

June 8, 2023

Submitted via email

John Zinza
Toxics Cleanup Program – Central Regional Office
Department of Ecology
1250 W. Alder Street
Union Gap, WA 98903
Email: john.zinza@ecy.wa.gov

Re: Response to May 4, 2023, Letter From Department of Ecology Regarding: PLP Response Declining Ecology's Proposed Interim Action

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

Dear Mr. Zinza:

This letter is submitted in response to the above referenced letter from the Washington Department of Ecology (Ecology) dated May 4, 2023, received by Barr Engineering Co. by email on May 4, 2023, and by US Mail on May 10, 2023 (May 4, 2023 Ecology Letter or Ecology Letter). We submitted a May 17, 2023 letter (Time Extension Letter) to you requesting a time extension until June 8, 2023 to respond to the Ecology Letter and to provide additional time to coordinate with the City of Yakima. Ecology approved the time extension request by letter dated June 2, 2023 and received by email on June 6, 2023.

The Boise Cascade Mill Site (Mill Site) PLPs understand that the City is planning to initiate the City's roadway utility corridor project on a portion of the Mill Site that was acquired by the City in June 2020 (the City's Project). In support of the City's Project, the Mill Site PLPs had representatives from its technical team (Barr Engineering and Fulcrum Environmental) meet with representatives of the City on two occasions to discuss the May 4, 2023 Ecology Letter, a companion letter from Ecology to the City and details of the City's utility corridor project. The Mill Site PLPs acknowledge the importance of the City's Project and are committed to coordinating with the City to ensure that the City's Project is completed in a manner that meets the City's objective while simultaneously preserving the ability to undertake future remedial action to the maximum extent practicable on the Mill Site and prevent recontamination of the City's new utility corridor.

The Ecology Letter required that the Boise Cascade Mill Site (Mill Site) PLPs provide the following:

- **Acknowledgement.** Upon receipt of the emailed copy of this letter, provide written acknowledgement 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 [in the Ecology Letter].

The following paragraphs respond to each request in the Ecology Letter.

- **Acknowledgement.** Upon receipt of the emailed copy of this letter, provide written acknowledgement to Ecology.

Completed with May 9, 2023 email from Allan Gebhard to Rhonda Luke, copy to John Zinza.

- **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.

Ecology is requiring that the Mill Site PLPs take the "necessary steps to ensure that the City's utility corridor work does not preclude the removal of contamination to the maximum extent practicable, does protect worker safety and is constructed to prevent recontamination of the new utility corridor".

The City prepared a Final (Revision 1) *Interim Action Work Plan – Roadway Project* (Landau, July, 2019) for the City's Bravo Company Boulevard construction project (IAWP) and a *Draft Interim Action Work Plan Addendum – Roadway Project Utility Infrastructure* (Landau, June 5, 2023) that includes data from the Mill Site RI and the City's roadway corridor project (IAWP Addendum). The presence of soil above preliminary cleanup levels (PCULs) and log yard material (LYM) along the roadway corridor is shown on Figures 4 and 5 in the IAWP Addendum.

As described in Section 1 of the IAWP Addendum, the City has defined existing site conditions, established the utility design and construction plan, provided an excavated materials management plan (EMMP; Appendix C of the IAWP), and provided waste characterization measures, and management methods for unexpected contamination. As described in Section 2 of the IAWP Addendum, collectively, these measures are established so the utility construction project will not exacerbate existing Site conditions and will not preclude potential cleanup alternatives at the Mill Site.

The IAWP and IAWP Addendum also indicate that the City's utility corridor project will excavate soil and LYM within the utility corridor to the depth of the utilities as well as any underlying soil above PCULs and LYM. Removing LYM beneath the utility will be completed to provide a suitable foundation for the utilities. The City will remove soil above PCULs and LYM within the utility corridor as described below from Section 2 of the IAWP Addendum.

“Where wood debris or contaminated soil are present, the utility trenches represented in Appendix B will be extended in depth to allow removal of wood debris/soil beneath and/or between the planned utility trenches.”

The City will also install a physical barrier to demarcate the clean backfill placed in the utility corridor and to mitigate the risk of potential recontamination of the backfill from surrounding soil as described in sections 4.0 and 4.2.1 of the IAWP Addendum. As described in Section 2 of the IAWP Addendum, any remaining soil above PCULs and LYM within the City-owned right-of-way (ROW) will be removed by the City in the subsequent roadway construction project.

The Mill Site PLPs have been advised that the City’s utility project will use a performance specification and that the specific means and methods to be used to complete the work will be determined by the City’s utility contractor, consistent with the City’s construction documents. Mill Site PLPs will have no control over the means and methods that the City’s utility contractor will use to construct the utility project. This responsibility is with the City, through their contractor and their design engineer.

As part of the City’s Project, the City’s utility contractor will also be responsible for utility project worker safety. The IAWP provides for project worker safety in multiple sections, including Section 7.1: Protection Monitoring. In accordance with standard practice, we understand that the City’s utility project specifications will assign worker safety during the project to the utility contractor. The Mill Site PLPs have no role in “ensuring worker safety” on the City’s Project.

