Responsiveness Summary

Draft Final Remedial Investigation/Feasibility Study
WA DOC Washington State Penitentiary Site
CSID 4971, FSID 779

Public Comment Period December 3, 2012 through January 7, 2013

Prepared by
Washington State Department of Ecology
Eastern Regional Office
Toxics Cleanup Program
Spokane, WA

January 2013

WA DOC Washington State Penitentiary Site
Remedial Investigation/Feasibility Study
Responsiveness Summary

The Washington Department of Ecology conducted a public comment period from December 3, 2012 through January 7, 2013 for the Remedial Investigation/Feasibility Study (RI/FS) at the WA DOC Washington State Penitentiary Site. The RI/FS presented results of investigations conducted to determine the extent of contamination, and proposed remedial actions at the Site.

The purpose of this Responsiveness Summary is to document Ecology's responses to comments sent to Ecology during the public comment period.

Ecology would like to thank all who provided comments. Ecology has responded to the comments, and three changes will be made to the Remedial Investigation/Feasibility Study based on the comments received.

Index of Comments Received

1. Comment from Donald Wright sent on December 5, 2012

2. Comment from Paul Sutton sent on December 11, 2012

3. Comment from James Suber sent on December 13, 2012

4. Comment from Frank Nicholson sent on January 7, 2013

5. Comment from John Tinkham sent on January 5, 2013

6. Two comments from Patrick Spurlock sent on December 16, 2012 and January 6, 2013

COMMENT 1

Donald Wright
SCCC 265472 H-6
191 Constantine Way
Aberdeen Wa 98520

Dec 5, 2012

Sandra Treccani
C/O Wa. State Dept. of Ecology
4601 N.Monroe
Spokane Wa 99205-1295

RE: Request(s)for comments on Walla Walla pollution/water

Dear Department of Ecology:
This letter will outline my ongoing concerns with possible contaminates in the drinking water at Walla Walla city and prison and the contamidation in surrounding soil and groundwater near the prison.

I was an employee at the correctional industries sign shop in 2005, and observed first hand the wanton dumping of solvents into a 4" drain in the rear of the sign shop,where silk screen operations were performed.

I brought these concerns to the sign shop supervisor, the "safty officer" and anyone who would listen at weekly safty meetings.

I was subsequently attacked in the sign shop for my outspoken views.

I began to request public disclosure on the content of the solvents that were being rinsed and dumped in this drain (see attachment(s) A,B)

These requests for information were never fulfilled and the D.O.C has claimed that the Walla Walla site has its own "holdin pond" that this 4" pipe was routed to....This is in error as the holdin pond is on the rear of the sign recycling/pressure washing area, which is some 50 feet away from the actual silk screen production area and continues to be used as a rinse off station.

The D.O.C has at times claimed that this 4" PIPE CONNECTS directly to outgoing sewer system, which goes to the city for treatment and after treatment the water is used to service both the prison and city.

The silk screen inks, the isocyanite hardener, the solvents used to make these signs contain tulene, xylene, benzene, heavy metals ect, and could not possibly be cleaned from the process used to treat sewer/gray water.

I also assert that the drinking water at the prison during 2005 and most likely to present is unsuitable for consumption and it is well known to this Dept, that the prison buys bottled water for all employees and guests for use at the prison... The prisoners do not have this luxury. It is well know to all employees to refrain from consuming the water.

The ongoing problem of toxins in the testing of soil and ground water is no new problem for Walla Walla prison, the autobody repair shop was closed purportedly due to these poor soil quality tests.

I assert that the soil toxins were not due to sanding of autos,trucks that do relese some dusts ect, but once the refinishing process of these is dry, there are no residuaL toxins to leech into the soil and so any pollutants present in the surrounding soils were either dumped there or were actually piped into the ground.

I wish that the EPA, the Dept of ecology would back track the actual drain systems that are used or were used in the past at the sign and licence plate shop(s).

As I am a layman and cannot claim expertice in any clean up effort, I will comment on the wisdom of sprinkling of a few inches of topsoil over an acre or so of polluted ground....It seems to me that the "alternative #1" is much like the irresponsible child, when asked to clean up his room, stuffs his dirty cloths,toys and debris into his closet and under his bed...at a glance his room is tidy...lets take a closer look.

I realize that to dig up and disturb the polluted soil may well release more contamininates into the air and surroundings soil, and would do more harm than good...

While no soulution will be perfect, I believe that a impermeable membrane covered with 12"or more of new soil, much like landfill coverings would be a better action in this case, and a good hard look into each and every outflow pipe comming from the prison.

I also take issue of the self reporting and self regulation and self testing done for outflows of sewer water ect at the prison.

The D.O.C have no incentive to report actual tests results.but every incentive to misreport or omit unfavorable results. We need a neutral third paRTY TO do these tests.

These comments are offered by a first hand witness to pollutants being rinsed down a 4" drain pipe in the sign shop at Walla Walla prison in 2005.

Respectfully Submitted,

cc. file
Attachements A.B,C,D

Donald Wright
Donald Wright Aberdeen Wa

DECLARATION

I declare under the penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowlege.

DATED THIS 6th Day of December 2012

Donald Wright
DONALD WRIGHT SCCC

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ATTACHMENT # "A:"

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12-1-07

DONALD WRIGHT 265472-LB1
AIRWAY HEIGHTS CORR. CTR.
P.O.BOX 1809
AIRWAY HEIGHTS WA 99001

RUBEN CEDENO
P.O.BOX 41100
OLYMPIA WA 98504-1000

MR DEPUTY SECRATARY, no contact person was named as "Environmental Specialist" at the WSP, so this is directed to your office.

I DONALD WRIGHT request the following documentsand records.

1) The miniutes and subject matter of weekly safty meetings @ WSP sign shop
Weeks of Sept 1 Thru Oct 15th 05

2) Copies of ALL safty Hazard Reports submitted in Correctional Industries @ WSP June 05 thru Nov 05

3) The Material Safty Data Sheets for the following:
a)The silk screen Inks, 3M and off brands
b)The Gloss clear hardener (#80) Isocyanate
c)The silk screen "release agent"
d)The weekly delivery invoices for solvent and inks to WSP sign shop 6/05 thru 12/05

4) e)The wastewater plumbing schematic for the sign shop bldg, focusing on the rear wall 4" drain pipe (Screen washing/rinsing station)

6) The employee(Inmate) assignment list for june 05 thru Dec 05 at the screen washing/ rinsing area.

7)The medical records pertaining to the skin cancer progression of I/M Mourice Moore.

I DONALD WRIGHT request these documents and or records under the laws and rules of the UNITED STATES and WASHINGTON STATE USCS §55 "Freedom of Information Act, and RCW 42.56

I ask all parties to address and supplyall the information described abouve within the prescribed time limits to address this request as stated in the Aforementioned laws.

cc, file

Most Respectfully Submitted
Donald Wright

Donald Wright

ATTACHMENT # "C:"

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12-1-07

DONALD WRIGHT #265472
AIRWAY HEIGHTS CORR.CIR.
P.O.BOX 1809 LB 1
AIRWAY HEIGHTS Wa.
99001-1809

RUBEN CEDENO
DEPUTY SEC. PRISON DIV.
DEPT.OF CORRECTIONS
P.O.BOX 41100
OLYMPIA Wa. 98504-1000

RE: Response letter to Blaine Riddall (Dated Nov 14th)

