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DEPARTMENT OF ECOLOGY
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May 20, 2019

Gil Insley
Clariant Corporation
4000 Monroe Rd
Charlotte, NC 28205

Re: Further Action at the following Site:

- **Site Name:** Chemtrade Performance Chemicals US LLC
- **Site Address:** 404 Hendrickson Dr., Kalama, Cowlitz County, WA. 98625
- **Cleanup Site No.**: 1784
- **Facility/Site No.:** 24634187
- **VCP Project No.:** SW0492

Dear Gil Insley:

On February 20, 2019, the Washington State Department of Ecology (Ecology) received your request for opinion on your independent cleanup of the Chemtrade Performance Chemicals US LLC facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA),[1] chapter 70.105D Revised Code of Washington (RCW).

Issue Presented and Opinion

This opinion provides Ecology's response to your request for concurrence on proposed cleanup standards. In this opinion, Ecology discusses how the remedial action meets the substantive requirements of MTCA, chapter 70.105D RCW, and its implementing regulations, Washington Administrative Code (WAC) chapters 173-340 and 173-204 (collectively "substantive requirements of MTCA and Sediment Management Standards [SMS]").

Ecology has reviewed the materials provided for this review and the historical Site record, and concurs that further remedial action is necessary to clean up contamination at the Site. A summary of our comments includes:

[1] https://fortress.wa.gov/ecy/publications/SummaryPages/9406.html

- **Cleanup Standards:** In this opinion, Ecology discusses proposed points of compliance and cleanup levels. Under MTCA, cleanup standards consist of three primary components:

    1. Points of compliance.[2]

    2. Cleanup levels.[3]

    3. Applicable local, state, and federal laws.[4]

    Recent reporting included evaluation of both points of compliance and cleanup levels. Ecology will also need to review and concur with an evaluation of applicable local, state, and federal laws that apply to the cleanup. Guidance is provided in our comments below and in Enclosure A.

    From a process perspective, Ecology expects the evaluation be provided to Ecology as part of the remedial investigation/feasibility study. Evaluation of applicable local, state, and federal laws may result in changes to cleanup levels, points of compliance, or how the cleanup must be conducted.

- **No further Sediment Cleanup Action at the Site:** In this opinion, Ecology provides technical assistance and evaluation of the sediment studies conducted at the Site in 2015 and 2017, and the sediment evaluation you conducted in 2018. Those studies have provided sufficient data for Ecology to concur that no further sediment cleanup action is necessary at the Chemtrade Site.

- **Sediment Anti-degradation and Climate Resiliency Evaluation:** SMS anti-degradation requirements (WAC 173-204-120) and climate change resiliency guidance (Publication No. 17-09-052) discussed in this opinion should be evaluated and included as appropriate in the upcoming remedial investigation and feasibility study.

- **Ecology Concurs With Your Evaluation of the Indoor Air Pathway.** Ecology concurs that the indoor air pathway is likely incomplete at the Site, and that no further evaluation of that pathway is necessary.

- **Remedial Investigation and Feasibility Study Should Focus on Upland Site:** The remedial investigation and feasibility study should focus on the upland Site, the protection of surface water and groundwater, and include measures to ensure that anti-degradation requirements are met so Columbia River sediment does not become contaminated from the upland Site.

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[2] WAC 173-340-200 “Point of Compliance.”
[3] WAC 173-340-200 “Cleanup level.”
[4] WAC 173-340-200 “Applicable state and federal laws,” WAC 173-340-700(3)(c).

