



**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

July 18, 2023

Mark Stiffler, President
Northwest Alloys, Inc.
201 Isabella Street
Pittsburg, PA 15212-5858

Re: Preliminary Determination of Liability for Release of Hazardous Substances at the following Contaminated Site:

- **Site Name:** Northwest Alloys, Inc.
- **Site Address:** 1560A Marble Valley Basin Rd Addy, WA 99101
- **Cleanup Site ID:** 2494
- **Facility/Site ID:** 4

Dear Mark Stiffler:

Based on credible evidence, the Department of Ecology (Ecology) is proposing to find Northwest Alloys, Inc. liable under the Model Toxics Control Act (MTCA), Chapter 70A.305.010 RCW, for the release of hazardous substances at the Northwest Alloys, Inc. facility (Site). Any person whom Ecology finds, based on credible evidence, to be liable is known under MTCA as a "potentially liable person" or "PLP."

This letter identifies the basis for Ecology's proposed finding and your opportunity to respond to that finding. This letter also describes the scope of your potential liability and next steps in the cleanup process at the Site.

Proposed Finding of Liability

Ecology is proposing to find Northwest Alloys, Inc. liable under RCW 70A.305.040 for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

1. Northwest Alloys, Inc. is the owner and operator of the Site as reported in the Dangerous Waste Permit Application Part A Form signed by Mark Stiffler on October 30, 2020.

2. Northwest Alloys, Inc. or their consultants sampled nitrate and nitrate+nitrite in the groundwater at the Site. Nitrate is a primary contaminant on the Groundwater Quality Criteria list in WAC 173-220-040. Table 1 provides a summary of select nitrate and nitrate+nitrite sample results from the Site, which came from the following sources:
- Report titled "2018 Year-End Data Summary Package for Part B Monitoring Program at the Northwest Alloys Facility near Addy, Washington" dated February 28, 2019.
 - Report titled "2019 Year-End Data Summary Package for Part B Monitoring Program at the Northwest Alloys Facility near Addy, Washington" dated December 27, 2019.
 - Report titled "2020 Year-End Data Summary Package for Part B Monitoring Program at the Northwest Alloys Facility near Addy, Washington" dated March 3, 2021.
 - Report titled "2021 Year-End Data Summary Package for Part B Monitoring Program at the Northwest Alloys Facility near Addy, Washington" dated March 28, 2022.
 - Report titled "2022 Year-End Data Submittal for Part B Monitoring Program at the Northwest Alloys Facility near Addy, Washington" dated February 16, 2023.
 - Quarterly Discharged Monitoring Reports submitted by Northwest Alloys, Inc. for water quality permit ST0008088 from January 2018 through April 2023.

Table 1 Nitrate groundwater sample results at the Site

Parameter	Location	Units	Date	Result
Nitrate	Well MW-21A	mg/L	10/16/2019	1,330
Nitrate	Well MW-21A	mg/L	4/24/2019	1,290
Nitrate	Well MW-21A	mg/L	10/31/2018	1,209
Nitrate	Well MW-21A	mg/L	6/12/2018	1,200
Nitrate	Well MW-21A	mg/L	Q2 2022 Sampling Event	969
Nitrate	Well MW-21A	mg/L	Q1 2022 Sampling Event	967
Nitrate	Well MW-21A	mg/L	Q2 2020 Sampling Event	896
Nitrate	Well MW-21A	mg/L	Q4 2022 Sampling Event	885
Nitrate	Well MW-21A	mg/L	Q3 2022 Sampling Event	874
Nitrate	Well MW-21A	mg/L	Q3 2020 Sampling Event	839
Nitrate	Well MW-21A	mg/L	Q4 2021 Sampling Event	817
Nitrate	Well MW-21A	mg/L	Q3 2021 Sampling Event	811
Nitrate	Well MW-21A	mg/L	Q4 2020 Sampling Event	786
Nitrate	Well MW-21A	mg/L	Q2 2021 Sampling Event	785
Nitrate	Well MW-21A	mg/L	Q1 2021 Sampling Event	774
Nitrate	Well MW-21A	mg/L	Q1 2020 Sampling Event	679