The letter acknowleges "This sign shop generates wastes which meet the defination of Washington State Dangerous Waste." and "Very accurate records are kept on this waste."..
Also That waste water going out of WSP is tested by the city ?
Deos this inferr that the outgoing wastewater is forwarded to the city of Walla Walla for treatment?
Your letter also askes for specifics to "substantiate" accusations, I will offer some timelines and specifics:
1) Dates: June 05 thru Oct 05 (and presumably to present)
2)Waste products in outgoing wastewater: Spent ink (3M),Solvent(benzine,toulene, xylene) Clearcoat Hardener DX-80 (Isocyanate)
3) What Channels: 4" Drain in floor drain under screen rinse-off area
4) Volumes: 55 gal drum every 3 to 4 weeks,(spent ink and hardener in mixture)
(This does not account for evaporation in to workspace)
5) Who: Silkscreen employees under the direction of Ron Dixon.
6) Any previously filed complaints Yes... Sept-05, Oct-05.
Mr Credeno, I have been very reluctant to pursue this much further since my attack of 10-10-05, yet the issue has haunted me since my discovery of same. My background in the automotive painting industry has taught me of the harmful effects of these chemicals and the strict rules and regulations when handling these.
I would assert that if an Individual or private company working in the State of Washington utilized the practices occuring at the WSP sign shop that individual or company would be Cited and fined, most likely would be JAILED for such blatant disreguard for public safty..
On the other issue of my ongoing safty concerns, I will let you know that the latest episode of bias toward me was a "Cell Assignment", Despite my reasonable request for a cell with my caucasion friend , I was placed with a #400lb Black Mouslim.. Named (Bubba) Please Advise Donald Wright

cc: file

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ATTACHMENT # "D:"

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RECEIVED

DEC 2 8 2007

AHCC RECORDS OFFICE

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
P.O. Box 41100 • Olympia, Washington 98504-1100

December 12, 2007

Mr. Blaine Riddall Father of Donald Wright #265472
1050 ½ Alder Avenue
Marysville, Washington 98270

Dear Mr. Riddall:

I have been asked to respond to your recent letter to Deputy Secretary Ruben Cedeño. You wrote regarding staff misconduct, expunging of state documents, inappropriate seizure and denial of personal effects including legal material, hazardous working conditions including the illegal dumping of cancer causing chemicals, untimely medical treatment, intentional harm upon your son by assault and the overall presence of intimidation to your son through actions by the Department of Corrections (DOC). These allegations are not taken lightly by the Department and have been investigated.

There appears to be major discrepancies between the facts of the events and the accounts explained in your letter. After review of this situation, I have found no evidence which leads me to believe that Department staff have acted in anything but a professional manner. I would like to address your concerns in hopes of bringing some clarity to the situation.

265472

"Donald Wright complains to prison authorities of toxic hazardous working conditions at the WSP sign shop AND that cancer causing hazardous chemicals are being recklessly dumped from the sign shop into channels which reach the ground water tables and drinking waters of the city". As stated in the letter from Mr. Cedeno written October 30th, 2007, there are no records on file which reveal Mr. Wright reported illegal dumping of cancer causing hazardous chemicals from the sign shop. Interviews with the facility's Environmental Specialist also provide no reasonable evidence that such an event took place. The facility's Safety Officer was questioned about previous complaints regarding toxic working conditions located in the Correctional Industries' (CI) Sign Shop. The Safety Officer stated that he has never received a complaint (from staff or inmates) regarding this specific issue since he began his tenure as the facility's Safety Officer.

"Soon thereafter Ron Dixon, sign shop supervisor, calls at the probable behest of supervisors, a purported "safety meeting" wherein in front of other inmates Ron Dixon calls Donald Wright "an unwanted snitch" and other derogatory statements". Both sign shop supervisors were recently interviewed regarding this matter. Both staff stated that weekly safety meetings are common place in their shop. They assured the investigator that not only was this not a specially called meeting, but they did not call the inmate names.

"Soon after Ron Dixon, sign shop supervisor labeled Donald Wright as being an unwanted snitch in front of other inmates, Donald Wright suffered a vicious unprovoked blind side attack from inmate Brian Matters and other inmates as Ron Dixon waited in the wings until Donald Wright lay on the floor bleeding profusely, when he then appeared to ask "if he needed a band aid?".

"That Donald Wright was advised by prison officials at one point that there was no record of any assault against him at WSP on 10/10/05". Our department's records indicate that Mr. Wright was assaulted by inmate Matter on October 10, 2005 while working at the Correctional Industries Sign Shop. If Donald can identify which officials allegedly told him there were no records of the assault, we can investigate further.

"That after the assault Donald Wright advised prison officers that he definitely wished to pursue the issue of prosecuting his assailants, but to his knowledge the fact of assault has gone unreported by prison authorities to the prosecution offece at Walla Walla County. Clearly the State continues its attempt to hide its involvement and liability to the devastating prejudice of my son Donald Wright". After speaking with the internal investigator who interviewed Mr. Wright shortly after the incident at WSP, it is clear that DOC was informed by Mr. Wright that he did not wish to prosecute inmate Matter for fear of future retribution from inmate Matter and other inmates.

Mr. Wright received adequate and timely medical care for the injury to his nose resulting from the assault. The medical attention was offered immediately once Mr. Wright requested it. Initially Mr. Wright gave misinformation as to the severity and the origin of the injury which was sustained on October 10, 2005. Not until October 11, 2005, were accusations of an assault brought to light. X-Rays, surgery and frequent check ups by physicians followed for the next few weeks.

In closing, we feel we have not only met but exceeded the responsibilities of the stewardship offered by the department. Assaults in our facilities are taken seriously and certainly are not authorized or condoned. According to policy, very good records are kept of all incidents, medical care, transfers, etc.

Sincerely,

Mike Kenney, Prisons Administrator
Prisons Divisions

DEP6992
cc: Jeff Uttecht, Superintendent/WSP
Maggie Miller-Stout, Superintendent/AHCC
Shane Loper, Environmental Specialist 5/WSP
Offender File (265472)
File

ATTACHMENT # "B:"

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STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS
WASHINGTON STATE PENITENTIARY
1313 N. 13th Avenue • Walla Walla, Washington 99362

December 21, 2007

Donald Wright # 265472
P01-LB01U
Airway Heights Corrections Center
P.O. Box 1899
Airway Heights, WA 99001-1899

Dear Mr. Wright,

This is to acknowledge receipt of your kite and Public Disclosure Request (PDR) dated December 1, 2007 which was received in this office on December 5, 2007. The request has been given the tracking number of 613-120507. In the future to avoid confusion and to expedite your request, please refer to this specific PDR tracking number on all correspondence involving this request.

You are requesting the following documentation:

1. The minutes and subject matter of weekly safety meeting at WSP sign shop
    a. Weeks of September 1, 2005 through October 15, 2005
2. Copies of ALL Safety Hazard Reports submitted in Correctional Industries at WSP June 2005 through November 2005.
3. The Material Safety Data Sheets (MSDS) for the following:
    a. The silk screen inks, 3M, and off brands
    b. The gloss clear hardener (#80) Isocyanate
    c. The silk screen "release agent"
    d. The weekly delivery invoices for solvent and inks to WSP sign shop June 2005 through December 2005.
4. The wastewater plumbing schematic for solvent and inks to WSP sign shop bldg, focusing on the rear wall 4" drain pipe (Screen washing/rinsing station)
    a. This documentation is non-discloseable. See attached DENIAL form.
5. The employee (inmate) assignment list for June 2005 through December 2005 at the screen washing/rinsing area.
6. The medical records pertaining to the skins cancer progression of I/M Mourice Moore.
    a. This documentation is non-discloseable. See attached DENIAL form.

The documentation requested concerning the above request is being identified. I will respond further to your request within ten (10) business days, on or before January 8, 2008. If an extension of time is necessary, you will be notified. Our agency charges a copy fee of twenty cents per page, plus postage. You will be notified of the copying charges once the documentation is assembled.

