



September 18, 2019

Donna Musa
Washington State Department of Ecology
Northwest Regional Office – Toxics Cleanup Program
3190 160th Avenue SE
Bellevue, WA 98008-5452

Transmitted via email to: *donna.musa@ecy.wa.gov*

**Re: Go East Corp Landfill Cleanup Site
4330 108th St SE, Everett, WA 98208
Facility/Site ID: 2708
Cleanup Site ID: 4294
Project No. 1780001.020**

Dear Donna:

Thank you in advance for your time in reviewing this letter. On behalf of a group of neighbors living near the above-referenced cleanup site, Landau Associates, Inc. (LAI) was contracted in 2018 to review P&GE, LLC's (P&GE) plans for redeveloping the area. The redevelopment project is now proceeding, and it will include excavating and relocating approximately 60,000 cubic yards of buried landfill waste to shrink the footprint of the Go East Corp Landfill (Landfill), in advance of building a housing development whose lot lines will be immediately adjacent (within 5 feet) to the perimeter of the relocated landfill waste. LAI's review of the redevelopment plans concluded that the plans do not adequately address fundamental concerns over health and safety and protection of the environment, or adhere to typical standards of practice for landfill operations and closures, or for conducting environmental cleanups in Washington State.

The specific concerns identified during review of the design plans were presented to the Pollution Controls Hearings Board in February 2019. However, the only substantive allowable arguments in that hearing related to whether the plans met the minimal requirements of Washington Administrative Code (WAC) 173-350-400 for limited purpose landfills. LAI provided depositions and testimony to indicate even those limited requirements were not likely to be met by the project as currently designed. Subsequent to the February 2019 hearing, soil sampling was conducted by P&GE at the Landfill in June 2019 to determine the depth of waste and provide characterization for waste that is planned for relocation. Results from this sampling suggest that WAC 173-350-400 may not be the appropriate closure regulation for the Landfill, as those regulations for limited purpose landfills are based on the Landfill containing only mineral, wood, and concrete—the materials the landfill was permitted to receive. The chemical analyses confirmed that unforeseen contaminants are present in the Landfill waste that were not permitted for disposal. LAI had suspected this might be the case,

based on our review of historical documentation, observations of sheen and exposed waste materials during a non-invasive site visit we conducted in 2018, and our experience at other landfills in Washington that received waste in the 1970s and 1980s.

The local residents were reassured recently that the redevelopment will be more appropriately regulated, based on Ecology's letter to P&GE (dated September 9, 2019), re-establishing the Landfill as a cleanup site in accordance with Washington's Model Toxics Control Act (MTCA) regulations. Ecology made this determination prior to receiving the June 2019 soil sampling results, which show total petroleum hydrocarbons in the lube-oil range (TPH-O) were identified in exceedance of MTCA cleanup levels throughout a large portion of the Landfill, and at concentrations high enough to indicate that free-phase product may be present. (TPH-O detections in soil samples were as high as 28,000 milligrams per kilogram).

In addition to a long list of engineering concerns LAI expressed during depositions and the hearing in February 2019 related to inadequacies of the planned containment cover system and landfill gas control system, which could be shared at your request, it is also apparent that the current redevelopment plans should be reviewed by Ecology to determine whether MTCA requirements are met. Based on Ecology's recent confirmation that this is a MTCA cleanup site, it seems appropriate that a remedial investigation (RI) and feasibility study (FS) be conducted in accordance with WAC 173-340-350, and reviewed by Ecology, to determine the nature and extent of contamination, and to develop and evaluate various cleanup alternatives. Following the RI and FS process, a cleanup action plan should be developed so that Ecology can select the appropriate remedy, followed by preparation of an engineering design report so that Ecology can review the design basis to develop an opinion regarding the likely effectiveness of the planned Landfill closure to achieve and maintain state cleanup standards.

LAI understands the prescriptive MTCA cleanup process can have flexibility at Ecology's discretion to ensure the correct level of appropriate oversight – particularly when exposures or contaminant releases are not anticipated. However, for this cleanup site, it seems appropriate that an Ecology site manager should be assigned to ensure the appropriate steps noted above are completed, given the complexity of the site, and also to ensure the project is quickly modified to meet not just the appropriate solid waste handling requirements, but also MTCA.

If the current conditions were maintained (if redevelopment were not to occur), it might be that little or no cleanup would be required, as the existing landfill cover and distance from neighboring structures may be sufficiently protective of both human health and the environment from exposures. However, because the redevelopment plans would re-expose and relocate the buried landfill waste, and subsequently build residences immediately adjacent to the perimeter of the relocated landfill waste, additional scrutiny of the process is warranted to ensure the intrusive work at a listed cleanup site, and the final disposition and containment of contaminated materials, are conducted in accordance with MTCA standards.

Importantly, MTCA requires public participation in the cleanup process. Based on the concerns of neighboring residents, it appears this site exemplifies why public participation is included in the MTCA framework, and that the apprehensions of the neighboring community need to be considered.

LAI believes the forthcoming increase in Ecology's involvement in this project, through the Toxics Cleanup Program, will help to assure the neighboring residents that the cleanup will be conducted in a safe and appropriate manner. We hope the additional involvement by Ecology will help to ensure the cleanup is permanent to the extent practicable, since the liability for the long-term effectiveness and operations and maintenance of the closure system is currently planned to be transferred to a future site homeowners association. We appreciate your upcoming involvement, and look forward to confirming to the neighboring community that Ecology's oversight will be integral to the project moving forward.

LANDAU ASSOCIATES, INC.



Jeremy Davis, PE, PMP
Senior Associate Engineer

JMD/JAF/TAM

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cc: Bob Warren
Pete Christiansen
Kim Wooten
Pam Jenkins