



December 12, 2005

Mr. Larry Baker
Rinker Materials
P. O. Box 2037
Everett, Washington 98203

Subject: Use of Non-inert Waste Material as Reclamation Fill at Rinker Material's Site at
6300 Glenwood Avenue, Everett, Washington.

Dear Mr. Baker:

During a routine monthly inspection of the above-mentioned site on October 28, 2005, I observed several truckloads of a brownish-red viscous material with a fish-like odor being deposited into Rinker Material's Inert Waste Landfill. As explained to me on site, the material originated at the Tolt Treatment Facility, near Duvall, Washington (one of two sources of drinking water for the City of Seattle). The material in question apparently is the backwash solids from the treatment facility's water filters which is being deposited at Rinker Materials as reclamation fill.

It was later disclosed that this same material was deposited about two years ago at a non-permitted landfill, operated by Rinker Materials, located at 19000 Yew Way, Snohomish, Washington. The waste material has since been covered and moved by tons of other reclamation soil.

After contacting American Water Services, the operator of the Tolt Treatment Facility, the Snohomish Health District (Health District) obtained copies of the "solids analysis performed by Columbia Analytical Services, Inc. for the Tolt Treatment Facility [done] in March of 2004". The results of the Total Metals for the sludge material showed the following metals in excess of the Model Toxics Control Act for three (3) hazardous substances. They are Arsenic at a level of 68 ppm (MTCA Method A Table 740-1 Soil Cleanup Level is 20 ppm); Cadmium at 4.1 ppm (MTCA Level is 2 ppm); and Chromium at 30.2 ppm (MTCA Level is 19 ppm for hexavalent Chromium). I also spoke with the Tolt Treatment Facility's biologist, Ms. Moya Joubert, regarding the fish-like odor of the sludge material. She explained that there are both algae and types of zooplankton occurring in the headwaters of the Tolt River, that if captured and concentrated in the filter media would likely contribute to a fish-like odor.

According to Chapter 173-350 WAC Solid Waste Handling Standards, new section WAC 173-350-990 Criteria for inert waste, a permitted inert waste landfill can only accept materials that can (3)(a)(ii) "[m]aintain its physical and chemical structure under expected conditions of storage or disposal including resistance to biological and chemical degradation" and inert waste shall not (3)(b)(i) "[b]e capable of producing leachate or emissions that have the potential to negatively impact soil, ground water, surface water or air quality."

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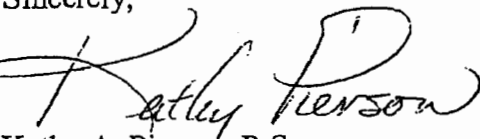
The annual operating permit issued by the Health District reaffirms what Rinker Materials is allowed to accept into the inert waste landfill. At no time prior to disposal was the Health District consulted on the waste determination of this material. Given that the backwash solids from the Tolt Treatment Facility contains both organic constituents and heavy metals in excess of the Model Toxics Control Act for Soil Cleanup levels, the Snohomish Health District has determined this material does not meet the qualifications of an inert material and must therefore be removed from Rinker Materials' Inert Waste Landfill.

The Health District is aware that approximately 1660 tons of the backwash solids have been deposited at Rinker Material's Inert Waste Landfill. The Health District is also aware that other soils have subsequently been deposited over the backwash solids. The Health District requires that the waste material be removed from the landfill within **forty-five (45) days** of this notice, and deposited into a permitted solid waste disposal site. Please submit a plan for removal within **fourteen (14 days)** of the date of this notice.

Concerning the disposal of the waste material at the non-permitted site along Yew Way, the Health District is considering the actions Rinker Materials will need to take to bring that site into compliance with the regulations. I will inform you of that decision when it has been made.

If you have any questions or comments regarding this correspondence, please contact me at 425.339.5250.

Sincerely,



Kathy A. Pierson, R.S.
Environmental Health Specialist

KAP:sei

cc: Department of Natural Resources; John Bromley, Geology and Earth Resources Division
CDM Engineering; Attn. Gregory Lindstadt
American Water Works; Attn. Steve Jowell, Facility Manager