The IAWP and IAWP Addendum demonstrate that the utility corridor work will not preclude the removal of contamination located outside of the utility corridor and outside of the roadway ROW to the maximum extent practicable and that the two projects will be constructed to prevent recontamination of the new utility corridor backfill.

- **PLP Technical Memorandums.** As described [in the Ecology Letter].

The Ecology letter directs the Mill Site PLPs to “communicate to Ecology in a technical memorandum from the engineer of record [presumably the Mill Site engineer of record (EOR)] on the impact of the City’s work in meeting the requirements to clean the Site up to the maximum extent practicable based on pre-utility corridor conditions.” The Ecology Letter specifies that one technical memorandum is to be submitted prior to the end of the design phase, and one is to be prepared during construction following the excavation of the contaminated soil and prior to backfilling. The technical memoranda are to comment on any safety concerns as well. Ecology notes that the utility corridor work on the Site is part of a larger public works project by the City that will eventually construct the roadway in the ROW to its full width.

The following addresses Ecology’s concerns that the City’s utility and roadway projects meet the requirements to clean the Site up to the maximum extent practicable, prevent recontamination of the utility corridor, and not adversely impact eventual remediation of the Mill Site.

Pre-Construction

As described above, the City's utility corridor project has been designed to remove soil above PCULs and LYM within the utility corridor, and to install a physical barrier to demarcate the clean backfill in the utility corridor and to mitigate the risk of potential recontamination of the utility corridor. The later City roadway project will remove remaining soil exceeding PCULs and LYM within the ROW. The excavations completed by the City for the utility corridor project and for the roadway project will be designed to address conditions identified in the Revised Draft Remedial Investigation Report – Yakima Mill Site [aka Boise Cascade Mill Site] (Barr, 2021) and investigations completed by the City along the ROW corridor. The City will complete interim actions for the utility corridor and roadway projects consistent with WAC 173-340-430, as described in Section 1.4 of the IAWP Addendum. Removal of soil above PCULs and LYM within and beneath the utility corridor will clean up the Site to the maximum extent practicable, will address geotechnical concerns below these improvements, and will not foreclose reasonable alternatives to cleanup outside of the utility corridor, consistent with WAC 173-340-430(3)(b). Accordingly, the IAWP and IAWP Addendum address Ecology's pre-construction concerns and demonstrate that the utility corridor project will clean up the Site to the maximum extent practicable and prevent recontamination of the utility corridor. For purposes of PLP deliverables, we believe the IAWP Addendum, and this letter response satisfy Ecology's request for a technical memorandum prior to the end of the design phase.

During Construction

It is the City's responsibility to implement the utility corridor project and the roadway project consistent with the Ecology-approved IAWP and IAWP Addendum. During utility project and roadway construction, the Mill Site EOR will be in contact with the City's Project design EOR and the lead person representing the City on observing the project work for compliance with the IAWP, IAWP Addendum and other project construction contract documents.

City coordination with the Mill Site PLPs is described in Section 3.2 of the IAWP Addendum as follows:

"Excavation activities conducted at the Mill Site will be coordinated with Mill Site potentially liable person(s) (PLPs), including:

- Notifying Mill Site PLPs prior to excavating in known or suspected areas of contamination
- Notifying Mill Site PLPs of the presence of any unanticipated contaminated material
- Providing Mill Site PLPs with any analytical results from confirmation or characterization samples collected from known or unanticipated areas of contamination
- Providing Mill Site PLPs with approximate volumes of contaminated soil and wood debris excavated from the Mill Site."

In accordance with standard practice, we understand the City will backfill the utility corridor as the work advances to protect worker safety and the installed utilities during execution of the work.

Any comments that the Mill Site EOR has, as a result of this ongoing coordination with the City, in terms of the objective that the City's utility corridor work would not preclude removal of contamination to the maximum extent practicable or prevent recontamination of the utility corridor, will be communicated to the City.

Post-Construction

As described in the IAWP Addendum, the City will prepare an Interim Action Progress Report and record drawings following completion of the utility corridor project. Accordingly, the information requested by Ecology in the second memorandum will be provided to Ecology by the City after construction is complete. The Mill Site EOR will then review the Interim Action Progress Report and record drawings and provide any comments to the City and to Ecology on the impact of the City's work in meeting the requirements to clean up the Site to the maximum extent practicable and prevent recontamination of the utility corridor. The City's utility corridor project precedes the roadway project and any items that need resolution within the ROW to meet this objective can be addressed in the roadway project.

We believe that the City's submittal of the IAWP Addendum and this letter response address Ecology's concerns. We will continue to collaborate with the City as it moves forward with its project and keep Ecology apprised of our involvement during the City's Project. If you would like to discuss this letter or if additional questions arise during implementation of the City's Project, we are available to meet with Ecology and/or the City.

Please contact Alec or me with any questions or comments.

Thank You,

Allan Gebhard
Project Coordinator

cc. Rhonda Luke, Valerie Bound, Jennifer Lind, Bill Preston