RESPONSIVENESS SUMMARY

PASCO BULK FUEL TERMINALS SITE
(FORMERLY PORT OF PASCO SITE)
PROPOSED CONSENT DECREE/AMENDMENT TO FINAL CLEANUP ACTION PLAN

Prepared by:

WASHINGTON DEPARTMENT OF ECOLOGY

Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205-1295

August 2000

PASCO BULK FUEL TERMINALS SITE
(formerly PORT OF PASCO SITE)

RESPONSIVENESS SUMMARY

The Washington Department of Ecology (Ecology) held a 30-day public comment period from June 28 to July 28, 2000 for the proposed Consent Decree/Amendment to Cleanup Action Plan for the Pasco Bulk Fuel Terminals Site. A public hearing on the proposed Consent Decree was held on July 18 in Pasco, WA. This Consent Decree will implement the Cleanup Action Plan as amended.

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

Based on the comments received, Ecology has determined that no changes are necessary for the Consent Decree and the Amendment to the Cleanup Action Plan.

The Responsiveness Summary is organized as follows:

- Index of written comments received during the public comment period.
- Written Comments.
- Responses to written comments.
- Transcript of formal testimony from the public hearing.
- Responses to formal testimony.

INDEX OF LETTERS RECEIVED
(Letters are listed in order of receipt by Ecology)

1. Gordon J. Rogers (on behalf of the Pasco Bulk Fuel Terminal Citizen's Committee).
2. Carl Holder
3. Francois X. Forgette (representing the interests of John Michel).

LETTER NO. 1

PASCO BULK FUEL TERMINAL
CITIZEN'S COMMITTEE

July 14, 2000

Dr. Teresita Bala
Department of Ecology
Toxics Cleanup Program
4601 N. Monroe, Suite 202
Spokane, WA 99205-1295

Dear Dr. Bala:

The Citizen's Committee for the Pasco Bulk Fuel Terminal Cleanup was established in early 1993 as part of the Public Participation Plan in response to Ecology's Enforcement Order No. DE 92 TC-E 106 for cleanup of the site. The Committee has been periodically briefed by Port of Pasco staff on planning, activities, and results of the Interim Cleanup Actions, Remedial Investigations, Feasibility Studies and the Draft Cleanup Action Plan (DCAP).

The Committee met on July 10, 2000 with Port Officials to receive a comprehensive review of the proposed Consent Decree and the work by the Port's Engineering Contractor during the past eighteen months.

We submit the following comments on the Consent Decree and the Proposed Amendment to the final Cleanup Action Plan.

.1

- We are very pleased with the progress made by Ecology and the Port in resolving issues such as evaluation of the effectiveness of sparging and vapor extraction prior to making a determination that excavation and bioremediation of soils is required and for how to proceed with access and action on non-Port owned properties.
- We approve the proposed Cleanup Action Plan Amendment to treat the main tank farm soils as well as other contaminated soils on the site by In-Situ Sparging and Soil Vapor Extraction until groundwater cleanup levels are met.
- We have no other comments on the Consent Decree.

.2

- We urge Ecology to be willing to consider proposals to revise either or both the frequency of sampling and the number of analytes required during the Perform and Confirmational Sampling phases in the interest of reducing costs while meeting all regulatory requirements. Such proposals may be expected as experience and data on contaminant concentrations trends are accumulated during the course of remediation work.

Committee members present at our meeting have authorized the undersigned to sign this letter on behalf of all members. This does not invalidate the right of any member to submit comments for him or her self.

Sincerely,

Gordon J. Rogers

Gordon J. Rogers

LETTER NO. 2

Carl Holder
PO Box 1316
Pasco, WA 99301

July 24, 2000

Dr. Teresita Bala
Department of Ecology
4601 N Monroe, Ste. 202
Spokane, WA 99205-1295

Re: PASCO BULK FUEL TERMINALS SITE

Cleanup the surface. The plan is quiet on this important issue.
Thus, the Consent Decree for "Cleanup" of the Site is inadequate.

2.1 The former Pasco Fuel Depot, over a period of many years, dumped thousands of gallons of petroleum products and some solvents and soil fumigants onto the soil.

