



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 9, 2014

Mr. Dave O'Leary, Shelton City Administrator
City of Shelton City Hall
525 W Cota St.
Shelton, WA 98584

Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Hazardous Waste Site:

- Name: Shelton C Street Landfill
- Address: C Street & U.S. Hwy 101, Shelton, WA 98584
- County Assessor's Parcel Number(s): 42024-21-60430 (Mason Co.)
- Cleanup Site ID.: 2295
- Facility/Site No.: 1186

Dear Mr. O'Leary:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP".

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find the City of Shelton (City) liable under RCW 70.105D.040 for the release of hazardous substances at the Shelton C Street Landfill facility (Site). This proposed finding is based on the following evidence:

1. The City of Shelton is an "owner or operator" as defined in RCW 70.105D.020(22) of a "facility" as defined in RCW 70.105D.020(8). The City has maintained ownership of the facility from 1928 to 1931 and from 1949 to the present. In 1931, the City sold the property to Rayonier Pulp and Paper with stipulation that municipal landfilling could continue. This arrangement concluded in 1949 when the Site was quit-claimed back to the City.

2. Between 1928 and January 31, 1974, the facility operated as a municipal landfill for the City of Shelton and surrounding area. Landfill operations consisted of infilling the parcel's topographic depression with municipal waste with minimal documented controls or management in place. Practices, including on-site open burning and incineration, were utilized to reduce waste volume during the municipal landfilling operations. Ash, resulting from waste incineration, was added to the landfill.

The City's wastewater treatment plant periodically disposed wastewater treatment sludge to the landfill between 1950 and 1981. Between 1976 and 1981, baghouse fly-ash, generated by Simpson Timber Company's Oakland Bay mill, was collected, mixed with water, processed through the City's wastewater treatment plant, and disposed of in the landfill. At times, the wastewater disposal formed a shallow lagoon on the facility property.

3. Limited data exists quantifying the extent and magnitude of suspected contamination resulting from the facility's operations. Between 1984 and 1986, the Environmental Protection Agency (EPA) conducted a National Dioxin Study. The City's C Street Landfill was one of many sites sampled during the study. Results of the study revealed a composited concentration of 2,3,7,8-tetrachlorodibenzodioxin (TCDD) of 0.17 parts per billion (ppb) and a total toxic equivalent quotient (TEQ) equal to 3.1 ppb by combining all sampled dioxin/furan congeners. In addition to dioxins, and consistent with other landfill operations of similar size and operating period in Washington State, Ecology anticipates additional contaminants may be present at the facility.

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;
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.

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Please submit your waiver or written comments to the following address:

Jason Landskron
SWRO Toxics Cleanup Program
PO Box 47775
Olympia, WA 98504-7775

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

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

Responsibility and Scope of Potential Liability

Please note that 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.

Please also note that 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 70.105D.055 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 conduct the following actions under MTCA:

1. Ecology intends to require the City to conduct a remedial investigation and feasibility study as described in WAC 173-340-350 in a manner that complies with all requirements of the MTCA Cleanup Regulation, Chapter 173-340 WAC.
2. Ecology invites representatives of the City to enter negotiations for an Agreed Order that will govern the conduct of the aforementioned remedial investigation and feasibility study.

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For a description of the process for cleaning up a hazardous waste 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 hazardous waste 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 hazardous waste sites, please call me at 360-470-6388. Thank you for your cooperation.

Sincerely,



Jason Landskron, P.E.
Cleanup Project Manager
SWRO Toxics Cleanup Program

cc Steve Goins, City of Shelton, Director of Community Development

Enclosures: 2

By certified mail: (91 7199 9991 7031 7908 4719

- (1) FOCUS: MODEL TOXICS CONTROL ACT CLEANUP REGULATION: PROCESS FOR CLEANUP OF HAZARDOUS WASTE SITES (Pub. No. #94-129)
- (2) VOLUNTARY WAIVER OF RIGHT TO COMMENT FORM

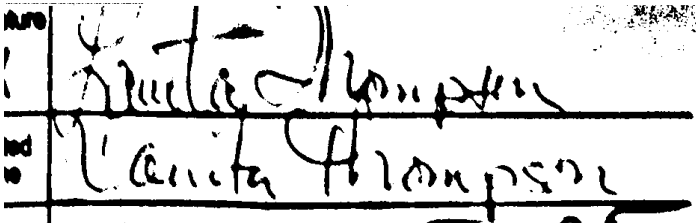
Supporting Documentation


1. *Mason County No. 388*, March 25, 1974; *City of Shelton No. 307*, March 26, 1974.
2. *Simpson Timber Company Dioxin Study Final Report*; CH2M Hill, March 1987.
3. *Report of Dioxin Study Findings and Announcement of Public Meeting*; EPA, April 1987.
4. *Correction and Closure Plan: Shelton Landfill Disposal Facility, Administrative Draft*; Brown and Caldwell, January 1988.
5. *Shelton C Street Landfill Site Hazard Assessment*; Washington State Department of Ecology, June 5, 2014.

Date: December 11, 2014

Jason Landskron:

The following is in response to your December 11, 2014 request for delivery information on your Certified Mail™ item number 9171999991703179084719. The delivery record shows that this item was delivered on December 11, 2014 at 11:05 am in SHELTON, WA 98584. The scanned image of the recipient information is provided below.

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