Respectfully,

D Tracy

Debbie Tracy
Administrative Assistant IV
Public Disclosure Coordinator

DT:slf

CC: Public Disclosure File # 613-120507

recycled paper

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COMMENT 2

December 11, 2012

Sandra Trecanni,
Washington Department of Ecology
4601 North Monore
Spokane, Washington 99205-1295

Mrs. Trecanni, recently the administration at the Washington State Penitentiary (WSP) through a memo titled TOXIC CLEANUP PROGRAM informed the prison population that there has been a Remedial Investigation and Feasibility Study of the Sudbury Road Landfill and the Washington State Penitentiary located at 1313 North 13 Street. The RI/FS were in response to concerns of possible contaminations of ground and drinking waters-a result of possible dumping of certain chemical based materials. The acknowledgement of the investigation has raised considerable for me. I have been incarcerated for nearly 20 straight years, with many of them completed at WSP. Thus I would like to know the underlining specifics of this incident and the potential for dangers to my health after years of possible continuous exposure. It was suggest that should we have questions we should contact you at this address. I would like to take you up on this opportunity. Please forgive the extensive nature of my inquiry.

The memo provided spoke of a review of the Remedial investigation and the Feasibility Study having been completed and made available to both the general public and prison population. The institution, in concert with the community are to hold a meeting regarding the conclusion of these reports on December 20, 2012. The administration has selected a few inmates to attend the meeting. My not being one of the lucky few, but having a number of questions would like to formally request a copy of both the conclusion of the Remedial Investigation and the Feasibility Study. In addition to these I would like to a complete comprehensive list of the chemicals found during the Remedial Investigation, i.e; their names, their operational

purposes, their active ingredients, and their short and long term physiological, health and environmental effects...the life expectancy of these chemicals and the potential for soil saturation and transfer over years. I would also like to know if the Department of Corrections and/or the Washington State Penitentiary has been found complicit in the dumping of these chemicals in violation of local, state and federal standards and regulations?

The memo goes on to state that certain chemicals including PCE and TCE (I would like to know the technical names and the properties of the chemicals) has been found but NO LONGER POSE A CONCERN-this implies that there once was a concern! I would like to know when and what level of concerns were once created by this exposure? I would like to know what is the function of the Sudbury Road Landfill-who owns and operates it and if this facility continues to be operational...if not, why not? The memo, while ambiguous, at best, suggest the presence of chemicals including PCE and TCE in the groundwaters "outside the exterior of the prison fence." What does this mean, exactly? How far outside of the "exterior of the prison fence", does this suggest that distance diminishes the potential for exposure and adverse effect and/or that a closer proximity increases these potentials? The memo speaks of groundwater opposed to drinking water-what is the technical difference of the two, and does this mean there has been and never could be cross contaminations, one from the other?

The Feasibility study suggest three alternative methods of cleanup for WSP. Washington State Penitentiary has selected alternative No. #1. This selection instructs that "irrigation well No. #4 and all monitoring wells would be shut down." I would like to know the operational purpose of both the irrigation and the monitoring wells before and during the investigation? Who does these wells serve? Has either of these wells ever been actively serving the community and/or the prison population? What are their relations to the contamination and possible

exposure to those they have or now serve, especially in concert with this investigation?

Mrs. Trecanni, I appreciate your making yourself available to us. I thank you for your time and service, and should you respond for your response. Happy Holidays!!!

Respectfully,

Mr. Paul Sutton 979709
Washington State Penitentiary
1313 North 13 Avenue (Fox West-214)
Walla Walla, Washington 99362

COMMENT 3

DEC 19 2012

To may whom concern: 12-13-12

I'd like to say Happy holidays & Newyears may god bless yalls

I've few concerns about D.O.C is past to conduct a remedial investigation & feasibility, is it a major health issue towers the people outside & inside? Isn't it life threating if you drinking water or eating food?

Im from Tacoma, back 96 they had same problem and their was causalteez behind contamination Being in prison you can easily get sicky. by not washing your hands, drinking behind someone else, not taking showers or clean up after self. Also Sharen tatetoo? needles getting hep C or AIDS to homo sexual acts etc,

Im OCD like hella hardcore with it, I been down since 2/27/4 been doing hard time with off & on support to loosen over 30 people close to me, to seen death 19x, also being on my since 11 or age in early 90's when shit was going down in cali to Tacoma, I got one yr left, I write books, do music and personal trainner, a going activist, and motivation speaker. I was talking to the cops, inmates, and offenders about the issue, some is ~~concerned~~ worry and some don't care about remedial, But the ones that is wanna know, we can't go to the meeting, we in super max doing programs with limitations of everything thats avible. So please let me know whats epic, and some lessons for 2013 & Thanc you for your time. A.R. Cuber

COMMENT 4

CITY OF WALLA WALLA

PUBLIC WORKS

SERVICE CENTER – 55 E. Moore Street
Walla Walla, WA 99362-1172
ADMINISTRATION 509.527.4463
ENGINEERING 509.527.4537
SANITATION 509.527.4479
LANDFILL 509.527.4591
STREETS 509.527.4363
WATER 509.527.4380
FAX 509.524.7960

January 7, 2013

Ms. Sandra Treccani
Washington State Department of Ecology
4601 North Monroe
Spokane, Washington 99205-1295

Re: Comments on:
Remedial Investigation and Feasibility Study Report
Washington State Penitentiary, Walla Walla, WA
Facility Site ID No. 779

Dear Ms. Treccani:

The City of Walla Walla, Washington (City) and geotechnical/engineering team would like to take this opportunity to comment on the Washington State Penitentiary (WSP) Remedial Investigation and Feasibility Study Report (RI/FS; Facility Site ID No. 779) dated November 2012. The comments in this letter may refer to conclusions or statements that appear in several places in the RI/FS document. Our major concerns revolve around three issues.

First, the RI/FS does not consider the plume of groundwater contamination that is documented to flow beneath City property, nor does it acknowledge the impacts to domestic drinking water supply wells located on Sudbury Road. It is documented in the RI/FS that groundwater flows from the WSP site to the west, beneath City property. Volatile organic constituents (VOCs) were first documented in City monitoring wells downgradient of the WSP and upgradient of Sudbury Road Landfill in 1993. Evidence of contamination in two domestic water supply wells located downgradient of the WSP was first documented in 2002. The domestic wells commonly referred to as the Camp and Small Wells, are located on Sudbury Road, approximately 3 miles west of the WSP site. Correspondence in 2004 between the Washington State Department of Corrections (WDOC) and the City, documents notification to the WDOC that the domestic water supply wells were impacted by VOCs. In early 2005 a meeting was conducted with the WDOC, Washington State Department of Ecology (Ecology), Walla Walla County Health Department (WWCHD), and the City, at which the off-site and domestic well contamination was discussed. Meeting notes were prepared and submitted to the group by Pam Jenkins, the WDOC representative at the meeting. These notes document the discussion and the WDOC's awareness of the groundwater contamination in the domestic water supply wells. Numerous additional communications regarding the domestic well contamination are on file at the WWCHD and Ecology offices. Most recently, the Washington State Department of Health (WDOH) studied the domestic well contamination and prepared a Health Consultation (dated July 18, 2012). None of this background information is included in the report.

Recent analytical data (available through Ecology's Environmental Information Management System) supports the conclusion that the vast majority of VOC contamination, located beneath the City's property and in the domestic supply wells, is due to releases originating on the WSP site. The ongoing

RI/FS effort being undertaken at the Sudbury Landfill has confirmed that the VOC impacts due to the landfill are localized and do not contribute in any substantial manner to the domestic well contamination. The City expects to fully support this finding in the draft RI Report due to Ecology in late 2013. The City does understand that the current contaminant levels in groundwater found at the WSP are less than Model Toxic Control Act (MTCA) cleanup levels. However, under the MTCA Statute, the WSP "site" is defined as the extent of where hazardous substances have "come to be located," not simply the extent of the plume greater than applicable cleanup levels. In this case, there is a groundwater contaminant plume originating at the WSP (over 3 miles long and 3,500 feet wide) that suggests the presence of a significant contaminant source. The RI/FS failed to include the downgradient groundwater plume as part of the WSP site—a major shortcoming in our opinion.

