

Pasco Sanitary Landfill NPL Site

Zone A Removal Action

Engineering Design Report

Appendix A

Applicable or Relevant and Appropriate

Requirements and Permitting Documentation

FINAL

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Appendix A.1

Applicable or Relevant and Appropriate

Requirements

FINAL

Appendix A.1
Applicable or Relevant and Appropriate Requirements

Cleanup actions under the Model Toxics Control Act must demonstrate compliance with applicable state and federal laws. The Industrial Waste Area Zone A (Zone A) is part of a large National Priorities List (NPL) site, the Pasco Sanitary Landfill NPL Site, that is not always required to obtain permits but, nevertheless, must meet the substantive requirements of the laws and regulations governing such permits. The Zone A Removal Action will meet the requirements for applicable regulations and standards including substantive requirements of applicable permits and will comply with all action-, chemical-, and location-specific applicable or relevant and appropriate requirements (ARARs). ARARs from the Draft Final Focused Feasibility Study—Pasco Landfill National Priorities List Site prepared by Anchor QEA, LLC, in August 2017 were reviewed and updated. Substantive requirements are presented in Table A.1.1, and action- and chemical-specific requirements are presented in Table A.1.2.

Table A.1.1
Potentially Applicable Requirements—Substantive Requirements

Authorizing Statute	Implementing Regulation	Rationale
Safe Drinking Water Act 42 USC 300	<ul style="list-style-type: none"> • Primary Drinking Water Standards 40 CFR 141 • Secondary Drinking Water Standards 40 CFR 143 	Groundwater is a potential source of drinking water. Groundwater will be monitored during the removal action to assess short-term impacts from construction.
Clean Water Act 33 USC 1251	<ul style="list-style-type: none"> • Water Quality Standards 40 CFR 131 	Groundwater discharges to surface water, which supports aquatic life and is potentially a source of drinking water. Groundwater will be monitored during the removal action to assess short-term impacts from construction.

**Table A.1.1
Potentially Applicable Requirements—Substantive Requirements**

Authorizing Statute	Implementing Regulation	Rationale
Clean Air Act 42 USC 7401	<ul style="list-style-type: none"> • National Ambient Air Quality Standards 40 CFR 50 • Ambient Air Quality Monitoring 40 CFR 58 • Standards of Performance for New Stationary Sources 40 CFR 60 • National Emission Standards for Hazardous Air Pollutants 40 CFR 61 • National Emission Standards for Hazardous Air Pollutants for Source Categories 40 CFR 63 	Applies to vapor treatment systems.
Hazardous Materials Transportation Act 49 USC 1801	<ul style="list-style-type: none"> • Hazardous Materials Regulation 49 CFR 171 • Hazardous Materials Tables, Communications Requirements, and Emergency Response Information Requirements 49 CFR 172 	Applies to wastes that are disposed of off site.
Clean Air Act RCW 70.94 and 43.21A	<ul style="list-style-type: none"> • General Regulations for Air Pollution Sources WAC 173-400 • Controls for New Sources for Toxic Air Pollutants WAC 173-460 • Ambient Air Quality Standards for Particulate Matter WAC 173-470 • Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOCs) WAC 173-490 	Applies to vapor treatment systems.
Solid Waste Management Act RCW 70.95	<ul style="list-style-type: none"> • Minimum Functional Standards for Solid Waste Handling WAC 173-304 	WAC 173-304 may apply to the interim cover design criteria.

**Table A.1.1
Potentially Applicable Requirements—Substantive Requirements**

Authorizing Statute	Implementing Regulation	Rationale
Model Toxics Control Act RCW 70.105D	<ul style="list-style-type: none"> Model Toxics Control Act Cleanup Regulation WAC 173-340 	Establishes cleanup standards for soil, groundwater, surface water, and air.
Comprehensive Environmental Response, Compensation, and Liability Act 42 USC 103	<ul style="list-style-type: none"> Guidance for Conducting Remedial Investigations and Feasibility Studies under CERCLA 	Meets CERCLA requirements.
Water Pollution Control/Water Resource Act RCW 90.48 and 90.54	<ul style="list-style-type: none"> Surface Water Quality Standards WAC 173-201A Protection of Upper Aquifer Zones WAC 173-154 State Waste Discharge Program WAC 173-216 	Establishes narrative and numeric standards for waters of the state. No water discharge permits are anticipated for the site.
Water Pollution Control Act RCW 90.48	<ul style="list-style-type: none"> Ground Water Quality Standards for the State of Washington WAC 173-200 	Groundwater is a potential source of drinking water. Groundwater will be monitored during the removal action to assess short-term impacts from construction.
Public Water Supplies RCW 90.48	<ul style="list-style-type: none"> Maximum Contaminant Levels WAC 246-290 	Groundwater is a potential source of drinking water. Groundwater will be monitored during the removal action to assess short-term impacts from construction.
State Environmental Policy Act RCW 43.21C	<ul style="list-style-type: none"> SEPA Rules WAC 197-11 	A SEPA determination of non-significance was received for the project.