Millions of dollars have already been spent in Cleanup efforts. Mechanical devices specified in the Interim Action Plan (IAP) were installed into the dirt and have not been started. The reason being that the water levels have been too high. This is nonsense. The river level is constantly controlled by the McNary dam. (I heard that the work
2.2 yielded nothing, a total failure.) There was no recovery because most of the contaminates have been forced into the overlaying mud and clay levels during multiple high river times. The mud and clay has trapped most of the product; and, the product plume is generally not moving. Little can be done. In time, Nature will consume this contamination. Early attempts at recovery yielded less than 5000 gallons. The IAP was studied, specified, and installed. For the IAP effort, there has been no recovery.

In light of the failure of the IAP, the new plan is to pump air into the ground making
2.3 bubbles with the anticipation that product will arrive at the surface in the air, where the air will be scrubbed. This defies logic. Imagine blowing bubbles into the dirt to remove contaminates entrapped in mud and clay. If the IAP failed, this plan will also fail. Above ground, on the Site, there is no hazard except from the contaminates that have been dug up and put in unsightly piles.

As defined by Webster's, ***ecology***: *The relationship between organisms and their environment.* My letter is not about the underground situation. I am upset that the surface has been neglected. The human environment is above ground. There is no
2.4 evidence that any of the below ground waste is hazardous as it is trapped in the dirt and in the ground water. Only when contaminated ground water arrives at the surface does it become hazardous. The ground water arrives at the surface at only one point, at the location of the oil-water separator. (More later.)

As one travels west on Ainsworth and looks South over the beautiful vista including the Columbia River and the magnificent cable bridge, the filthy, deserted, landfill like foreground of the Site is offensive to the eye. There are fenced areas of contaminated dirt that were covered with black plastic that are now tattered and flapping in the wind
2.5 with dust blowing. There is uncontrolled noxious weed growth that spews forth toxic pollens from acres of ragweed, Russian thistle and tack weeds. On the approach to the Cable bridge, there is a fine public park. To the east of the park lies the Port of Pasco wasteland. The area is a total disgusting mess. Millions of dollars have been spent below the ground; and, **the site looks like a deserted garbage dump.**

To the west of the bridge, John Michel has improved the property. Abandoned and overgrown for years, he put windows in and painted the building. (see 1993 picture) Again, the property sat empty because of the "contaminated property". John leased the property to Bonanza Ag Exchange, Inc., (BAX) who conducted a hay brokerage and storage business on the property for several years. Mr. Michel, pushed forward,
2.6 renovating his property further which is now leased to the largest wholesale plumbing company in the region. For renovating the building and property, bringing in a new business and contributing in a positive way to the ecology of the area, John should be commended. Yet, he has suffered stress, dollar losses, and economic hardship for his accomplishment.

After 3 years in business, **the activities of the Interim Action Plan destroyed BAX.**
2.7 BAX submitted a claim for damages. It took over 1 year for the Seattle law firm to respond to BAX saying, "not responsible, if you think otherwise, sue." Of course, it would be unwise to fight a 1000 pound gorilla.

The property to the west, at 12th & Washington, owned by the BN Railway, had been overgrown for many years attracting bums, prostitution and drug trafficking. The BN
2.8 was repeatedly fined by the City of Pasco for code violations. The property is not leaseable due the Site liability. BAX cleaned and stored stacks of hay on the property. **The BN property again is overgrown and in violation of municipal code.**

Further to the West is found the oil-water separator station. The smell of petroleum hangs heavy in the air. I have seen petroleum absorbent tubes floating downstream of the
2.9 oil-separator station. On the north side, the area is ugly. In the overgrowth, bums, dope dealers and prostitutes find haven here. This area is adjacent to a fine city park and baseball complex. Yet **there is no cleanup because there is no responsible party.**

The COE collection pond is totally disgusting. One can find dead water foul and fish.
2.10 There are submerged tires, buckets and an abundance of garbage. The water is stagnant and overgrow adjacent to the city baseball complex. The water smells.

2.11 **Water is pumped continuously from the COE pond into the Columbia river**. This is the lowest point of the water table. All surface and ground water from the site runs toward this point. Water enters upstream from the City of Pasco Municipal water intake.

