



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
1250 W Alder St • Union Gap, WA 98903-0009 • (509) 575-2490

April 28, 2016

Mayor Frank Kurtz
City of Wenatchee
P.O. Box 519
Wenatchee, WA 98807

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

Site Name: Wenatchee City Worthen St. Landfill
Site Address: Worthen Street, Wenatchee
Facility/Site ID No.: 343
Cleanup Site ID No.: 4085

Dear Mayor Kurtz:

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”.

Based on a 1985, Potential Hazardous Waste Site Preliminary Assessment Summary Memorandum, Ecology had provided a “No Further Action” status in June 1989, for the Wenatchee City Worthen St. Landfill site.

Ecology received the June 2000, *Wenatchee Landfill Targeted Brownfields Assessment Report*, *Wenatchee, Washington* by Ecology and Environment, Inc. on October 15, 2013, and the February 2014, *Data Gap Investigation Summary, Former Public Works Yard Property, Wenatchee, Washington* report by Maul Foster & Alongi, Inc. on March 17, 2016. As documented in these reports, a release of a hazardous substance has occurred and further action will be required. Based on the review of these reports in March 2016, Ecology changed the cleanup status in our database of confirmed and suspected contaminated sites from “No Further Action” to “Cleanup Started.”

Proposed Finding of Liability

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

1. The City of Wenatchee owns property at the Site generally located along Worthen Street, Wenatchee, WA 98801. As such, the City of Wenatchee 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, and groundwater at the Site at concentrations that exceed MTCA cleanup levels: diesel range organics, heavy oils, carcinogenic polycyclic aromatic hydrocarbons (cPAHs), 1,2 dichloroethane (EDC), methylene chloride, bis(2-ethylhexyl)phthalate, DDD, DDE, aldrin, dieldrin, aroclor 1260 (PCBs), 2,3,7,8 TCDD (dioxin/furan), antimony, arsenic, cadmium, chromium, lead, manganese, nickel, selenium, vanadium, and zinc.

This is based on environmental sampling data in reports prepared by Ecology and Environment, Inc (2000) and Maul Foster & Alongi, Inc. (2014).

3. Hazardous substances in soil and groundwater 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. Chelan County Public Utility District

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.

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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. Encourage the PLPs 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.

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 3248]

cc: Jennifer Burns, Chelan County Public Utility District
Jessica Shaw, City of Wenatchee
Steve Wright, Chelan County Public Utility District