Abbreviations:

- CERCLA Comprehensive Environmental Response, Compensation, and Liability Act
- CFR Code of Federal Regulations
- RCW Revised Code of Washington
- SEPA State Environmental Policy Act
- USC United States Code
- WAC Washington Administrative Code

Table A.1.2
Potentially Applicable Requirements—Action- and Chemical-Specific Requirements

Authorizing Statute	Implementing Regulation	Rationale
Hazardous Waste Management Act RCW 70.105	<ul style="list-style-type: none"> • Dangerous Waste Regulations WAC 173-303 	Generation, accumulation, and treatment requirements for waste from the removal action.
Model Toxics Control Act RCW 70.105D	<ul style="list-style-type: none"> • Model Toxics Control Act Cleanup Regulation WAC 173-340 	Sets minimum requirements for cleanup actions.
Resource Conservation and Recovery Act Subtitle C 42 USC 6901	<ul style="list-style-type: none"> • Identification of Wastes 40 CFR 261 • Corrective Action Management Units (CAMU) 40 CFR 264.552 • Closure and Post-Closure 40 CFR 265 • Land Disposal Restrictions 40 CFR 268 	Applies to handling and off-site treatment and disposal of the CAMU-eligible wastes from Zone A, and interim conditions following the removal action.
Water Well Construction RCW 18.104	<ul style="list-style-type: none"> • Minimum Standards for Construction and Maintenance of Wells WAC 173-160 • Rules and Regulations Governing the Licensing of Well Contractors and Operators WAC 173-162 	Minimum standards for design and installation of wells.
Washington Industrial Safety and Health RCW 49.17	<ul style="list-style-type: none"> • General Occupational Health Standards WAC 296-62 • Part N, Excavation, Trenching and Shoring WAC 296-155 (and associated provisions of 29 CFR 1926 [Subpart P]) • WAC 296-841 Airborne Contaminants. This includes, but is not limited to, WAC 296-841-20025, specifically addressing PELs. 	Applies to onsite workers involved in cleanup implementation.
Franklin County Code Chapter 17.56	<ul style="list-style-type: none"> • Heavy Industrial Zone I-3 	Zoning applies to future site use.

Table A.1.2
Potentially Applicable Requirements—Action- and Chemical-Specific Requirements

Authorizing Statute	Implementing Regulation	Rationale
City of Pasco Municipal Code Chapter 16.06	<ul style="list-style-type: none"> • Building Permit Requirements, Utility Service Requirements for Building Permits 	Required for construction and use of a temporary structure.
Franklin County Code, Title 15, Buildings and Construction	<ul style="list-style-type: none"> • Building Permit Requirements 	Required for construction and use of a temporary structure.
Federal Insecticide, Fungicide, and Rodenticide Act 40 CFR 150	<ul style="list-style-type: none"> • FIFRA Rules 40 CFR 150 	Rodent control or application of insecticide is not anticipated for this phase of work.
Occupational Safety and Health Act 29 USC 651	<ul style="list-style-type: none"> • Safety and Health Rules 29 CFR 1910 	Applies to onsite workers involved in cleanup implementation.
Toxic Substances Control Act 15 USC 2601	<ul style="list-style-type: none"> • 15 USC s/s 2601 et seq. [1976] 	Tracks industrial chemicals, such as PCBs, in the United States and regulates intrastate and interstate commerce. May apply to wastes disposed of off site.
Washington Clean Air Act RCW 70.94 and 43.21A	<ul style="list-style-type: none"> • General Regulations for Air Pollution Sources WAC 173-400 • Emission Standards and Controls for Sources Emitting VOCs WAC 173-490 	Establishes air quality standards for protection of human health. Applies to emissions from vapor treatment systems constructed as part of the cleanup.

Abbreviations:

- CFR Code of Federal Regulations
- FIFRA Federal Insecticide, Fungicide, and Rodenticide Act
- PCB Polychlorinated biphenyl
- PEL Permissible exposure limit
- RCW Revised Code of Washington
- USC United States Code
- VOC Volatile organic compound
- WAC Washington Administrative Code

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Appendix A
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Requirements and Permitting Documentation

Appendix A.2
City and County Permitting Documentation

FINAL

From: Jason L. Mattox <Jason.Mattox@pbsusa.com>
Sent: Tuesday, February 11, 2020 3:20 PM
To: Jessi Massingale; Mary McElheron
Subject: FW: Pasco Landfill - Dietrich Road

See email below from Troy at the City of Pasco in regards to permitting for the work at the Pasco Landfill. Thanks

