



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
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May 17, 2017

David L. Bader R.S.
Environmental Health Services, LLC
1721 35th Street
Bellingham, Washington 98229

Re: Notice of Activity Regarding Environmental Covenant
Grantor: State of Washington, Department of Ecology
Grantee: Recomp of Washington
Legal: LOT 4 RECOMP SHORT PLAT AS RECORDED BOOK 21 SHORT PLAT
PG 93
Tax Parcel Nos.: 390233 183094 0000

Dear Mr. Bader:

This letter responds to your email of March 31, 2017, and recent telephone conversations regarding proposed modifications at the Recomp of Washington Site located at 1524 Slater Road in Ferndale.

An environmental covenant has been recorded for the Recomp of Washington Site. The conditions to which the environmental covenant applies are defined in WAC 173-340-440(9) and were recorded in the covenant for this Site in Whatcom County on October 1, 2004. The covenant includes the following prohibitions:

- Any activity on the Property that may result in the release or exposure to the environment of the contaminated soil that was contained as part of the Remedial Action or create a new exposure pathway is prohibited. Some examples of activities that are prohibited in the capped areas include: drilling, digging, placement of any objects or use of any equipment which deforms or stresses the surface beyond its load bearing capability, piercing the surface with a rod, spike, or similar item, bulldozing or earthwork. (Section 1)
- Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited. (Section 2)
- Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create



a new exposure pathway, is prohibited without prior written approval from Ecology.
(Section 3)

- Any unpermitted activity on the property that may result in the release of contaminants remaining on the Property as part of the Remedial Action that may expose the City of Ferndale water sewer or storm water systems to contamination is prohibited without prior written approval from Ecology. (Section 4)

History of Proposed Modifications

By letter dated July 30, 2015, the Department of Ecology (Ecology) approved your request to make certain modifications at the Recomp of Washington Site. The request was made on behalf of the property owner, ADAK Island Adventures, LLC (ADAK), through Parberry Environmental Solutions (PES), aka Scarp-It.

The planned property modifications were:

1. The removal of a surface hump that runs east-west and separates the north and south pads of the decommissioned ash storage pad.
2. The installation of a drainage swale west of the storage pad to treat and carry stormwater.
3. The leveling of the topography on the east side of the storage pad by the removal of a portion of the pad access road and gently grading the area.
4. The placement of clean fill materials in the swale at the south end of the landfill between the facility access road and the cover of the closed landfill.

In May 2016, you emailed Ecology to inform us item 2 above was completed in 2015, after receiving Ecology's approval, and items 1, 3, and 4 had not been completed. You also requested Ecology approval for a modification to item 4. The completion of item 3 was expected to generate more fill than the swale described in item 4 can accommodate. Because of this, ADAK proposed extending the area for clean fill placement to include the west and south toe of the landfill.

By letter dated June 3, 2016, Ecology approved your request to modify item 4.

Current request

From recent telephone conversations and your email of March 31, 2015, Ecology understands item 3, re-grading the ground surface adjacent to the eastern edge of the storage pad, was not conducted in 2016 as planned. A modified plan for item 3 includes surface regrading, constructing a stormwater collection, treatment and conveyance system in the regraded area, and rerouting wastewater conveyance piping in the area. Based on a review of drawings of the modified plan provided with the email, the re-grading is similar to what

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Ecology previously approved and is not expected to encounter the landfill cover that serves to contain the contaminated material. Construction of the planned stormwater and wastewater systems is outside of the landfill and not expected to affect the landfill cover system.

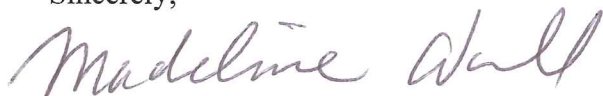
Ecology approves the revisions to item 3 described in your email of March 31, 2017, as compliant with the conditions of the environmental covenant recorded for the Recomp of Washington Site.

The same conditions listed in the July 30, 2015, and June 3, 2016, letters will apply:

- Provide a timeline for when the work will be started and when it will be completed.
- Notify Ecology if excavations penetrate the landfill cover system
- Submit a letter to the Department of Ecology after completion, stating the work has been completed and institutional controls remain in place or have been re-established.
- Submit photo logs of the Site that show any affected areas during work and after completion that show the state of the institutional controls.

Ecology appreciates your initiative in contacting the Department prior to changing the site modification plans. Please contact me at 425-649-7015 or madeline.wall@ecy.wa.gov if you have any questions regarding this letter.

Sincerely,



Madeline Wall, P.E.
Waste 2 Resources Program
Department of Ecology, NWRO

cc: Robert W. Warren, Ecology
Louise Bardy, Ecology
Eugene Freeman, Ecology
Allyson Bazan, Assistant Attorney General
Brian Parberry, Scrap-It/Stow-It
Holly Stafford, P.S., Chmelik, Sitkin & Davis P.S.