Second, the RI/FS did not present a credible mechanism or conceptual site model for how the VOC contamination found in multiple areas in soil at the WSP reached groundwater. We are especially concerned that one or more significant releases of VOCs may have occurred—as evidenced by the detections of tetrachloroethylene (PCE) in shallow soil (up to 12 mg/kg). These releases must have been significant if they were able to migrate down through 30 feet of silt, impact groundwater found much deeper at 80–100 feet below the ground, and then cause a plume to migrate three miles downgradient. Will these still unidentified source areas be a chronic source of VOC contamination to City property in the future? The fact that the RI/FS did not define a source or sources of releases to soil demonstrates that the RI/FS did not meet applicable MTCA criteria for completion of an RI.

Third, based on the inadequate consideration of the downgradient plume, the documented impacts to off-site domestic supply wells from releases at the WSP, and the insufficient determination of site sources; the City believes that the Feasibility Study should include groundwater as an impacted media for either cleanup or monitoring following additional source characterization. The City rejects the preferred alternative proposal to abandon the 14 site monitoring wells. The City believes that long-term groundwater monitoring is appropriate at the downgradient WSP site boundary and from the impacted domestic wells. Long-term groundwater monitoring is also necessary at the WSP site to assure that contaminant levels continue to decline as well as serve as early warning for levels should they increase.

With the aforementioned general comments we also respectfully submit the following additional comments:

Section 4.2.2 Site Hydrogeology: Simple math indicates that the hydraulic conductivity used in the flow rate calculation is too low. Using a flow rate of 35 to 140 feet/year (provided in the report), it would take 62 to 250 years for the contaminants to reach the Sudbury Landfill upgradient well MW-12.

The conceptual site model presented in Section 7 is considered incomplete because it does not address soil to groundwater contaminant transfer mechanisms that have impacted known drinking water sources. The statements regarding drinking water not being impacted on page 7-2 are contrary to the data.

Section 9.2.2, 3rd and 4th bullets: VOCs were first reported in the City wells located hydraulically downgradient of the WSP and upgradient of Sudbury Road Landfill in 1993. The contaminants in groundwater are still present in the City monitoring wells located at the WSP property boundary today.

Section 10.3.2.2 describes a landfill cap that meets chapter 173-304 WAC. The site history does not indicate that the landfill was constructed to standard design criteria or permitted under the WAC 173-304 regulation. The landfill cap design standards in the WAC 173-304 regulation is outdated and is not

protective of groundwater. The landfill cap should be designed to meet chapter 173-351 WAC design standards and should consider protection of groundwater.

SRL-9 is incorrectly located on the figures. Proper placement (approximately 1,300 feet to the north) illustrates that a much wider contaminant plume is moving off-site.

The City appreciates Ecology's consideration of the stated comments. If I can provide you with any data to assist in your evaluation or answer any questions, you may reach me at 509-524-4537.

Sincerely,

Frank Nicholson

Frank Nicholson, P.E.
City of Walla Walla

Cc: Mike Hibbler, WA Dept. of Ecology Toxics Cleanup Program Manager
Marni Solheim, WA Dept. of Ecology Sudbury RI/FS Project Manager

COMMENT 5

1-5-2013

To: Department Of Ecology
Re: RI/FS ID No. 4171 – 313 North 13th St, Walla Walla.
Att: Sandra Treccani,

I read the report. And I noted that other toxic matter, was incinerated, in the plant, listed as unknowen matter.

I was the guy, that stood behind a dump truck, pulling on the cord, that opened the coal ash dump shoot trap, untill the truck was full, I had to keep pulling on the cord.

I was not told about the methelmercury, toluene, trichlorofluoromethane, tetrachloroethylene, trichloroethylene, chloroform, antifreeze, knowen to been in the mix.

I was not provided any form of respiratory protection.

All I was, to D.O.C, et el, was a tool.

My being exposed, to life shortening substances, was of no consequence.

I lost the ability to breathe freely, lost my coordination, became spastic, had headaches, memory loss, thyroiditis, and who knows what other health issues will show up, proximately due to the other unknowen toxins in the coal ash.

Not one word was mentioned, in the report, about harm to inmates, like myself, exposed, in violation of the 14 th, amendment, against cruel and unusual punishment. Why not?

Is there a class action law suite?
May I have the lawyers address, please?
I may have seen things, that will be important to

any party involved in the adjudication of this issue.

I may be the last living eye witness, of events back in the early 1980's.

I'd like to know, if other inmates, forced to expose themselves to the ash, had the same side effects, as I.

I'm in the process of grievance proceedures, prior to seeking damages.

I'm share D.O.C., et el, knew that they were endangering me. If not, ignorance is no excuse, and changes nothing.

Thank you for your reply. Please keep me in the loop.

Sincerely

John Jinkins

#629661 - C-312

To: Agent Sandra Treccani - DoE (1 of 1)
Fr: Sperlock, Patrick K.
IMU-S/d-7 # 882513
WSP
1313 N. 13th Ave
Walla Walla, Wa 99362
Ph (509) 525-3610

re: R.I/FS

Dear Agent Treccani,

I am in Solitary here at WSP but, of course, I have no alternative than to be concerned with said R.I/FS. Prison officials have not made the R.I/FS or a copy thereof available to me, therefor I must request a copy if you have one please.

Thank You

12/16/2012

To: Dep't of Ecology - Wash. State (Wash. doc) (1 of 2)

Fr: Sperlock, Patrick K.

IMU-S/d-7 # 882513
WSP
313 N. 13th Ave
Walla Walla, Wa 99362
Ph (509) 525-3610

re: RI/FS (Suite(s) No. 779 and 4971) Objection(s)

I have not received a copy of said RI/FS;

And strongly Object to the closing of any of said "Monitoring wells" and demand that all of said Monitoring wells continue to undergo testing by the U.S. Environmental Protection Agency until it can be conclusively determined the precise nature and or [redacted] source of all toxins found;

I strongly Object to not being provided, first instance, the name of the court or other entity what issued said "Order"; (with case number or other such site info);

I strongly Object to Dep't of Corrections (DoC) being involved in the decision of how best to remedy an injury it is, in part, directly responsible for creating;

I strongly Object to the covering suggested in Alternative(s) 1 and 2 because it does not remove any of said toxins;

(2)

I strongly Object to the absolute want of any contigious-advanced medical and diagnostic examinations aimed at screening, preventing, and properly treating the contaminated parties Known and unKnown to said State agencies;

I strongly Object to not being provided with a copy of the latest Annotated-"Model Toxics Control Act" (MTCA).

ThanK You

Declaration of Mailing

The undersigned herein states and declares that on January 6 2013, He deposited the following: "[Letter]-RI/FS Objection(s)"; or a copy thereof in the internal-outgoing mail system of the "Washington State Penitentiary", sealed in a first class — "forever Pre-franKed United States Postal Service" envelope — addressed to:

c/o Sandra Treccani, Dept of Ecology for Wash. state, 4601 N. Monroe, Spokane, Wa 99205-1295. Ph(509) 329-3412; and

c/o Librarian-Whitman College (Reid Campus Ctr.), 280 Boyer Ave., Walla Walla, Wa 99362.

I Certify that the foregoing is true and correct. Dated at Walla Walla, Washington, on the 6 day of January, 2013.

ECOLOGY'S RESPONSE TO COMMENTS

1. Response to comments submitted by Donald Wright, Stafford Creek Correctional Center resident

The letter outlines concerns with potential contamination in the drinking water, surrounding soil, and groundwater near the prison. Similar comments were made by this resident during the previous comment period for the Agreed Order at this site, and were documented in the Responsiveness Summary dated January 7, 2009.