Conclusion:

The Consent Decree neglects the surface ecology of the site. Man in his environment lives on the surface of the earth. Millions of dollars have and will be spent on failed measures to remedy problems that are forever trapped and will naturally decay in the subsurface mud and clay.

2.12 Without including the surface in the cleanup plan, there will be no new business. The noxious weeds will continue to pollute the air, the criminal element will continue to control the western site, and the pond will remain the opposite of ecology. The Group will continue to spend millions on studies, ineffective pseudo-science, supervision and bureaucracy that has not made one positive impact on the ecology of the area. In fact, implementation of the Interim Plan destroyed BAX. Millions will be spend blowing bubbles in the dirt. Yet, there is not one dime allocated to mow the weeds and clear the brush on the abandoned site property at 12 & Washington and along the NW site boundry.

The "cleanup" is a failure. The Interim Action Plan, at the cost of millions of dollars, yielded little. Ecology and THE GROUP are now asking the court to rubber stamp a money grab.

A Better Solution:

2.13 Locate new businesses on the site. New businesses improve the ecology; our relationship with the environment, and the economy. The site should encourage new businesses and should be given immunity from liability. **But/for the Site, it's a highly desirable business location.** 2.14 If future cleanup activities damage a business or personal property, damages should be allowed outside of the time and expense of going to court.

2.15 **Convert the open drain ditch into an engineered waterway/greenhouse** growing contaminate absorbing plants. This biological filter would become a showplace for surface water ecology. The energy is provided by the sun, and the water entering the pond would be filtered by plants and oxygenated. The cost of installation and maintenance would be minimal in comparison.

2.16 **The pond should have a fountain** drawing water from the perimeter thus providing much needed circulation and oxygen. The pond itself could be engineered to become a biological filter thus providing very pure water to the Columbia river. Properly engineered and maintained, the pond would become **beautiful, ecologically functional**.

Thank you for this unique opportunity to provide an input into a very important community issue.