Description of the Site

This opinion applies only to the Site, defined by the nature and extent of contamination associated with the release of zinc and cadmium into the environment from industrial operations at Cowlitz County tax parcel 6005401 (the Property). Zinc and cadmium were previously determined to be indicator hazardous substances at the Site. A parcel of real property can be affected by multiple sites. At this time, we have no information that the parcels 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:

1. CDM, *Phase I and 2 Environmental Site Assessment*, *Clariant Corporation Chemical Plant*, November 19, 2002.
2. CDM, *Angle Boring Groundwater Analytical Results*, *Former Clariant Plant*, July 21, 2003.
3. CDM, *Contaminant Delineation*, *Former Clariant Corporation Chemical Plant*, March 3, 2004.
4. CDM, *Soil Excavation Summary Report*, *Former Clariant Corporation Chemical Plant*, March 3, 2004.
5. CDM, *Winter 2004 Quarter Groundwater Monitoring*, *Former Clariant Corporation Chemical Plant*, March 24, 2004.
6. Washington State Department of Ecology, *To: Mr. Ronald Walton, Clariant Corporation, From: Mr. Charles Cline, Further action letter pursuant to RCW 70.105D.030(1)(i)*, June 1, 2004.
7. CDM, *Spring 2004—2nd Quarter Groundwater Monitoring*, Former Clariant Corporation Chemical Plant, July 9, 2004.
8. CDM, *VCP #SW0492 Evaluation of the Cadmium Plume*, *Former Clariant Plant*, August 17, 2004.
9. CDM, *Summer 2004—3rd Quarter Groundwater Monitoring*, *Former Clariant Corporation Chemical Plant*, October 18, 2004.
10. CDM, *Fall 2004—4th Quarter Groundwater Monitoring*, *Former Clariant Corporation Chemical Plant*, December 3, 2004.
11. CDM, *Winter 2005—5th Quarter Groundwater Monitoring*, *Former Clariant Corporation Chemical Plant*, April 14, 2005.
12. CDM, *Spring/Summer 2005—6th and 7th Quarters Groundwater Monitoring*, *Former Clariant Corporation Chemical Plant*, September 14, 2005.

13. CDM, *Screening Level Ecological Risk Assessment*, *Former Clariant Corporation Chemical Plant*, November 30, 2005.

14. CDM, *Site Conceptual Model for Zinc and Cadmium in Groundwater*, *Former Clariant Corporation Chemical Plant*, November 30, 2005.

15. CDM, *Fall 2005—8th Quarter Groundwater Monitoring*, *Former Clariant Corporation Chemical Plant*, January 3, 2006.

16. Washington State Department of Ecology, *Re: Further Action Determination under WAC 173-340-515(5) for the following Hazardous Waste Site: Former Clariant Corporation Chemical Plant*, March 9, 2006.

17. CDM, *Summer—2006 Groundwater Monitoring*, *Former Clariant Corporation Chemical Plant*, September 29, 2006.

18. CDM, *Piezometer Installation and Groundwater Sampling Report*—February 2007, *Former Clariant Corporation Chemical Plant*, April 12, 2007.

19. CDM, *Feasibility Study*, *Former Clariant Corporation Chemical Plant*, October 10, 2008.

20. Washington State Department of Ecology, *Re: Opinion on Proposed Cleanup of the following Site: Former Clariant Corporation Chemical Plant (aka Chemtrade Performance Chemicals US LLC)*, November 10, 2008.

21. Hart & Hickman, *Remedial Action Report*, *Former Clariant Corporation Facility*, January 19, 2011.

22. Hart & Hickman, *Post-Injection Monitoring Report & RAWP Addendum*, July 5, 2011.

23. Hart & Hickman, *Pilot Test Plan, Former Clariant Corporation Facility*, September 9, 2011.

24. Hart & Hickman, *Pilot Test Report*, *Former Clariant Corporation Facility*, October 28, 2011.

25. Hart & Hickman, *Additional Remedial Action & Performance Monitoring Report*, *Former Clariant Corporation Facility*, October 16, 2012.

26. Hart & Hickman, *Geochemical Evaluation Summary & 2013 Remedial Action Work Plan*, *Former Clariant Corporation Facility*, March 25, 2013.

27. Hart & Hickman, *Pilot Scale Injection Report*, *Former Clariant Corporation Facility*, May 22, 2014.

28. Hart & Hickman, *Sediment and Sediment Pore Water Sampling Report*, *Former Clariant Corporation Facility*, September 30, 2015.