Parameter	Location	Units	Date	Result
Nitrate	Well HCW	mg/L	6/12/2018	73.4
Nitrate	Well HCW	mg/L	10/16/2019	70.0
Nitrate	Well HCW	mg/L	4/24/2019	68.8
Nitrate	Well HCW	mg/L	10/31/2018	63.9
Nitrate	Well HCW	mg/L	Q2 2022 Sampling Event	49.7
Nitrate	Well HCW	mg/L	Q4 2020 Sampling Event	43.6
Nitrate	Well HCW	mg/L	Q2 2020 Sampling Event	42.3
Nitrate	Well HCW	mg/L	Q4 2022 Sampling Event	40.4
Nitrate	Well HCW	mg/L	Q4 2021 Sampling Event	33.9
Nitrate	Well HCW	mg/L	Q2 2021 Sampling Event	28.0
Nitrate + Nitrite	Sump under Pond 3	mg/L	11/9/2021	17.7
Nitrate + Nitrite	Sump under Pond 3	mg/L	7/17/2019	14.9
Nitrate + Nitrite	Sump under Pond 3	mg/L	10/31/2018	13.8
Nitrate + Nitrite	Sump under Pond 3	mg/L	8/17/2021	13.6
Nitrate + Nitrite	Sump under Pond 3	mg/L	10/25/2022	12.2
Nitrate + Nitrite	Well MW11	mg/L	2/26/2019	10.2
Nitrate + Nitrite	Well MW11	mg/L	4/23/2019	10.2

- Northwest Alloys, Inc. or their consultants sampled chloride in the groundwater at the Site. Chloride is a secondary contaminant on the Groundwater Quality Criteria list in WAC 173-220-040. Table 2 provides a summary of select chloride sample results from the Site, which came from the same sources as listed above in item 2. In addition, Ecology used chloride groundwater sample results from the report titled "Geoprobe Investigation Data Summary for the Northwest Alloys Facility, near Addy, Washington" dated April 28, 2023.

Table 1 Chloride groundwater sample results at the Site.

Parameter	Location	Units	Date	Result
Chloride	Geoprobe GP-15	mg/L	8/11/2022	3,010
Chloride	Geoprobe GP-9	mg/L	8/8/2022	1,500
Chloride	Sump under Pond 3	mg/L	11/3/2020	1,220
Chloride	Sump under Pond 3	mg/L	3/3/2023	943
Chloride	Geoprobe GP-16	mg/L	8/11/2022	896
Chloride	Sump under Pond 3	mg/L	11/9/2021	674
Chloride	Geoprobe GP-17	mg/L	8/11/2022	652
Chloride	Geoprobe GP-3	mg/L	8/8/2022	646
Chloride	Sump under Pond 3	mg/L	10/31/2018	643
Chloride	Geoprobe GP-10	mg/L	8/9/2022	628
Chloride	Geoprobe GP-19	mg/L	8/11/2022	608
Chloride	Sump under Pond 3	mg/L	6/11/2018	553



