



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

April 28, 2014

Mr. Jim Sussex
King County Department of Transportation
Road Services Division
Mailstop: KSC-TR-0315
201 South Jackson Street
Seattle, WA 98104-3856

Re: Request for Contained-Out Determination, Property at South Park Bridge, Tukwila, Washington.

References:

- (a) Letter Report, Cody Johnson, (Shannon and Wilson, Inc.) to D. Yasuda (Ecology), dated April 11, 2014, Request for Contained Out Determination, South Park Bridge Site, Tukwila, Washington

Dear Mr. Jim Sussex:

The Washington State Department of Ecology (Ecology) received a contained-out determination request (reference a), dated April 11, 2014, from your environmental consultant, Shannon and Wilson, Inc., for soil contaminated with F002¹ listed waste constituents generated during underground storage tank (UST) removal activities near the intersection of Dallas Avenue South and Boat Access Road in Tukwila, Washington (Site).

Ecology received this information to determine if the excavated contaminated soils may be exempt from management as dangerous wastes under the "Contained-In Policy." Ecology understands that these soils do not designate under federal characteristics (Washington Administrative Code [WAC] 173-303-090) or State-only criteria (WAC 173-303-100).

Ecology understands that an additional 5 cubic yards of PCE contaminated soils were removed from the bottom of the UST excavation, subsequently mixed with clean soils and sent to the Summit Pit facility near Maple Valley, Washington. Summit Pit is not a permitted RCRA dangerous waste treatment, storage and disposal facility.

KCDOT did not designate (through sampling and analyses) these additional PCE contaminated soils as F002 listed dangerous wastes under the Ecology dangerous waste regulation (Chapter 173-303 WAC). KCDOT mixed these additional PCE contaminated soils with clean soils and delivered the PCE contaminated soils to Summit Pit, a facility not permitted to accept dangerous wastes. Ecology understands that there are now a total of 60 cubic yards of F002 listed waste contaminated soils managed in a soil pile at the Summit Pit facility. KCDOT committed the following violations of the Washington State dangerous waste regulations (Chapter 173-303 WAC): (a) the mixing of F002 listed waste PCE soils with clean soils (improper treatment of dangerous wastes by dilution). WAC 173-303-170(3); and

¹ Perchloroethylene (PCE)



(b) F002 listed dangerous waste soils were sent offsite to a facility that is not permitted as a RCRA permitted treatment, storage and disposal facility. WAC 173-303-170(1); -180; -200(1); As the RCRA generator of these F002 listed waste PCE soils, KCDOT is responsible for ensuring that all aspects of work conducted by your environmental consultants are in compliance with the dangerous waste regulations.

As a separate determination, and based on the information provided and reviewed to date, Ecology has made the following determinations:

The 40 cubic yards² of F002 (PCE) listed waste contaminated soils generated during UST removal activities at the Site (and currently on the KCDOT site) AND the 60 additional cubic yards² of F002 (PCE) listed waste contaminated soils generated at the KCDOT site and incorrectly transported to the Summit Pit facility after mixing with clean soils, do not require management as dangerous wastes and Ecology will not require disposal of these contaminated soils as F002 (PCE) listed wastes at a RCRA permitted dangerous waste treatment, storage and disposal (TSD) facility, provided all of the conditions below are implemented.

For the 100 total cubic yards of F002 listed waste contaminated soils, you or your consultant shall comply with the following requirements:

- a. Ensure no standing water is present within any container holding the PCE contaminated soil. All water must be removed to the maximum extent possible from each of these containers and managed as F002 listed dangerous wastes without exception. The contaminated groundwater or infiltrated surface water should be removed from the contaminated soils prior to shipment to the landfill. Contaminated water cannot be disposed of into a RCRA Subtitle D (or C) landfill directly.
- b. This Ecology approval letter does not pertain to any decontamination water or groundwater.
- c. Deliver these contaminated soils directly to a permitted RCRA Subtitle D landfill (outside Washington State) such as the Columbia Ridge Solid Waste Landfill in Arlington, Oregon OR a Washington State solid waste landfill permitted under Chapter 173-351 WAC such as the Roosevelt Regional Landfill.
- d. Do not consolidate these contaminated soils with other soils that do not pertain to this contained out determination.
- e. Do not offload these contaminated soils at any temporary staging/transfer/reloading area.
- f. These contaminated soils shall not be used as fill at the Site or any other Property.
- g. Plastic line the containers or delivery trucks for direct delivery to the solid waste landfill.
- h. Cover all excavated soils and take adequate measures to prevent spills and dispersion due to wind or rain erosion.
- i. Take measures to prevent unauthorized contact with these soils at all times.

² This estimate was provided by EPI, reference a.

- j. Provide instructions to the landfill operator that these soils are not to be used for daily, intermediate, or final cover.
- k. Provide copies of all soil analytical data to the landfill operator, upon request.
- l. Send copies of all signed solid waste landfill receipt records for these contaminated soils to Ecology, attention of Dean Yasuda, within 15 days of your receipt. Also indicate the total volume/weight of all contaminated soils disposed of under the Ecology approved contained-in determination, and indicate if this total amount is above, below or equal to the total amount approved by this Ecology letter. This is an important verification step for you and your environmental consultant to follow in order for this Ecology decision to be valid.**
- m. Do not send these contaminated soils to any incinerator, thermal desorption unit, or recycling facility unless that facility is a RCRA Subtitle C permitted hazardous waste TSD facility.
- n. Dispose of the 100 total cubic yards of PCE-contaminated soils by May 16, 2014. This contained-out determination for these contaminated soils is no longer valid after May 16, 2014. After this date, you are required to manage these contaminated soils as dangerous wastes.
- o. This written decision for the contaminated soils does not apply to any other area or other media. Local agencies have the authority to impose additional requirements on this waste stream.
- p. Notify Ecology immediately once you are aware that to-be-excavated soils under this letter will exceed the permitted amount. Ecology needs to make sure that the additional soil qualifies for this contained out determination.

Ecology issued this determination based on the information provided and reviewed to date. This written decision only applies to the management and disposal of the stated 100 total cubic yards of soils, according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC), and does not apply to any other area or other media. In addition, this letter is not approval by Ecology for the disposal of soils outside the amount covered under this Ecology approved contained out determination. Designation (as dangerous wastes or non-dangerous wastes) and proper management and disposal of any other soils (outside what this contained out determination applies to) are still a responsibility of the generator of excavated soils.

In addition, this letter is not a No Further Action (NFA) letter and not written approval for any cleanup action plan you may have submitted to Ecology. The Ecology Toxics Cleanup Program will provide regulatory decisions regarding the cleanup action, applicable soil and groundwater cleanup levels and any other cleanup issues required under the Model Toxics Control Act (Chapter 173-340 WAC).

If you fail to comply with the terms of this letter, Ecology may issue an administrative order and/or penalty as provided by the Revised Code of Washington (RCW) Sections 70.105.080 and/or .095 (Hazardous Waste Management Act).

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If you have any questions concerning this letter, please feel free to contact Mr. Dave Misko at (425) 649-7014 or Mr. Dean Yasuda at (425) 649-7264.

Sincerely,



Dave Misko,
RCRA Compliance Supervisor
Hazardous Waste and Toxics Reduction Program



Dean Yasuda, PE
Environmental Engineer
Hazardous Waste and Toxics Reduction Program

DY:SA

By certified mail: 7013 2250 0000 3679 1993

cc: Lisa Brown, Ecology-ERO
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