29. Washington State Department of Ecology, *Re; Further Action at the following Site: Chemtrade Performance Chemicals US LLC*, February 9, 2017.

30. Hart & Hickman, *From Scott Drury and Steven C. Hart, LG, Attention Mr. Adam Harris, LHG, Re: Response to Opinion, Chemtrade Performance Chemicals US LLC*, May 31, 2017.

31. Hart & Hickman, *Seep Study Work Plan Chemtrade Performance Chemicals US LLC Site,* May 31, 2017.

32. Hart & Hickman, *Soil Sampling Work Plan, Chemtrade Performance Chemicals US LLC Site,* May 31, 2017.

33. Washington State Department of Ecology, *DRAFT Chemtrade Statistical Analysis Memorandum*, *To: Adam Harris, Site Manager, From: Arthur Buchan, Toxicologist, Information & Policy Section, Toxics Cleanup Program*, June 16, 2017.

34. Washington State Department of Ecology, *Re; Further Action at the following Site: Chemtrade Performance Chemicals US LLC*, June 28, 2017.

35. Hart & Hickman, *Soil Sampling Report, Chemtrade Performance Chemicals US LLC Site*, November 29, 2017

36. Hart & Hickman, *Groundwater Monitoring and Seep Study Report*, *Chemtrade Performance Chemicals US LLC Site*, November 29, 2017.

37. Hart & Hickman, *Updated Conceptual Site Model*, *Chemtrade Performance Chemicals US LLC Site*, March 19, 2018.

38. Hart & Hickman, *Summary of Proposed Cleanup Action Alternatives*, *Chemtrade Performance Chemicals US LLC*, April 24, 2018.

39. Washington State Department of Ecology, *Re; Further Action at the following Site: Chemtrade Performance Chemicals US LLC*, July 5, 2018.

40. Hart & Hickman, *Evaluation of Sediment and Indoor Air Pathways, Chemtrade Performance Chemicals US LLC*, August 17, 2018.

41. Hart & Hickman, *Summary of Proposed Cleanup Standards*, *Chemtrade Performance Chemicals US LLC*, February 20, 2019.

These documents are kept in the Central Files of the Southwest Regional Office of Ecology (SWRO) for review by appointment only. Information on obtaining the records can be found on Ecology's public records requests web page.[5] Some site documents may be available on Ecology's Cleanup Site Search web page.[6]

[5] https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests
[6] https://fortress.wa.gov/ecy/gsp/SiteSearchPage.aspx

Analysis of the Cleanup

1. Characterization of the Site.

Historical site characterization is included in Ecology's February 9, 2017, and July 5, 2018, opinions, and in the reports and documents listed above. Ecology's July 5, 2018, opinion suggested sediment evaluation, indoor air evaluation, and finalizing appropriate cleanup standards as part of the process leading to a decision document for the Site. You responded by providing the following documents, and requesting this opinion:

- *Evaluation of Sediment and Indoor Air Pathways*, August 17, 2018.
- *Summary of Proposed Cleanup Standards*, February 20, 2019.

Ecology generally concurs with the findings in Hart Hickman's August 17, 2018, and February 20, 2018 reports. In this opinion, we discuss exceptions and provide clarifications to our concurrence with these two reports, within the larger context of the extensive Site reporting described above. We also provide additional technical evaluation of the sediment and indoor air pathways, sediment anti-degradation requirements, and climate change resiliency guidance for your inclusion in the upcoming decision document.

Ecology anticipates that the next step at this Site will be for you to complete a single, comprehensive decision document supporting selection of a preferred remedial alternative for remaining contamination at the Site. We expect you will provide the single comprehensive decision document for Ecology's review and opinion, and request Ecology's concurrence with a preferred remedial alternative for the Site based on the remedial investigation, previous interim actions conducted, and the feasibility study, including as appropriate our opinion comments and technical assistance.