Parameter	Location	Units	Date	Result
Chloride	Sump under Pond 3	mg/L	5/12/2020	533
Chloride	Sump under Pond 3	mg/L	4/25/2019	517
Chloride	Sump under Pond 3	mg/L	8/17/2021	516
Chloride	Sump under Pond 3	mg/L	7/17/2019	511
Chloride	Sump under Pond 3	mg/L	8/9/2022	510
Chloride	Sump under Pond 3	mg/L	8/5/2020	493
Chloride	Sump under Pond 3	mg/L	4/17/2018	476
Chloride	Sump under Pond 3	mg/L	5/10/2022	464
Chloride	Sump under Pond 3	mg/L	8/23/2018	461
Chloride	Sump under Pond 3	mg/L	10/15/2019	461
Chloride	Sump under Pond 3	mg/L	5/18/2021	460
Chloride	Sump under Pond 3	mg/L	3/17/2020	436
Chloride	Sump under Pond 3	mg/L	10/25/2022	424
Chloride	Geoprobe GP-2	mg/L	8/9/2022	416
Chloride	Sump under Pond 3	mg/L	3/15/2019	398
Chloride	Sump under Pond 3	mg/L	3/2/2022	392
Chloride	Well MW36	mg/L	8/9/2022	387
Chloride	Well MW36	mg/L	3/1/2023	371
Chloride	Geoprobe GP-5	mg/L	8/9/2022	354
Chloride	Well MW36	mg/L	8/17/2021	354
Chloride	Geoprobe GP-6	mg/L	8/9/2022	353
Chloride	Well MW36	mg/L	8/5/2020	350
Chloride	Well MW36	mg/L	5/10/2022	348
Chloride	Well MW36	mg/L	2/26/2019	343
Chloride	Well MW36	mg/L	10/25/2022	339
Chloride	Well MW-21A	mg/L	4/24/2019	338
Chloride	Geoprobe GP-24	mg/L	8/12/2022	331
Chloride	Well MW36	mg/L	3/17/2020	331
Chloride	Well MW-21A	mg/L	10/31/2018	327
Chloride	Well MW36	mg/L	4/23/2019	321
Chloride	Well MW36	mg/L	7/16/2019	321
Chloride	Sump under Pond 3	mg/L	2/24/2021	320
Chloride	Well MW-21A	mg/L	10/16/2019	313
Chloride	Well MW36	mg/L	5/12/2020	307
Chloride	Well MW36	mg/L	2/24/2022	307
Chloride	Well MW36	mg/L	10/15/2019	304
Chloride	Well MW36	mg/L	5/18/2021	291
Chloride	Well MW-21A	mg/L	Q2 2020 Sampling Event	289
Chloride	Well MW36	mg/L	2/24/2021	288
Chloride	Well MW36	mg/L	11/3/2020	283



Parameter	Location	Units	Date	Result
Chloride	Well MW-21A	mg/L	Q1 2020 Sampling Event	280
Chloride	Well MW-21A	mg/L	Q3 2020 Sampling Event	279
Chloride	Well MW-21A	mg/L	6/12/2018	272
Chloride	Geoprobe GP-23	mg/L	8/12/2022	270
Chloride	Geoprobe GP-21	mg/L	8/10/2022	268
Chloride	Well MW36	mg/L	11/9/2021	266
Chloride	Well MW-21A	mg/L	Q2 2021 Sampling Event	257
Chloride	Well MW-21A	mg/L	Q4 2020 Sampling Event	254
Chloride	Well MW-21A	mg/L	Q1 2021 Sampling Event	252

4. The nitrate groundwater sample results shown in Table 1 exceed the primary contaminant Groundwater Quality Criterion of 10 mg/L. The chloride groundwater sample results shown in Table 2 exceed the secondary contaminant Groundwater Quality Criterion of 250 mg/L. Also, in Ecology's Toxic Cleanup Program's [Policy 500A](#)¹, when the release itself or impacted media are at a concentration that exceeds cleanup levels, including standards established under applicable state and federal laws, then the release or threatened release poses a threat to human health or the environment.

Opportunity to Respond to Proposed Finding of Liability

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology; or
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

Gregory Gould, P.E.
Industrial Section, Solid Waste Management Program
Department of Ecology
PO Box 47600
Olympia, WA 98504

¹ <https://apps.ecology.wa.gov/publications/SummaryPages/1609051.html>



After reviewing any comments submitted, or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

Identification of Other Potentially Liable Persons

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

Responsibility and Scope of Potential Liability

Ecology may either conduct or require PLPs to conduct remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70A.305.060 to file a lien against that real property to recover those costs.

