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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

CERTIFIED MAIL

September 12, 2006

Mr. Matthew Beirne
Lower Elwha Klallam Tribe
2851 Lower Elwha Road
Port Angeles, WA 98363

Re: No Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site:

- Name: Angeles Bluffs Garbage Pit Removal/American Tower Site
- Address: 1986 Lower Elwha Road, Port Angeles
- Facility/Site No.: 1201869
- VCP No.: SW0801

Dear Mr. Beirne:

Thank you for submitting your independent remedial action report for the Angeles Bluffs Garbage Pit Site, former American Tower facility (Site) for review by the State of Washington Department of Ecology (Ecology) under the Voluntary Cleanup Program (VCP). Ecology appreciates your initiative in pursuing this administrative option for cleaning up hazardous waste sites under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

This letter constitutes an advisory opinion regarding whether further remedial action is necessary at the Site to meet the substantive requirements of MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC. Ecology is providing this advisory opinion under the specific authority of RCW 70.105D.030(1)(i) and WAC 173-340-515(5).

This opinion does not resolve a person's liability to the state under MTCA or protect a person from contribution claims by third parties for matters addressed by the opinion. The state does not have the authority to settle with any person potentially liable under MTCA except in accordance with RCW 70.105D.040(4). The opinion is advisory only and not binding on Ecology.



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Ecology's Toxics Cleanup Program has reviewed the following information regarding the Site:

1. Ridolfi, Inc. Debris Removal and Soil Sampling, Angeles Point Bluffs Property, Port Angeles, Washington, June 6, 2006,
2. Lower Elwha Klallam Tribe, Lower Elwha Klallam Tribe, Angeles Point Bluffs, Garbage Pit Removal and Confirmation Sampling Project Summary, August 21, 2006.

The documents listed above will be kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. Appointments can be made by calling the SWRO resource contact at (360) 407-6365.

The Site is defined by the extent of contamination caused by the following release(s):

- Metals, glass, petroleum hydrocarbons in Soil.

The Site is more particularly described in Enclosure A to this letter, which includes a detailed Site diagram. The description of the Site is based solely on the information contained in the documents listed above.

Based on a review of the independent remedial action report and supporting documentation listed above, **Ecology has determined that the independent remedial action(s) conducted at the Site are sufficient to meet the substantive requirements contained in MTCA and its implementing regulations, Chapter 70.105D RCW and Chapter 173-340 WAC, for characterizing and addressing the contamination at the Site.** Therefore, pursuant to WAC 173-340-515(5), Ecology is issuing this opinion that **no further remedial action is necessary** at the Site under MTCA.

Based on this no further action determination, Ecology will update the status of the Site on its site database and remove the Site from the Confirmed and Suspected Contaminated Sites List.

This no further action determination does not apply to any other release(s) or potential release(s) of contaminant(s) that may impact any other portion of any property impacted by this Site, or any other property owned or operated by the Lower Elwha Klallam Tribe or its representative Mr. Matthew Beirne.

Please note that this opinion is based solely on the information contained in the documents listed above. Therefore, if any of the information contained in those documents is materially false or misleading, then this opinion will automatically be rendered null and void and further remedial action may be required at the Site.

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The state, Ecology, and its officers and employees make no guarantees or assurances by providing this opinion, and no cause of action against the state, Ecology, its officers or employees may arise from any act or omission in providing this opinion.

Again, Ecology appreciates your initiative in successfully completing cleanup under the Voluntary Cleanup Program (VCP). If you have any questions regarding this opinion, please contact me at (360) 407-6267.

Sincerely,



Charles S. Cline
SWRO Toxics Cleanup Program

CSC/ksc:Elwha Angeles Point Bluff NFA

Enclosures: Enclosure A – text
Figure 1 – Site Location (gross)
Figure 2 – Site Location
Photographs

Cc: Mr. John Means, TCP-HQ
Mr. Robert Warren, TCP-SWRO
Ms. Trish Akana, TCP-HQ

ENCLOSURE A

In March of 2002 The Lower Elwha Klallam Tribe acquired an 87-acre parcel of land, the American Tower property, located on the eastern Elwha River bluffs overlooking the floodplain reservation. The Property is located on the north side of Lower Elwha Road, near the intersection with Elwha Bluffs Road, approximately 1.5 miles west of Port Angeles, Washington (Figure 1). This property was acquired to provide much needed land for low income housing development. The Tribe has submitted a Fee to Trust application to the Bureau of Indian Affairs (BIA), which requests that the federal government take the property into Trust status for the Lower Elwha Klallam Tribe. The northwestern portion of the Property is occupied by two communication towers and an associated concrete building that was formerly used by AT&T (Figure 2).