You may alternately choose to proceed to clean up the Site independently, without Ecology's concurrence. Due to the location and scope of this project, however, Ecology believes it is important to establish Ecology's written concurrence with a preferred remedial alternative for a final cleanup of the Site, describing the terms of our shared vision of how this Site cleanup will be completed within a reasonable timeframe, and the components of that cleanup.

Ecology's comments:

Points of Compliance and Cleanup Levels:

Referring to Report *Table 1, Summary of Site Cleanup Standards*, Ecology concurs with cleanup levels and points of compliance with the following clarifications:

- **Terrestrial Ecological Evaluation:** Ecology concurs that the following simplified (Table 749-2) Industrial/Commercial concentrations and points of compliance are appropriate for use within the fence, on the Property. However, Ecology's review concludes that the all areas outside of the fence should be considered non-industrial, whether on the Property or outside of the Property:

  Values protective of ecological risk within the perimeter fence of the industrial Property, and with the implementation of an environmental covenant protecting the industrial/commercial land use and the fence as a physical barrier for access:

  - Cadmium – 36 mg/kg
  - Zinc – 570 mg/kg

  Values protective of ecological risk outside of the perimeter fencing, including the terrestrial habitat between the western fencing and the rip-rap (bordering the Columbia River):

  - Cadmium – 25 mg/kg
  - Zinc – 270 mg/kg

  Note – Please include appropriate plan view and/or cross sectional figures in Site reporting and the draft environmental covenant illustrating the surveyed areas of the Site where specific cleanup standards are designated, and the locations of the fenced barriers that will be used to separate areas. Ensure that the environmental covenant long term monitoring components include evaluation and maintenance of barriers.

- **Soil – Protection of Groundwater:** The Report proposes a point of compliance throughout the Site from the ground surface to a depth of 20 feet below ground surface, based on current and historical measured groundwater elevations in wells.

  Ecology understands that groundwater elevations may fluctuate seasonally at the Site, or in response to climate change or changing water elevations in the adjacent Columbia River. Ecology suggests incorporating recent guidance for climate change resilience into the feasibility study.[7]

  Rather than a specific depth, Ecology needs you to use the definition of a saturated zone in MTCA to establish the point of compliance. MTCA defines the saturated zone as the area below the water table in which all interstices are filled with water.[8] Based on the MTCA definition of the saturated zone, the unsaturated zone includes all areas of the subsurface between ground level and the water table where the saturated zone definition in MTCA is unmet, irrespective of depth.

[7] Ecology, *Climate Change and Cleanup*, Publication number 17-09-058, November 2017.
[8] WAC 173-340-200

- **Applicable local, state, and federal laws and requirements** need to be proposed and incorporated into all proposed cleanup standards. This requirement[9] can be included in the anticipated remedial investigation/feasibility study for the Site.

  Attached to this opinion is a list of some applicable state and federal laws for your review. Determine those laws that are applicable to the cleanup. Local requirements for the cleanup will also need to be identified. An online tool is currently available to help you evaluate the local requirements that may be necessary.[10]

  Ecology suggests including the discussion of applicable local, state, and federal laws within the upcoming remedial investigation/feasibility study for the Site. In addition to establishing minimum requirements for cleanup standards, applicable state and federal laws may also impose certain technical and procedural requirements for performing cleanup actions.

  After you have selected appropriate applicable local, state, and federal laws, report the applicable state and federal laws selections and how those laws and regulations impact proposed cleanup levels, points of compliance, or the cleanup, if at all. These requirements are described in WAC 173-340-710.

  - All cleanup actions conducted under MTCA shall comply with applicable state and federal laws.[11]

  - The person conducting a cleanup action shall identify all applicable local, state, and federal laws. The department shall make the final interpretation on whether these requirements have been correctly identified and are legally applicable or relevant and appropriate.[12]

  - There are three general groups of applicable local, state, and federal laws:

    - **Chemical-specific applicable local, state, and federal laws:** A chemical-specific applicable state or federal law is generally a concentration from another rule that would result in adjusting proposed cleanup levels. Method A is inclusive of chemical-specific applicable state and federal laws and additional evaluation of Method A chemical-specific applicable state and federal laws is not required.

