



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

January 18, 2018

Eric Weber
Landau and Associates, Inc.
950 Pacific Ave, Suite 515
Tacoma, WA 98402-4417

Re: No Further Action at the following Site:

Site Name: National Can Corp
Site Address: 717 Butterfield Road, Yakima
Facility/Site No.: 11396
Cleanup Site No.: 12663
VCP Project No.: CE0440

Dear Mr. Weber:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the National Can Corp facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

NO. Ecology has determined that no further remedial action is necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Metals (lead, arsenic, and cadmium) into soil.

Enclosure A includes a detailed description and diagram of the Site, as currently known to Ecology.



Mr. Eric Weber
Landau and Associates, Inc.
January 18, 2018
Page 2

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel(s) associated with this Site are affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

- PBS Engineering and Environmental (PBS), 2012. *Phase I Environmental Site Assessment, Paragon Plant, 717 Butterfield Rd., Yakima, WA.* June 2012.
- Fulcrum Environmental Consulting (Fulcrum), 2012. *Limited Soil Sampling, 717 Butterfield Rd., Yakima, WA.* December 2012.
- Fulcrum, 2013. *Limited Soil Investigation, 717 Butterfield Rd., Yakima, WA.* January 2013.
- Englund Law P.S., 2015. *Environmental Incident Report Documenting a Release of Hazardous Substances, 717 Butterfield Rd., Yakima, WA.* January 2015.
- Landau Associates, Inc. (LAI), 2016. *Focused Feasibility Study and Cleanup Action Plan, HR Spinner Corporation Property, 717 Butterfield Rd., Yakima, WA.* May 2016.
- LAI, 2016. *Supplement Letter to the Focused Feasibility Study and Cleanup Action Plan, HR Spinner Corporation Property, 717 Butterfield Rd., Yakima, WA.* September 8, 2016.
- LAI, 2017. *Cleanup Action Report, HR Spinner Corporation Property, 717 Butterfield Rd., Yakima, WA.* February 13, 2017.
- Environmental Covenant, recorded June 2017.
- Ecology Correspondence File.

These documents are kept at the Central Regional Office of Ecology for review by appointment only. You can make an appointment by contacting the Records Officer at (360) 407-6040 or recordsofficer@ecy.wa.gov.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that **no further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. Characterization of the Site.

Ecology has determined your characterization of the Site is sufficient to establish cleanup standards and select a cleanup action. The Site is described above and in **Enclosure A**.

The property associated with the Site was first developed with a large warehouse in 1961. Until 2004; the warehouse was used as a can manufacturing facility, and then as food can storage. From 2005 to 2010, the property was used to store and assemble small boats. Since 2012, the property has since been used to manufacture fruit packing boxes.

Between 2012 and 2016, the vertical and aerial extent of contamination at the Site was characterized through several investigative activities including: in-situ soil testing using an x-ray fluorescence (XRF) analyzer, test pit excavations, and laboratory analysis of soil samples.

Characterization activities identified two, unrelated sources of contamination at the Site: 1) Contaminated fill material of unknown origin disposed of at the Site, and 2) Industrial waste from can manufacturing processes.

2. Establishment of cleanup standards.

a. Cleanup Levels

MTCA Method A Soil Cleanup Levels for unrestricted land uses were selected. The leaching to groundwater pathway was determined to be incomplete. The cleanup levels are protective of human direct contact.

- Lead 250 mg/kg
- Cadmium 2 mg/kg
- Arsenic 20 mg/kg

b. Point of Compliance

A standard point of compliance (POC) was selected for soil.

- Soil: For soil cleanup levels based on direct contact, the POC is defined as throughout the Site from the ground surface to 15 feet below the ground surface.

3. Selection of cleanup action.

Ecology has determined the cleanup action you selected for the Site meets the substantive requirements of MTCA.

