



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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April 30, 2021

S. Michael Rodgers
Tenancy in Common
c/o Daryl A. Deutsch
Rodgers Deutsch & Turner, PLLC
3 Lake Bellevue Drive, #100
Bellevue, WA 98005

Re: Contained-In Determination for F002 Contaminated Investigation-Derived Waste (IDW) at the Bella Cleaners Property in Bellevue, Washington.

Reference: 1. Electronic Mail and Attachment from Holly Corner, PES Environmental, Inc. to P. Bianco and M. Collins (Ecology), dated April 27, 2021.

Dear S. Michael Rodgers:

The Washington State Department of Ecology (Ecology) received a contained-in determination request from your environmental consultant, PES Environmental, Inc. for eight (8) 55-gallon drums of F002-listed waste perchloroethylene (PCE) contaminated IDW generated during environmental investigations at 100 – 104 Bellevue Way SE, in Bellevue, WA.

Analytical data were submitted to Ecology to determine if these soils contaminated with F002-listed dangerous waste constituents may be exempt from management as dangerous wastes per the "Contained-In Policy"¹. Ecology understands that these contaminated soils do not designate under federal characteristics (WAC 173-303-090) or State-only criteria (WAC 173-303-100).

Based on the information received and reviewed, Ecology has determined that the **eight 55-gallon drums (approximately 3.5 tons)** of PCE contaminated IDW soils are contaminated with F002-listed dangerous waste constituents (PCE) at concentrations that do not warrant management as dangerous wastes. Ecology will not require disposal of these **eight drums** of PCE contaminated soils as F002 listed dangerous wastes at a RCRA permitted dangerous waste treatment, storage and disposal (TSD) facility, provided that all of the following conditions are implemented. This contained-in determination applies only to the contaminated soils, and does not pertain to contaminated water or any mixture of contaminated soils and fluid.

¹ Washington State Department of Ecology Contained-in Policy, dated February 19, 1993

You or your environmental consultant, PES Environmental, Inc. shall:

- Ensure that no standing water is present within the containers holding the contaminated soils. All water must be removed to the maximum extent possible from each container and managed as F002 dangerous wastes or as otherwise allowed under Chapter 173-303 WAC. Adding bentonite or similar materials to absorb standing F002 listed waste contaminated water in the containers is not allowed. Mixtures of bentonite or similar materials and the listed waste contaminated water must be managed as F002 listed dangerous wastes;
- Directly deliver the soils to a solid waste landfill or transfer station permitted under Chapter 173-351 WAC and/or Chapter 173-350 WAC inside Washington State. If taken directly to the solid waste landfill, no off-loading of the contaminated soils is allowed between the cleanup site and the permitted solid waste landfill; If taken to the transfer station, the intermodal containers from the cleanup site will be loaded on to rail cars, removal of the contaminated soils from the intermodal container at the transfer station is not allowed;
- If you plan to deliver the contaminated soils to a landfill outside Washington State, you must FIRST submit to Ecology written approval for the contaminated soil disposal from the State hazardous waste program and the out of state landfill, **before** the soils are delivered to the out of state landfill.
- If you load the contaminated soils directly onto the truck bed or the contaminated soils are transported in roll-off bins, the truck or the roll-off bins must be lined with plastic and properly covered to prevent leaks, spills or dispersion due to wind.
- Dispose of the contaminated soils at the permitted solid waste landfill by July 28, 2021. This contained-in determination letter is no longer valid after July 28, 2021 and the contaminated soils shall be managed as dangerous wastes after this date;
- Provide copies of all signed solid waste landfill receipts or a certificate of disposal issued by the receiving landfill for these contaminated soils to Ecology, attention of Paul Bianco, by August 11, 2021. This is an important verification step for you and your consultant to follow in order for this Ecology decision to be valid;
- Do not consolidate these contaminated soils with other soils that do not pertain to this contained-in determination;
- Notify Ecology before disposal of the contaminated soil if the amount exceeds the approved amount. Ecology needs to make sure that the additional soil qualifies for a contained-in determination;
- Ensure that the transporter is properly trained to handle hazardous waste so that the transporter manages the contained-in determination soils during transport in a manner that is protective of human health and the environment;

- Take measures to prevent unauthorized contact with these contaminated soils at all times;
- Provide instructions to the landfill operator that these soils are **not** to be used for daily, intermediate, or final cover;
- Provide copies of all soil analytical data to the landfill operator, upon request; and
- Do not send these contaminated soils to any incinerator, thermal desorption unit or recycling facility unless that facility is a RCRA Subtitle C permitted dangerous waste TSD facility.

Ecology issued this determination based on the information provided and reviewed to date. This Ecology determination will be rescinded if Ecology finds that the information submitted by the property owner or its environmental consultant is materially false, misleading, otherwise does not accurately represent the site conditions, or if the Ecology requirements listed above are not followed.

This written decision only applies to the **eight 55-gallon drums** of PCE contaminated soils described in your request (reference 1). It does not apply to any other media. Any data used for this contained-in determination is intended for use in determining the proper disposal of the above stated PCE contaminated soil according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC) and Ecology Contained-in Policy. This letter is not an Ecology approval for dangerous waste designation or disposal of contaminated soils that may be generated or already excavated from other areas in this property.

This letter is not a No Further Action (NFA) letter and not written approval for any cleanup action plan you may have submitted. Instead, this letter only addresses the procedures for disposal of the contaminated soils according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC). Regulatory decisions regarding the cleanup action, applicable soil and groundwater cleanup levels and any other cleanup issues must comply with the requirements under Ecology Model Toxics Control Act (Chapter 173-340 WAC). Local agencies may have the authority to impose additional requirements on this waste stream.

If you fail to comply with the terms of this letter, Ecology may issue an administrative order and/or penalty as provided by the Revised Code of Washington, Sections 70A.300.090 and/or .120 (Hazardous Waste Management Act).

If you have any questions concerning this letter, please contact me at (425) 649-7181 or cboe461@ecy.wa.gov.

Sincerely,

S. Michael Rodgers

April 30, 2021

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Christa Colouzis, PE

Corrective Action Unit Supervisor

Hazardous Waste and Toxics Reduction Program

Sent by Certified Mail: 9171 9690 0935 0214 2484 55

ecc: Holly Corner, PES Environmental, Inc.

Paul Bianco, Ecology

Greg Caron, Ecology

Chuck Hoffman, Ecology

Donna Musa, Ecology

Michael Warfel, Ecology

Karen Wood, Ecology