      Method B or C cleanup levels do not include applicable state and federal laws, and additional evaluation of chemical-specific applicable state and federal laws is required.

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[9] WAC 173-340-710
[10] Washington State Governors Office for Innovation and Assistance Project Questionnaire, accessible at: https://apps.oria.wa.gov/opas/index.asp
[11] WAC 173-340-710(1)
[12] WAC 173-340-710(2)

- **Action-specific applicable local, state, and federal laws:** An action-specific applicable local, state, and federal law might be, for example, the requirement for obtaining local permit to excavate and/or dispose of contaminated soil, or the requirement to notify in case human remains are discovered during excavation. All MTCA cleanups require evaluation of action-specific applicable state and federal laws.

- **Location-specific applicable local, state, and federal laws:** Examples of a location-specific applicable local, state, and federal laws would be specific requirements for working near wetlands or archeologically important areas. All MTCA cleanups require evaluation of location-specific applicable state and federal laws.

Indoor Air Evaluation: Ecology concurs with the conclusions provided in Hart Hickman's August 17, 2018, report indicating that the indoor air pathway is likely incomplete at the Site. Please include this analysis in anticipated upcoming reporting.

Sediment Evaluation: You requested Ecology concur with sediment cleanup levels for the Site based on natural background concentrations. Sediment cleanup sites may determine and use cleanup levels based on natural background concentrations; however the process for developing natural background-based sediment cleanup levels can be complex, and does not appear necessary at this Site. Sediment cleanup levels only need to be developed for a Site when the Site is determined to include a sediment site of potential concern.[13]

The following technical assistance provides Ecology's concurrence that (1) no additional sediment cleanup action is likely warranted at the Site, and (2) that the anti-degradation requirements of the SMS should be incorporated to prevent future contamination from the Site and maintain existing sediment quality.

Evaluating if the Site includes a Sediment Site of Potential Concern: Ecology concurs that the locations and concentrations for the upland release of zinc and cadmium at this Site may have resulted in impacts to Columbia River sediment, and appreciates the studies you conducted in both 2015 and 2017 that both evaluate potential sediment impacts at the Site. The data you collected are now useful to determine whether this Site includes a sediment site of potential concern. A summary of the evaluation process includes:

1. Determining sediment cleanup objectives and cleanup screening levels appropriate for the Site. Sediment cleanup objectives and cleanup screening levels must be protective for both (1) the benthic community and (2) human health.

2. Determining a group of sediment sample locations representative of the Site.

[13] WAC 173-204-510

3. Comparing the most contaminated Site data from those locations to sediment cleanup objectives following the procedures provided in WAC 173-204-510 to determine whether appropriate sediment cleanup objectives are exceeded.

Determining Sediment Cleanup Objectives and Cleanup Screening Levels Appropriate for the Site:

- **Benthic community health:** Ecology considers the tabulated benthic sediment cleanup objectives in WAC 173-204-563 appropriate for evaluating freshwater benthic community protection at this Site.

- **Human health:** Ecology believes that sediment cleanup objectives for protection of the benthic community are also protective of human health at this Site, for the following reasons.

    - For protection of human health, Ecology first refers to the persistent bioaccumulative toxins list promulgated in WAC 173-333-310. Zinc does not appear on that list. Cadmium appears on the list as a "*Metal of Concern*" under WAC 173-333-315.[14] The metals of concern designation is stated in the rule to have been intended to identify metals of concern to be addressed pending completion of EPA's inorganic metals assessment framework process. Ecology has not yet prepared a chemical action plan for cadmium.[15]

    - Ecology then also considered that based on the small size of the site and the inaccessibility for people to be exposed to sediment, the exposure pathways for direct contact, sediment ingestion, and fish consumption appear to be incomplete. In addition, the porewater concentrations are non-detect and the sediment concentrations are likely near or below any background-based values that may be established in the future. Hence, it is Ecology's opinion that there is no need to establish risk- or background-based sediment cleanup levels.

