



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

1250 West Alder St., Union Gap, WA 98903-0009 • 509-575-2490

May 4, 2023

Sent via email and hard copy

Bill Preston
City of Yakima
129 N. 2nd Street
Yakima, WA 98901

Re: Planned Utility Corridor through the Bravo Company Boulevard (aka East-West Corridor) Right-of-Way Interim Action:

- **Site Name:** Boise Cascade Mill
- **Site Address:** 805 N. 7th Street, Yakima
- **Facility Site ID No.:** 450
- **Cleanup Site ID No.:** 12095
- **Agreed Order No.:** DE 13959

Dear Bill Preston:

The Washington State Department of Ecology (Ecology) appreciated meeting with the City of Yakima (City) on April 11, 2023, to discuss the City's Bravo Company Boulevard (aka East-West Corridor) work planned for 2023. The upcoming work will consist of the installation of utility corridor within the City's Right-of-Way (ROW) through both the Interstate 82 Exit 33A Yakima City Landfill (Yakima Landfill) and the adjacent Boise Cascade Mill Site. This correspondence focuses on the City's work on the Boise Cascade Mill Site.

Since our meeting, we've discussed and researched the best way to move forward related to submittals, approvals, and activities for the Boise Cascade Mill Site. Based on our discussions, Ecology views the utility corridor work described in the "*Interim Action Work Plan – Roadway Project, Closed City of Yakima Landfill Site, Yakima, Washington*,"¹ report dated July 29, 2019, as a public works construction project that is anticipated to encounter known contamination associated with the Boise Cascade Mill Site. As a result of encountering the contamination and the anticipated remedial action to address the contamination during construction, the work will be under the Interim Action Work Plan. **However, Ecology is requiring that the City update the Interim Action Work Plan (IWAP).**

¹ <https://apps.ecology.wa.gov/cleanupsearch/document/124520>

Bill Preston
City of Yakima
May 4, 2023
Page 2 of 4

Furthermore, Ecology is concerned that without review and approval of the planned work by the Boise Cascade Mill site PLPs and consultant, the planned utility corridor work could be constructed in a manner that precludes the future removal of contamination to the maximum extent practical at the Boise Cascade Mill site.

In this letter notification, Ecology presents our findings, concerns, and opinions related to the planned City utility corridor work on the Boise Cascade Mill Site. The contents of this letter are consistent with our authority under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW.²

File review of Interim Action work by City at Interstate 82 Exit 33A Yakima City Landfill Site

Ecology conducted a preliminary file review regarding the submittals and correspondence associated with the City's Interim Action work at the Yakima Landfill site to specifically determine if the areas of planned work within the City's ROW, extending north and west through the Boise Cascade Mill Site, should be considered part of the previously approved Interim Action being performed by the City under the "*Interim Action Work Plan – Roadway Project, Closed City of Yakima Landfill Site, Yakima, Washington.*"

Our review determined that the IAWP – Roadway Project, Closed City of Yakima Landfill Site, Yakima, Washington report identifies roadway and utility work to be performed that extends onto the Boise Cascade Mill Site. However, the IAWP predates the Remedial Investigation report submitted to Ecology by the PLP for the Boise Cascade Mill Site.

An amendment letter from Ecology for the Interstate 82 Exit 33A Yakima Landfill Agreed Order (DE 15861) that identifies updated requirements related to the City's IAWP will be sent under separate cover.

The update to the IAWP will need to address our concerns about the public works utility corridor project's relation to the contamination of the Boise Cascade Mill Site as discussed further below. But first Ecology is providing comment on the property transfer between the City and the Boise Cascade Mill Site PLP.

Property transfer on the Boise Cascade Mill and environmental liability

Ecology acknowledges the sale of portions of the Boise Cascade Mill Site to the City to create the Bravo Company Boulevard right-of-way (ROW).

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



As identified in the Agreed Order³ under *Section III. Parties Bound*, no change of ownership alters the responsibility covered in the Agreed Order. The 2004 Bargain and Sale Deed contains a Declaration of Covenants and Obligations that binds only Boise Cascade Corporation, Wily Mt., Inc., and LeeLynn, Inc. Ecology did not sign this agreement. Accordingly, the Declaration of Covenants and Obligations does not bind Ecology in any way, including Ecology from requiring more stringent cleanup standards if Ecology determines they are justified.

City public works roadway construction at the Boise Cascade Mill Site

Ecology understands that the City is moving forward with their plans to develop their ROW as a public works project. The City plans development the ROW in multiple phases. Ecology understands future phases to develop the ROW by the City will require further excavation of contaminated soils and wood waste to create a suitable base for the future roadway. The City identified that the proposed 2023 phase for the ROW will consist of a 20-foot wide utility corridor within the City's ROW alignment that is within areas where contamination has been identified on the Site. Since the City has not provided Ecology with plan sets for the 2023 work, the vertical extents of the utility corridor work is unknown to Ecology at this time.

Ecology is viewing the utility corridor work and future phases to develop the ROW as public works construction projects occurring within the Boise Cascade Mill Site. Such work is acceptable to Ecology, as long as the work is coordinated with future remedial activities and does not create a situation where the utility work precludes future remedial activities from being conducted. Ecology is concerned about the utility corridor work being designed and completed in a manner that does not preclude the removal of contamination to the maximum extent practical based on pre-construction conditions. Ecology is also concerned about work safety during the construction of the utility corridor and recontamination of the utility corridor after construction is completed.

The City must coordinate with the Boise Cascade Mill Site PLPs to ensure that necessary steps are taken, and measures are in place, to ensure that the planned work by the City is completed in a manner that addresses Ecology's concerns. Ecology is requiring a technical memorandum response from the Boise Cascade Mill Site PLP on the impact of the work to future remedial alternatives on the Boise Cascade Mill Site. One technical memorandum will be required at the end of the design phase, and one will be required following remedial activities to remove the contaminated soil and prior to backfilling with utility corridor with clean fill.

³ <https://apps.ecology.wa.gov/cleanupsearch/document/61332>



Bill Preston
City of Yakima
May 4, 2023
Page 4 of 4

Permitting

Since the utility corridor work is covered under the Agreed Order, the permit provisions under MTCA do apply. The City must ensure that the substantive requirements of all appropriate federal, state, and local permits are obtained, and requirements under SEPA are met.

Request for a detailed schedule

Ecology requests that the City provide a detailed engineering level schedule (Gantt Chart with milestones) for completing the design, bidding, contract award, and construction of the planned utility corridor work. This information will allow Ecology to better assist the City in the development of their project.

Collaboration

As described above, and as identified in Ecology's response to the Boise Cascade Mill Site's PLP (enclosed with this letter); interaction with the PLP and the City is necessary for the utility corridor work to occur on the Boise Cascade Mill Site. Ecology is requiring that the work does not preclude the removal of contamination after construction and is consistent and does not interfere with planned remedial activities planned by the PLP. Ecology is available to interact with the City further on this matter.

Closing and Contact Information

We look forward to your response to this letter. We are available to collaborate with the City and the PLP as necessary for the City to implement their utility corridor work. If you have any questions about this response and these opinions, please contact me by phone at 509-225-0304 or e-mail at John.Zinza@ecy.wa.gov.

Sincerely,



John Zinza, PE
Cleanup Project Manager
Toxics Cleanup Program
Central Regional Office

Enclosure: Copy of Ecology response to PLP, dated April 27, 2023