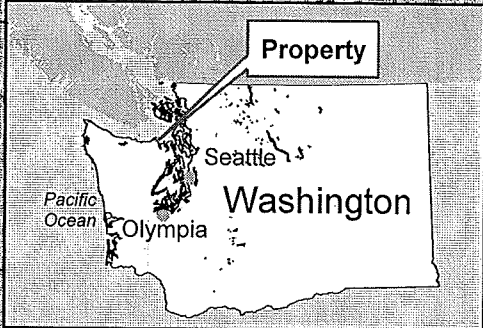
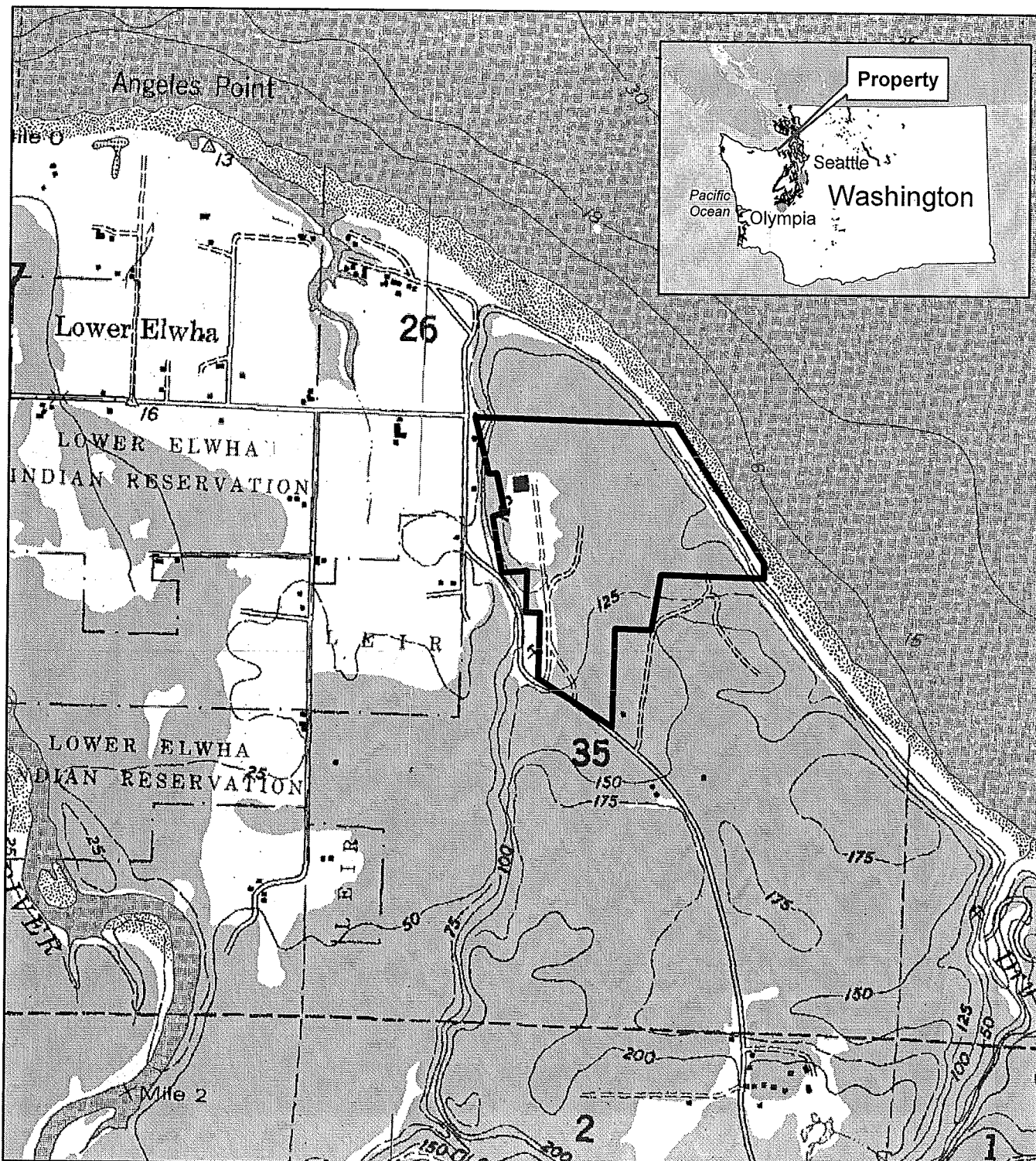
Mr. Q Brown of the Bureau of Indian Affairs conducted a site visit on May 3-4, 2006 to determine whether there were any environmental conditions that warranted further evaluation and to confirm the findings of the Phase I Environmental Site Assessment that was conducted by Ecology and Environment, Inc. on behalf of the Tribe in February of 2002. During the site visit, an old garbage pit was discovered on the northwest portion of the site in a forested area, approximately 200 ft northeast of the concrete building. It was a small pit measuring approximately 30 ft by 10 ft in size. It appeared to contain glass fragments, wire and possible battery parts. The debris was likely associated with equipment from the communications building. Due to the uncertainty of the materials found, Mr. Brown indicated that removal of the waste and confirmation sampling was necessary prior to processing the Fee to Trust application. In addition, the BIA requested that the cleanup of the garbage pit be conducted under the Department of Ecology's Voluntary Cleanup Program (VCP).