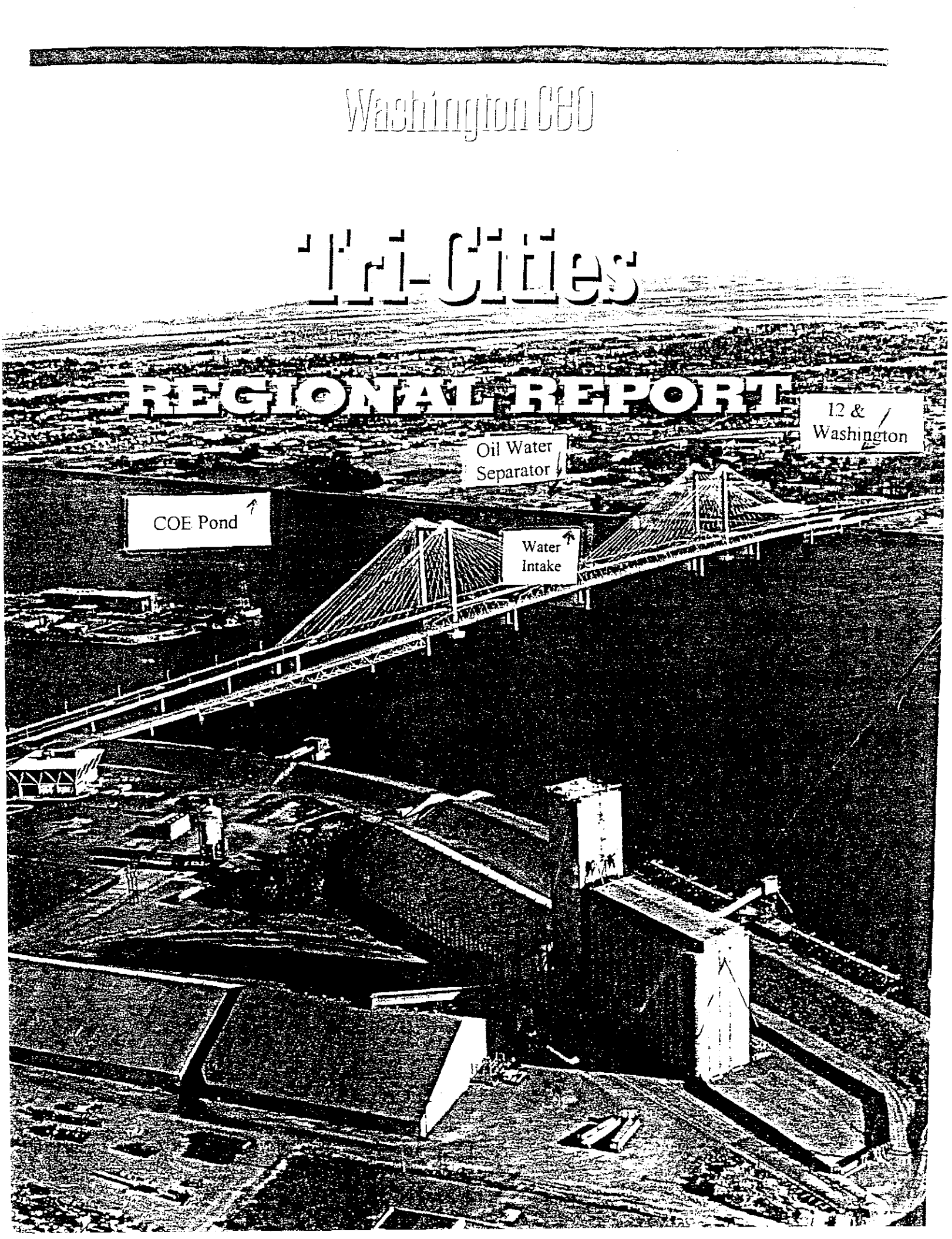
Very truly yours,

Carl A Hollen

Encl. Silphoto, 1993

Washington CEO

Tri-Cities



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July 28, 2000

OUR FILE NO.

95-321
4191.0001

Dr. Teresita Bala
DEPARTMENT OF ECOLOGY
Toxics Cleanup Program
4601 N. Monroe, Suite 202
Spokane, WA 99205-1295

Re: Pasco Bulk Fuel Terminal Site
Comment on Proposed Consent Decree and Amendment to Final Cleanup Action Plan

Dear Dr. Bala:

This firm represents the interests of John Michel, a resident of Benton County and the owner of the commercial warehouse property situated immediately adjacent to the Columbia River shoreline on the upstream side of the northern approach to the Cable Bridge linking the cities of Pasco and Kennewick. Our client testified at the public hearing earlier held on July 18 at the Pasco City Hall.

3.1 This will confirm that it is our client's position that the Port of Pasco and the other Potential Liable Parties ("PLPs") should be required to affirmatively take such steps as are necessary to promptly and objectively restore Mr. Michel's property to its pre-contamination condition.

It is wholly unreasonable for the PLPs here to be allowed to avoid their liabilities for the full restoration of all private property contaminated by the bulk fuel terminal operations. It is unacceptable to reduce the level of cleanup activity required and instead implement "institutional controls that will be placed on the property deeds to limit ground water use and extraction and to limit future use to commercial or industrial use." It is grossly inequitable

to "red tag" the title to uninvolved private property as a result of environmental contamination caused by the PLPs. There is no compensation to the private property owner for such "institutional controls" and the effective outcome is a form of "taking" amounting to inverse condemnation.

3.1

Our client also has serious concerns as to the failure of the PLPs to step up and utilize the funding available to restore their own property, as well as his. Reportedly, the Port received approximately $18M out of negotiations with the other PLPs or as part of the internal processes of the Pasco Bulk Fuel Terminals Site Coordinating Group. In addition, the Port has reportedly received a significant grant of additional funding to be utilized for cleanup efforts on this environmental site. Nevertheless, our client advises that at the recent Pasco public hearing, a budget figure of $5.7M was quoted as representing the total costs of all prior and proposed future cleanup efforts. Serious questions exist as to what has happened or will happen to the rest of the money received by the Port, whether from its fellow PLPs or grant sources. The Port and the PLPs ought to step up to the plate and devote the funding available for the purposes for which it was intended; i.e., the cleanup of the Port property, as well as the private property surrounding it.

3.2

At a minimum, all funding above and beyond the cited $5.7M budget figure should be locked up in a reserve account and earmarked specifically for responding to future environmental cleanup efforts on this site and providing a fund source for compensation for our client and his tenant as future losses and interruptions occur during the course of future cleanup efforts on the site or on our client's property.

