



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

July 2, 2014

J.R. Simplot Company
c/o Jerry Scribner
PO Box 9
Moxee, WA 98936

RE: Early Notice Letter Regarding the Release of Hazardous Substances
Site Name: Simplot Soilbuilders Moxee City
Site Address: 7528 Postma Road, Moxee
Facility/Site ID No.: 84612438
Cleanup Site ID No.: 12402
ERTs No.: 649203
Tax Parcel No.: 191202-11005

Dear Mr. Scribner:

Under Chapter 70.105D Revised Code of Washington (RCW), upon receiving a report of a release or threatened release of a hazardous substance that may pose a threat to human health or the environment, the Department of Ecology (Ecology) is required to conduct an Initial Investigation.

In 2012 and 2013, as a consultant to the Department of Ecology, GeoEngineers, Inc. (GeoEngineers) performed site assessment activities at the Moxee City Shop property (formerly Moxee Sewage Treatment Plant), which included limited sampling on the Simplot facility. This site assessment was conducted for the purpose of delineating a petroleum release from the Moxee City Shop property, and included natural attenuation parameters such as nitrate and sulfate. The Moxee City Shop is located adjacent to the west of the Simplot facility. These assessments are summarized in the GeoEngineers, April 4, 2014, Data Gap Investigation – Moxee City Shop and Former STP. Results indicated elevated nitrate and sulfate concentrations in groundwater, with maximum concentrations of 263 mg/L and 1,670 mg/L, respectively. The federal maximum contaminant level (MCL) for nitrate is 10 mg/L and the federal secondary MCL for sulfate is 250 mg/L. Nitrate and sulfate concentrations in shallow soils (less than 6.5 feet below ground surface) were also elevated along this property boundary, with the highest concentrations found on the Simplot facility. From 2012 through 2014, six groundwater monitoring events have been conducted. These events indicate that the general groundwater flow direction is toward the southwest. Ecology concludes that the Moxee Simplot Facility is

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impacted by nitrate and sulfate contamination and is a potential source of this release based on the following: (1) groundwater is impacted by nitrate and sulfate on the Simplot property; (2) groundwater flows southwest from the Simplot facility towards the Moxee City Shop property; (3) soil on the Simplot property contains elevated nitrate and sulfate and concentrations; and (4) Simplot operates as a merchant and wholesaler in soil amendments.

Under the Model Toxics Control Act (MTCA), Ecology maintains a statewide database of confirmed or suspected contaminated sites. This database is made available to the public upon request and online at <http://www.ecy.wa.gov/programs/tcp/cscs/CSCSpag.HTM>. It is Ecology's decision that the above-referenced property will be added to this database because of the nitrate and sulfate contamination.

Please note that inclusion in the database does **not** mean that Ecology has made a determination regarding the identification of any potentially liable person(s) under the Model Toxics Control Act (administered under Chapter 173-340 WAC).

It is the policy of the Department of Ecology to work cooperatively with persons to accomplish prompt and effective site cleanups. For this site, Ecology prefers to achieve site cleanup cooperatively through an independent cleanup action (WAC 173-340-515), which may include Voluntary Cleanup Program interaction if requested. Cooperating with Ecology in planning or conducting remedial actions is not an admission of guilt or liability.

In proceeding with an independent cleanup, please be aware that there are requirements in state law which must be followed. In particular, WAC 173-340-300(4) requires a report of independent actions. To the extent known, the report shall include:

1. identification and location of the hazardous substance(s)
2. circumstances of the release and discovery
3. remedial actions planned, completed, or underway

More requirements of independent cleanup actions are discussed in WAC 173-340-120(8)(b). Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial actions performed.

You are encouraged to contact Ecology for limited informal advice and assistance. For technical assistance you are advised to hire an environmental consultant with the appropriate expertise and qualifications. A copy of Chapter 70.105D RCW, the Model Toxics Control Act, and the implementing regulation Chapter 173-340 WAC, which details the requirements of the Act, is enclosed.

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If you would like Ecology to review the independent cleanup actions conducted and determine if the site warrants **no further action**, you are encouraged to participate in the Voluntary Cleanup Program (VCP). In addition, you may enroll in the VCP at any time in the investigation or cleanup process to request more in depth technical assistance or Ecology opinions on work plans, reports, etc. Information about the Voluntary Cleanup Program is available online at <http://www.ecy.wa.gov/programs/tcp/vcp/Vcpmain.htm>, or you may contact Frosti Smith, CRO VCP Coordinator, at (509) 454-7841. Or feel free to contact me at (509) 454-7833 with any questions you may have.

Sincerely,



Laura Klasner
Site Manager
Toxics Cleanup Program

ecc: Greg Olsen, J. R. Simplot
Dennis Bohanon, J. R. Simplot
Brandon Jenks, J. R. Simplot
Andrew Hutchison, J. R. Simplot
Paul Derig, J. R. Simplot

Enclosure

By certified mail: 7009 2250 0004 4950 5927