



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

15 W Yakima Ave, Ste 200 • Yakima, WA 98902-3452 • (509) 575-2490

December 11, 2013

Mr. Kirby Farner, Compliance Specialist
Pacific Recycling
5 River Drive South
PO Box 1549
Great Falls, MT 59403

Re: No Further Action at the following Site:

- **Site Name:** Pacific Recycling
- **Site Address:** 1615 E. Chemical Dr., Kennewick
- **Facility/Site No.:** 326
- **VCP Project No.:** CE0399

Dear Mr. Farner:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Pacific Recycling facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). **NOTE: WAC 173-340-702(12)(b) states "in reviewing the adequacy of independent remedial actions, the department shall determine the cleanup level that applies to a release based on rules in effect at the time the final cleanup action for that release began or in effect when the department reviews the cleanup action, whichever is less stringent ... (c) ... unless, the department determines, on a case by case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment."** The analysis of the 1996 remedial action including the rules in effect at that time is provided below.

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 releases:



- Above Ground Storage Diesel Tank (AST): Total Petroleum Hydrocarbons Diesel Range Organics (TPH-DRO) into the Site's soil and groundwater.
- Shear Area: Total Petroleum Hydrocarbons Diesel Range Organics (TPH-DRO) into the Site's soil.
- Containerized Storage Area: Total Petroleum Hydrocarbons Diesel Range Organics (TPH-DRO) into the Site's soil.

A detailed description and diagram of the Site, as currently known to Ecology is present in the *Voluntary Site Cleanup Report: Pacific Steel and Recycling, Kennewick, Washington*, EMCON, July 29, 1998.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites. ***This opinion does not apply to other locations on the property or releases after the 1996 remediation at these locations.***

Basis for the Opinion

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

1. *Voluntary Site Cleanup Report: Pacific Steel and Recycling, Kennewick, Washington*, EMCON, July 29, 1998.
2. Contents of file, CRO central files.

Those documents are kept in the Central Regional Office of Ecology for review by appointment only. You can make an appointment by calling Roger Johnson at (509) 454-7658.

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

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site.

That conclusion is based on a review of the 1996 remedial action, remediation requirements in effect at the time, and the following analysis:

1. **Characterization of the Site.**

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described as three areas with known releases of TPH-D; the three areas are the AST, Shear, and Containerized Storage.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels you established for the Site met the substantive requirements of MTCA in effect in 1996. Since 1996, the MTCA cleanup level for TPH-DRO in soil has been increased from 200 mg/kg to 2,000 mg/kg AND the MTCA cleanup level for TPH-DRO in groundwater has decreased from 1,000 ug/L to 500 ug/L.

a. Cleanup levels.

The least stringent [of the cleanup levels in effect at the time or during this review] of MTCA Method A soil and groundwater cleanup levels for Unrestricted Land Uses shall be used throughout the Site for TPH-DRO.

MTCA METHOD A Soil Cleanup Levels:

TPH: Diesel Range Organics (DRO): 2000 mg/kg (2013 Cleanup Level)

MTCA METHOD A Groundwater Cleanup Levels:

TPH: Diesel Range Organics (DRO): 1000 ug/liter (1996 Cleanup Level)

b. Terrestrial Ecological Evaluation (TEE).

At the time of the 1996 remediation, TEE requirements had not been promulgated. However, Ecology conducted a TEE evaluation and concluded the site qualifies for a TEE exclusion based on all contamination remaining at 15' bgs.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA. All petroleum contaminated soil has been excavated from the source location to current MTCA cleanup standards and groundwater monitoring has confirmed that contaminant concentrations are below MTCA cleanup levels. Three consecutive quarters of groundwater monitoring conducted in 1997/1998 showed levels of TPH-DRO below MTCA Method A cleanup levels in effect at the time.

Listing of the Site

Based on this opinion, Ecology will initiate the process of removing the Site from our lists of contaminated sites, including:

- Confirmed and Suspected Contaminated Sites List
- Hazardous Sites List

That process includes public notice and opportunity to comment. Based on the comments received, Ecology will either remove the Site from the applicable lists or withdraw this opinion.

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 performed is substantially equivalent. Courts make that determination. See RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

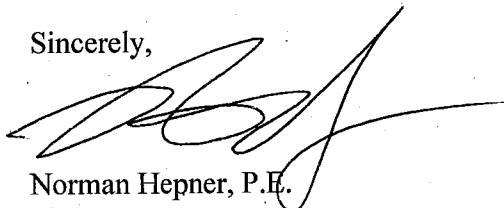
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. See RCW 70.105D.030(1)(i).

Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project.

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me at (509) 457-7127.

Sincerely,



Norman Hepner, P.E.
Site Manager
CRO Toxics Cleanup Program

cc: Dolores Mitchell, VCP Financial Manager
Bryan Douglas, Douglas Inc.