The Pasco bulk fuel terminals site is a major environmental catastrophe by all accounts. As noted above, the funding is already collected and available to do a lot more than what is proposed under the suggested amendment. The Port and its fellow PLPs should not be allowed to sit back and pursue half-hearted remediation efforts. This is particularly true where uninvolved, private property is impacted as in the case of our client. As our client reports, none of the parties at the public hearing seemed to have a handle on the figures as to how much the Port collected from the other PLPs to deal with the cleanup and how much the Port received from grants for the same purpose. Those dollar amounts ought to be verified by the Department of Ecology and made public with an accounting as to what has been spent to date, what is proposed to be spent in the future, and what is going to happen to the difference; the difference likely exceeding some $10M based on the information mentioned above.

3.3

It would be grossly irresponsible for the Department of Ecology to allow the Port and the other PLPs to enjoy a windfall by walking away from this environmental disaster with millions of designated dollars in their pockets to be used for totally unrelated purposes.

3.4

Fair is fair. The Port and the PLPs ought to be required to take affirmative and effective action to restore all uninvolved private property.

Very truly yours,

FRANCOIS X. FORGETTE

Countersigned, verified, and approved this 28th day of July, 2000

JOHN MICHEL
17115 S. Grand View Lane
Kennewick, WA 99338
(509) 627-0500

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cc: - John Michel

ECOLOGY'S RESPONSE TO WRITTEN COMMENTS DURING PUBLIC COMMENT PERIOD JUNE 28 TO JULY 28, 2000

Response to Letter No. 1: Gordon J. Rogers (on behalf of the Pasco Bulk Fuel Terminal Citizen's Committee)

1.1 Thank you for your comments.

1.2 The sampling frequency and analysis for compliance monitoring will be done in accordance with the Model Toxics Control Act (MTCA). These will be specified in the Compliance Monitoring Plan that will be reviewed and approved by Ecology. The plan will provide flexibility to modify frequencies and analysis, with Ecology's concurrence, based on the data as they are collected.

Response to Letter No. 2: Carl Holder

2.1 Ecology disagrees that the "Consent Decree for Cleanup of the Site is inadequate". The underlying basis of the remedy is that contamination is in contact with the environment and presents unacceptable risks to human health and the environment. Investigations have shown that the contaminated media at the Site include soils and ground water. The selected remedy will provide means to protect the people from the unacceptable risks associated with the contaminated media.

2.2 The interim action was not intended to remove contaminants in soils and dissolved in ground water. Interim action trenches were installed specifically to only remove free product floating on top of ground water (that represents a significant source of the contamination in soil and ground water) by using skimmer pumps. The removal of free product was initially conducted in one trench which collected more than 4000 gallons of free product. Additional trenches were added later but higher ground water levels which have been observed across the region during the past years have not yielded adequate free product thickness for the pumps to be able to skim the product out. (Hydraulic interconnection between the ground water at the Site and the Columbia River is minimized because of the presence of the dike.) Enhancing product recovery from these trenches will be evaluated as part of the final cleanup. Contamination has been present at the Site since the 1950s. Nature will not consume this contamination in a reasonable time frame as required under state law (MTCA).

2.3 The selected cleanup action that includes In-situ Air Sparging/Soil Vapor Extraction (IAS/SVE) would remove the contaminants in soils and ground water. These remedies have been proven effective in many other petroleum

contaminated sites. In addition, pilot studies conducted on the Site have shown that these remedies would be effective.

2.4 Contamination in soils and ground water presents a risk to human health and the environment. The chemicals (petroleum, etc.) at the levels present in the soil and ground water are considered hazardous under MTCA. The comment that "Only when contaminated ground water arrives at the surface does it become hazardous" is not consistent with MTCA.

2.5 Contaminated soils that are piled on Site will be addressed during the cleanup. The Cleanup Action Plan, as amended, requires that contaminated soils that are stockpiled on Site will be treated to cleanup levels. Ecology's authority in this cleanup is to address the hazardous constituents identified in the Cleanup Action plan. Noxious weeds and the aesthetics of the Site are not regulated under MTCA.

