



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

*Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000  
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May 22, 2013

Mr. Frank Brown  
Rexam LLC  
4201 Congress Street  
Charlotte, NC 28209

**Re: Opinion Pursuant to WAC 173-340-515(5) on your On-going Remedial Investigation for the Following Hazardous Waste Site:**

- Name: Rexam Beverage Can Co
- Address: 1220 2nd Ave N, Kent WA
- Facility/Site No.: 35918556
- VCP No.: NW1105

Dear Mr. Brown:

Thank you for submitting documents regarding your on-going remedial investigation for the Rexam Beverage Can Co facility (Site) for review by the Washington State Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding a review of submitted documents/reports pursuant to requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site:

- Diesel and oil range petroleum hydrocarbons in Soil;
- Hexavalent Chromium in Soil;
- Diesel and oil range petroleum hydrocarbons in Ground Water;
- Chlorinated volatile organic compounds in Ground Water.

Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).



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This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.

Ecology's Toxics Cleanup Program has reviewed the following information regarding your proposed remedial action(s):

1. Progress Report for Rexam Beverage Can Company, dated March 2013, prepared by Envision Environmental, Inc.

The reports listed above will be kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. Appointments can be made by calling the NWRO resource contact at (425) 649-7235.

The Site is defined by the extent of contamination caused by the following release(s):

- Diesel and oil range petroleum hydrocarbons in Soil;
- Hexavalent Chromium in Soil;
- Diesel and oil range petroleum hydrocarbons in Ground Water;
- Chlorinated volatile organic compounds in Ground Water.

Based on a review of supporting documentation listed above, pursuant to **requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the following release(s) at the Site, Ecology has determined:**

- This reports describes active investigations performed at the Site within the last year and is sufficient to keep the Rexam Beverage Can Co Site active in the VCP;
- The proposed Interior Sample locations appear to be appropriate. However note that once the samples are analyzed additional samples may or may not be necessary to fully characterize the extent of soil impacts;
- The Site is still not fully characterized. Rexam Beverage is planning on conducting further Site investigations and is planning on submitting a completed Remedial Investigation & Feasibility Study (RI/FS) once the Site has been fully characterized.
- Ecology understands that remedial investigations at this Site depend on plant shutdowns. Ecology also notes that the Rexam Beverage Can Company is committed to fully characterizing the nature and extent of contamination at this Site.

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**This opinion does not represent a determination by Ecology that a proposed remedial action will be sufficient to characterize and address the specified contamination at the Site or that no further remedial action will be required at the Site upon completion of the proposed remedial action. To obtain either of these opinions, you must submit appropriate documentation to Ecology and request such an opinion under the VCP. This letter also does not provide an opinion regarding the sufficiency of any other remedial action proposed for or conducted at the Site.**

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void.

The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in conducting independent remedial action and requesting technical consultation under the VCP. As the cleanup of the Site progresses, you may request additional consultative services under the VCP, including assistance in identifying applicable regulatory requirements and opinions regarding whether remedial actions proposed for or conducted at the Site meet those requirements.

If you have any questions regarding this opinion, please contact me at (425) 649-4446 or by email at [damy461@ecy.wa.gov](mailto:damy461@ecy.wa.gov).

Sincerely,



Dale R. Myers  
Site Manager  
Toxics Cleanup Program

Enclosure

cc: Mr. Abraham Platt, Envision Environmental, Inc.



# Enclosure A

## Description of the Site

The Site is situated in an industrial area of Kent and is located at the southeast corner of the intersection of North 2<sup>nd</sup> Ave and South 228<sup>th</sup> Street. The Site is located within the approximately 6-acre Rexam Beverage Property. Two 1-story high bay buildings are located on the Site; consisting of a 130,615-square foot Manufacturing Building built in 1970 and a 100,000-square foot Warehouse Building built between 1977 and 1985. An asphalt parking lot and truck access area is located on the west side of the property.

The Site topography is relatively flat in the area of the buildings with a slight regional slope to the west towards the Green River, which is located approximately 1.5-miles west of the Site.

Shallow sediments at the Site are of fluvial origin and are comprised of silts, sands, and gravels. Borings at the Site indicate that there appears 3-feet to 6-feet in fill materials (silt and sand) overlaying fine to very-fine grained, well sorted sands and silts.

Groundwater at the Site has been encountered between approximately 3.5-feet to 8.5-feet below ground surface (bgs). Investigations have shown that the groundwater gradient was nearly flat, with a component flow to the north-northwest.

Upon completion of the environmental assessment at the Site, Envision has proposed to develop a Conceptual Site Model and the RI/FS report.