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

1. Ecology intends to require Northwest Alloys, Inc. to conduct a remedial investigation and feasibility study as described in WAC 173-340-350 in a manner that complies with all requirements of the Model Toxics Control Act Cleanup Regulation, Chapter 173-340 WAC.
2. Ecology invites Northwest Alloys, Inc. to enter negotiation for an Agreed Order that will govern the conduct of the aforementioned remedial investigation and feasibility study.

For a description of the process for cleaning up a contaminated site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.



Mark Stiffler
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Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please contact me at (360) 819-6426 or greg.gould@ecy.wa.gov. Thank you for your cooperation.

Sincerely,

A handwritten signature in dark ink, appearing to read "Gregory Gould", is positioned above the typed name.

Gregory Gould, P.E.
Cleanup Project Manager
Solid Waste Management Program, Industrial Section

Enclosures (2)

By certified mail: [9489-0090-0027-6347-8639-08]

cc: Kristin Gaines, Northwest Alloys, Inc.
Derek Threet, Office of the Attorney General



PLP Waiver Form Template

Mark Stiffler, President
Northwest Alloys, Inc.
1560A Marble Valley Basin Rd
Addy, WA 99101

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I Mark Stiffler, a duly authorized representative of Northwest Alloys, Inc., do hereby waive the right to the thirty (30) day notice and comment period described in WAC 173-340-500(3) and accept status of Northwest Alloys, Inc. as a Potentially Liable Person at the following contaminated site:

- Site Name: Northwest Alloys, Inc.
- Site Address: 1560A Marble Valley Basin Rd Addy, WA 99101
- Cleanup Site ID: 2494
- Facility/Site ID: 4

By waiving this right, Northwest Alloys, Inc. makes no admission of liability.

Signature

Date

Relation to the Site: President



Focus

Model Toxics Control Act Cleanup Regulation: Process for Cleanup of Hazardous Waste Sites

In March of 1989, an innovative, citizen-mandated toxic waste cleanup law went into effect in Washington, changing the way hazardous waste sites in this state are cleaned up. Passed by voters as Initiative 97, this law is known as the Model Toxics Control Act, chapter 70.105D RCW. This fact sheet provides a brief overview of the process for the cleanup of contaminated sites under the rules Ecology adopted to implement that Act (chapter 173-340 WAC).

How the Law Works

The cleanup of hazardous waste sites is complex and expensive. In an effort to avoid the confusion and delays associated with the federal Superfund program, the Model Toxics Control Act is designed to be as streamlined as possible. It sets strict cleanup standards to ensure that the quality of cleanup and protection of human health and the environment are not compromised. At the same time, the rules that guide cleanup under the Act have built-in flexibility to allow cleanups to be addressed on a site-specific basis.

The Model Toxics Control Act funds hazardous waste cleanup through a tax on the wholesale value of hazardous substances. The tax is imposed on the first in-state possessor of hazardous substances at the rate of 0.7 percent, or \$7 per \$1,000. Since its passage in 1988, the Act has guided the cleanup of thousands of hazardous waste sites that dot the Washington landscape. The Washington State Department of Ecology's Toxic Cleanup Program ensures that these sites are investigated and cleaned up.

What Constitutes a Hazardous Waste Site?

Any owner or operator who has information that a hazardous substance has been released to the environment at the owner or operator's facility and may be a threat to human health or the environment must report this information to the Department of Ecology (Ecology). If an "initial investigation" by Ecology confirms further action (such as testing or cleanup) may be necessary, the facility is entered onto either Ecology's "Integrated Site Information System" database or "Leaking Underground Storage Tank" database. These are computerized databases used to track progress on all confirmed or suspected contaminated sites in Washington State. All confirmed sites that have not been already voluntarily cleaned up are ranked and placed on the state "Hazardous Sites List." Owners, operators, and other persons known to be potentially liable for the cleanup of the site will receive an "Early Notice Letter" from Ecology notifying them that their site is suspected of needing cleanup, and that it is Ecology's policy to work cooperatively with them to accomplish prompt and effective cleanup.