2.6 John Michel's property that is part of the Site because of the presence of soil and ground water contamination will be addressed in accordance with the CAP.

2.7 Ecology is not involved in this issue and therefore has no comment.

2.8 The BN property is not part of the Site. The concerns identified are not ones that are addressed under MTCA.

2.9 The selected cleanup action will require that ground water discharging from the COE drainage pipe be treated to meet cleanup levels. The north side area is not part of the Site and the concerns identified are not ones that are addressed under MTCA.

2.10 The COE collection Pond is not part of the Site.

2.11 It is Ecology's understanding that the COE periodically pumps the water in the pond to the River.

2.12 Ecology disagrees with the conclusion. MTCA requires the cleanup of contaminated media as a result of releases of hazardous substances. It does not address noxious weeds or "the criminal element". The cleanup at the Site will be protective of human health and the environment.

2.13 The cleanup at the Site does not discourage the location of new businesses at the Site. However, the Consent Decree provides that prior to any legal or equitable transfer of the Site owned or controlled by the PLPs during the effective period of the Decree, Defendants shall serve a copy of the decree to prospective purchaser, lessee or other successor. The PLPs shall notify Ecology of said transfer. Liability will be determined under MTCA.

2.14 The PLPs will have to secure access to property not owned by the Port in order to conduct the necessary cleanup. The PLPs will also have to get permission from property owners to record a Restrictive Covenant, if needed. Issues on how the cleanup will affect disruptions to businesses and property damages may be part of access and deed restriction negotiations.

2.15 The open ditch is not part of the Site and therefore not addressed under the Cleanup Action Plan.

2.16 The Corps of Engineer's Pond is not part of the Site.

Response to Letter No. 3: Francois X. Forgette (representing the interests of John Michel)

3.1 The attached figure (Figure 3A of the Cleanup Action Plan) shows the Site and property ownership involved. Michel's property that is part of the Pasco Bulk Fuel Terminals Site will be cleaned up in accordance with the Consent Decree and the CAP. MTCA requires that soils and ground water be remediated to cleanup levels. For this Site the cleanup levels have been determined to be Method B for ground water and Method C Commercial for soils. This Method C Commercial soil levels exceed the soil residential cleanup levels; thus properties that will have these cleanup levels as a result of the cleanup will need deed restrictions to limit the land use to commercial/industrial use and to restrict the use of ground water if the Method B cleanup levels for ground water haven't been met. If the cleanup results to Method B Residential levels, no deed restrictions will be required. The PLPs will need to negotiate with property owners the right to record a deed restriction, if necessary.

3.2 Under MTCA, the PLPs are to assume responsibility for cleaning up contaminated sites. When there is more than one PLP, each person is jointly and severally liable for the cleanup; that means each person can be held equally liable for the cost of cleanup. In cases where not all parties contributed equally to the contamination, Ecology encourages potentially liable persons to negotiate appropriate levels of liability. MTCA does not provide for Ecology's involvement at this level; as such Ecology was not involved in the settlement reached between the Pasco Bulk Fuel Terminals Site Coordinating Group (Crowley Maritime Corporation and the Port of Pasco) and the other PLPs. Ecology has no information about the amount of the settlement and therefore cannot verify the total amount of money involved.

Ecology provides grant money to local governments to help pay for their share of the cost of site cleanup. To date, about $1.3 M has been paid to the Port for the cost of the cleanup activities actually spent at the Site. Ecology reimburses this cost based on actual expenses for the cleanup. The Port cannot use the grant money for activities other than cleanup.

3.3 Ecology will oversee the cleanup to ensure that that the final cleanup and monitoring are done appropriately. The cleanup will be done in accordance with the cleanup action plan; the selected remedy of which is determined to be protective of human health and the environment. MTCA does not require PLPs to report on actual costs and allocations. However, the information regarding grant money is public information.

3.4 All properties not owned by the Port of Pasco that are part of the Site will be cleaned up in accordance with the CAP. Engineering Design Documents will be made available for public review and comment when they are ready. The property owners are encouraged to review this document to see if their concerns are met.

