



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Central Region Office

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

October 3, 2024

Lisa Freund, Public Services Director
Yakima County
128 North 2nd Street
Yakima, WA98901

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

- **Site Name:** Boise Cascade Mill
(East-West Corridor Project Footprint Operable Unit)
- **Property Address:** 805 N 7th Street, Yakima
- **Facility/Site ID:** 450
- **Cleanup Site ID:** 12095
- **Yakima County Parcel #(s):** 191318-11002 & 191318-41002

Dear Director Freund:

The Department of Ecology (Ecology) has confirmed that a release of hazardous substances has occurred at the Boise Cascade Mill facility (Site) requiring cleanup under the Model Toxics Control Act (MTCA),¹ Chapter 70A.305 RCW.² This determination is based on an initial investigation. The results are documented in the Initial Investigation report prepared by Maul Foster & Alongi, Inc. (MFA), dated August 28, 2024.

We have added the East-West Corridor Project Footprint as an operable unit under the Boise Cascade Mill Site, which is on Ecology's Contaminated Sites List. Based on credible evidence, Ecology is proposing to find Yakima County liable under MTCA for the release of hazardous substances at the Site. Any person whom Ecology finds to be liable, based on credible evidence, 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.

¹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Proposed finding of liability

Ecology is proposing to find Yakima County liable under RCW 70A.305.040³ for the release of hazardous substances at the Site. This proposed finding is based on the following evidence:

- Yakima County is an “owner or operator” as defined in RCW 70A.305.020(22)⁴ of a “facility” as defined in RCW 70A.305.020(8). The Yakima County Assessor Parcel Search tool identifies parcels 191318-11002 & 191318-41002 as owned by “Public Services-County Road,” which is a department of Yakima County. Enclosed with this letter are printouts from the Yakima County Assessor Parcel Search.

Note: The Boise Cascade Mill Site (Site) under Agreed Order No. DE 13959⁵ (enclosed) identifies that the Site is “generally located at or near 805 North 7th Street, Yakima, Washington.” Per the Agreed Order, the Site is “generally depicted in the Site Diagram (Exhibit A).” The Agreed Order specifies that “the Site is further defined by the extent of contamination caused by releases of hazardous substances at the Site...” Based on the former ownership of and operations at parcels 191318-11002 & 191318-41002 by the Boise Cascade Mill Site, the discovery of log yard wood waste during the County environmental and geotechnical work in 2024, and the release of contamination documented in the MFA Initial Investigation conducted in 2024, contamination from the Site extends onto parcels 191318-11002 & 191318-410023.

- Yakima County has provided Ecology a report documenting the presence of hazardous substances exceeding MTCA cleanup levels as identified in the Initial Investigation report prepared by Maul Foster & Alongi, Inc (MFA) and dated August 28, 2004. The MFA report indicates metals (barium, iron, manganese, and lead), hydrocarbons (gasoline, diesel, and oil), organochlorine pesticides (4,4'-DDD, and 4,4'-DDT), volatile organic compounds (VOCs) (vinyl chloride), and semi-volatile organic compounds (SVOCs) (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(ghi)perylene, benzo(k)fluoranthene, bis(2-ethyhehyl) phthalate, chrysene, dibenzo(a,h)anthracene, indeno(1,2,3-cd)pyrene, and cPAH TEQ) are confirmed soil contaminants.

For the woodwaste, similar contaminants as found in the soils were encountered and included: metals (iron and zinc); hydrocarbons, organochlorine pesticides (4,4'-DDD), and SVOCs. No VOCs were present above MTCA cleanup levels in the soil collected for laboratory analysis. For groundwater, contaminants exceeding MTCA cleanup levels are limited to metals (iron and manganese).

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

⁴ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.020>

⁵ <https://apps.ecology.wa.gov/cleanupsearch/document/61332>

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The Shannon & Wilson March 31, 2023 Geotechnical Engineering and Environmental Report – Cascade Mill Parkway, Phase 3 show gasoline range organics (GRO) detected at a concentration of 1,030 milligrams per kilogram (mg/kg). **Note that this report was only included as an Appendix to the MFA II Work Plan, and not officially submitted to Ecology. Please submit one electronic and one hard copy of the original report.**

- The chemicals of concern (COC) identified in the MFA Initial Investigation Report provide evidence that 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:

John Zinza
Toxics Cleanup Program
Central Regional Office
1250 W. Alder Street
Union Gap, WA 98903

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

Ecology will be notifying the PLPs listed under Agreed Order No. DE 13959 for the Boise Cascade Mill site (Cleanup Site ID: 12095) that they are potentially liable for the release of hazardous substances at the Site.

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For reference, those PLPs are listed below:

- OfficeMax Incorporated
- Dunollie Enterprises, LLC
- LeeLynn, Inc. & Wiley Mt., Inc.
- Yakima Resources, LLC

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.305.060⁶ 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 invite Yakima County to enter negotiations for a de minimis consent decree. A de minimis consent decree is the appropriate agreement for this site since Yakima County did not cause or contribute to the contamination. The de minimis consent decree will cover the Yakima County East-West Corridor Project operable unit.

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.

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 (509) 225-0304 or john.zinza@ecy.wa.gov. Thank you for your cooperation.

⁶ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.060>

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Sincerely,



John Zinza, P.E.
Cleanup Project Manager
Toxics Cleanup Program
Central Regional Office

Enclosures: Model Toxics Control Act Cleanup Regulation Focus Sheet
PLP Waiver Form
Site Listing Information
Agreed Order DE 13959

By certified mail: 9414 8098 9864 3065 8670 72

cc: Matt Pietrusiewicz, P.E, Yakima County
Brett Sheffield, P.E., Yakima County
Allan Gebhard, Barr Engineering (Project Coordinator for the PLPs)
Ivy Anderson, Office of the Attorney General

List of Reports Documenting Release of Hazardous Substances at the Boise Cascade Mill Site
(east side parcels owned by Yakima County)

Draft Initial Investigation Report East-West Corridor Roadway, Yakima, Washington. Prepared
by Maul Fost Alongi, Inc. (MFA) for Yakima County and dated August 28, 2024.

Initial Investigation Work Plan, East-West Corridor Roadway, Yakima, Washington. Prepared by
MFA for Yakima County and dated June 24, 2024.

Geotechnical Engineering and Environmental Report. Cascade Mill Parkway, Phase 3, Yakima
County, Washington. Prepared by Shannon & Wilson as a sub-consultant to Sargent Engineers,
Inc. and dated March 31, 2023.

Final (Revision 1) Interim Action Work Plan – Roadway Project Closed City of Yakima Landfill
Site, Yakima, WA. Prepared by Landau Associates for the City of Yakima and dated July 29,
2019.