Who is Responsible for Cleanup?

Any past or present relationship with a contaminated site may result in liability. Under the Model Toxics Control Act a potentially liable person can be:

- A current or past facility owner or operator.
- Anyone who arranged for disposal or treatment of hazardous substances at the site.
- Anyone who transported hazardous substances for disposal or treatment at a contaminated site, unless the facility could legally receive the hazardous materials at the time of transport.
- Anyone who sells a hazardous substance with written instructions for its use, and abiding by the instructions results in contamination.

In situations where there is more than one potentially liable person, each person is jointly and severally liable for cleanup at the site. That means each person can be held liable for the entire cost of cleanup. In cases where there is more than one potentially liable person at a site, Ecology encourages these persons to get together to negotiate how the cost of cleanup will be shared among all potentially liable persons.

Ecology must notify anyone it knows may be a “potentially liable person” and allow an opportunity for comment before making any further determination on that person’s liability. The comment period may be waived at the potentially liable person’s request or if Ecology has to conduct emergency cleanup at the site.

Achieving Cleanups through Cooperation

Although Ecology has the legal authority to order a liable party to clean up, the department prefers to achieve cleanups cooperatively. Ecology believes that a non-adversarial relationship with potentially liable persons improves the prospect for prompt and efficient cleanup. The rules implementing the Model Toxics Control Act, which were developed by Ecology in consultation with the Science Advisory Board (created by the Act), and representatives from citizen, environmental and business groups, and government agencies, are designed to:

- Encourage independent cleanups initiated by potentially liable persons, thus providing for quicker cleanups with less legal complexity.
- Encourage an open process for the public, local government and liable parties to discuss cleanup options and community concerns.
- Facilitate cooperative cleanup agreements rather than Ecology-initiated orders. *Ecology can, and does, however use enforcement tools in emergencies or with recalcitrant potentially liable persons.*

What is the Potentially Liable Person’s Role in Cleanup?

The Model Toxics Control Act requires potentially liable persons to assume responsibility for cleaning up contaminated sites. For this reason, Ecology does not usually conduct the actual cleanup when a potentially liable person can be identified. Rather, Ecology oversees the cleanup of sites to ensure that investigations, public involvement and actual cleanup and monitoring are done appropriately. Ecology’s costs of this oversight are required to be paid by the liable party.

When contamination is confirmed at the site, the owner or operator may decide to proceed with cleanup without Ecology assistance or approval. Such “independent cleanups” are

allowed under the Model Toxics Control Act under most circumstances, but must be reported to Ecology, and are done at the owner's or operator's own risk. Ecology may require additional cleanup work at these sites to bring them into compliance with the state cleanup standards. Most cleanups in Washington are done independently.

Other than local governments, potentially liable persons conducting independent cleanups do not have access to financial assistance from Ecology. Those who plan to seek contributions from other persons to help pay for cleanup costs need to be sure their cleanup is "the substantial equivalent of a department-conducted or department-supervised remedial action." Ecology has provided guidance on how to meet this requirement in WAC 173-340-545. Persons interested in pursuing a private contribution action on an independent cleanup should carefully review this guidance prior to conducting site work.

Working with Ecology to Achieve Cleanup

Ecology and potentially liable persons often work cooperatively to reach cleanup solutions. Options for working with Ecology include formal agreements such as consent decrees and agreed orders, and seeking technical assistance through the Voluntary Cleanup Program. These mechanisms allow Ecology to take an active role in cleanup, providing help to potentially liable persons and minimizing costs by ensuring the job meets state standards the first time. This also minimizes the possibility that additional cleanup will be required in the future – providing significant assurances to investors and lenders.