Comment 1: The commenter outlines concerns with the dumping and potential inappropriate disposal of solvents at the sign shop, and the location of the outfall from the drains in the sign shop. Also, the commenter states that he has received different answers to the ultimate destination of interior building drains.

Response 1: The Department of Ecology (Ecology) took this concern seriously when it was first presented, and did investigate the potential disposal areas near the sign shop. Soil samples were collected near the doors of buildings that used solvents to see if any contamination was present from inappropriate dumping. No contamination was found near these likely disposal sites. It is possible that contaminants were dumped there at some time, but because they turn into vapor quickly, move down through the soil, and are degraded and diluted naturally underground, there may not be any chemical remaining. If that has happened, there is no chemical remaining to cause any risk and there is nothing we can clean up. Therefore, there is no action we can take to fix that.

At the date the supposed dumping into drains occurred (2005 according to the commenter), all interior building drains went directly into the City of Walla Walla sanitary sewer system. If any chemicals were ever introduced into that system, they would be able to be treated by the City's wastewater system. The City is required to test the inflow and outflow from their treatment system; copies of those records can be requested from the City We have confirmed that in 2005, interior building drains did not connect to any holding ponds.

Comment 2: The commenter states that drinking water supplies are unsuitable for consumption and that prison employees do not drink the same water as offenders.

Response 2: All water used at the prison is supplied by the City of Walla Walla, and is the same water that all citizens of the area drink. Ecology has confirmed that prison employees only have access to the same water supplied to offenders. If bottled water is used, it is at the personal discretion of those individuals and is not mandated or recommended by prison officials. The City of Walla Walla tests their water regularly as mandated by the federal government and is tested on at least a yearly basis, as was stated in the response to the previous comment by Mr. Wright. No problems have been found with the City water supply.

Comment 3: The commenter asserts that if any contamination is present, it is not from the dry sanding of metal, but would be due to the spilling or mishandling of liquid chemicals.

Response 3: We agree. Our investigation was designed to locate any residual liquid chemicals from releases near places that used the chemicals. If liquid chemicals were dumped onto the ground, we would find a residue of these chemicals on the soil particles. That is why our sampling plan involved taking soil samples and collecting groundwater samples to see if there is any contaminant there for us to clean up. The results of our investigation indicated there were not.

Comment 4: The commenter implies that a thin soil cover will not achieve protection from polluted ground.

Response 4: The soil contamination remaining in the landfill area is generally not at the surface; it is at depths of 2 feet or greater. This means that there is already limited risk from contaminated soil, and a soil cover will provide appropriate protection. It will also be graded so that precipitation will run off the landfill area instead of collecting and leaching into the landfill area.

Comment 5: The commenter states that he feels an impermeable cover (like those placed over landfills) should be placed over any areas of contamination.

Response 5: Normally, an impermeable cover is used when precipitation or other surface water is moving through a source area and is leaching contamination into groundwater. In this situation, we don't have groundwater exceeding cleanup levels. This means that whatever may be left in the landfill from any disposal of chemicals is either already gone, or is in small enough quantities that leaching doesn't cause groundwater contamination exceeding cleanup levels. Therefore, an impermeable cover isn't needed.

2. Response to comments submitted by Paul Sutton, Washington State Penitentiary resident

Comment 1: The commenter asks for more information on the potential for health effects due to the contamination at the prison. Particular note is made of long term effects to offenders that have been in the prison for 20 years.

Response 1: The contaminants are perchloroethylene (PCE), trichloroethylene (TCE), and some metals (see the second response to Donald Wright). PCE and TCE are both solvents that can have carcinogenic effects (they can cause cancer). However, in order for these contaminants to cause cancer in a person, that person must be exposed to them. This exposure can come in different ways: breathing in vapors, breathing dust from areas of contaminated soil, touching or ingesting contaminated soil, or touching or ingesting contaminated groundwater. The groundwater under the prison is not used for any purpose, so there is no way for a person to touch or ingest it. The soil contamination is at low enough concentrations that it does not produce dangerous vapors, so there is no exposure to vapors. The soil contamination is not at the surface (it is at depths of greater than 2 feet). This means that there is no way for wind to pick up any contaminated dust. It is also outside of the secure prison perimeter in areas where people don't work, so there is no way for people to touch or ingest it. So there are no exposures to dust or contaminated soil. Additionally, the

results of our investigation showed that the levels of contaminants are too low to have any negative health effects. Therefore, since there are no exposures and the levels are too low to cause problems, there is no risk of developing cancer due to any contamination at the site, regardless of how long an offender has been in the prison.

Comment 2: The commenter requests a copy of the documents, and specifically a list of all the chemicals found during the investigation, what they were used for, their health effects, and their behavior in the environment.

Response 2: Shari Hall with DOC can coordinate access to the documents. Your request has also been submitted to Kari Johnson, our Public Disclosure Officer. The chemicals that were found during the investigation are TCE, PCE, benzo(a)pyrene, manganese, chromium, arsenic, lead, and nitrate. However, the only chemicals that exceeded health based screening levels (which means they were found at higher concentrations that could cause a health problem) are manganese, chromium, arsenic, lead, benzo(a)pyrene, and nitrate.

Chemical	General Use/Occurrence	Penitentiary Use	Health Effects	Environmental Activity
Manganese	Naturally occurring	None	Neurotoxicity	Binds to soil, can leach to groundwater
Chromium	Naturally occurring, chrome plating	None	Cancer	Binds to soil, can leach to groundwater
Arsenic	Naturally occurring, mining ores	None	Cancer, skin lesions	Binds to soil, can leach to groundwater
Lead	Naturally occurring, mining ores, leaded gasoline, bullets	Bullets in firing range	Nervous system, many internal systems, especially toxic to children	Binds to soil, can leach to groundwater
Nitrate	Naturally occurring, Fertilizers	Fertilizer (historically)	Methemoglobinemia (problems with oxygen metabolization in the bloodstream of babies)	Can easily leach to groundwater, used productively by plants
Benzo(a)pyrene	Incomplete combustion/burning of fuels (petroleum, coal, diesel exhaust) and organic compounds (wood, tobacco)	Historic coal burning generated coal ash	Cancer	Binds to soil, can leach to groundwater

Comment 3: The commenter wants to know if DOC has been found complicit in the dumping of chemicals.

Response 3: The Department of Ecology Hazardous Waste Program has documented issues with the management of hazardous waste and compliance with federal hazardous waste laws, and has issued fines. Our records indicate that these issues have been fixed and the prison is now in compliance with all hazardous waste management laws. Any dumping that may have occurred in the past was not documented or proven, and was only assumed for the purposes of our investigation.

Comment 4: The commenter wishes to know the technical names and properties of TCE and PCE.

Response 4: TCE is an abbreviation for trichloroethylene, and PCE is an abbreviation for tetrachloroethylene (also called perchloroethylene). They are both widely used solvents. PCE is largely used for dry cleaning, and TCE is most often used to clean metal parts. They both are able to dissolve oil and grease well, which is why they are used for cleaning. They are both volatile, which means they can more easily evaporate into air. They are part of a class of chemicals called "DNAPLs" which stands for dense, non-aqueous phase liquids. This means that if they enter the environment, they tend to be heavier than water and will sink to the bottom of an aquifer if present in high enough concentrations. At our site, they are not in high enough concentrations for this to occur. They dissolve in groundwater and are carried downgradient.

Comment 5: The commenter notes that Ecology has stated that these chemicals "no longer pose a concern" and wishes to know the meaning of this phrase as it implies that chemicals were in fact a concern at one time.

