



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 7, 2021

Karma Suchan
Yakima County Public Services
7151 Roza Hill Drive
Yakima, WA 98902

Re: Early Notice of Release of Hazardous Substances and Preliminary Determination of Liability for Release at the following Contaminated Site:

- **Site Name:** Snipes Mountain Landfill
- **Site Address:** 1150 Luther Road, Outlook
- **Cleanup Site ID:** 3402
- **Facility/Site ID:** 501
- **County Assessor's Parcel Number(s):** 22103031001

Dear Karma:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the Closed Snipes Mountain Landfill facility (Site) requiring cleanup under the [Model Toxics Control Act \(MTCA\)](#),¹ [chapter 70A.305 RCW](#).² This determination is based in part on a Groundwater Monitoring Report dated September 19, 2020. We have added the Site to our list of confirmed and suspected contaminated sites.

Based on credible evidence, Ecology is proposing to find Yakima County Public Services liable under MTCA for the release of hazardous substances at the Site. Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP." This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Proposed Finding of Liability

Ecology is proposing to find Yakima County Public Services liable under [RCW 70A.305.040](#)³ for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. According to the Yakima County Assessor's website, Yakima County Public Services-Solid Waste is the current owner of Yakima County Parcel No. 221030311001, on which the Closed Snipe Mountain Landfill is located. The municipal landfill was closed in 1994 and Yakima County Public Services continues to conduct post-closure care environmental monitoring at the site. In addition, the Lower Valley Transfer/Recycling Station is located at this Site and is currently operated by Yakima County Public Services.
2. Groundwater sampling conducted at the Site on June 9 and 10, 2020, reported the presence of tetrachloroethylene—aka perchloroethylene (PCE)—in monitoring wells SMW-1 at 10.9 µg/L, SMW-4 at 5.93 µg/L, and SMW-5s at 2.63 µg/L. The concentration of PCE in SMW-1 and SMW-4 is above the applicable Model Toxic Cleanup Act (MTCA) cleanup level.
3. The presence of PCE in groundwater above the MTCA cleanup level constitutes a threat to human health and the environment and further action is therefore required.

Opportunity to Respond to Proposed Finding of Liability

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology; or
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

Patricia Shanley
Solid Waste Program Central Regional Office
1250 West Alder St, Union Gap, WA 98903

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

After reviewing any comments submitted, or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

Identification of Other Potentially Liable Persons

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

Responsibility and Scope of Potential Liability

Ecology may either conduct, or require PLPs to conduct, remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under [RCW 70A.305.060](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.060)⁴ to file a lien against that real property to recover those costs.

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

1. Ecology intends to initiate discussions for an Agreed Order for this site.

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.060>

Karma Suchan, Yakima County Public Services
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Site Listing

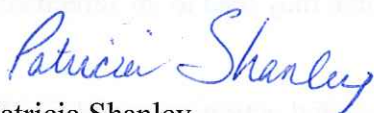
Ecology has added the Site to its list of confirmed and suspected contaminated sites. Information about the Site is enclosed. Please review this information for its accuracy and return your comments within thirty (30) days of receipt of this letter.

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please call me at 509-454-7293 or patricia.shanley@ecy.wa.gov

Thank you for your cooperation.

Sincerely,



Patricia Shanley
Cleanup Project Manager
Solid Waste Program, Central Regional Office

Enclosures:

1. Focus: Model Toxics Control Act Cleanup Regulation: Process for Cleanup of Hazardous Waste Sites (#94-129)
2. PLP Waiver Form Template
3. Site Listing Information

By certified mail: [7014 3490 0001 5526 5516]

cc: Ted Silvestri, Yakima Department of Health
Caroline Cress, Office of the Attorney General
James Rivard, Solid Waste Management Program Section Manager
Valerie Bound, Toxic Cleanup Section Manager
Ecology Site File