

RESPONSIVENESS SUMMARY OF PUBLIC COMMENTS

Hytec Littlerock Cleanup Site

Agreed Order No. 2888

Remedial Investigation and Feasibility Study of

Soil and Groundwater

The public comment period for the Hytec Littlerock Agreed Order ended on December 30, 2005, but was extended to February 1 for a small number of residents who do not receive mail at their residence. These residents received hand-delivered notices on January 16.

Each comment received by the Washington Department of Ecology (Ecology) is summarized below with Ecology's response. If you have questions about the comments or Ecology's response, please contact:

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Comment 1: Mr. David Riggs

Mr. Riggs's property is at 13241 Marksman Road SW, adjacent to the Hytec Littlerock site. Mr. Riggs wrote "my wife and I have two small children and we use groundwater as a drinking water source. I hope that the contaminants will be removed properly and they will not be dispersed and distributed during excavation." Mr. Riggs also stated he was glad that the known facts have been made public and he would have liked to have known the condition of the Hytec Littlerock site before he bought his property in 2002.

Mr. Riggs requested Ecology keep him informed of developments regarding the site investigation and cleanup. Mr. Riggs will be testing his well water and soil on his property and he expects if soil and groundwater results show contamination, the Lufkins will be held liable.

Response: Thank you for your comments. The first step in our cleanup process is to complete an investigation of the soil and groundwater at the Hytec Littlerock site as described in the Agreed Order (AO). This will provide important information on the extent of soil and groundwater contamination on the Hytec Littlerock properties and/or if the contamination has traveled off the Hytec Littlerock properties. We have required the Lufkins and Hytec Inc. to perform a groundwater study, which includes locations of public and private wells and the groundwater quality within one mile of the Hytec Littlerock site.

The investigation and cleanup process is a step-by-step process and, as we gain more information about the soil and groundwater, we will have more certainty about whether the pollution has traveled to neighboring properties. We will notify neighboring properties immediately if there is a health concern with drinking water.

If property owners choose to immediately sample their own wells, Ecology would very much like to be informed of the results.

The public will be kept informed on soil and groundwater results and the proposed cleanup for the site. How the public will be kept informed is described in the Public Participation Plan for the site. The plan is available on the Hytec Littlerock website:
www.ecy.wa.gov/programs/tcp/sites/hytec/hytec_hp.html.

You may view a copy of the plan at the Tumwater Timberland Regional Library or you may request a copy from Cedar Bouta, Public Involvement Coordinator, at 360-407-6245 (phone) or cebo461@ecy.wa.gov (e-mail).

The public should contact Mohsen Kourehdar at 360-4070-6256 (phone) or mkou461@ecy.wa.gov (e-mail) to get the latest information on investigation results and cleanup.

Comment 2: Mr. Earl Emerson

Mr. Emerson stated that he was happy that Ecology is doing “something about this site” and in 1968, while hunting/hiking on Capitol Forest, he remembers he saw “fiberglass pieces and plastic jugs with a pink liquid residue in them”. He also said he saw “solvent’ written on the drums” and he was always worried that the waste “would contaminate the groundwater in the area and nobody cared at that time in history.”

Mr. Emerson wrote that he mentioned these facts to Kahle Jennings of Ecology in the early 1990s. Mr. Emerson is a member of the Chehalis River Council and the Citizens Advisory Committee of the Chehalis Basin Partnership.

Mr. Emerson asked if anything is going to happen “to that old landfill on Littlerock Rd, near the DOT’s gravel pit.”

Response: Thank you for your comments. Your historic and eyewitness information is very useful. To get information on the old landfill near the DOT’s gravel pit, please contact Gerald Tousley at the Thurston County Health Department. His phone number is 360- 754-4111.

Comment 3: Ms. Connie Zagelow, representing the Bordeaux Ranch Homeowners Association Ms. Zagelow wrote that the landfill is a serious concern to homeowners and residents of the area. “What is the potential for contamination to our drinking water? As you know, we are all on privately owned wells.”

Response: Thank you for your comments. We appreciate hearing of your concerns.

The first step in our process is to complete an investigation of soil and groundwater as described in the Agreed Order. This will provide information on the extent of soil and groundwater contamination at the properties and/or if the contaminants have traveled off the properties. The Agreed Order requires the Lufkins and Hytec Inc. to perform a groundwater study which includes locations of public and private wells and the groundwater quality within one mile of the site.