Here is a summary of the most common mechanisms used by Ecology:

- **Voluntary Cleanup Program:** Many property owners choose to cleanup their sites independent of Ecology oversight. This allows many smaller or less complex sites to be cleaned up quickly without having to go through a formal process. A disadvantage to property owners is that Ecology does not approve the cleanup. This can present a problem to property owners who need state approval of the cleanup to satisfy a buyer or lender.

One option to the property owner wanting to conduct an independent cleanup yet still receive some feedback from Ecology is to request a technical consultation through Ecology's Voluntary Cleanup Program. Under this voluntary program, the property owner submits a cleanup report with a fee to cover Ecology's review costs. Based on the review, Ecology either issues a letter stating that the site needs "No Further Action" or identifies what additional work is needed. Since Ecology is not directly involved in the site cleanup work, the level of certainty in Ecology's response is less than in a consent decree or agreed order. However, many persons have found a "No Further Action" letter to be sufficient for their needs, making the Voluntary Cleanup Program a popular option.
- **Consent Decrees:** A consent decree is a formal legal agreement filed in court. The work requirements in the decree and the terms under which it must be done are negotiated and agreed to by the potentially liable person, Ecology and the state Attorney General's office. Before consent decrees can become final, they must undergo a public review and comment period that typically includes a public hearing. Consent decrees protect the potentially liable person from being sued for "contribution" by other persons that incur cleanup expenses at the site while facilitating any contribution claims against the other persons when they are responsible for part of the cleanup costs. Sites cleaned up under a consent decree are also exempt from having to obtain certain state and local permits that could delay the cleanup.

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- **De Minimus Consent Decree:** Landowners whose contribution to site contamination is “insignificant in amount and toxicity” may be eligible for a de minimus consent decree. In these decrees, landowner typically settle their liability by paying for some of the cleanup instead of actually conducting the cleanup work. Ecology usually accepts a de minimus settlement proposal only if the landowner is affiliated with a larger site cleanup that Ecology is currently working on.
 - **Prospective Purchaser Consent Decree:** A consent decree may also be available for a “prospective purchaser” of contaminated property. In this situation, a person who is not already liable for cleanup and wishes to purchase a cleanup site for redevelopment or reuse may apply to negotiate a prospective purchaser consent decree. The applicant must show, among other things, that they will contribute substantial new resources towards the cleanup. Cleanups that also have a substantial public benefit will receive a higher priority for prospective purchaser agreements. If the application is accepted, the requirements for cleanup are negotiated and specified in a consent decree so that the purchaser can better estimate the cost of cleanup before buying the land.
 - **Agreed Orders:** Unlike a consent decree, an agreed order is not filed in court and is not a settlement. Rather, it is a legally binding administrative order issued by Ecology and agreed to by the potentially liable person. Agreed orders are available for remedial investigations, feasibility studies, and final cleanups. An agreed order describes the site activities that must occur for Ecology to agree not to take enforcement action for that phase of work. As with consent decrees, agreed orders are subject to public review and offer the advantage of facilitating contribution claims against other persons and exempting cleanup work from obtaining certain state and local permits.

Ecology-Initiated Cleanup Orders

Administrative orders requiring cleanup activities without an agreement with a potentially liable person are known as **enforcement orders**. These orders are usually issued to a potentially liable person when Ecology believes a cleanup solution cannot be achieved expeditiously through negotiation or if an emergency exists. If the responsible party fails to comply with an enforcement order, Ecology can clean up the site and later recover costs from the responsible person(s) at up to three times the amount spent. The state Attorney General’s Office may also seek a fine of up to \$25,000 a day for violating an order. Enforcement orders are subject to public notification.

Financial Assistance

Each year, Ecology provides millions of dollars in grants to local governments to help pay for the cost of site cleanup. In general, such grants are available only for sites where the cleanup work is being done under an order or decree. Ecology can also provide grants to local governments to help defray the cost of replacing a public water supply well contaminated by a hazardous waste site. Grants are also available for local citizen groups and neighborhoods affected by contaminated sites to facilitate public review of the cleanup. See Chapter 173-322 WAC for additional information on grants to local governments and Chapter 173-321 WAC for additional information on public participation grants.