Response 5: Ecology has used this phrase to simplify a more complicated concept, which will be explained here. The EPA does laboratory studies to determine the toxicological properties of chemicals. Ecology uses this toxicological information developed by the EPA to determine what levels of chemicals are health threats to humans. These levels are called cleanup levels. The EPA is constantly reevaluating chemicals and sometimes this toxicological information changes. When Ecology first started working on this site, the cleanup levels for TCE and PCE were lower, and their concentrations in groundwater exceeded those cleanup levels. That is why we performed the Remedial Investigation. However, during our investigation, the EPA released new toxicological values which caused us to recalculate our cleanup levels. As a result, the cleanup levels increased and the concentrations in groundwater under the prison no longer exceeded those levels. This meant that the chemicals in groundwater "no longer pose a concern" and will not require a cleanup. Please keep in mind the response to your first comment; there has to be an exposure for there to be a health concern, regardless of the chemical concentration, and at this site we have no exposures to offenders.

Comment 6: The commenter asks for the function of Sudbury Road Landfill, including the owner, operator, and current status.

Response 6: Sudbury Road Landfill is the municipal solid waste landfill for the City of Walla Walla. It is owned and operated by the City of Walla Walla, and is still open and functional.

Comment 7: The commenter notes that Ecology's information suggests that the groundwater outside of the prison is affected by TCE and PCE, and asks for further information about that, including distances and any effects of distance on TCE and PCE.

Response 7: The investigation sampled groundwater both upgradient and downgradient of the prison, because historic information suggested that TCE and PCE had moved off the prison property. As discussed in our fifth response to you, we found that the concentrations of TCE and PCE didn't exceed our cleanup levels. We don't know exactly how far downgradient the chemicals may be, but similar chemicals are found at the Sudbury Road Landfill. Additional tests would need to be performed to determine the exact source. Our groundwater investigation ended at the western property boundary of the prison. So although chemicals were present in groundwater off the prison property, they were below cleanup levels. Therefore, our investigation didn't need to go beyond the property boundary and none of the groundwater will need cleanup.

The commenter is correct that distance does diminish the effects of these chemicals. As these chemicals travel downgradient in groundwater, they are diluted and broken down naturally by bacteria in the soil. Because of this, the concentrations often decrease the further the chemical moves from the source. Exposure here would not change downgradient because all concentrations everywhere in the plume of contaminated groundwater are below cleanup levels.

Comment 8: The commenter notes a differentiation between drinking water and groundwater, and asks for further clarification on contaminant movement in these waters.

Response 8: In many places in the country, groundwater is used as a drinking water supply. However, at this site, the groundwater that has contamination is not the drinking water supply for offenders. The prison receives its water from the City of Walla Walla, and the wells that supply the City's water use a much deeper aquifer than the one with contamination. This deeper water is protected by a 200 foot thick clay layer that prevents contamination in the shallow aquifer from affecting the deeper aquifer. So at this site, the contaminated groundwater we talk about is not your drinking water. Please see the response to the second comment by Donald Wright for more information.

Comment 9: The commenter asks for the operational purpose of the irrigation well and monitoring wells before and after the investigation, including who the wells serve, if they've ever served the community or prison, and their relationship to the contamination and potential exposure.

Response 9: The irrigation well previously provide irrigation water for the prison when they grew crops in the fields surrounding the prison. This well is very deep and uses the deeper

aquifer that was referenced in your comment 8, so it has never been contaminated. It is not currently used for any purpose and has no relationship to our investigation. The monitoring wells were specifically installed for our investigation in the shallow aquifer at locations selected by Ecology. Their purpose was to see if contamination was present and at what concentrations, and to help define how big any contamination plume might be. The irrigation and monitoring wells have never been used as a drinking water source at any time by anyone. Therefore, there is no potential contaminant exposure to humans.

3. Response to Comment from James Suber, Washington State Penitentiary resident

Comment 1: The commenter wishes to know if the contamination represents a health threat to people inside or outside the prison, and if it affects drinking water or food.

Response 1: The chemicals don't pose a risk to people inside or outside the prison, nor do they affect drinking water or food. Please see the second response to Donald Wright, and the first, fifth, seventh, and eighth responses to Paul Sutton for more detailed explanations.

4. Response to Comment from Frank Nicholson, City of Walla Walla

Comment 1: The commenter does not feel that the RIFS considers the plume of contamination that is documented to flow beneath City property.

Response 1: The RIFS is designed to characterize all media that exceed cleanup levels, so that appropriate remedial actions can be developed to eliminate risk from media exceeding cleanup levels. Characterization of contamination that is below cleanup levels is not within the scope of MTCA and does not contribute towards that purpose. Since our investigation did not find contaminants exceeding cleanup levels at the property boundary, an investigation beyond that was not necessary.

Comment 2: The commenter feels the RIFS has not documented impacts to domestic drinking water supply wells located on Sudbury Road.

Response 2: There are no known impacts to domestic drinking water supply wells. The health-based cleanup level for PCE is 5 ppb and for TCE is 4 ppb. According to the data we have access to for all three domestic wells (Camp, Small, and Kinman; June 2002 through October 2012), TCE has never been detected above cleanup levels, and the maximum detected concentration of PCE is 1.4 ppb in the Small well. All concentrations are well below cleanup levels.

Comment 3: The commenter notes that background information such as discussions on domestic wells and meeting notes between the City of Walla Walla, DOC, and Ecology, and reports by the Department of Health have not been included in the RIFS.

Response 3: Please see the response to comment 2. Since domestic wells do not exceed cleanup levels, there is no need to address any of the historic communications centering on those wells. We were not aware of the Health Consultation dated July 18, 2012. Upon

receiving your comment, we requested and reviewed that document; it arrives at this conclusion: "DOH concludes that using groundwater from private wells near the Sudbury Road [Landfill] for drinking, showering, bathing, and cooking is not expected to harm people's health." The toxicological information used in that health consult is the same used by Ecology to develop cleanup levels.

Comment 4: The commenter states that recent data shows that the "vast majority" of VOC contamination beneath the City property and in domestic wells is due to releases at the prison property, and that the Sudbury Landfill RIFS (not yet released) will show that VOC impacts from Sudbury Road are localized and do not affect the domestic wells.

Response 4: Current data does not support this statement. Ecology is unable to use any conclusions from nor reference a document that does not yet exist. Please refer to Response 2 for the discussion on domestic wells.

Comment 5: The commenter notes that despite lower-than-cleanup level concentrations in groundwater, MTCA defines a site as anywhere that hazardous substances have come to be located; therefore, the RIFS should have included the "downgradient groundwater plume" as part of the site.

Response 5: The referenced definition of a "site" or "facility" under MTCA is correct. However, Ecology is unclear how including a below-cleanup-level plume beyond the Penitentiary property boundary affects the investigation, feasibility study, or determination of appropriate cleanup options. Ecology will not require a remedial action for contamination below the cleanup level. All detected concentrations of VOCs at the prison are below cleanup levels; therefore, no cleanup of groundwater is required. Additional explanation can be found in the response to Paul Sutton's seventh comment.

Comment 6: The commenter states that the RIFS did not present a credible mechanism or conceptual site model for the source of VOC contamination in groundwater, and that it failed to address any unidentified VOC source areas which they state is a violation of MTCA.

Response 6: The remedial investigation was based on a work plan that included an evaluation of the history of the facility. Interviews were conducted with employees who have a long history of employment at the prison; historical records were reviewed on building uses, timeframes, and types of chemicals used; and soil sampling and well locations were selected based on the outcome of the historical research. This remedial investigation, like all those performed under an agreed order, attempted to locate any possible source(s) and quantify them. This is in full compliance with MTCA. However, depending on the time frame of the source and the nature of the chemicals used, the outcome may be that sources no longer exist. Failing to find an existing source for contamination does not invalidate the RIFS. The conceptual site model will be modified to include a better explanation of the information provided in this response.