We will share the results of these studies with you and others living in the area.

Comment 4: Mr. Tom Koester

Mr. Koester stated that he worked for Hytec, Inc. for six months when he was a teenager. He saw fiberglass waste and drums placed on the property. He stated that the trenches were 20 to 40 feet deep, drums were land filled, and the fiberglass waste was deposited on the top of the drums.

Response: Thank you for your comments. Your historic and eyewitness information is very useful. The Agreed Order requires the Lufkins and Hytec Inc. to search for buried drums and fiberglass waste by geophysical methods and trenches will also be dug to search for fiberglass waste and drums.

Comment 5: Mr. Mike Jones

Mr. Jones e-mailed that he has lived in the area for 26 years. He stated that the cleanup area (the site) "was an old dump site for the town of Bordeaux," and this may be contributing to the problems at the site. Mr. Jones also stated that since 1979, "I saw almost no one there" and he has offered to help.

Response: Thank you for your comments and offer of assistance. Your historic and eyewitness information is very useful.

Comment 6: Anonymous

An "anonymous" person provided a four page letter of comments. Their comments are summarized below along with a response to each comment.

Comment 6A: "Ecology should follow the law and perform their own initial investigation and re-rank the site before they sign the Agreed Order (AO)."

Response: At this point, re-ranking the site would delay the cleanup of the site. We know there are environmental problems, we want to make sure that human health, and the environment is protected. The AO allows us to immediately move forward with a complete investigation and develop alternatives for site cleanup. With the AO in place, Ecology can require "interim" cleanup actions to address contamination that poses an immediate human health threat.

The AO requires a complete investigation of soil and groundwater in accordance with the Model Toxics Control Act (MTCA), Chapter 70.105D RCW and Cleanup Regulation, Chapter 173-340 WAC. Ecology will provide oversight during every step of the investigation to ensure thorough and quality work is done consistent with state law.

Comment 6B: "It is a concern that Ecology, after two and half years, has not required Mr. Lufkin to produce all reports and information on the alleged investigation Mr. Stemen has produced."

Response: Mr. Lufkin did not provide the data to Ecology. Mr. Stemen (Mr. Lufkin's consultant at one point in time) provided the data to Ecology when the site was still in the Voluntary Cleanup Program. Mr. Lufkin has not offered any other data and Ecology can not require landowners to do so under the Voluntary Cleanup Program.

Now that the site is no longer part of Voluntary Cleanup Program and an AO is in place, all data related to the site will be available to Ecology and to the public.

Please see Response to 6G for more details.

Comment 6C: "Ecology should be looking out for the community's best interest not Mr. Lufkin or Hytec's. It is written; in the fact sheet, that Ecology did a walkthrough of the site. I can't see how a walkthrough of the site qualifies as an investigation. Ecology should perform an investigation to determine the extent of contamination at the site and threat to the community at this site."

Response: By signing an AO with the Lufkins and Hytec, Inc., Ecology will monitor, review, and approve all investigative and cleanup work. This ensures identification of the full problem at the site and prompt elimination of any threat to the community. Ecology's site managers usually perform a walkthrough of sites to familiarize themselves with the actual layout of the site. Ecology will ensure that this site is investigated and cleaned up in accordance with MTCA, Chapter 70.105D RCW and Cleanup Regulation, Chapter 173-340 WAC.

Comment 6D: In the AO, Ecology discusses the alleged investigation to a greater extent than the information in the Site Hazard Assessment (SHA). Ecology "failed to mention that the reason for the SHA was because the residents of the Littlerock area were concerned that the Hytec site was contaminating their water".

Response: If the AO implies that the walkthrough had more importance than the SHA result, it is inadvertent. Ecology has looked at all the data available from the site, including the historical information regarding the site, the available data from the SHA, Mr. Stemen's soil and groundwater data, and our walkthrough of the site.

Comment 6E: Map of the site was not posted on Ecology's internet site.

Response: Thank you for bringing this to our attention. The site map is now posted on Ecology's website. The website address is www.ecy.wa.gov/programs/tcp/sites/hytec/hytec_hp.html

Comment 6F: "We hope Ecology staff does not think the SHA in 1990 is sufficient."

