



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 27, 2010

Mr. Bill Lasby
Seattle & King County Public Health
401 Fifth Avenue, Suite 1100
Seattle, WA 98014

Dear Mr. Lasby:

Re: Agreement on roles and responsibility during corrective action at the Vashon Island Landfill

The purpose of this letter is to outline our roles and responsibility during the administration of corrective action at the Vashon Island Landfill according to Chapter 173-351 WAC Criteria for Municipal Solid Waste Landfills.

WAC 173-351-440(6) defines the trigger for a facility into corrective action when a ground water protection standard is exceeded as defined by Chapter 173-200 WAC Water Quality Standards for ground Waters of the State of Washington. Once a standard is exceeded the facility operator is to conduct the following activities:

WAC 173-351-440(6) If one or more Appendix III constituents are detected at statistically significant levels above the ground water protection standard established under subsection (7) of this section in any sampling event, the owner or operator must, within fourteen days of this finding, notify the jurisdictional health department, the department and all appropriate local government officials of the increase and place a notice in the operating record identifying the Appendix III constituents that have exceeded the ground water protection standard. The owner or operator also:

- (a) Must characterize the chemical composition of the release, the contaminant fate and transport characteristics; the rate and extent of contamination in all ground water flow paths by installing additional monitoring wells;
- (b) Must install at least one additional monitoring well at the facility boundary in the direction of contaminant migration and sample this well in accordance with subsection (2) of this section;



- (c) Must notify all persons who own the land or reside on the land that directly overlies any part of the plume of contamination if contaminants have migrated off-site if indicated by sampling of wells in accordance with subsection (6) of this section; and
- (d) Must initiate an assessment, selection, and implementation of corrective measures as required by chapter 173-340 WAC, the Model Toxics Control Act regulation;

To aid and guide our working relationship during the period of corrective action, Chapter 173-351 WAC provides clear roles for Ecology and the local health departments. WAC 173-351-460 and 465 states the roles of the jurisdictional health department and Ecology respectively while a facility is in corrective action:

WAC 173-351-460 Role of jurisdictional health department in corrective action: The jurisdictional health department:

- (1) May participate in all negotiations, meetings, and correspondence between the owner and operator and the department in implementing the model toxics control act;
- (2) May comment upon and participate in all decisions made by the department in assessing, choosing, and implementing a corrective action program;
- (3) Shall require the owner or operator to continue closure and post-closure activities as appropriate under these rules, after corrective action measures are completed; and
- (4) Shall continue to regulate all MSWLF units during construction, operation, closure and post-closure that are not directly impacted by Model Toxics Control Act.

[Statutory Authority: Chapter 70.95 RCW and 40 CFR 258. 93-22-016, § 173-351-460, filed 10/26/93, effective 11/26/93.]

WAC 173-351-465 Role of department of ecology in corrective action: The department shall carry out all the responsibilities assigned to it under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, during the corrective action process.

Note: Ecology encourages and will support owners or operators who perform independent corrective action(s) consistent with MTCA.

[Statutory Authority: Chapter 70.95 RCW and 40 CFR 258. 93-22-016, § 173-351-465, filed 10/26/93, effective 11/26/93.]

To add more specifics, the following list of activities and lead agency for the Vashon Island Landfill is provided. These activities and roles are appropriate when the facility is under the formal MTCA process or conducting an independent remedial action at a 351 facility.

Seattle & King County Public Health

- Issue annual permit with permit conditions for the landfill and surface impoundment for activities that are not considered remedial action activities
- Site inspections
- Oversight of the implementation of approved Operations and Maintenance Plan

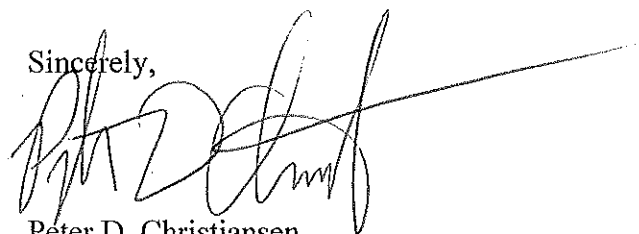
- Compile review comments from both agencies on documents not pertaining to corrective action
- Serve as agency lead for compliance meetings:
 - Schedule meetings
 - Take meeting notes and distribute for review
 - Issue final meeting notes

Ecology

- Oversee the Site Remedial Investigation and Feasibility Study activities
- Serve as agency lead in KCSWD's development of the following documents:
 - Sampling and Analysis Plan
 - Remedial Investigation Report
 - Feasibility Study
 - Cleanup Action Plan
- Issue Early Notice Letter
- Conduct Site Hazardous Assessment
- Input data into Ecology's Integrated Site Information System
- Compile review comments from both agencies on documents pertaining to corrective action
- Serve as agency lead for corrective action meetings:
 - Schedule meetings
 - Take meeting notes and distribute for review
 - Issue final meeting notes

I hope this provides a framework on our regulatory roles. If other situations arise that are not addressed above, we can discuss them at that time and determine the appropriate lead. If you have further questions, you can contact me at 425.649.7076.

Sincerely,



Peter D. Christiansen
Section Manger
Waste 2 Resources Program

cc: Sally Safioles, Ecology Waste 2 Resources
Madeline Wall, Ecology Waste 2 Resources
Ed Davis, Seattle & King County Public Health