Comment 7: The commenter feels that the Feasibility Study needs to include groundwater as an impacted media that needs to be cleaned up or monitored following additional source characterization.

Response 7: Groundwater contamination does not exceed cleanup levels; therefore, groundwater is not an impacted media. See the response to comment 5.

Comment 8: The commenter rejects the proposed abandonment of all prison monitoring wells, and further states that long term groundwater monitoring should continue.

Response 8: Please see the responses to comments 5 and 7. Groundwater is not contaminated, and suspected soil sources are no longer present or present in low enough concentrations that groundwater is not impacted. Therefore, Ecology cannot mandate that monitoring wells be retained or require continued groundwater monitoring.

Comment 9: The commenter questions the values for groundwater flow rates used in the RIFS, and suggests that a faster rate would be appropriate.

Response 9: The RIFS uses two pieces of information to calculate groundwater flow rates: hydraulic gradients from groundwater monitoring events measured during the RIFS, and hydraulic conductivities measured by slug tests at four site wells in 1998. Slug testing is an acceptable means for estimating hydraulic conductivity, so there was no reason not to use the data or to estimate hydraulic conductivity through other means. If the commenter has access to other measured hydraulic conductivity estimates for the prison site, we did not have access to that data. The flow rates calculated for this RIFS are acceptable. If they are indeed low, that only means that contaminants from the prison site moved through the groundwater even faster, and lends credence to the argument that the source has long been expended and there is no reason to continue any monitoring at the site.

Comment 10: The commenter believes the conceptual site model is incomplete because it does not address contamination of drinking water sources.

Response 10: Please refer to the response to comment 2.

Comment 11: The commenter suggests a correction to the dates when VOC contamination was first reported in City wells.

Response 11: The information will be corrected.

Comment 12: The commenter feels that the prison landfill cover, currently compliant with Ch. 173-304 WAC, should be designed in compliance with Ch. 173-351 WAC.

Response 12: As the City is aware of from the Tausick Way landfill, the regulation in place at the time the landfill stopped receiving waste is the applicable regulation. Unless wastes are moved or disturbed, Ch. 173-304 WAC applies.

Comment 13: The commenter notes that Sudbury Road Landfill well 9 is incorrectly located on maps within the RIFS.

Response 13: The maps will be corrected to reflect this.

5. Response to Comment from John Tinkham, Monroe Correctional Complex resident

Comment 1: The commenter expresses concerns with the health effects of direct contact with and exposure to coal ash, and lists numerous contaminants that are claimed to be part of the coal ash mixture.

Response 1: The prison relied on coal for powering their boiler through the mid-1980s. Coal ash is the residue produced when coal is burned. Its composition varies depending on the type and source of the coal that is used, but almost all coal ash contains various quantities of metals, dioxins, and polycyclic aromatic hydrocarbons (PAHs). Metals are naturally-occurring in the coal, but do not burn, so they remain in the ash after burning. Dioxins and PAHs are created when organic matter is burned. Most of the contaminants the commenter has listed are not present in coal ash, including toluene, trichlorofluoromethane, tetrachloroethylene, trichloroethylene, chloroform, and antifreeze. Mercury is commonly present in coal ash, and methyl mercury can be formed by the combustion of coal containing mercury. To the best of our knowledge, coal ash generated at the prison was never mixed with any other wastes. It is impossible to know the exact composition of coal ash produced at the prison without having samples of the ash, or without knowledge of the source of the coal. The health effects of working with coal ash are addressed in the next comment.

Comment 2: The commenter has concerns about health effects due to exposure in the work force, and wonders why these issues weren't a part of the RIFS. Also, information is requested on any pending lawsuits and names of lawyers.

Response 2: Our investigation was solely intended to determine if there were any releases to the environment from current and past use of hazardous substances, not to evaluate any on-the-job exposures. These issues are handled internally at the prison by the Health and Safety Officer, and external to the prison by the Department of Labor and Industries. Their job is to ensure that workers are not exposed on-the-job, and are provided protective equipment. Our RIFS does not include any of that information because it was not part of the scope of our project. Ecology is not aware of any pending lawsuits or legal actions, but we wouldn't have any knowledge of or involvement in them if they did exist.

Comment 3: The commenter wants to know if any other inmates were exposed to coal ash and if they've had any negative health effects.

Response 3: As explained in the second response, Ecology does not have any involvement with potential on-the-job exposures to hazardous chemicals used in industry. Our work only addresses effects of hazardous substances that are present in the environment, such as from releases to soil or groundwater. We have no knowledge of any other inmate exposures.

6. Response to Comment from Patrick Spurlock, Washington State Penitentiary resident

Comment 1: The commenter objects to the fact that he has not received the RIFS.

Response 1: The commenter's first statement that he has not received the RIFS was passed along to the appropriate DOC employee. However, due to a number of security situations occurring at the prison, the DOC had not been able to fulfill the request. Upon receiving your second request, the DOC was again informed of the request. DOC will respond to your request in a manner consistent with their guidance and policies.

Comment 2: The commenter strongly objects to the decommissioning of any monitoring wells, and demands that all existing wells undergo testing by the EPA until the precise nature and source of toxins can be found.

Response 2: Ecology has monitored all existing site wells for two full years, and other than one slight exceedance of the cleanup level for PCE, the groundwater has been below any levels of health concern. Under WAC 173-340-720 of the Model Toxics Control Act, groundwater is monitored to determine compliance with cleanup levels. Each well is monitored until either the upper percentile concentration or the true mean concentration is below cleanup levels, provided that no single sample concentration is greater than two times the cleanup level and that less than 10% of the sample concentrations during a representative sampling period exceed the cleanup level. If all of the above is true, then the well is considered to not be contaminated and the well can be decommissioned. At this site, all of the above is true for all the wells on the prison property. Therefore, they can be decommissioned.

EPA has no involvement at this site, so they have no plans to perform any sampling. At sites without any EPA involvement, the State has the authority to conduct the investigation. The investigation that is currently taking place is under State of Washington (Department of Ecology) authority, and is fully compliant with the Model Toxics Control Act. Based on Ecology's understanding of the time frame, use, and potential disposal of PCE and TCE at the prison, we feel an appropriate investigation has been performed to attempt to identify any remaining sources of contamination. No residual sources of contamination were discovered except for the landfill area outside of the secure prison perimeter. Therefore, we feel that the sources of "toxins" have been found.

Comment 3: The commenter objects to not being provided the name of the court that issued the "order."

Response 3: Ecology assumes that the "order" being referred to is the Agreed Order that required DOC to complete this remedial investigation. The Agreed Order is not a document that is filed with a court. Public notice and opportunity to comment on that document was provided to all offenders within the correctional system at the time the document was negotiated. Fact sheets were distributed to all prisons in the same manner as the current fact sheet discussing the results of the Remedial Investigation. A copy of that fact sheet is provided at the end of this document.

Comment 4: The commenter objects to DOC being involved in the decision of how to "remedy an injury" that it is responsible for creating.

Response 4: The Model Toxics Control Act requires that the State determine the potentially liable person or persons for a site, and that the responsible party be responsible for the investigation and cleanup of that contamination. The Department of Ecology oversees every element of that work, to ensure that it is in compliance with the Model Toxics Control Act, that the investigation is conducted property and that the best remedial action is taken. The determination of the final cleanup action will be a decision made by Ecology. This process is exactly the same regardless of who caused the contamination; private parties and companies are subject to the exact same rules that the DOC is subject to for this site.

Comment 5: The commenter objects to the cover alternatives provided in Alternatives 1 and 2 because they do not remove any toxins.

