



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

June 23, 2010

Mr. Joel Ristau, PE
Asotin County Public Works Director
Asotin County Public Works
P.O. Box 160
Asotin, WA 99402-0160

RE: Ecology's opinion on draft RI/FS report for Asotin County Regional Landfill

Attn Asotin County:

Asotin County submitted a draft Remedial Investigation and Feasibility Study (RI/FS) for Ecology's opinion in April 2010. The draft RI/FS describes independent remedial actions Asotin County is conducting at the Asotin County Regional Landfill (ACRL) under WAC 173-340-515. The county chose to conduct an independent remedial action, however, they plan to follow the MTCA process (Chapter 173-340 WAC) for a formal cleanup agreement. Asotin County and Ecology reserve the option to enter into a formal cleanup agreement at any time.

This letter provides Ecology's opinion. We are providing this opinion under the authority of the Chapter 173-340 WAC Model Toxics Control Act (MTCA) and Chapter 70.105D RCW. Ecology's opinions for independent remedial actions are advisory only, and are not official comments, endorsements, or approvals for the proposed work.

Issue Presented and Opinion

This opinion is based on an analysis of whether the draft RI/FS meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA").

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following:

1. Releases of hazardous substances to the environment have occurred at the Site as presented in:



- Groundwater monitoring results beginning with low level detections of tetrachloroethylene (PCE) in the groundwater of well MW5 between 1990 and 1992.
- 2. Test results show exceedances of contaminant levels set by Chapter 173-200 WAC, *Water Quality Standards For Ground Waters of the State of Washington*, that have statistically significant concentrations above background, posing a threat to human health or the environment.

Basis for the Opinion

This opinion is based on the information contained in the following document:

CH2MHill. *Draft Remedial Investigation and Feasibility Study Report for Asotin County Regional Landfill*. (April 2010). Prepared for Asotin County Public Works Department.

This document is kept in the Central Files of the Eastern Regional Office of Ecology (ERO) for review by appointment only. You can make an appointment by calling the ERO resource contact at (509)329-3415. This document will also be available online at Ecology's Asotin County Landfill website.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of Draft RI/FS

Ecology has analyzed the draft RI/FS and is providing the following opinions:

1. The preferred soil vapor extraction (SVE) clean up technology looks acceptable at this time. The 70 vertical feet of gravel is a favorable environment for SVE. Ecology looks forward to reviewing the County's interim action plan for the four groundwater monitoring wells and a SVE pilot test.
2. Lower detection limits for vinyl chloride should be used for groundwater sample analyses. A detection of vinyl chloride in the groundwater may refine the site conceptual model and provide evidence of natural degradation of chlorinated solvents. Vinyl chloride is present in the gas results shown on Table 4-6. Vinyl chloride was not detected above 1 ug/L in the groundwater, but the MTCA Method A Cleanup level for vinyl chloride is 0.2 ug/L. The water quality standard in Chapter 173-200 WAC for vinyl chloride is 0.02 ug/L.
3. The proposed cleanup levels and proposed points of compliance for groundwater should be identified in the RI/FS. The RI/FS states on page 6-4 that the cleanup levels and points of compliance will be defined in the draft Cleanup Action Plan.
4. Discuss the metals results for groundwater samples in relation to MTCA cleanup levels in WAC 173-240-900 and Chapter 173-200 WAC. ACRL has a history of sludges being disposed that contained heavy metals as shown in Appendix A of the RI/FS.

5. A well with a deeper screened interval near well MW15 may show the downgradient extent of the VOCs detected in well MW14D.
6. On page 7-2 under 7.2 Technology Screening and Alternative Evaluation Methodology, the first sentence should reference WAC 173-340-350(8)(b).
7. In Section 8.2, fix the Interim-Action titles. Further characterization and pilot testing are still part of the remedial investigation and feasibility study, respectively.
8. Include PCE on Figure 5-14: Degradation Process of PCE and TCE Remedial Investigation and Feasibility Study Report Asotin County Regional Landfill.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you proposed will be substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. Opinion is limited to proposed cleanup.

This letter does not provide an opinion on whether further remedial action will actually be necessary at the Site upon completion of your proposed cleanup. To obtain such an opinion, you must submit a report to Ecology upon completion of your cleanup and request an opinion.

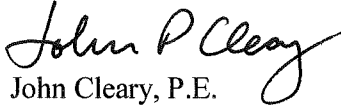
4. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Asotin County Regional Landfill
June 23, 2010
Page 4 of 4

Ecology noted that the early notice and preliminary status letters were never issued for ACRL. These letters are normally part of the MTCA process. In adherence to the MTCA process, a combined early notice/ preliminary status letter will arrive in the mail to you shortly. Please contact me at (509)329-3531 or jcle461@ecy.wa.gov if you wish to discuss this further.

Sincerely,



John Cleary, P.E.
Site Manager
Solid Waste & Financial Assistance Program
Eastern Regional Office

cc: Craig Sauer, LG, **CH2M HILL**
Jay Dehner, P.E., **CH2M HILL**
Steve Becker, **Asotin County**