Response: SHAs are performed to provide preliminary information about a site. In this case, the limited SHA study has shown there are volatile compounds in the soil and buried drums at the site. Through the AO, the whole site will be more completely investigated in accordance with MTCA.

Comment 6G: The information obtained during the Voluntary Cleanup Program should be reported to Ecology within 90 days. See "Ecology's Focus Sheet No. 94-129 Revised May 2001 PG5."

Response: Mr. Stemen submitted the data after disagreement with Mr. Lufkin. The data Mr. Stemen submitted did not have an accompanying report. Therefore, validity of this data can be questioned due to lack of any sampling analysis plan or quality control/quality assurance plan. In addition, the Voluntary Cleanup Program is voluntary. Any applicant can withdraw their application at any time and not submit any data to Ecology. In this case, Ecology decided not to accept the Lufkins' second Voluntary Cleanup Program application and to have an AO with the Lufkins and Hytec Inc. to have better control over the investigation and cleanup process.

Comment 6H: "A local public agency employee told me that some of the chemical substances listed in the Mr. Stemen's report are Carcinogenic. Ecology chooses to be selective in the AO and did not present all the available information to the public."

The "anonymous" commenter believes that Ecology failed to inform the public of the potential presence of Carcinogenic chemicals to limit the number of people that would comment on it. Ecology also chooses to highlight the presence of household waste.

Ecology put the comment period in December, during the holidays "when many people are traveling or have many other things are on their mind."

Response: At this time, Ecology has limited information about this site and related human health concerns. Ecology is committed to protecting human and environmental health. The investigation required by the AO will provide the information necessary to identify any specific human health risks. Ecology will notify the public if an immediate health concern exists and what actions should be taken.

Ecology works with the Washington Department of Health on assessing the actual risk to human health at sites such as this, and will call upon their expertise if necessary. We also will work with the Thurston County Health Department as appropriate.

During Ecology's walkthrough, we observed some household waste. Ecology wanted to provide this information in the AO to the public.

The comment period was from November 28 to December 30, 2005. We added three extra days to the normal 30 day comment period to allow for the holidays. Having public comment periods span holidays is not ideal; however, negotiations with the Lufkins and Hytec Inc. were complete and we did not want to delay the investigation and cleanup any more than necessary.

Comment 6I: The commenter feels that Ecology is not serving the public's best interest if it signs an AO without providing the public the most detailed information. "Mr. Lufkin and Hytec, Inc. have delayed the investigation/cleanup for 15 years. The public can wait longer to obtain this important information."

Response: Please see Responses to 6B and 6G.

Comment 6J: "It is waste of money to re-investigate the site unless Mr. Lufkin was not pleased with the results of the investigation by Mr. Stemen."

Response: At the present time, based on the SHA and Mr. Stemen's investigation, there is limited data for the soil and groundwater at the site. It is a goal of the AO to get comprehensive soil and groundwater data and design a cleanup based on accurate information.

Comment 6K: It is disturbing to the commenter that there is no interagency agreement between Ecology and Thurston County. The commenter wrote "MTCA states there should be."

Response: WAC 173-340-130 of MTCA (7) discusses interagency coordination. Ecology works very closely with county health departments regarding contaminated sites and provides funds to some counties for SHAs. Ecology keeps the Thurston County Health Department informed concerning various issues at the site as stated in WAC 173-340-130 (7) of MTCA.

Comment 6L: The commenter is puzzled that Ecology staff would walk the site after investigations took place on the property.

Response: The work performed by Mr. Stemen was performed under the Voluntary Cleanup Program (VCP). The VCP is voluntary and the consultant or property owner does not have to inform Ecology of the time of the investigation. Mr. Stemen excavated some areas and took groundwater samples from the active wells on the site. The locations of soil samples are not known.

After the walkthrough, Ecology decided that this site should be a formal site. This means Ecology will be involved in every step of the investigation and cleanup and can ensure that accurate and comprehensive information is available to make good cleanup decisions.

Comment 6M: The anonymous commenter stated that an engineer should oversee the entire project during all phases of this project. A geologist or hydrogeologist is qualified to perform studies of all soils and waters but has no place "overseeing the structural issues in demolishing a landfill with houses nearby."

