

# CITY OF EPHRATA



February 21, 2024

Via E-Mail

Mr. Nick Acklam  
VCP Unit Manager  
Department of Ecology  
Toxics Cleanup Program, Southwest Regional Office  
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RE: Grant County Ephrata Landfill No. 1 (Washington)

Dear Mr. Acklam:

Thank you for meeting with the City of Ephrata (the “City”) and Grant County (the “County”) on February 7, 2024, to discuss funding the remediation of the Grant County Ephrata Landfill Site (“Landfill”). Thank you as well for your willingness to review the information we continue to gather establishing the identity of the generators who sent approximately 2500 drums of solvents, paint, and other hazardous wastes to the Landfill in 1975. This is a continuing process and involves gathering information from public records that are nearly 50 years old. Nonetheless, given the many millions of dollars in public funds that have been spent, and that still need to be spent, we owe our taxpayers a duty to continue this investigation with all the tools available to us, and ask the State to do the same. At the Pasco Landfill, through Ecology’s efforts, the parties who sent waste to the landfill site are paying the overwhelming portion of the costs of remediation. At the Grant County Ephrata Landfill, there is every reason for the public to expect the same. Ecology has the regulatory tools to do so, and the City will continue to use its resources to assist Ecology with that effort.

In this regard, we are forwarding additional information regarding hazardous waste disposal at the Grant County Ephrata Landfill. We are also sending public disclosure requests to the several agencies who may be able to assist in this effort and will provide that information to you when it is received. All of this work is being conducted under Ecology Toxics Cleanup Program Policy 500A.<sup>1</sup> Policy 500A states that “Ecology will facilitate efforts by PLPs to identify additional PLPs,” and “will identify additional PLPs if [it] receives credible evidence that a person is liable.”<sup>2</sup> It also states that “[u]nder certain circumstances, Ecology may need to conduct a more extensive

<sup>1</sup> Washington State Department of Ecology, Toxics Cleanup Program Policy 500A: Identification of Potentially Liable Persons (May 1, 2016),

<https://apps.ecology.wa.gov/publications/documents/1609051.pdf>.

<sup>2</sup> Id. at 4-8.

search” and that “[a]dditional PLPs are likely to include...significant generators and transporters of hazardous substances.”<sup>3</sup>

This letter is organized into the following sections:

- I. **History of Resource Recovery Corporation and the Pasco Sanitary Landfill:** A brief overview of the history of Resource Recovery Corporation and the Pasco Sanitary Landfill, including Resource Recovery Corporation’s search for alternative sites.
- II. **Industrial Waste Generators at the Pasco Sanitary Landfill:** This section describes Resource Recovery Corporation’s major customers at the Pasco Sanitary Landfill, receipts and monthly reports linking these customers to disposed waste, and the PLPs identified at the Pasco Sanitary Landfill.
- III. **Links Between Pasco Sanitary Landfill and the Disposal of Drums at the Ephrata Landfill:** This section discusses the links between the Pasco Sanitary Landfill and the disposal of drums at the Ephrata Landfill.

I. **History of Resource Recovery Corporation and the Pasco Sanitary Landfill.**

A. **Resource Recovery Corporation was Formed to Operate the Pasco Sanitary Landfill.**

The Pasco Sanitary Landfill (“Pasco Landfill”) is about 1.5 miles northeast of the City of Pasco, north of the intersection of Kahlotus Road with U.S. Highway 12.<sup>4</sup> In 1958, the Franklin County Planning Commission authorized John Dietrich, and his company Pasco Garbage Service, to establish and operate a garbage disposal facility at the Pasco Landfill.<sup>5</sup> John and his wife Marjorie Dietrich would later operate the Pasco Landfill under the business name “Basin Disposal Co.”<sup>6</sup> In 1972, Chemical Processors, Inc. (“ChemPro”), a Seattle-based solvent recycling company, and the Dietrich’s formed Resource Recovery Corporation (“RRC”) for the purpose of operating a new industrial waste disposal facility at the Pasco Landfill.<sup>7</sup> RRC was setup so that Basin Disposal Co. and ChemPro exercised management control over RRC.<sup>8</sup> This allowed a single entity to control all aspects of the process—waste generators would ship waste to ChemPro for reclamation and recycling, which would then be picked up by RRC for transport, storage, treatment, and final disposition.<sup>9</sup>

B. **Disputes Over Industrial Waste Disposal at the Pasco Sanitary Landfill and Failed Efforts to Find an Alternative Site.**

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<sup>3</sup> Id. at 5-6.

<sup>4</sup> <https://apps.ecology.wa.gov/cleanupsearch/site/1910>.

<sup>5</sup> Letter from ChemPro to U.S. EPA at 1 (Aug. 19, 1988) ([PASCO001966-1989](#)).

<sup>6</sup> *Id.* at 2.

<sup>7</sup> Final Phase II Remedial Investigation Report, Pasco Landfill at 24 (Mar. 13, 1998) ([PASCO000817-842 at PASCO000841](#)).

<sup>8</sup> Letter from RRC to Franklin County Health District at 1 (Sept. 5, 1972) ([PASCO000067-69](#)).