On May 16, 2006, the garbage pit was excavated by Larry's Excavating using a Bobcat X-231 excavator and the debris loaded directly into a dump truck and transported to the City of Port Angeles Landfill for proper disposal. The final excavation measured 32 ft long, 11 ft wide and 4 ft deep. Two confirmation soil samples were collected from the base of the pit by Mr. Andrew Nicholls, L.G., of Ridolfi, Inc. and analyzed by Analytical Resources, Inc. The samples were analyzed for polychlorinated biphenyls (PCBs) by EPA Method 8082, metals (EPA Method 200.7/6010 CLP Target Analyte List Metals), and diesel-range and heavy-oil range organics using NWTPH-Dx. The concentrations of the contaminants of concern in each sample were below applicable Model Toxics Control Act (MTCA) screening levels or natural background soils metals concentrations (compared to the 90th percentile values for natural background from **Background Concentrations of Metals in Soils from Selected**


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Regions in the State of Washington, by Kenneth C. Ames and Edmund A. Pruch, U.S. Geological Survey (USGS), 1995, in cooperation with the Washington State Department of Ecology), and PCBs were not detected in either sample. A complete description of the site history, excavation activities, and initial round of confirmation sampling is described in the memorandum entitled, **Debris Removal and Soil Sampling, Angeles Point Bluffs Property, Port Angeles, Washington**, by Ridolfi, Inc., June 6, 2006.

Although the two samples collected from the base of the excavation indicated that no release of contaminants had occurred, due to concerns by Washington State Department of Ecology (Ecology) staff that lateral migration of contaminants of concern had not been determined, additional confirmation sampling was conducted. The Tribe collected four additional soil samples, representing all four "sides" of the pit on July 25, 2006. Samples were collected from the walls of the pit at a depth of approximately 2 ft. The samples were submitted to Analytical Resources, Inc. of Tukwila, Washington under chain-of-custody. Samples were analyzed for total metals, and total petroleum hydrocarbons (TPH) as before. As with the initial confirmation samples at the base of the pit, the concentrations of the contaminants of concern in each pit wall sample were below applicable screening levels or natural background soils metal concentrations. Collectively, the results of each sampling effort indicate that remaining soils do not pose a threat to human health and the environment and a no-further-action (NFA) letter can be issued.



Legend

 Property Location

USGS Topographic Map
Angeles Point, WA 1976

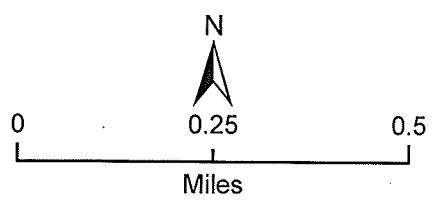


Figure 1
Property Location
Angeles Point Bluffs Property

Lower Elwha Klallam Tribe

June 2006





Legend

▲ Sample Location

Aerial photograph date: 2005

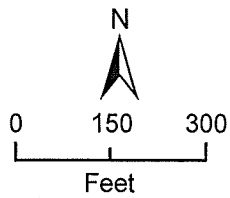


Figure 2
 Site Feature and Sample Locations
 Angeles Point Bluffs Property

Lower Elwha Klallam Tribe

June 2006





Photo 1: Eastern portion of trench excavation.



Photo 2: Removing debris from tree roots.



Photo 3: Western portion of trench excavation.



Photo 4: Completed trench excavation.



Location of small garbage pit, Angeles Bluffs, Clallam Co.