Response: Section E (Performance) of the AO requires that all work be "under the direction and supervision, as necessary, of a licensed professional engineer or licensed hydrogeologist, or equivalent as approved by Ecology, with experience and expertise in hazardous waste site investigation and cleanup." The parties liable for the cleanup (called Potentially Liable Parties, PLPs) are required to notify Ecology in writing of such engineer(s), or hydrogeologist(s), or others, and of any contractors and subcontractors to be used in carrying out the terms of the AO, in advance of their involvement at the site.

Ecology's site manager is a professional engineer assisted by a licensed geologist. In addition, the Toxics Cleanup Program's Southwest Regional Office is comprised of many professional engineers and licensed hydrogeologists and geologists. These staff will provide support for this project as needed.

Comment 6N: "The AO "states that, among other things, the justification for rejection of the second VCP application was that the property had been zoned as single family homes. According to Thurston County, there have not been any zoning changes between September 2003 and April 2004. Ecology's decision must have relied heavily upon the unstated other things."

Response: The major reason Lufkins' second VCP application was rejected is because Ecology wanted to have direct supervision to ensure a) appropriate investigation and cleanup of the site and b) protection of human health and the environment.

Comment 6Q: The commenter stated his/her compassion for the property owners that are listed in the Olympian's article that live on the site. "Ecology should remember that they are equally responsible to all of the citizens of the State of Washington, not a select few."

Response: Ecology agrees with the commenter that Ecology represents all citizens of the State of Washington.

Comment 6P: The commenter finds it hard to understand why there are only two PLPs for this site. "An access road was cut right through the dump site portion of the property."

Response: For each site, Ecology does an extensive review of the site's history and ownership. The review identifies who is responsible for cleaning up the contamination based on state law. Ecology's decisions are reviewed by the Attorney General's office. The responsible parties also have the option of identifying others who should share the financial burden of cleaning up the contamination.

Ecology has a high level of confidence that the parties with the primary responsibility for cleaning up the contamination have been identified at this time. As more is known about the site's contamination, additional responsible parties may be identified.

Comment 6Q: The commenter is thankful that the Olympian reported on these issues and he/she wishes Ecology provided more information to the public.

Response: Ecology has provided all available information to the public. Any new information will also be provided to the public by several methods.

Please see the Hytec Littlerock Public Participation Plan for details. The plan is available on the Hytec Littlerock website: www.ecy.wa.gov/programs/tcp/sites/hytec/hytec_hp.html. A copy of the plan also may be viewed at the Tumwater Timberland Regional Library. Copies may be requested from Cedar Bouta, Public Involvement Coordinator, at 360-407-6245 (phone) or cebo461@ecy.wa.gov (e-mail).

Comment 6R: "These comments are made in the best interest of my family, me, my friends, and my fellow citizens."

"Due to my place of employment, I feel it is in the best interest of my family and me, that these comments are submitted anonymously."

"Free speech is a great concept, it is just a concept that is difficult to actively practice in today's society."

"My friends and I will look forward to reviewing your modified version of the AO and any additional information that is gathered and disclosed. The key word being disclosed."

The commenter wants Ecology to post the responsiveness summary at Tumwater Timberland Regional Library.

Response: Thank you for your comments and sincere interest in the project.

As stated in the Response to 6Q, all available information has been made public. A copy of this responsiveness summary and all future information will be placed at the Tumwater Timberland Library (7023 New Market Street, Tumwater).

Comment 6S: All the historic information lists the site on Bordeaux Road. Halo Kuntux Lane was not in existence at the time of landfill operation. Stating in the AO that the site is generally located at 13434 Halo Kuntux Lane is inaccurate according to information in the public record.

Response: We will make the correction that the site is off Bordeaux Road and later subdivided, and an access road was built through the site. According to Thurston County parcel records, the access road is Halo Kuntux Lane SW. Therefore, the statement that the 44 acres site is generally located at 13434 Halo Kuntux Lane is correct. The AO was written in late 2005 and contains the most current information.

Comment 6R: There are three active drinking water wells and one inactive well at the site in the list provided by Ecology.

Response: The commenter is correct. There are three active wells and one inactive well at the site. Presently, only the two wells belonging to Morgan and Pavlicek are being used. One well belongs to Spears, and is not being used. The fourth well was drilled to 80 feet below ground surface (bgs) and, apparently due to lack of water, was abandoned.