



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

March 4, 2016

Dennis Radocha  
Office Depot, Inc.  
1111 West Jefferson Street, Suite 510  
Boise, ID 83702

Re: A Reported Release of Hazardous Substances and Potential Liability for the Release at the following site:

Site Name: Boise Cascade Mill  
Site Address: 805 North 7<sup>th</sup> Street, Yakima  
Facility/Site ID No.: 450  
Cleanup Site ID No.: 12095

Dear Mr. Radocha:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of contaminated sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds 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”.

Ecology received the December 2008 *Draft Phase II Environmental Site Assessment, Former Boise Cascade Mill Site, Yakima, Washington* report by Parametrix on September 24, 2012. As documented in this report, a release of a hazardous substance has occurred and further action will be required. Based on the review of this report in February 2013, Ecology added this property to our database of confirmed and suspected contaminated sites.

**Proposed Finding of Liability**

Based on credible evidence, Ecology is proposing to find Office Depot, Inc. liable under RCW 70.105D.040 for the release of hazardous substances at the Boise Cascade Mill facility (Site). This proposed finding is based on the following evidence:

1. Office Depot, Inc. is a current owner of property within the Site generally located at 805 North 7<sup>th</sup> Street, Yakima, WA 98901. Office Depot, Inc.’s predecessor, Boise Cascade Corporation was an owner and operator, from 1903-2004, of property within the Site generally located at 805 North 7<sup>th</sup> Street, Yakima, WA 98901. As such, Office Depot, Inc. is an “owner or operator” as defined in RCW 70.105D.020(22).



2. The following hazardous substances are known to have been released into soil, groundwater, and/or surface water at the Site at concentrations that exceed MTCA cleanup levels: gasoline range organics, diesel range organics, heavy oils, benzene, naphthalenes, arsenic, cadmium, chromium, iron, manganese, sodium, vinyl chloride, chloroform, bis(2-ethylhexyl)phthalate, 3,3'-dichlorobenzidine, carcinogenic polycyclic aromatic hydrocarbons (cPAHs), nitrate, fluoride, total dissolved solids, and high/low pH.

This is based on environmental sampling data in reports prepared by Parametrix (2008), SLR International Corporation (2009, 2010, and 2012), Fulcrum Environmental Consulting (2012 and 2014), and Landau Associates (2013 and 2015).

3. Hazardous substances in soil, groundwater, and surface water that exceed MTCA cleanup levels pose a threat to human health and the environment.

#### **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.

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

Matthew Durkee  
CRO Toxics Cleanup Program  
1250 West Alder Street  
Union Gap, WA 98903

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**

Ecology will be notifying the following additional persons that they are potentially liable for the release of hazardous substances at the Site:

1. Yakima Resources, LLC
2. Dunollie Enterprises, LLC
3. LeeLynn, Inc. & Wiley Mt., Inc.

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. Initiate negotiations for entering into an Agreed Order to fully characterize the nature and extent of releases of hazardous substances and develop remedial action alternatives for cleanup of the Site.

For a description of the process for cleaning up a 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 contaminated sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

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If you have any questions regarding this letter or if you would like additional information regarding the cleanup of contaminated sites, please call me at 509-454-7835. Thank you for your cooperation.

Sincerely,



Matthew Durkee, LHG  
Site Manager  
CRO Toxics Cleanup Program

Enclosures: 2

By Certified Mail [7010 0290 0000 7128 2906]

cc: Greg Demers, LeeLynn, Inc. & Wiley Mt., Inc.  
Andrew Fitz, Washington Attorney General's Office  
Brad Hill, LeeLynn, Inc. & Wiley Mt., Inc.  
Ryan Mathews, Fulcrum Environmental Consulting  
Matthew Wells, Tupper Mack Wells, PLLC