Jason Mattox, PE

Senior Civil Engineer/Operations Manager

PBS

400 Bradley Blvd., Suite 106, Richland, WA 99352

office: 509.942.1600 | cell: 509.430.4252

jason.mattox@pbsusa.com

pbsusa.com

From: Troy Hendren <HENDRENT@pasco-wa.gov>
Sent: Tuesday, February 11, 2020 2:31 PM
To: Jason L. Mattox <Jason.Mattox@pbsusa.com>
Subject: RE: Pasco Landfill - Dietrich Road

Jason,

The City of Pasco will not require any permits for structures permanent or temporary on Franklin County property. A ROW permit will be required for the horizontal drilling

Troy Hendren
Building Official/Fire Marshal

From: Jason L. Mattox <Jason.Mattox@pbsusa.com>
Sent: Tuesday, February 11, 2020 1:49 PM
To: Troy Hendren <HENDRENT@pasco-wa.gov>
Subject: Pasco Landfill - Dietrich Road

External Email Warning! This email has originated from outside of the City of Pasco. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Troy,
I was following up on a conversation we had at the counter a couple weeks back about permits for the upcoming remediation work at the Pasco Landfill. You indicated that the City was not going to require a building permit for the temporary structure since it was located on County property, and the only permit needed would be a right of way permit for the horizontal drilling across the City right of way for Dietrich Road.

Would you be comfortable responding to this email confirming that discussion?

Thanks

Jason Mattox, PE

Senior Civil Engineer/Operations Manager

PBS

400 Bradley Blvd., Suite 106, Richland, WA 99352

office: 509.942.1600 | cell: 509.430.4252

jason.mattox@pbsusa.com

pbsusa.com



FRANKLIN COUNTY

PLANNING AND BUILDING DEPARTMENT

February 13, 2020

Jason Mattox
PBS Engineering & Environmental, Inc.
Senior Engineer/Operation Manager
400 Bradley Boulevard, Suite 106
Richland, WA 99352

RE: Franklin County Permitting of the Pasco Landfill Clean-Up Tent Structures
Parcel Number(s): 113-580-082; 113-580-135

Mr. Mattox,

You met with the Franklin County Planning & Building Staff to discuss the court-ordered clean-up process for the Pasco Landfill, and whether the County would require permits to be issued for the proposed temporary decontamination structures for use on the site. The proposed timeline for completion of the clean-up is approximately 18-months, with the fabric structures being moved 3-4 times, or as required to complete the work.

As part of said order, removal of contaminants must be performed in a controlled environment, with various environmental controls in place to ensure any contaminants are contained on site, including the contaminated materials and airborne particulates, or removed via approved removal protocols. In order to meet this requirement, large temporary tent structures, likely exceeding 40,000 sq. ft., with a structure height allowing for earth-moving equipment and cranes to operate within the interior of the structure, will be used. The proposed structures are temporary, steel framed, fabric structures that will be setup while the work is being performed, then taken down, after proper decontamination of the structure, and moved to other locations on the properties to continue the removal work.

All such structures require special engineering by a Washington State licensed engineer, and proper setup and installation are approved by the site engineer. Also, these structures are part of the court approved removal plan. Therefore, Franklin County has determined there is no need for additional permits to be issued, nor inspections performed, as this type of work and structure is outside of the purview of our Building Inspectors' International Building Code (IBC) certifications. The issuing of a permit for the structures would be redundant, and cause unnecessary delays, as each time the structure was setup in a new location, a new permit and round of inspections would be required. Also, the court approved plan calls for the structures, so they must be allowed. Finally, due to these structures requiring special engineering, inspections by the Franklin County Building Department would be redundant, as inspections performed would be based on the design requirements provided by the special engineer, not the International Building Code.

Franklin County will require submittal by the engineer a document that lists any required structural elements that need to be inspected, and that those structural elements have been inspected by the engineer. As each structure is erected and moved, a certification from the engineer showing that the structures have been erected as required by the design engineering, that any required environmental controls are in place and being properly utilized, and that proper decontamination of the structure has been performed before the structure is moved.

It is our understanding that the Washington State Department of Ecology is the SEPA Lead Agency for this proposal. The Franklin County SEPA Lead Official hereby requests designation as an agency with jurisdiction regarding any SEPA Checklist, or other environmental review, for this action. Therefore, we do formally request that any environmental documents affecting this proposal that have been, or will be, prepared be forwarded on to this department for review and comment.

Please feel free to contact me with any questions,

Sincerely,

A handwritten signature in blue ink, which appears to read "Derrick Braaten", followed by the date "2/14/2020".

