



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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July 20, 2015

Gerrity Atlantic Retail Partners II, Inc.  
Attention: Mr. John Waters  
c/o Gerrity Group, LLC  
977 Lomas Santa Fe Drive, Suite A  
Solana Beach, CA 92075

Re: Contained-in Determination for Contaminated Soils from Suite #103, Bethel Junction Shopping Center Property, 3377 Bethel Road SE, Port Orchard, WA (Ecology Facility/Site ID: 28514228/VCP No. NW0568)

Reference: 1. Letter Report from Kelly L. Rankich, PE, PES Environmental, Inc. to B. Maeng, Department of Ecology, dated July 2, 2015; 2. Figure 2, Soil Boring Locations, PES Environmental, received July 14, 2015.

Dear Mr. Waters:

The Washington State Department of Ecology (Ecology) received a contained-in determination request from your environmental consultant, PES Environmental, for six cubic yards of F002 listed waste contaminated soils generated during trenching activities July 6 and 7, 2015, at the Bethel Junction Shopping Center property located at 3377 Bethel Road SE in Port Orchard, WA. Analytical data and the supplemental information were submitted to Ecology to determine if these soils contaminated with F002 listed dangerous waste constituents may be exempt from management as dangerous wastes per the "Contained-In Policy"<sup>1</sup>.

This contained-in determination letter only applies to the six cubic yards of soil described above. Ecology understands that these contaminated soils do not designate under federal characteristics (WAC 173-303-090) or State-only criteria (WAC 173-303-100).

Based on the information received and reviewed, Ecology has determined that the six cubic yards of soils are contaminated with F002 listed dangerous waste constituents at concentrations that do not warrant management as dangerous wastes, and Ecology will not require disposal of these soils as listed dangerous wastes at a RCRA permitted dangerous waste treatment, storage and disposal (TSD) facility, provided that all of the following conditions are implemented. This contained-in determination applies only to

<sup>1</sup> Washington State Department of Ecology Contained-in Policy, dated February 19, 1993



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the contaminated soils, and does not pertain to contaminated water or any mixture of contaminated soils and drilling fluids. See attached Figure 2.

You or your environmental consultant, PES shall:

- Ensure that **no standing water** is present **within the container(s)** holding the contaminated soils. All water must be removed to the maximum extent possible from each of the drums and managed as F002 dangerous wastes. The contaminated groundwater 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;
- This Ecology approval letter does not pertain to any decontamination water or groundwater;
- Directly deliver the soils to a solid waste landfill permitted under WAC 173-351 in Washington State, such as Roosevelt Regional Landfill in Klickitat County or Greater Wenatchee Landfill in East Wenatchee, or a landfill permitted under RCRA Subtitle D outside the Washington State, such as Columbia Ridge Landfill in Arlington, OR. The containers can be sent to the rail loading area, but contaminated soils **shall not** be offloaded from containers to the ground (creating a contaminated soil/concrete pile) at the transfer facility.
- Do not consolidate these contaminated soils with other soils that do not pertain to this contained in determination;
- Dispose of the contaminated soils at a permitted solid waste landfill by **September 4, 2015**. This contained-in determination letter is no longer valid after **September 4, 2015**, and the contaminated soils must be managed as dangerous wastes after this date;
- Notify Ecology before disposal of the soil if the amount exceeds the approved amount in this letter. Ecology needs to make sure that the additional soil qualifies for this contained-in determination;
- These contaminated soils shall not be used as fill at the Site or any other Property.
- Take measures to prevent unauthorized contact with these soils at all times;
- Plastic line the containers or delivery trucks for direct delivery to the solid waste landfill;
- During transport, take adequate measures to prevent spills and dispersion due to wind erosion;

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- Provide instructions to the landfill operator that these soils are not to be used for daily, intermediate, or final cover;
- Provide copies of all soil analytical data to the landfill operator, upon request; and
- Do not send these contaminated soils to any incinerator, thermal desorption unit or recycling facility unless that facility is a RCRA Subtitle C permitted dangerous waste TSD facility.
- 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.
- 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.

Ecology issued this determination based on the information provided and reviewed to date. This written decision only applies to the six cubic yards of soils generated during the trenching activities, and does not apply to any other area or other media. Any data used for this contained-in determination is intended for use in determining the proper disposal of the six cubic yards of soils according to the Washington State Dangerous Waste Regulations (Chapter 173-30 WAC) and Ecology Contained-in Policy.

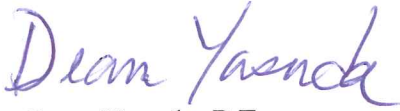
This letter is not a No Further Action (NFA) letter and not written approval for any cleanup action plan you may have submitted. Instead, this letter only addresses the procedures for disposal of the contaminated soils according to the Washington State Dangerous Waste Regulations (Chapter 173-303 WAC). Regulatory decisions regarding the cleanup action, applicable soil and groundwater cleanup levels and any other cleanup issues must comply with the requirements under Ecology 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, 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 me at (425) 649-7264 or by email at [dyas461@ecy.wa.gov](mailto:dyas461@ecy.wa.gov).