<sup>9</sup> *Id.*

**C. Revocation of Resource Recovery Corporation's Ability to Operate at the Pasco Sanitary Landfill.**

In March of 1973, the Department of Ecology granted RRC a Waste Discharge Permit "to collect, transport to, and dispose of industrial, commercial, and agricultural wastes" at the Pasco Landfill.<sup>10</sup> Shortly thereafter in June of 1973, the public became aware that industrial wastes were being buried at the Pasco Landfill.<sup>11</sup> Consequently, "[d]ue to widespread public concern about the imported industrial waste," the Franklin County Board of Commissioners ("Commissioners") ordered RRC to "cease accepting industrial waste for disposal" at the Pasco Landfill.<sup>12</sup> RRC replied that it had "entered into contracts to accept industrial wastes from a number of companies and agencies including the United States Navy" based on the authority granted by permits it had previously received from other entities.<sup>13</sup> RRC disputed that it needed the authority of the Commissioners, but nonetheless applied for an additional permit from the Commissioners.<sup>14</sup>

The Director of the Department of Ecology at the time, John Biggs, wrote a letter urging the Commissioners to allow the industrial waste disposal to continue on an interim basis while an alternative site was located.<sup>15</sup> The Commissioners<sup>16</sup> and the Franklin County Planning Commission<sup>17</sup> initially rejected this proposal outright. However, the Commissioners later granted RRC a permit allowing industrial waste disposal activities until May 2, 1974.<sup>18</sup> RRC filed a petition appealing this decision<sup>19</sup>, and RRC, the Commissioners, and the Department of Ecology eventually agreed to allow industrial waste disposal activities to continue until December 31, 1974.<sup>20</sup>

**D. Resource Recovery Corporation's Failed Attempts to Identify Alternative Sites in Grant County, Including at the Ephrata Landfill.**

Shortly after the Commissioners' letter, RRC began searching for alternative sites to dispose of and treat industrial wastes. On November 20, 1974, they applied for a Conditional Use Permit to locate an industrial waste disposal and treatment facility at the abandoned Titan Missile Site

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<sup>10</sup> Waste Discharge Permit No. 5301 (Mar. 21, 1973) ([4882-1955-0373](#)).

<sup>11</sup> Industrial Wastes Buried in Landfill Near Pasco, Columbia Basin Herald (June 17, 1973) ([4876-1910-9541](#)).

<sup>12</sup> Letter from Franklin County Board of Commissioners to RRC (Sept. 24, 1973) ([4878-2331-9717](#)).

<sup>13</sup> Letter from RRC to Franklin County Board of Commissioners (Sept. 26, 1973) ([4864-6751-0949](#)).

<sup>14</sup> *Id.*

<sup>15</sup> Letter from Director of Ecology to Franklin County Board of Commissioners (Nov. 30, 1973) ([4891-2951-7989](#)).

<sup>16</sup> Letter from Franklin County Board of Commissioners to Director of Ecology (Dec. 11, 1973) ([4874-3921-3477](#)).

<sup>17</sup> Planners Ask End to Industrial Waste Dumping, Tri-City Herald (Jan. 18, 1974) ([4872-9234-7301](#)).

<sup>18</sup> Letter from Franklin County Board of Commissioners to Director of Ecology (Feb. 15, 1974) ([4870-7581-6357](#)).

<sup>19</sup> Resource Recovery Corporation Petition on Appeal of Decision of Franklin County Board of Commissioners (May 1974) ([4872-3094-0581](#)).

<sup>20</sup> Performance Agreement Between Franklin County Board of Commissioners, Resource Recovery Corporation, and Department of Ecology (May 29, 1974) ([4885-2698-0517](#)).

south of the Town of Warden, Washington (“Warden Missile Site”).<sup>21</sup> The application stated wastes “...would consist mainly of paint sludges.”<sup>22</sup> RRC defended the proposal at a public hearing, comparing the proposed industrial waste disposal site to the one “operated in Pasco” and stating “[a]ll the liquids were evaporated in only two ponds at the Pasco site and no ill effects were ever encountered.”<sup>23</sup> RRC also proposed the Grant County Landfill as an alternative to the Warden Missile Site and applied for permits to develop a waste disposal site there.<sup>24</sup>

## **II. Industrial Waste Generators at the Pasco Sanitary Landfill.**

### **A. Resource Recovery Corporation’s Major Customers at the Pasco Sanitary Landfill and those Directly Linked to Paint and Solvent Waste.**

RRC disposed of industrial waste from dozens of manufacturers at the Pasco Landfill. The largest waste generators in 1974 at the Pasco Landfill were:

- ChemPro<sup>25</sup>
- DiGiorgio Corp.
- Georgia-Pacific
- Harbor Oil, Inc.
- Precision Castparts Corp.
- U.S. Navy, Bremerton

#### **1. U.S. Navy, Bremerton.**

U.S. Navy, Bremerton “was one of RRC’s more significant customers based upon waste volume” and RRC “collected [U.S. Navy Bremerton’s] barrels of paint sludge and transported them to Pasco Landfill for disposal.”<sup>26</sup> A 1974 Contract and Purchase Agreement between U.S. Navy, Bremerton and RRC required RRC dispose of drums of waste paint and solvents.<sup>27</sup>

#### **2. ChemPro.**

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<sup>21</sup> Letter from Grant County Planning Commission to Board of County Commissioners (Jan. 13, 1975) ([4856-9826-1413](#)).

