130-8

**DECLARATION OF ROB SIMPSON**

I, the undersigned declarant, make this statement on the basis of facts within the scope of my first hand knowledge to which I am competent to testify.

1. I am a construction management professional, with a background in commercial and military construction. In 2007, I was hired to prepare a preliminary

1 construction budget and subsequently was asked to agree to the forming of a new LLC  
2 and construction company to assist in the design of the proposed facility and manage  
3 the actual construction of the facility for Deluxe Recycling and Disposal LLC  
4 ("Deluxe"). I assisted DDR LLC and Deluxe throughout their project, managing the  
5 project's design and engineering services.  
6

7       **2.** In this capacity, I met in late October 2007 to discuss the project with City  
8 personnel including City Supervisor Eron Berg, City Planning Director John Coleman, as  
9 well as Deluxe permit consultants John Abenroth and Marianne Manville-Ailles, and  
10 Deluxe principal Steve Snell. At this meeting, City Supervisor Eron Berg suggested that  
11 we quickly submit a building permit in order to vest ahead of regulations likely to be  
12 changing in the near future.  
13

14       **3.** Deluxe had two basic plans in dealing with Sedro-Woolley. The first was to  
15 open an electronic waste recycling facility exempt from various solid waste permitting  
16 requirements, and to then push the facility as a "*fait accompli*", i.e., a solid waste handling  
17 facility for which environmental review was complete. The second basic strategy was to  
18 quickly obtain a hastily-drafted MDNS and then later exploit loopholes in various  
19 instances where the conditions were arguably vague or unenforceable. This latter  
20 strategy Deluxe has actually pursued, and has taken measures to defeat what I  
21 understood to be the City's intent in the MDNS.  
22

23       **4.** Specifically, MDNS Condition No. 15 provides as follows:

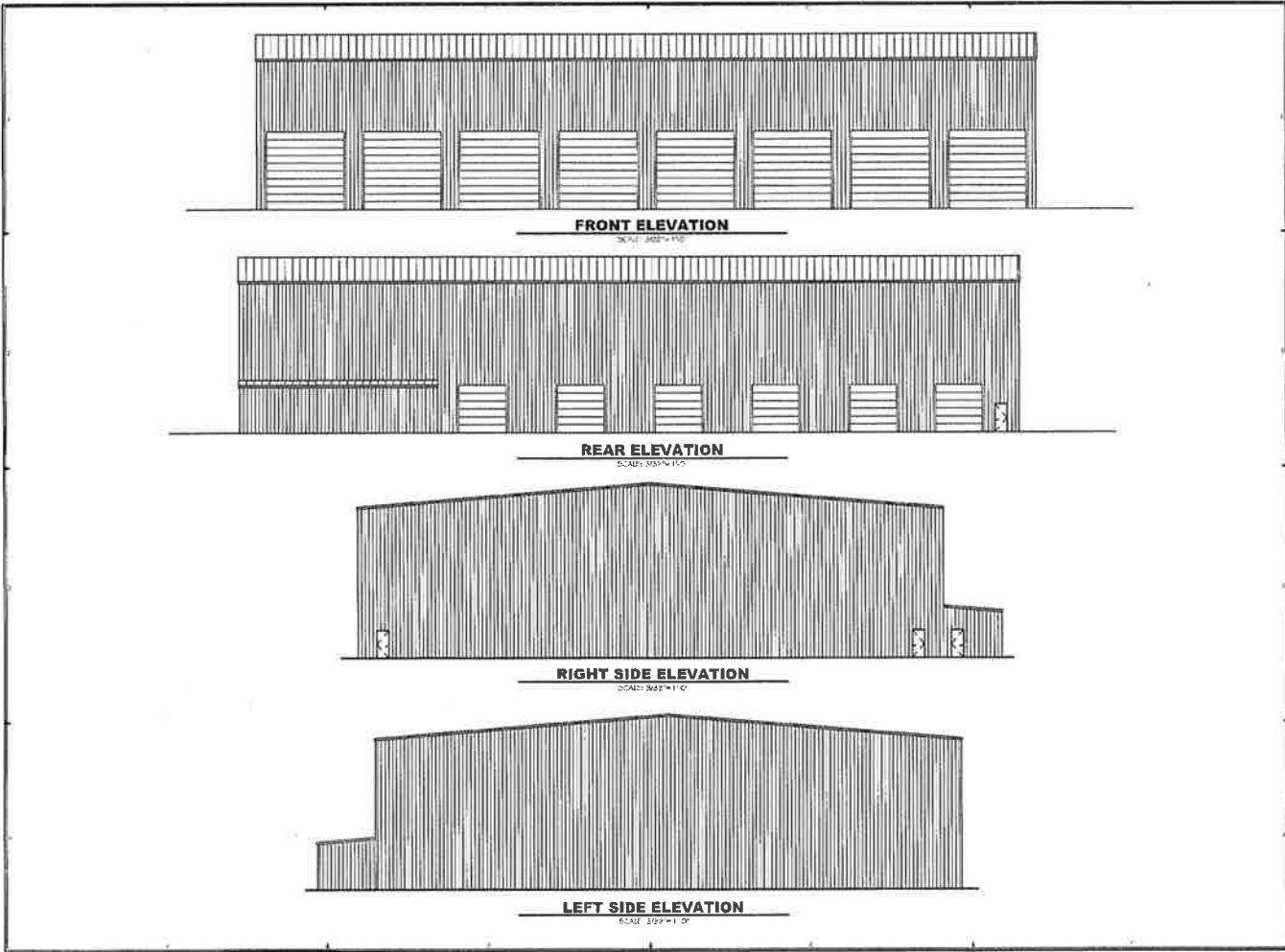
24       To better contain noise, odors and debris, the design of the transfer  
25 building shall have four sides, not three as originally proposed.  
26 Access to the interior of the building shall be through doors large  
27 enough to allow large-vehicle access and the doors must be capable  
28 of closing.

