



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

March 30, 2017

Joan Davenport
City of Yakima
129 North Second Street
Yakima, WA 98901

Re: Potential Liability for the Release at the following site

Site Name: Interstate 82 Exit 33A Yakima City Landfill
Site Address: 805 North 7th Street, Yakima
Assessor's Parcel No: 191318-42001/191318-41001
Facility/Site ID No.: 1927
Cleanup Site ID No.: 3853

Dear Ms. Davenport:

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".

As a result of an initial investigation conducted by Ecology at the above-referenced site, an Early Notice Letter was issued to the City of Yakima (City) on April 23, 1996 (see attached). This letter notified the City that Ecology had added the above site to its database of confirmed and suspected contaminated sites and indicated that action is necessary to address a release of a hazardous substances. The letter encouraged cooperative and voluntary independent action by the City in lieu of formal enforcement, without in any way waiving such enforcement.

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find City of Yakima liable under RCW 70.105D.040 for the release of hazardous substances at the Interstate 82 Exit 33A Yakima City Landfill Facility (Site). This proposed finding is based on the following evidence:

1. The City of Yakima was the operator of a municipal landfill at this site. Landfill operations may have begun as early as 1947, and the landfill was used by the City of Yakima between 1963 and 1970. The Yakima County Health Department reportedly closed the landfill in 1972.



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2. The landfill was never lined, and covered approximately 28 acres in area. The average depth of the landfill has been estimated at about 12 feet, with the deepest portion of the landfill located in the southeast corner measuring as much as 30 feet deep. Estimates of volumes of municipal solid waste range from 388,000 to 452,000 cubic yards.
3. A series of sampling events and investigations took place between 1997 and 2015. In that time period, hazardous substances were identified in soil and/or groundwater and include: diesel range organics, heavy oils, vinyl chloride, n-nitrosodiphenylamine, 4,4'-DDT, 4,4'-DDD, endosulfan II, bis(2-ethylhexyl)phthalate, 3,3'-dichlorobenzidine, arsenic, lead, chromium, iron, manganese, nitrate, PCB Aroclors, sodium and methane gas.
4. These hazardous substances are a threat to human health and the environment. Several substances exceed state cleanup levels, including but not limited to petroleum hydrocarbons and metals.

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:

Chris Wend
CRO Toxics Cleanup Program
1250 W Alder St
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

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

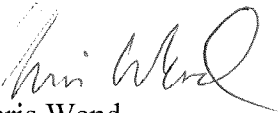
In response to the release of hazardous substances at the Site, Ecology is drafting an Agreed Order to proceed with activity at the site.

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 509-454-7837. Thank you for your cooperation.

Sincerely,



Chris Wend
Toxics Cleanup Program, CRO
509-454-7837
cwen461@ecy.wa.gov

Enclosures: 3

By Certified Mail [91 7199 9991 7036 8586 4355]