



STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Central Region Office

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

July 18, 2023

**Sent via email and hard copy**

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

**Re: Ecology's Response to Potentially Liable Persons (PLPs) June 8, 2023 Letter Response to Ecology's May 4, 2023 Letter Regarding PLPs Engineering Registrant Reviewing the City of Yakima's Interim Action:**

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

Dear Allan Gebhard:

The Washington State Department of Ecology (Ecology) has reviewed the Barr Engineering (Barr) June 8, 2023, letter with the subject "Response to May 4, 2023, Letter from Department of Ecology Regarding: PLP Response Declining Ecology's Proposed Interim Action." In Ecology's May 4<sup>th</sup> letter, we identified requirements of the designated engineer of record for the remedial action submittals on the Boise Cascade mill site to review the City's Interim Action project. This letter provides initial comments on your June 30, 2023, letter, provides a response on Barr's letter as a technical memorandum, and more detailed requirements for reviewing the plans and specs for the upcoming interim action. Our request is consistent with our authority under the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW<sup>1</sup>.

**Letter response or Technical Memorandum**

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On page 4 of your June 8<sup>th</sup> letter under the heading Pre-Construction, the last sentence says, "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."

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

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We understand that in Washington state a technical memorandum containing the results of an engineering document review requires that the document review be prepared by a registrant in Washington state, certified and sealed accordingly.

To consider your June 8<sup>th</sup> letter a technical memorandum, please submit the technical memorandum in accordance with Washington state engineering requirements. If clarification is necessary, we are available to work with you as necessary with the Washington State Board of Professional Engineers and Land Surveyors.

### **Contractor's Means and Methods and Construction Monitoring**

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Ecology understands public works projects with a performance specification provide the contractor with the responsibility to determine their means and methods as appropriate to complete work in accordance with contract documents. Ecology also understands the City will need to evaluate, accept, and monitor the contractor's means and methods in achieving the completion of the project as defined in the contract documents. Ecology also understands that a contractor has not been selected and thus means and methods have not been established.

However, the evaluation of the design documents going out to bid will allow the PLPs an opportunity to identify any concerns including possible means and methods that may be inappropriate and adversely impact the goals of the Interim Action. The goals of the interim action include meeting requirements to allow for the cleanup of the Site to the maximum extent practicable, preventing recontamination of the utility corridor, and not adversely impacting the eventual remediation of the Mill Site. Furthermore, we appreciate you bringing up the issue of means and methods, because in reflecting on this matter further, it makes sense to have Barr available during construction to provide appropriate concerns about the contractors submitted work plans and means and methods in a timely manner. Ecology realizes Barr is not controlling the City's contractor. However, providing the City and Ecology timely concerns as needed is very important in ensuring that your future remedial activities are not adversely impacted, and that contamination is not spread on the Boise Cascade site.

### **Reviewing Plans and Specifications for the City's Interim Action**

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It remains an Ecology requirement to review the plans and specifications for the interim action work once they are available. Our review requirement is for all phases of the City's interim action for work on the Boise Mill Site. The document review shall be performed by the same stamping registrant who will eventually stamp off on the Feasibility Study and Cleanup Action Plan for the remedial work submittals at the Boise Mill Site. The engineering review will be consistent with Title 196 WAC<sup>2</sup> Engineers and Land Surveyors, Board of Registration for Professional.

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<sup>2</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=196>



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### **Closing and Contact Information**

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Please provide acknowledgment of receiving this letter upon receipt (by email or hard copy, which ever arrives first). Please provide a response on how you will meet the requirements outlined in this letter within two weeks or receipt (by email or hard copy, whichever comes first). Ecology is available to meet as necessary to discuss your plans, the route forward for the cleanup of this site. We look forward to hearing from you and receiving your plan to express concerns about the City's interim action plan.

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](mailto:John.Zinza@ecy.wa.gov).

Sincerely,



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