The cleanup action selected meets the following requirements of MTCA as described in WAC 173-340-360:

- a. Meets the cleanup standards.
- b. Complies with applicable state and federal laws.
- c. Protects human health and the environment.
- d. Provides for compliance monitoring to ensure effectiveness.
- e. Provides for a permanent cleanup to the maximum extent practicable.
 - i. In areas where it is determined to be not practicable to restore the Site to cleanup standards, engineered controls will be used to protect human health and the environment.
- f. Provides for a reasonable restoration time frame.
- g. Considers public concerns.

4. Cleanup.

Ecology has determined the cleanup you performed meets the cleanup standards established for the Site. This determination is dependent on the continued performance and effectiveness of the post-cleanup controls specified below.

The Site was subdivided into soil cleanup areas: 1A, 1B, 1C, 1D, 2, 3A, and 3B (**Enclosure A**). The cleanup action performed at the cleanup areas within the Site consisted of:

- a. Soil hot-spot excavation, off-site disposal, and soil mixing consistent with procedures presented in the Cleanup Action Plan in Areas 1A, 1B, 1C, 3A, and 3B.
- b. Confirmational sampling of soil from the bottom of the hot spot excavation and surficial soils; demonstrating lead, cadmium, and arsenic concentrations in remaining soil are below MTCA Method A Soil Cleanup Levels.

- c. An engineered control, consisting of an existing asphalt cap (100% of Area 1D, and 70% of Area 2) and placement of a 2-foot clean soil barrier in the northwest corner of Area 2 (30% of Area 2), was used as a physical barrier to prevent exposure to the remaining soil contamination.
- d. An institutional control (environmental covenant) was recorded with Yakima County to restrict certain activities and uses of the property in areas where soil contamination remains.

Post-Cleanup Controls

Post-cleanup controls are remedial actions performed after the cleanup to maintain compliance with cleanup standards. This opinion is dependent on the continued performance and effectiveness of the following:

1. Compliance with institutional controls.

Institutional controls prohibit or limit activities that may interfere with the integrity of engineered controls or result in exposure to hazardous substances. The following institutional control is necessary at the Site:

- Restriction on activities within the Area 1D and Area 2 that could result in exposure to remaining soil contamination.

To implement that control, an Environmental Covenant has been recorded on the following parcel of real property in Yakima County:

- 191317-41002.

Ecology approved the recorded Covenant. A copy of the Covenant is included in **Enclosure B**.

2. Operation and maintenance of engineered controls.

Engineered controls prevent or limit movement of, or exposure to, hazardous substances. The following engineered control is necessary at the Site:

- An asphalt cap to prevent exposure to contaminated soil remaining at the Site (100% asphalt capped in Area 1D and approximately 70% asphalt capped in Area 2. The remaining portion of Area 2 (northwest corner) has a 2-foot clean soil barrier.

Periodic Review of Post-Cleanup Conditions

Ecology will conduct periodic reviews of post-cleanup conditions at the Site to ensure that they remain protective of human health and the environment. If Ecology determines, based on a periodic review, that further remedial action is necessary at the Site, then Ecology will withdraw this opinion.

Listing of the Site

Based on this opinion, Ecology will remove the Site from our Confirmed and Suspected Contaminated Sites List (CSCSL).

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a Consent Decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

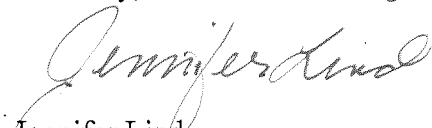
Termination of Agreement

Thank you for cleaning up the Site under the Voluntary Cleanup Program (VCP). This opinion terminates the VCP Agreement governing this project (#CE0440).

Mr. Eric Weber
Landau and Associates, Inc.
January 18, 2018
Page 7

For more information about the VCP and the cleanup process, please visit our website: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion or the termination of the Agreement, please contact me by phone at (509) 454-7839 or e-mail at Jennifer.Lind@ecy.wa.gov.

Sincerely,



Jennifer Lind
Site Manager
CRO Toxics Cleanup Program

Enclosures (2): A – Description and Diagrams of the Site
 B – Environmental Covenants for Institutional Controls

cc: Erika Hartliep, Stokes Lawrence, P.S.
 Sean Kinney, H.R. Spinner Corp.
 Matt Alexander, Interim VCP Financial Manager