Response 5: WAC 173-340-360 provides guidance on the requirements for cleanup actions. At this site, we only have soil contamination, so our cleanup action needs to only address the contaminated soil at the landfill. Cleanup actions must: 1) protect human health and the environment; 2) comply with cleanup standards; 3) comply with applicable state and federal laws; and 4) provide for compliance monitoring (if necessary). Additionally, actions must use permanent solutions to the maximum extent practicable, provide for a reasonable restoration time frame, and consider public concerns. Cleanup actions also shall prevent or minimize present and future releases and migration of hazardous substances in the environment, and shall not rely on dilution and dispersion. A cap over residual contaminated soil achieves all these things.

WAC 173-340-370 provides some additional guidance for cleanup actions. Of relevance to our site are two items:
1) *The department recognizes the need to use engineering controls, such as containment, for sites or portions of sites that contain large volumes of materials with relatively low levels of hazardous substances where treatment is impracticable.* A cover would be appropriate here since we have a large volume of material in the landfill, and our sampling has shown that low levels of contamination exist.
2) *In order to minimize the potential for migration of hazardous substances, the department expects that active measures will be taken to prevent precipitation and subsequent runoff from coming into contact with contaminated soils and waste materials.* Both cover designs involve surface grading to enhance precipitation runoff and minimize the infiltration of precipitation into the landfill.

Given all the appropriate requirements of our law, a cover system is completely acceptable at this site. Installation of a cover over contaminated soil is commonly applied at many contaminated sites. It eliminates the main risk, which is direct contact with contaminated soils by people, plants, or animals.

Comment 6: The commenter objects to the lack of medical testing, screening, or treatment of "contaminated parties."

Response 6: Ecology refers the commenter to the first comment by Paul Sutton, which discusses exposure and risk. There is no exposure to contaminated soil, vapor, or groundwater at this site. Without exposure, there is no health risk from the contamination. With no risk, there is no need to perform any medical testing or screening, or provide any treatment.

Comment 7: The commenter objects to not being provided with a copy of the Model Toxics Control Act.

Response 7: Ecology understands that offenders have limited access to documents and have no access to the internet except for legal purposes. However, our understanding is that this document can be requested from your legal library. The appropriate reference for your request would be Chapter 173-340 WAC. DOC will respond to your request in a manner consistent with their guidance and policies.

Other Document Changes:

After publication of the Draft RIFS document, an error was discovered in Table 6. The table shows a result of 140 mg/kg for a soil sample collected at MW-10 at a depth of 6 feet, which is an exceedance of the soil cleanup level. This location was not actually tested for gasoline when it should have been. There is no gasoline result for this sample. The Feasibility Study developed a remedy that included a cap over the soil near the Capitol Projects Building, where the MW-10 sample was located. Since we can't confirm whether or not gasoline exceeds a cleanup level here, Ecology will assume the area has gasoline contamination unless proven otherwise in the future. The area near the Capitol Projects Building will receive a soil remedy as proposed in this RIFS.

DEPARTMENT OF ECOLOGY State of Washington

Washington State Department of Corrections
Washington State Penitentiary Site

Toxics Cleanup Program **November 2008**

Public Invited to Review and Comment on Documents and Attend Meeting

Investigation of Chemicals in Soil and Groundwater Proposed

- The Washington State Department of Ecology plans to enter into an Agreed Order with the Washington State Department of Corrections to conduct a Remedial Investigation and Feasibility Study (RI/FS) at the Washington State Penitentiary site. The site is located at 1313 North 13th Street, in the city of Walla Walla, Washington.
- Chemicals called volatile organic compounds (VOCs) have been identified in groundwater upgradient of the Sudbury Road landfill outside the prison perimeter fences.
- The City of Walla Walla has not found these chemicals in the drinking water that supplies the community and the prison.

Penitentiary Overview

The Penitentiary is situated on 540 acres in a primarily rural area. The facility began operating in 1887 and today houses 2,164 offenders. The Penitentiary provides jobs for 1,285 staff as well as various services to the state of Washington through Correctional Industries. Some of the services include building and refinishing furniture, making license plates for the state, farming, and garment production.

Agreed Order Requirements

The Agreed Order is a legal document issued by Ecology that formalizes the agreement between Ecology and Corrections. The

Comments Accepted

November 19 through December 22, 2008

Para asistencia en Español
360/454-4174

Если вам нужно помощь по русский, звоните 509/477-3881

若需中文翻譯: (360) 407-6956

Liên hệ bằng tiếng Việt, xin liên lạc
360/407-6948

Submit Comments and Technical Questions to Sandra Treccani
WA Department of Ecology
4601 North Monroe
Spokane WA 99205-1295
509/329-3412 satr461@ecy.wa.gov

Public Involvement Questions
Carol Bergin, WA Department of Ecology
509/329-3546 cabe461@ecy.wa.gov

Document Review Locations

WA Department of Corrections Library, 1313 North 13th Street
Walla Walla, WA and 15 Additional Corrections Libraries throughout Washington (See the Public Participation Plan for a full listing)

WA Department of Ecology
4601 North Monroe
Spokane, WA 99205-1295
Call Roger Johnson 509/454-7658

Walla Walla Public Library
238 East Alder Street
Walla Walla WA 99362

Ecology's Toxics Cleanup Website
http://www.ecy.wa.gov/programs/tcp sites/state/pen_hp.htm
Facility Site ID No. 779

Publication Number: 08-09-027

Order requires Corrections to conduct the Remedial Investigation and Feasibility Study. The purpose of the Remedial Investigation is to gather more information to determine where and how much contamination may be in soil and groundwater at the site. The purpose of the Feasibility Study is to evaluate cleanup alternatives.

Chemicals Discovered

Some chemicals historically used for a variety of services at the penitentiary may have been disposed of in a landfill outside of the penitentiary perimeter fences. Many of these chemicals were necessary to carry out services such as furniture refinishing and repair, license plate manufacturing, dry cleaning, motor pool maintenance, metal working and welding, photo processing, sign manufacturing, and medical and dental labs. The Remedial Investigation and Feasibility Study will provide more information about what chemicals are present, the sources, and where they are located.

Meetings Planned and Public Comments Invited

You are invited to:

- **Review** the Agreed Order and the associated documents which include a Scope of Work and a Public Participation Plan. The Scope of Work outlines details of work to be completed. The Public Participation Plan outlines the ways Ecology and Corrections will involve and inform the public about the site cleanup.
- **Send** your comments to Ecology for consideration. *Comments will be accepted November 19 through December 22, 2008.* See the shaded box on page one for details about where to review documents and submit comments
- **Attend** a meeting about the proposed Agreed Order and have an opportunity to ask questions.

Meetings are planned for the community and at the prison for staff and offenders. **The *community public meeting* will be held on November 19, 2008 from 7-9 p.m. at the Walla Walla Housing Authority, 501 Cayuse in Walla Walla. A Spanish interpreter will be available.**

A meeting for *penitentiary staff* will be held on November 19, 2008 at 1:00 p.m. in the West Complex Visiting Room.

A meeting for *penitentiary Offender Communication Liaisons (OCLs)* will be held November 20, 2008 at 1:00 p.m. in the West Complex Visiting Room. If offenders have questions, they may give them to the OCLs to ask at the meeting, and the OCLs will bring the information back to the offenders.

Why This Cleanup Matters

- Chemicals currently identified at the site are called volatile organic compounds (VOCs) and petroleum based solvents. These chemicals exceed state standards and are harmful to human health and the environment.
- The Remedial Investigation and Feasibility Study provide Ecology necessary information to select the best cleanup method for the site.
- Cleanup will improve protection for human health and the environment.

What Happens Next?

Ecology will review and consider all comments that have been **received by December 22, 2008.** The Agreed Order, Scope of Work, and Public Participation Plan may be modified based upon public comments. As the investigation moves forward and new documents are developed, the public will be notified of additional comment periods.

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If you need this publication in an alternative format, call Carol Bergin at 509/329-3546. Persons with hearing loss, call 711 for Washington Relay Service. Persons with speech disability call 877-833-6341