



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Eastern Region Office

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November 14, 2024

Molly Dimick
Environmental Engineer
JR Simplot Co.
P.O. Box 27
Boise, ID 83707

Re: Ecology Response to Simplot's Comments on the Draft Cleanup Action Plan Amendment No.1:

- **Site Name:** Warden City Water Supply Wells No. 4 and 5
- **Site Address:** 1900 Block W 1st St Warden, WA 98857
- **Cleanup Site ID:** 1618
- **Facility/Site ID:** 2802409

Dear Molly Dimick:

Thank you for submitting comments on the Draft First Amendment to the Cleanup Action Plan in your letter dated July 31, 2024. The Department of Ecology (Ecology) prepared this amendment to the Cleanup for the Warden City Water Supply Wells No. 4 and 5 Site (Site) to fulfil the conditions set forth in the final Cleanup Action Plan (CAP) and Agreed Order No. 16890. Ecology has reviewed your comments and has the following response:

1) *Simplot Comment, General Comments, 5,1 Remedial Action Objectives:*

- *“Prevent direct contact, ingestion, or inhalation of contaminated soil by humans*
- *Prevent direct contact or ingestion of contaminated groundwater by humans*
- *Prevent or minimize the potential for migration of contaminants from soil to groundwater [emphasis added]*

Simplot believes the first RAO has been met. The second RAO could be met through implementation of an institutional control, as allowed for in the Order. Simplot also

believes the third RAO has been met, as the removal of 6,500 – 7,200 cubic yards of impacted soil has substantially reduced the amount of EDB contamination which could leach into groundwater that is connected to potable aquifers.”

Ecology Response: Institutional controls alone will not prevent or minimize downward migration of EDB to groundwater. The institutional controls must be combined with engineering controls to prevent downward migration of EDB.

2) *Simplot Comment, General Comments, 5.3.3 Cleanup Action Expectations:*

“Clean, backfilled soil was compacted at frequent intervals, effectively reducing the hydraulic conductivity of the subsurface to a value substantially lower than it was prior to the remedial excavation, wherein large chunks of concrete, caliche material, and voids were encountered. With the engineered backfill over the elevated EDB sample (which was at a minimum, 25 feet below ground surface [bgs]), Simplot has met this requirement. In the only other samples available on Simplot property north of the fence, EDB concentrations ranged from 0.78 to 3.4 ug/kg in sample intervals ranging from 10’ to 24’ bgs (HDR, 2021). Simplot does not believe that any infiltration reaching these discrete areas will substantially affect groundwater quality.”

Ecology Response: Insufficient information has been provided to substantiate this statement. Contamination has been left in place exceeding the cleanup level (CUL) originally required to be removed in the CAP.

3) *Simplot Comment, General Comments, 5.4 Groundwater Contamination:*

Alternative 3... Stormwater Management:

“Clean, backfilled soil was compacted at frequent intervals, effectively reducing the hydraulic conductivity of the subsurface to a value substantially lower than it was prior to the remedial excavation, wherein large chunks of concrete, caliche material, and voids were encountered. With the engineered backfill over the elevated EDB sample (which was at a minimum, 25 feet bgs), Simplot has met this requirement. In the only other samples available on Simplot property north of the fence, EDB concentrations ranged from 0.78 to 3.4 ug/kg in sample intervals ranging from 10’ to 24’ bgs (HDR, 2021). Simplot does not believe that any infiltration reaching these discrete areas will substantially affect groundwater quality.”

Ecology Response: Soils exceeding the Site CUL set forth in the CAP remain in this area. Stormwater needs to be diverted from this contaminated area to prevent downward migration of EDB to groundwater.