Determining a Group of Sediment Sample Locations Representative of the Site:
Sediment sample locations PP-1 through PP-20 (samples SD-1 through SD-10 in Ecology's Environmental Information Management System [EIM], obtained in August 2017) are chemically, temporally, and spatially similar, and therefore may be considered a station cluster for determination of sediment impacts.[16] Ecology concurs that SD-1 through SD-10 are appropriate investigation locations and are more likely than not sufficient to determine if the release of hazardous substances at the Site has resulted in current sediment impacts within Columbia River sediments at the Site.

[14] WAC 173-333-315.
[15] WAC 173-333-315(3).
[16] WAC 173-204-510 (2)

Determination of Mean of Three Highest Concentration Samples at Station Cluster: Samples SD-1 through SD-10 were appropriately analyzed for zinc and cadmium dry weight chemical concentrations using EPA Method SW6020A. Samples SD-2, SD-3, and SD-6 (highlighted below) resulted in both the highest zinc and cadmium dry weight concentrations. Ecology used results from these three stations to calculate concentration means for these two chemicals, representing the maximum expected concentrations at the sediment cluster:

Sample	Zinc Concentration (Dry Weight mg/kg)	Cadmium Concentration (Dry Weight mg/kg)
SD-1	16.9	< 0.55
SD-2	**34.1**	**< 0.77**
SD-3	**32.8**	**< 0.77**
SD-4	26.8	< 0.75
SD-5	26.8	< 0.67
SD-6	**42.4**	**< 0.76**
SD-7	17.6	< 0.65
SD-8	18	< 0.62
SD-9	16.2	< 0.61
SD-10	26.9	< 0.75
Simple mean of three highest concentration sample results	36.4	< 0.77 (observed, all data left-censored)
Standard Deviation	5.208	
Kaplan-Meier 90/90 Upper tolerance limit on mean	58.61	n/a
Benthic Sediment Cleanup Objective	3,200	2.1
Benthic Cleanup Screening Level	>4,200	5.4

Comparison of Mean Concentration of Greatest Concentration Samples to Sediment Cleanup Objectives: The mean of three highest concentration sample results of zinc and cadmium were compared to the tabulated benthic sediment cleanup objectives in WAC 173-204-563.[17] The means of the three highest stations were determined to be less than benthic sediment cleanup objectives appropriate for the evaluation.

Ecology's Conclusions:

1. The evidence collected for the sediment remedial investigation is sufficient for Ecology to concur that this station cluster is of low concern.[18] Because the station cluster of low concern represents all likely areas of impacts to sediment at the Site, **Ecology believes that no further sediment cleanup action is warranted**

[17] WAC 173-204-510(2)(a)
[18] WAC 173-204-510(2)(d)

at the Site. Station clusters of low concern shall receive no further consideration for active cleanup, unless new information indicates an increase of chemical contamination at the station cluster which warrants reevaluation.[19] **Sediment cleanup levels do not currently need to be determined at this Site.**

2. **Anti-Degradation Requirements:** Upland soil and groundwater contamination remains at the Site adjacent to the Columbia River sediments at levels greater than appropriate sediment cleanup objectives for the protection of the benthic community. Therefore, the feasibility study will need to consider the anti-degradation requirements in WAC 173-204-120(1)(c), including improved source control and/or monitoring requirements.[20]

   Ensure source control measures are in place to protect sediment from being contaminated due to soil runoff, slumping, flooding, etc., and maintain existing sediment quality. Since this area is tidally influenced, this should include concerns about sea level rise which may exacerbate future flooding. See recent Ecology guidance[21] for additional details on how to include climate change resilience within this cleanup action.

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.

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[19] WAC 173-204-510(5)
[20] WAC 173-204-510(4)
[21] https://fortress.wa.gov/ecy/publications/SummaryPages/1709052.html

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).