Public Involvement

Public notices are required on all agreed orders, consent decrees, and enforcement orders. Public notification is also required for all Ecology-conducted remedial actions.

Ecology's Site Register is a widely used means of providing information about cleanup efforts to the public and is one way of assisting community involvement. The Site Register is published every two weeks to inform citizens of public meetings and comment periods, discussions or negotiations of legal agreements, and other cleanup activities. The Site Register can be accessed on the Internet at: www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html.

How Sites are Cleaned Up

The rules describing the cleanup process at a hazardous waste site are in chapter 173-340 WAC. The following is a general description of the steps taken during the cleanup of an average hazardous waste site. Consult the rules for the specific requirements for each step in the cleanup process.

1. Site Discovery: Sites where contamination is found must be reported to Ecology's Toxics Cleanup Program within 90 days of discovery, unless it involves a release of hazardous materials from an underground storage tank system. In that case, the site discovery must be reported to Ecology within 24 hours. At this point, potentially liable persons may choose to conduct independent cleanup without assistance from the department, but cleanup results must be reported to Ecology.

2. Initial Investigation: Ecology is required to conduct an initial investigation of the site within 90 days of receiving a site discovery report. Based on information obtained about the site, a decision must be made within 30 days to determine if the site requires additional investigation, emergency cleanup, or no further action. If further action is required under the Model Toxics Control Act, Ecology sends early notice letters to owners, operators and other potentially liable persons inviting them to work cooperatively with the department.

4. Hazard Ranking: The Model Toxics Control Act requires that sites be ranked according to the relative health and environmental risk each site poses. Working with the Science Advisory Board, Ecology created the Washington Ranking Method to categorize sites using data from site hazard assessments. Sites are ranked on a scale of 1 to 5. A score of 1 represents the highest level of risk and 5 the lowest. Ranked sites are placed on the state Hazardous Sites List.

3. Site Hazard Assessment: A site hazard assessment is conducted to confirm the presence of hazardous substances and to determine the relative risk the site poses to human health and the environment.

5. Remedial Investigation/Feasibility Study: A remedial investigation and feasibility study is conducted to define the extent and magnitude of contamination at the site. Potential impacts on human health and the environment and alternative cleanup technologies are also evaluated in this study. Sites being cleaned up by Ecology or by potentially liable persons under a consent decree, agreed order or enforcement order are required to provide for a 30 day public review before finalizing the report.

6. Selection of Cleanup Action: Using information gathered during the study, a cleanup action plan is developed. The plan identifies preferred cleanup methods and specifies cleanup standards and other requirements at the site. A draft of the plan is subject to public review and comment before it is finalized.

7. Site Cleanup: Actual cleanup begins when the cleanup action plan is implemented. This includes design, construction, operation and monitoring of cleanup actions. A site may be taken off the Hazardous Sites List after cleanup is completed and Ecology determines cleanup standards have been met.

If you would like more information about the state Model Toxics Control Act, please call us toll-free at **1-800-826-7716**, or contact your regional Washington State Department of Ecology office listed below. Information about site cleanup, including a listing of ranked hazardous waste sites, is also accessible through our Internet address:

- **Northwest Regional Office** **425/649-7000**
(Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom Counties)
- **Southwest Regional Office** **360/407-6300**
(Southwestern Washington, Olympic Peninsula, Pierce, Thurston and Mason Counties)
- **Central Regional Office** **509/575-2490**
(Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima Counties)
- **Eastern Regional Office** **509/329-3400**
(Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman Counties)

If you need this publication in an alternative format, please contact the Toxics Cleanup Program at (360) 407-7170. Persons with a hearing loss can call 711 for the Washington Relay Service. Persons with a speech disability can call 877-833-6341.

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