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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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

July 18, 2016

Ms. Heather Kintzley  
City Attorney  
975 George Washington Way  
Richland, WA 99352

Mr. Pete Rogalsky, P.E.  
City of Richland, Public Works Director  
840 Northgate Drive  
Richland, WA 99352

**Re: Final Determination of Liability for Release of Hazardous Substances at:**

- **Site Name:** Richland Horn Rapids Landfill
- **Site Address:** 3102 Twin Bridges Road  
Richland, WA 99352
- **Facility/Site ID:** 308
- **County Assessor's Parcel Number(s):** 117083000001001

Dear Ms. Heather Kintzley and Mr. Pete Rogalsky:

On March 22, 2016, the Department of Ecology (Ecology) sent you written notice of our preliminary determination that the City of Richland is a potentially liable person (PLP) for a release of hazardous substances at the Richland Horn Rapids Landfill facility (Site). On April 22, 2016, the 30-day comment period on our preliminary determination expired. On April 19, 2016, Ecology received your written notice accepting your status as a PLP for the Site and waiving your opportunity to comment. For potential partial reimbursement of remedial costs incurred by the City of Richland, Ecology also acknowledges the agreed order negotiations began at our meeting on April 19, 2016.

Based on available information, Ecology finds that credible evidence exists that the City of Richland is liable for a release of hazardous substances at the Site. On the basis of this finding, Ecology has determined that City of Richland is a PLP with regard to the Site.

The purpose of the Model Toxics Control Act (MTCA) is to identify, investigate, and cleanup facilities where hazardous substances have been released. Liability for environmental contamination under MTCA is strict, joint and several (RCW 70.105D.040(2)). Ecology ensures that contaminated sites are investigated and cleaned up to the standards set forth in the MTCA statute and regulations. Ecology has

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determined that it is in the public interest for remedial actions to take place at this Site. Ecology will contact you regarding the actions necessary for the City of Richland to bring about the prompt and thorough cleanup of hazardous substances at this Site. Failure to cooperate with Ecology or comply with MTCA in this matter will result in Ecology employing enforcement tools as it deems necessary and appropriate. This includes, but is not limited to, the issuance of an administrative order. Failure to comply with such an order may result in a fine of up to \$25,000 per day and liability for up to three times the costs incurred by the state (RCW 70.105D.050(1)).

Your rights and responsibilities as a PLP are outlined in Chapter 70.105D RCW, and Chapters 173-340 and 173-204 WAC. Ecology's cleanup project manager for the Site, Patricia Shanley or Gary Bleeker, will contact you with information about how Ecology intends to proceed with the cleanup.

If you have any questions regarding this notice, please contact Patricia Shanley at 509-454-7293, [patricia.shanley@ecy.wa.gov](mailto:patricia.shanley@ecy.wa.gov), or Gary Bleeker at 509- 575-2837, [gary.bleeker@ecy.wa.gov](mailto:gary.bleeker@ecy.wa.gov)

Sincerely,



James Rivard  
Regional Section Manager  
Waste 2 Resources, Central Regional Office

By certified mail: [Kintzley: 7004 1160 0002 6158 1907]  
[Rogalsky:7004 1160 0002 6158 1914]

cc: Carolyn Cress, Attorney General's Office  
Valerie Bound, Ecology-Central Regional Office  
Rick Dawson, Benton-Franklin Health District  
Ecology Site File