Pasco Bulk Fuel Terminals Site
Proposed Consent Decree and
Amendment to the Final Cleanup Action Plan
Public Hearing

TUESDAY, JULY 18, 2000

This hearing is being held at the Pasco City Hall, 525 N. Third, Pasco, WA.

The primary purpose of this hearing is to receive comments regarding the Proposed Consent Decree and Amendment to the Final Cleanup Action Plan for the Pasco Bulk Fuel Terminal Site, formerly known as the Port of Pasco. Paid legal notice of this hearing was published in Spanish and English in the Tri-City Herald on July 2, 2000. Notice was also published in the WA State Dept. of Ecology Site Register, July 11, 2000. In addition, notices of this hearing were mailed to approximately to 200 interested persons.

I will call your name according to the red number in the upper righthand corner of the registration card. When it is your turn to speak, you will have the floor; one person speaks at a time. As previously stated, it is very important to obtain a clear recording of your testimony. Please, no side conversations. Keep your comments limited to 10 minutes. Any questions that you ask during your testimony will not be answered at this time but will be answered in the responsiveness summary document. When I call your name, please step up to the microphone, state your name, address and any organization you may be representing, then proceed with your testimony.

We'll begin with John Michel, followed by Gordon Rogers.

JOHN B. MICHEL, 17115 S. Grand View Lane, Kennewick, WA.

I am here...., I own the warehouse on the west side of the cable bridge, and I'm here to...I would like for my property to be cleaned up as far as a clean bill of health. We have dealt with the Port of Pasco on the contaminated issues since I have owned the property, and it's been a horrible experience. I want to testify to it. I've been lied to. It's been a very, very horrible experience. So, what I would like is my property be cleaned up 100%. They've been paid millions and millions of dollars by people that apparently contaminated the property, and I expect it cleaned up with no more monetary damages. We've probably suffered into the hundreds of thousands of dollars worth of monetary damages, lost grounds, and we've had to actually carry off the contaminated soil off our property. So, I'm here to say I just want my property cleaned up with no more monetary damage, with 100% clean bill of health. Thank you.

Thank you.

GORDON ROGERS, 1108 N ROAD 36, PASCO, WA.

I am speaking tonight as a private citizen, although I have previously participated with the Port's Citizens Advisory Committee in preparing written comments which have been previously been mailed to you. As a private citizen, I wanted to approve the Consent Decree with the amended Cleanup Action Plan as submitted, and in addition wanted to ask one further suggestion. I would urge Ecology to provide as much assistance as they may be asked for in helping the Port and the other liable parties to gain any necessary access to non-Port owned property, and to assist the Port in implementing any institutional controls, including deed restrictions, that might become necessary if there were any contaminants left in excess of cleanup levels. Thank you very much.

Thank you. Next is Carl Holder.

CARL HOLDER, P O BOX 1316, PASCO, WA

Good evening. I am representing myself tonight. I believe that the Cleanup Action Plan is woefully inadequate. I find that the contamination and the word "cleanup" as far as Ecology is concerned, it deals only with the ground water. It deals only with anything that is below the ground. It deals with absolutely nothing that's above ground. As human beings, we live on the above-ground world. We don't live in the below-ground world. As was obvious from the testimony earlier that obviously the major part of the Interim Action Plan was inadequate and was a total failure. They say that it hasn't been turned on because the ground water is too high and that's totally illogical and not correct. The reason it hasn't been turned on is because it's a failure. Most of the contaminant's in the ground water are there and they will stay there, they're trapped in the soils. They're not going to go anywhere. And just because you blow a little air in the water underneath the ground, blow air in the dirt, it's still going to be there; 99% of it will be there, and it's gonna move.

So, what I'm about to do today is I'm going to address what happens above ground. The part of this cleanup is, it says exactly what it means, that it should be a cleanup. And cleanup is that, it's above ground. Anybody who takes a drive along Ainsworth, and I'll step back for just a second. Visualize with me, coming down Ainsworth from the east. As you drive, you cross the bridge. As you drive, you cross the railroad. And then off to the south and the west, you see the beautiful Columbia River and the beautiful cable bridge which was recently lit, and in the foreground you see the total disgusting mess that the Port of Pasco's left for the visual beauty of our area. You see the cleaned up soils with torn wrapping. You see blowing dust. You see weeds that are noxious weeds that are out of control. And you see a visual panorama that is totally disgusting.