Derrick Braaten
Planning & Building Director

CITY OF PASCO RIGHT-OF-WAY WORK PERMIT

PERMIT NO:
ROW20-0238

ANY CONTRACTOR OR SUBCONTRACTOR PERFORMING WORK IN THE CITY OF PASCO RIGHT-OF-WAY MUST BE PREQUALIFIED WITH THE CITY ENGINEERING DEPARTMENT. PLEASE CALL 545-3444.

THIS PERMIT IS REQUIRED TO BE POSTED ON THE JOB SITE AT ALL TIMES.

APPLICANT: PBS ENGINEERING & ENVIROMENTAL

CONTACT PERSON: _____ TELEPHONE NO: (509) 942-1600

LOCATION	On <u>Dietrich Road</u> Street, Avenue, Alley	Between _____ Street, Avenue
	At <u>Parcel 113-580-091</u> Address (if applicable)	And _____ Street, Avenue

TYPE OF WORK	Approximate date work to be started? _____ Completed? _____
	A) <input type="checkbox"/> Pavement cut for purpose of: _____
	B) <input checked="" type="checkbox"/> Installation of: <u>Underground Utilities</u>
	C) <input checked="" type="checkbox"/> Trench excavation in right-of-way(not pavement) for purpose of: <u>Installation of SVE Lines</u>
	D) <input type="checkbox"/> Other-Work: _____

INSPECTIONS ARE REQUIRED FOR EACH ITEM CHECKED BELOW. THE HOMEOWNER/CONTRACTOR IS RESPONSIBLE TO SCHEDULE ALL REQUIRED INSPECTIONS WITH THE ENGINEERING DEPARTMENT.

REQUIRED INSPECTIONS	A) <input checked="" type="checkbox"/> Compaction of subgrade satisfactory. <u>Req.</u>	Your Inspector is: <input checked="" type="checkbox"/> Kent McCue <input type="checkbox"/> Cynthia Valdez <input type="checkbox"/> Daniel Pratt <input type="checkbox"/> Joe Robles
	B) <input type="checkbox"/> Concrete forms placed correctly: _____	
	<input type="checkbox"/> Concrete material and finish satisfactory: _____	
	C) <input checked="" type="checkbox"/> Surface restored satisfactory: <u>Req.</u>	
	D) <input type="checkbox"/> Other Inspections: _____	
	E) <input checked="" type="checkbox"/> Final inspection complete: <u>Req.</u>	

COMMENTS:

Applicant hereby acknowledges the obligation to and does hereby agree to provide construction signing in accordance with all laws and applicable ordinances, regulations, and in particular, the provisions found in the State of Washington "Manual on Uniform Traffic Control Devices for Streets and Highways" (RCW 47.63.200) obtainable from the Washington State Highway Commission. Traffic control plans require approval prior to the start of work. Any street closures require notice to dispatch at 545-3510. **All work to be done in accordance with City of Pasco Construction Standards.**

Standards are available from the Engineering Department or on the City of Pasco website www.pasco-wa.gov.

Digitally signed by Jason
Mattox
Date: 2020.05.18
10:24:28-07'00'



5/18/2020

APPLICANT'S SIGNATURE

DATE

Kent McCue 5/18/2020
PERMIT APPROVED BY DATE

PATCH DEPOSIT: \$ _____

FEE: \$ 50.00

PERMIT ISSUED BY _____ DATE _____

48-HOUR NOTICE REQUIRED FOR INSPECTION

INSPECTIONS ARE REQUIRED FOR ALL WORK

Expires 120 calendar days
from date of issue.

Please call engineering division (545-3444) for inspection appointments, 525 N. 3rd, Pasco, WA 99301



Fee Estimate

Date: 5/18/2020
Application Number: ROW20-0238
Address:
Applicant: PBS ENGINEERING & ENVIROMENTAL
Owner: PASCO SANITARY LANDFILL
Contractor:
Project Description: SVE System Reconfiguration - PBS Eng
Construction Valuation: \$ 0.00

FEES DUE

Permit #	Fee Detail	Amount
ROW20-0238		
ROW20-0238	RIGHT-OF-WAY PERMIT FEE	\$50.00
Balance Due:		50.00

5/18/2020
CITY OF PASCO
WASHINGTON
 525 N 3rd Ave
 Pasco, WA 99301

RECEIPT

M96666

Permit#: ROW20-0238
Address:
Applicant: PBS ENGINEERING &
ENVIROMENTAL
Owner: PASCO SANITARY LANDFILL
Contractor:
Desc: SVE System Reconfiguration - PBS
Eng
Construction Cost: \$0.00

FEES PAID

ROW SW PERMIT FEE	50.00
110.40.106-32 2160	50.00
TOTAL FEES PAID	\$50.00

NOTE
DATE PAID: 05/18/2020
PAID BY: PBS ENGINEERING &
PAYMENT METHOD: CHECK 1088
Cashier ID: JP

red. See paid receipt from Customer Service for list of items paid.