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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
P.O. BOX 47600 • Olympia, Washington 98504-7600 • (206) 459-6000

July 15, 1993

Keith Lund
Burlington Environmental Inc.
Waterfront Place One
1011 Western Ave, Suite 700
Seattle WA 98104

Dear Mr. Lund:

Re: Corrective action responsibility at the Burlington Environmental Inc. (Burlington) Pier 91 facility

As we discussed in our meeting on April 7, 1993, the Department of Ecology (Ecology) and the Environmental Protection Agency (EPA) are providing clarification as to Burlington's responsibility for corrective action at the Pier 91 facility. Burlington has raised concerns that the current "state only" Dangerous Waste Facility Permit implies Burlington is solely responsible for corrective action at the entire Terminal 91 facility. This "facility", as defined in the state permit, constitutes all contiguous property owned by the Port of Seattle at Piers 90 and 91. This "facility" encompasses approximately 124 acres. Within this area, Burlington currently leases approximately four acres (the Premises) from the Port of Seattle. Note that the Premises include structures and leased underground piping. Less than two acres of the Premises are permitted by the state for continued waste management operations. The remainder of the Premises will remain Burlington's responsibility for purposes of corrective action and closure. The implication that Burlington has primary responsibility for the approximately 120 acres outside the boundaries of the Premises is not Ecology's or EPA's intent.

Ecology and EPA recognize that Burlington's responsibility for corrective action is limited to contamination on the premises, contamination originating on the premises that has migrated outside the premises, and any other contamination outside the Premises that occurred as a result of Burlington's operations. As such Ecology and EPA expect that Burlington will comply with the existing RCRA Section 3008(h) order covering the Premises until RCRA corrective action requirements relating to permitted facilities under RCRA Section 3004(u) are in effect under the final RCRA/HSWA Permit. With respect to contamination on property surrounding the Premises owned and controlled by the Port of Seattle, to the extent such contamination does not originate from the Premises or Burlington's operations, the Port of Seattle will bear corrective action responsibility. The

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HSWA permit to be issued by EPA will delineate the RCRA corrective action responsibilities of Burlington and the Port of Seattle, and both parties may participate in the comment and appeal process set forth in 40 CFR Part 124 at the time that permit is issued.

We hope that this letter provides sufficient clarification of your corrective action responsibilities at Pier 91. If you have any further questions please contact Doug Brown at Ecology at 459-6993 or Christy Ahlstrom at 553-8506.

Sincerely,

Gerald Lenssen

Gerald Lenssen, Supervisor
Hazardous Waste Permits

David Bartus

Dave Bartus, Acting Chief
RCRA Permits Section

cc: Stephanie Delaney, Attorney General's Office
Doug Hotchkiss, Port of Seattle
Julie Sellick, NWRO
Galen Tritt, NWRO

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