On the other side of the bridge you have one piece of property. Through the vision of Mr. Michel, he's gone forward much, much to the detriment of himself, and to the property he has gone forward and he has pushed in a private enteprise to beautify the property. He has a wonderful tenant in there. And part of the plan here today is to dig up part of his property. Further to the west, you have a piece of property that I believe is owned by the Burlington Northern Railroad. At one time, I was a business owner in that area. My business was destroyed by the Port of Pasco Cleanup Action. We were forced

off of the property, and we lost $100,000. This was presented to the Port of Pasco Board of Directors. Of course, it was met with a big letter from legal saying that "....we have no responsibility in this action". This is part of the above-ground ecology. The above-ground cleanup has to do with businesses; it has to do with the visual; it has to do with the human beings that are in the area. At one time that property that is just to the west of John Michel's property that's owned by the Burlington Northern Railroad was a bum-infested mess. It was an area for drug dealers. It was an area of late night activity. We went into the area. We cut down the trees. We cleaned it up. We stacked hay on the property and we made the area nice. We improved our lot, and as a result of the cleanup activities, we were forced out of the area. As you go by there and see it today, and I wish everybody would, it's on the corner of , right there at 12th and Washington, you'll see now that the weeds have grown up there again, that there are bums moving back in there. The Burlington Northern Railroad doesn't take responsibility for cleaning up the area. Why would they, because they can't sell the property, they can't lease the property, they can't put a business on there. Why can't they? Because there's contamination under the soil. You take a step further to the west from there, you look into the area where the contaminant is coming out of the ground in the open trench. You say there's been no visible product on the surface. I beg to differ with you. They've had the petroleum tubes on that absoring the petroleum coming out of there. It's available in the area. You can smell it. There's dead aquatic life. There are dead ducks. There are dead fish. There are tires. There are 5-gallon buckets. It's a total, disgusting mess in that basin. Now the above-ground cleanup needs to happen, and it needs to happen now. Thank you.

Thank you. Is there anyone else at this point that is interested in testifying?

OK. I don't have anyone else who would like to comment at this point in time. All testimony that has been presented here this evening, along with any written comments that will be received by July 28, 2000, will be part of the official record for this Proposed Consent Decree and Amendment to the Final Cleanup Action Plan and will receive equal weight in the decision-making process. If you would like to submit written testimony, please send your comments to Dr. Teresita Bala, Dept. of Ecology, 4601 N. Monroe, Spokane, WA 99205. And, again, comments must be received by July 28, 2000. And if your're interested in that address and you didn't have time to write it down, there's a copy in the back that you can take with you. At the end of the comment period, a Responsiveness Summary will be prepared by Ecology of all oral testimony and written comments received by the end of the comment period. If you commented this evening, you will automatically receive a copy of the Responsivenss Summary. If you did not comment this evening but would like a copy of the Responsiveness Summary, please come and talk with me after the hearing so I can make sure you get a copy of that.

On behalf of the Dept. of Ecology, I would like to thank you for coming this evening, for your testimonies, and we especially appreciate your cooperation and your courtesy

Let the record show that this hearing is adjourned at 8:01 pm on July 18, 2000. Thank you very much.

Scanlan, Kathleen

From: Bala, Teresita F.
Sent: Thursday, August 29, 2002 9:39 AM
To: Scanlan, Kathleen
Subject: RE: Port of Pasco Consent Decree

Kathi - Please note that this Site has been renamed as the Pasco Bulk Fuel Terminals Site. I thought I already sent a copy of this Consent Decree before but I'll be sending one via campus mail to you today Thanks.

Teresita Bala
Toxics Cleanup Program
Eastern Regional Office
(509) 456-6337

-----Original Message-----
From: Scanlan, Kathleen
Sent: Thursday, August 29, 2002 9:24 AM
To: Bala, Teresita F.
Subject: Port of Pasco Consent Decree

Hello Teresita,

We just noticed that the Port of Pasco Consent Decree is missing from our decisions binder. Would you mind sending a copy down this way for us? I apologize if you have already sent it -- it must have got lost in the shuffle.

Thanks!

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