<sup>22</sup> *Id.*

<sup>23</sup> Letter from RRC to Department of Ecology (June 1975) ([4856-4924-0485](#)).

<sup>24</sup> Letter from RRC to Grant County Board of Commissioners (Aug. 18, 1975) ([4856-9131-4853](#)); Seattle Firm Eyes Ephrata for Waste Recycling Site, Grant County Journal (Aug. 25, 1975) ([4818-5498-7950](#)); RRC Conditional Use Permit Application, Industrial Waste Management Evaporative Ponds at the Grant County Landfill #1, Ephrata (Aug. 18, 1975) ([4853-9233-9621](#)).

<sup>25</sup> ChemPro would receive waste from various manufacturers for reclamation and recycling. See Letter from RRC to Franklin County Health District at 1 (Sept. 5, 1972) ([PASC0000067-69](#)).

<sup>26</sup> Declaration of John R. Kimberly, President of RRC (Oct. 8, 1999) ([4873-9274-9477](#)).

<sup>27</sup> 1974 Contract and Purchase Order Between U.S. Navy, Bremerton and Resource Recovery Corporation ([4881-8416-2469](#)).

ChemPro stated “[t]he first waste which we are sending to the Pasco site is generated from our own Seattle plant and consists of pigment and resin sludge with most of the solvents removed in our own recycling process.”<sup>28</sup> A ChemPro employee similarly indicated that “paint wastes generated in the early 1970s would typically include...solvents” and this waste was “placed by [RRC]” at the Pasco Landfill.<sup>29</sup>

### **B. Resource Recovery Corporation’s Monthly Reports and Waste Receipts, and ChemPro’s Ledgers.**

Ecology compiled all the waste receipts RRC maintained for the Pasco landfill in a report.<sup>30</sup> It also compiled all the ledgers from ChemPro, for waste picked up by RRC at ChemPro’s processing facility in Seattle.<sup>31</sup>

### **C. PLPs at the Pasco Sanitary Landfill and Ecology’s Enforcement Action.**

Ecology initiated an enforcement action against many of the manufacturers identified in the RRC waste receipts and invoices.<sup>32</sup> A total of 38 PLP’s were named in Ecology’s enforcement order.

## **III. Links Between the Pasco Sanitary Landfill and the Disposal of Drums at the Ephrata Landfill.**

A September 19, 1975 letter from Ralph Hasper, Director of Environmental Health Services at Grant County Health District, confirms that RRC brought drums to the Grant County Ephrata Landfill. Grant County had already denied RRC’s request for the establishment of the industrial waste site at the Landfill, but “[a]n exception...for the acceptance of a total of 2000 barrels of paint wastes...was approved by the board.”<sup>33</sup> Samples taken from the drums at the Grant County Ephrata Landfill were consistent with solvent and paint waste.<sup>34</sup>

The facts establish that the RRC hauled waste to the Grant County Ephrata landfill in 1975 that was identical to the waste it hauled to the Pasco Landfill the year before. We appreciate that the evidence would be even stronger if Ecology were to request receipts and invoices from those same waste generators, and we ask that it do so. In the meantime, we will continue our investigation and provide additional information to aid this investigation as we obtain it. Thank you for supporting this effort.

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<sup>28</sup> Letter from ChemPro to Benton-Franklin District Health Department (Mar. 29, 1972) ([4879-6213-2388](#)).

<sup>29</sup> Letter from ChemPro to U.S. EPA at 14 (Aug. 19, 1988) ([PASCO001966-1989](#)).

<sup>30</sup> Potential PLPs at Pasco Landfill Site, Volume 1 of 2, Department of Ecology ([4894-4645-4181](#)); Potential PLPs at Pasco Landfill Site, Volume 2 of 2, Department of Ecology ([4888-0728-1573](#)).

<sup>31</sup> Potential PLPs at Pasco Landfill Site, Volume 1 of 2, Department of Ecology ([4894-4645-4181](#)).

<sup>32</sup> See e.g., Notice of Potential Liability to Glidden Corporation for Pasco Sanitary Landfill (Oct. 8, 1991) ([4895-2017-7573](#)).

<sup>33</sup> Letter from Ralph Hasper to Dan Dietrich (Sep. 19, 1975) ([4824-9239-1086](#)).

<sup>34</sup> Farallon Phase I Supplemental Investigation Report Comments to Ecology at 181 (Sept. 22, 2022) ([4857-7819-4229](#)).

#### **IV. Conclusion**

This additional credible evidence provides significant links between the drum waste producers at the Pasco Landfill and the drums disposed of at the Ephrata Landfill. The City respectfully asks that Ecology use its statutory and regulatory powers to identify the source of the drums at the Ephrata Landfill, using the evidence provided here as a foundation for its work.

Sincerely,



Ray Towry  
City Administrator

Cc: City Council  
Grant County Commission