



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

December 2, 2014

Alexis McKinnon  
Kitsap County Public Works, Solid Waste Division  
614 Division Street (MS-27)  
Port Orchard, WA 98366

**Re: Opinion on Draft Cleanup Action Plan for Property associated with a Site:**

- Property Address: Olalla Road & Bandix Road, Olalla, WA 98359
- Facility/Site No.: 7057711
- Site Address: Olalla Road & Bandix Road, Olalla, WA 98359

Dear Ms. McKinnon:

The Washington State Department of Ecology (Ecology) received your request for an opinion on the Olalla Landfill Draft Cleanup Action Plan (DCAP) (Parametrix, 2014a) for the Property associated with the Olalla Landfill Site. This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

In this letter, the Olalla Landfill Property, or Property, refers to the landfill property owned by Kitsap County Public Works (KCPW). The Olalla Landfill Site, or Site, refers to the area affected by the release of hazardous substances from the Olalla Landfill. The Site includes the portion of the Olalla Landfill Property impacted by the landfill and any offsite property affected by the landfill.

Based on groundwater sampling and analysis results reported in the Olalla Landfill Remedial Investigation/Feasibility Study (Parametrix, 2014b), the Olalla Landfill Site likely extends beyond the Olalla Landfill property boundary to the adjacent property to the west. We understand the adjacent property owner has refused property access to allow investigation of the groundwater plume. Because of this, the Olalla Landfill Site is not fully characterized outside of the landfill property. Sampling of off-site drinking water wells during the remedial investigation (RI) and twice in earlier years, however, provides some characterization of off-site downgradient groundwater conditions.

### **Issues Presented and Opinion**

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Kitsap County Department of Public Works submitted the Olalla Landfill DCAP to Ecology for review. The purpose of the DCAP is to summarize the Remedial Investigation/Feasibility Study (RI/FS) activities performed and present the preferred cleanup action selected for the property.

This opinion is based on a review of the DCAP for conformance with the description in the RI/FS report



of the proposed cleanup alternative, Alternative 1, Monitored Natural Attenuation.

Ecology has determined the October 2014 Olalla Landfill Draft Cleanup Action Plan generally conforms to the presentation of the proposed alternative – Alternative 1, Natural Attenuation – in the RI/FS report. We recommend improvements to the document in the specific comments provided in this letter.

### **Description of the Property and the Site**

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This opinion applies only to the Property and the Site described below. This opinion does not apply to any other sites that may affect the Property. Any such sites, if known, are identified separately below.

#### **1. Description of the Property.**

The Property includes the following tax parcel in Kitsap County, which was affected by the Site and will be addressed by your cleanup:

- 012201-1-029-2003.

The legal description and diagram of the site were included in Enclosures A and B of Ecology's September 5, 2014 letter to Kitsap County Public Works regarding *Opinion on Proposed Cleanup of a Property associated with a Site*.

#### **2. Description of the Site.**

The Site is defined by the nature and extent of contamination associated with the following releases from the landfill:

- Arsenic, iron, manganese, and vinyl chloride to groundwater.
- Arsenic to surface water.

Those releases may have affected more than one parcel of real property, including the parcel identified above.

A detailed description and diagrams of the Site, as currently known to Ecology, were included in Enclosure B of Ecology's September 5, 2014 letter to Kitsap County Public Works regarding *Opinion on Proposed Cleanup of a Property associated with a Site*.

#### **3. Identification of Other Sites that may affect the Property.**

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the Property is affected by other sites.

## **Basis for the Opinion**

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This opinion is based on the information contained in the following documents:

1. Parametrix, 2014a. *Olalla Landfill Draft Cleanup Action Plan*. October 2014. Prepared for Kitsap County Department of Public Works Solid Waste Division.
2. Parametrix, 2014b. *Olalla Landfill Remedial Investigation Feasibility Study*. May 2014. Prepared for Kitsap County Department of Public Works Solid Waste Division.
3. *Quarterly and annual environmental monitoring reports submitted to Kitsap Public Health District and the Department of Ecology in accordance with the requirements of chapter 173-304 WAC between January 2008 and November 2014.*

Those documents are kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by calling the NWRO resource contact at (425) 649-7235.

This opinion is void if any of the information contained in those documents is materially false or misleading.

## **Comments on the Draft Cleanup Action Plan**

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### **1. Executive Summary**

- Page ES-1, paragraph 3, 3<sup>rd</sup> sentence: Landfill gas (LFG) was also sampled.
- Page ES-1, paragraph 3, last sentence: Vinyl chloride was identified as a Chemical of concern (COC) during the RI. Because of the lack of vinyl chloride detections above the cleanup level, the alternatives developed during the feasibility study did not need to address vinyl chloride. It should still, however, be considered a COC, have an established cleanup level, and be included in the parameter list for groundwater monitoring.

### **2. Site Background**

- Page 3, bullet list of RI activities: The list should include LFG sampling and analysis for volatile organic compounds (VOC).

### **3. Site Cleanup Standards**

- Page 4, section 3.3: Vinyl chloride should remain on the list of parameters for which cleanup levels were developed.

**4. Description of the Selected Cleanup Action**

- Page 5, 4<sup>th</sup> bullet: The restrictive covenant should be put in place when the cleanup action is complete, the facility no longer operates under a post-closure permit, or upon transfer of property ownership, whichever comes first.
- Page 7, section 4.2, 3<sup>rd</sup> paragraph: Vinyl chloride and other VOCs should be included, as they are in Appendix A, Table A-2.
- Page 7, section 4.3, 2<sup>nd</sup> paragraph: See comment above regarding restrictive covenant.

**5. Appendix B**

- Page 1, bottom bullet: The reference to Section 14.4.2.2 of the Unified Guidance appears to be incorrect. Please check and correct it if appropriate.
- Page 3, 3<sup>rd</sup> paragraph: The confidence interval results should be compared to the cleanup levels established for the site.

**Limitations of the Opinion**

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**1. Opinion does not settle liability with the state.**

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Change the boundaries of the Site.
- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

**2. Opinion does not constitute a determination of substantial equivalence.**

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you proposed will be substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

**3. Opinion is limited to proposed cleanup.**

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Property upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request such an opinion.

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**4. State is immune from liability.**

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

**Contact Information**

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Thank you for choosing to clean up your Property under the MTCA process. As you conduct your cleanup, please do not hesitate to contact us. We look forward to continuing working with you.

If you have any questions about this opinion, please contact me by phone at 425-649-7015 or by e-mail at [madeline.wall@ecy.wa.gov](mailto:madeline.wall@ecy.wa.gov).

Sincerely,



Madeline Wall, P.E.  
NWRO Waste 2 Resources Program

MW: SE

cc: Pat Campbell, Kitsap County Public Works  
Jan Brower, Kitsap Public Health District  
Grant Holdcroft, Kitsap Public Health District  
Peter Christiansen, Ecology, Waste 2 Resources  
Krystyna Kowalik, LG, LHG, Ecology, Waste 2 Resources