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our Voluntary Cleanup Program web site.[22] If you have any questions about this opinion, please contact me by phone at (360) 407-6528 or at adam.harris@ecy.wa.gov.

Sincerely,

Adam Harris, LHG
Toxics Cleanup Program
Southwest Regional Office

AH: tm

Enclosure (1): A – List of Some Applicable Local, State, and Federal Laws.

By certified mail: 9489 0090 0027 6066 6676 58

cc: Scott Drury, Hart & Hickman, PC
Nicholas Acklam, Ecology (by email)
Ecology Site File

[22] https://www.ecy.wa.gov/vcp

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Enclosure A

List of Some Applicable Local, State, and Federal Laws

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Partial List of Possible Applicable Local, State, and Federal Laws, Permits, and Regulations.

- Model Toxics Control Act (chapter 173.105D RCW), and Model Toxics Control Act Regulation (chapter 173-340 WAC).
- Sediment Management Standards (chapter 173-204 WAC).
- State Water Pollution Control Act (chapter 90.48 RCW).
- Water Quality Standards for Surface Waters of the State of Washington (chapter 173-201A WAC).
- Shoreline Management Act (chapter 90.58 RCW and chapter 173-14-28 WAC).
- State Environmental Policy Act (chapter 43.21C RCW and chapter 197-11 WAC).
- Washington Hydraulic Code (chapter 220-660 WAC).
- Washington State Hazardous Waste Management Act (chapter 70.105 RCW)
- State Dangerous Waste Regulation (chapter 173-303 WAC).
- Hazardous Waste Operations (chapter 296-843 WAC).
- Solid Waste Management-Reduction and Recycling (chapter 70.95 RCW);
- Solid Waste Handling Standards (chapter 173-350 WAC)
- Municipal Solid Waste Landfills (chapter 173-351 WAC).
- Minimum Standards for Construction and Maintenance of Wells (chapter 173-160 RCW).
- Washington State Clean Air Act (chapter 70.94 WAC).
- Construction Stormwater General Permit, Sustentative Requirements.
- Regional Clean Air Agency Regulations
- Underground Storage Tank Statue & Regulations (chapter 90-76 RCW and chapter 173-360 WAC).
- Federal Clean Water Act and the Surface Water Quality Criteria promulgated hereunder (33 U.S.C 1251 et. Seq).

- Section 401 and 404 of Clean Water Act-Water Quality Certification and Dredge and Fill Requirements (USC 1340, 1344; 33 CFR Parts 320 through 330, and 40 CFR Parts 230 and 231), also State Program under chapter 173-225 WAC.
- Section 10 of the Rivers and Harbors Appropriations Act (33 USC 403; 33 CFR Part 320 and 322).
- National Toxics Rule (40 CFR Subpart 131.36).
- Federal Endangered Species Act (16 USC 1802 et seq., 50 CFR, Part 600).
- Federal Coastal Zone Management Act (16 USC 145 1 et seq., 33 CFR Part 325).
- Fishery Conservation and Management Act (Magnuson FCMA, 16 USC 1801 et seq.).
- Resource Conservation Recovery Act (RCRA), 42 USC 321 et seq.).
- State Hydraulic Code (chapter 77.20 RCW; chapter 2210-110 WAC).
- Corps of Engineers JARPA Permit.
- Puget Sound Dredged Material Management Program
- Occupational Safety and Health Act (OSHA), 29 CFR Subpart 1910.120
- Washington State Industrial Safety and Health Act (WISHA), chapter 296-843 WAC and also chapter 896-62 WAC.
- Archaeological and Cultural Resources Act (chapter 43.53 RCW).
- Archaeological and Historic Preservation Act (chapter 43.334 RCW).
- Indian Graves and Records (chapter 27.44 RCW)
- Archeological Sites and Resources (chapter 27.53 RCW)
- Cemeteries and Human Remains (chapter 68 RCW)
- National Historic Preservation Act (NHPA) 16 USC 470 et seq.).
- Uniform Environmental Covenants Act (chapter 64.70 RCW).
- Local Requirements (City and County).