



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

Allan Gebhard
Barr Engineering
4300 Market Point Drive, Suite 200
Minneapolis, MN 55435

Re: PLP Response Declining Ecology's Proposed 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 Allan Gebhard:

The Washington State Department of Ecology (Ecology) received the Potential Liable Person's (PLP) March 29, 2023 letter response to Ecology's March 14, 2023 Notice of Proposed Interim Action: Removal of Contaminated Soils Where Areas of Concern Impact City of Yakima Planned Work. Thank you for your response and the information you provided.

Based on our review, we have opted not to exercise our rights to require an interim action at this time. However, we are requiring the PLP to ensure that the City of Yakima (City) Bravo Company Boulevard work planned for 2023 is constructed in a manner that does not preclude the removal of contamination to the maximum extent practical based on pre-construction site conditions.

In this letter notification, **Ecology is requiring actions by the PLP to ensure that the planned City utility corridor work on the Boise Cascade Mill Site (Site) does not preclude the removal of contaminants to the maximum extent practical.** This letter also presents our opinion regarding the environmental liabilities related to the portions of the Site sold to the City for the Bravo Company Boulevard. The requirements in this letter are consistent with our authority under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW¹.

¹ <https://app.leg.wa.gov/rcw/dispo.aspx?cite=70A.305>

PLP transfer of Site property to City of Yakima for Yakima Bravo Co Boulevard Right-of-Way

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). As identified in the Agreed Order² 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 the 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.

Utility Corridor work, Bravo Co Boulevard (aka East-West Corridor)

Ecology views the planned utility corridor work by the City in the ROW portion of the site as a utility project consistent with the descriptions presented in the City's "*Interim Action Work Plan – Roadway Project, Closed City of Yakima Landfill Site, Yakima, Washington*,"³ dated July 29, 2019. The City's interim action work plan (IAWP) predates the Boise Cascade Mill Site Remedial Investigation report.

Ecology is requiring an update to the IAWP to address Ecology concerns. 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.

Ecology is requiring the PLP to take the necessary steps to ensure that the planned work by the City is completed in a manner that addresses Ecology's concerns. The PLP shall communicate to Ecology in a technical memorandum from the engineer of record on the impact of the City's work in meeting the requirements to clean the site up to the maximum extent practical based on pre-utility corridor conditions. One technical memorandum will be submitted prior at the end of the design phase, and one will be prepared during construction following the excavation of the contaminated soils and prior to backfilling. The technical memorandum should comment on any safety concerns as well. It should be noted that the utility corridor work on the Site is part of a larger public works project by the City that will eventually construct the ROW to its full width.

² <https://apps.ecology.wa.gov/cleanupsearch/document/61332>

³ <https://apps.ecology.wa.gov/cleanupsearch/document/124520>



The City's future efforts to fully develop the ROW will require additional removal of contaminated soil and wood waste to create a geotechnically suitable road base. The City can be contacted for a drawing that depicts the location of the utility corridor work on the Site.

Interim Actions

The PLP may determine that an interim action (IA) is the tool to address environmental contamination adjacent to the utility corridor.

As a reminder, the PLP may propose an IA in accordance with the conditions for IAs as established under Agreed Order referenced above, *Section VI. Ecology Determinations, subsection H.*, and *Section VII. Work To Be Performed, subsection H.* Ecology plans to evaluate remedial work to remove contamination during the City's utility work this coming summer and assess if an additional IA is required.

PLP Requirements

The PLP shall provide the following within 30 calendar days of receipt of the emailed copy of this letter, unless otherwise indicated:

- **Acknowledgement.** Upon receipt of the emailed copy of this is letter, provide written acknowledgment to Ecology.
- **PLP Response.** Within 10 working days of receipt of the emailed copy of this letter, provide a response to Ecology's requirements, including a schedule for the development and implementation of the requirements in this letter.
- **PLP Technical Memorandums.** As described above.

The next steps include:

- **Requesting a plan set of the planned** utility corridor from the City.
- **Meeting with Ecology and the City** to review and coordinate the utility corridor work with Site environmental cleanup requirements.
- **Other actions as necessary during the design, bidding, and construction phase of the utility corridor work**, as necessary steps to ensure that the utility corridor work does not preclude the removal of contamination to the maximum extent practicable, does protect work safety, and is constructed to prevent recontamination of the new utility corridor.



Allan Gebhard
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Collaboration

Ecology has learned from experience that all parties benefit when PLPs collaborate with Ecology on actions occurring at Ecology regulated sites. Including Ecology in discussions with the City on work on the Bravo Company Boulevard utility corridor work may have resulted in a different response from Ecology than what was presented in our March 14, 2023 letter.

Closing and Contact Information

We look forward to your response to this letter. 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