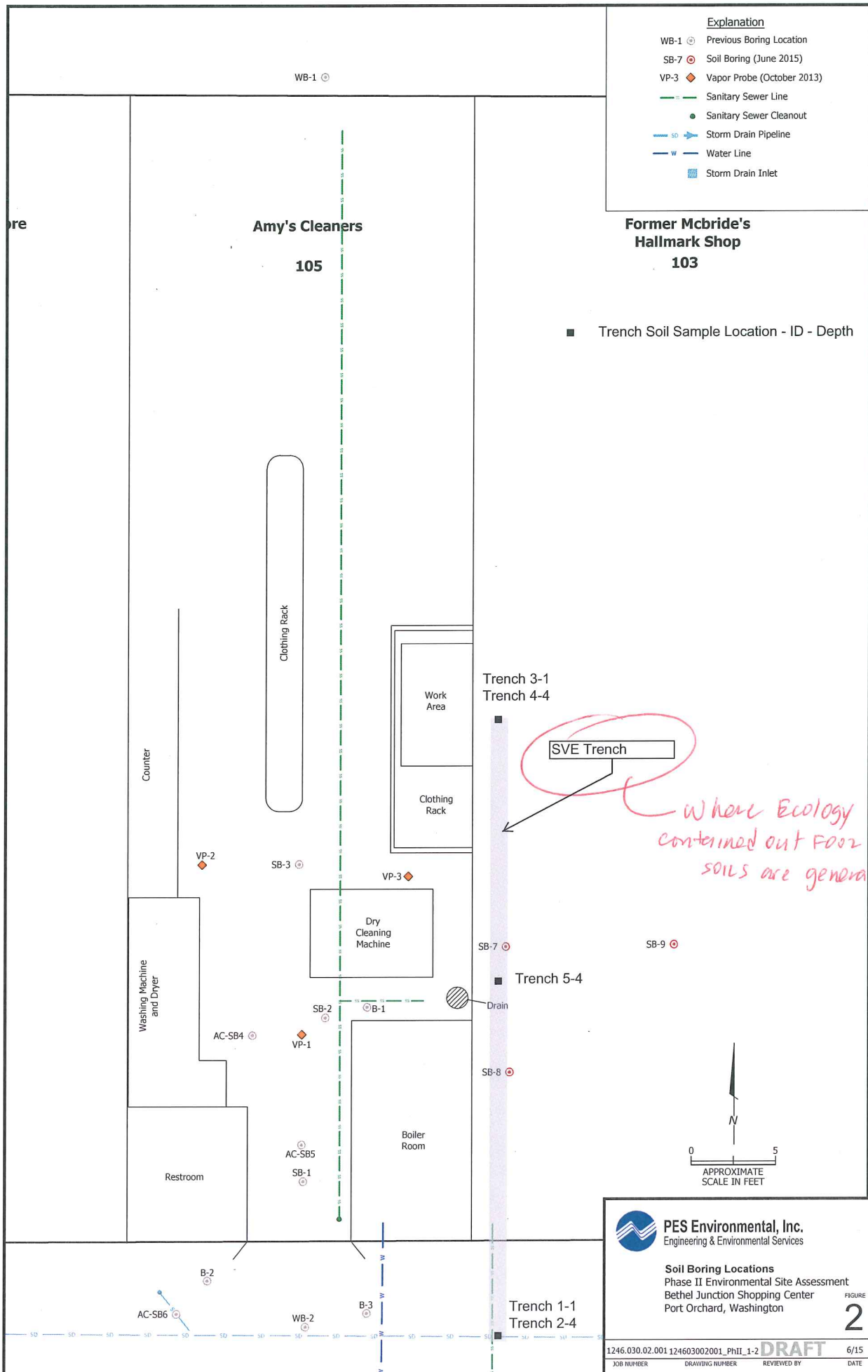
Sincerely,



Dean Yasuda, P.E.  
Hazardous Waste and Toxics Reduction Program

By certified mail: 9171 9690 0935 0088 4629 57

e-cc: Lisa Brown, Ecology-ERO  
Greg Caron, Ecology-CRO  
Byung Maeng, Ecology-NWRO  
Chuck Hoffman, Ecology-SWRO  
Mindy Collins, Ecology-BFO  
Kelly Rankich, Project Engineer, PES Environmental, Inc.,  
[krankich@pesenv.com](mailto:krankich@pesenv.com)  
DW File:



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John Waters

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July 21, 2015 , 6:51 pm	Accepted at USPS Origin Sort Facility	BELLEVUE, WA 98008

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