1  
2 The intent expressed by the City was that MDNS item #15 required all backup alarm  
3 and offloading noises to be contained within the building. David Wilton and I met with  
4 Jack Moore at the City of Sedro Woolley and he clarified that item. It is the cities' intent  
5 for all trucks to enter the facility head first and back up to unload inside the building so  
6 the back up alarms do not disturb the neighbors or the school. They desired one  
7 entrance door and one exit door. Because that was not clearly written in the MDNS,  
8 David and Steve Snell chose to have me revise the design to include eight doors on  
9 the entrance side because they considered the lack of wording a loophole and that  
10 since back up alarms were not specified in the MDNS they would not have to comply  
11 with that item. A copy of the revised design, which was prepared after the date of the  
12 MDNS, is attached as Exhibit A.

13 5. It is my opinion, based on my experience working on this project, that  
14 Deluxe has little intention to comply with the City's intent in the MDNS conditions. It is  
15 also my view that Deluxe has little regard or concern for the High School and its  
16 students, nor for the City and its citizens.

17 Signed on penalty of perjury under the laws of the State of Washington this  
18 29<sup>th</sup> day of August 2008, at SEATTLE, Washington.

19  
20  
21   
22 \_\_\_\_\_  
23 Rob Simpson



**FRONT ELEVATION**

SCALE: 3/32" = 1'-0"

**REAR ELEVATION**

SCALE: 3/32" = 1'-0"

**RIGHT SIDE ELEVATION**

SCALE: 3/32" = 1'-0"

**LEFT SIDE ELEVATION**

SCALE: 3/32" = 1'-0"

**KOLPMAN  
ARCHITECTS**  
711 North 1st Street  
Orem, UT 84057  
801.225.1200



**DELUXE RECYCLING AND DISPOSAL**  
SKAGIT COUNTY

NO.	DESCRIPTION	DATE

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**A2.0**

Exhibit **A**