4) *Simplot Comment, Specific Comments, Draft CAP Amendment No. 1 (Ecology, 2024),*

Comment #1: *“Page 1 notes that, ‘Ecology has determined that actual or threatened releases of EDB from the Site, if not addressed by implement the proposed cleanup action, presents a threat to human health and the environment.’ Simplot disagrees with this statement and again would refer to the groundwater MNA allowed for within the 2019 CAP.”*

Ecology Response: According to WAC 173-340-370 (7) Ecology expects that natural attenuation of hazardous substances may be appropriate at sites where: **(I)** Leaving

contaminants on-site during the restoration time frame does not pose an unacceptable threat to human health or the environment practicable [WAC 173-340-370 (7)(b)], and **(II)** There is evidence that natural biodegradation or chemical degradation is occurring and will continue to occur at a reasonable rate at the site [WAC 173-340-370 (7)(c)]. These two conditions have not yet been met because **(I)** leaving contamination in place downgradient public drinking wells poses an unacceptable threat to human health and the environment, and **(II)** Simplot has not shown evidence that EDB natural biodegradation or chemical degradation is occurring, which does not rely on dispersion and dilution alone. However, if Simplot proposes combining MNA with additional on-Site cleanup actions, such engineering controls to divert storm water in this area would likely fulfil the requirements set forth in WAC 173-340-370 (7).

- 5) *Simplot Comment, Specific Comments, Draft CAP Amendment No. 1 (Ecology, 2024), Comment #2:*** *“Page 1 describes the remedial action as occurring between 2019 and 2020. However, the excavation occurred in 2021 and the ex-situ soil vapor extraction (SVE) occurred in 2022.”*

Ecology Response: Ecology will correct this statement.

- 6) *Simplot Comment, Specific Comments, Draft CAP Amendment No. 1 (Ecology, 2024), Comment #3:*** *“Page 1 describes the “12,000 cubic feet of EDB contaminated soil” remaining in place, and Simplot is unaware of the values used as the basis for this calculation. The unexcavated West Pit footprint is approximately 737 sq. ft., using GoogleEarth imagery overlay. The 12,000 cubic feet would assume that all soil within this footprint down to 16’ bgs is EDB-impacted.”*

Ecology Response: Simplot indicated that this area with remaining EDB contaminated soil is a Site low spot. Therefore, it is a likely location for downward infiltration of EDB-contaminated stormwater. In addition to institutional controls, engineering controls are also necessary in this area to prevent further contamination of groundwater with EDB.

- 7) *Simplot Comment, Specific Comments, Draft CAP Amendment No. 1 (Ecology, 2024), Comment #4:*** *“On Page 1, Ecology proposes to cover the approximately 737’ sq. ft. of impacted soils with an impermeable cap. The low spot of the Site is directly northeast of this area, and has an elevation of 1244’ AMSL (HDR, 2024). Even with an impermeable cap, precipitation and run-off are likely to infiltrate into this low spot, and depending on the season, still travel within the subsurface through the EDB-impacted soils. Page 6 notes that, ‘Stormwater retention and infiltration must be revised, or new stormwater structure(s) designed, to prevent stormwater contact with contaminated soil.’ Simplot would like to emphasize that our 2.4- acre property is located in a low spot along the highway and therefore a preferred path for runoff within this area. Reducing run-on while also purposely infiltrating run-off on property, but away from the EDB-impacted area, presents many challenges and may not be feasible. More effective stormwater management in this area is likely to require cooperation from the City of Warden and Burlington Northern Railroad Company.”*

Molly Dimick
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Ecology Response: The soil contamination must be addressed, especially if it is in a low-lying area, and there is a nearby public water supply system that is impacted by EDB. Since this area is a *low spot*, engineering controls are needed to prevent further contamination of groundwater. Ecology recommends that Simplot contact BNSF and the City of Warden to discuss a joint solution for the groundwater protection within BNSF's right-of-way.

- 8) *Simplot Comment, Specific Comments, Draft CAP Amendment No. 1 (Ecology, 2024), Comment #5:*** "In Section 3.1, the listed RAOs vary slightly from those outlined in the CAP (Ecology, 2019). The CAP does not include "leaching" nor "erosion" as noted in the Draft CAP Amendment No. 1 (Ecology, 2024)."

Ecology Response: The original CAP was prepared with the presumption that all contaminated soils exceeding the EDB CUL of 0.27 µg/kg would be remediated. Since EDB-contaminated soils remain in place exceeding the CUL, soil leaching and possibly also soil erosion are now items of concern, which are reflected in the CAP amendment.

- 9) *Simplot Comment, Specific Comments, Draft CAP Amendment No. 1 (Ecology, 2024), Comment #6:*** "Section 3.2.1 notes that an Environmental Restrictive Covenant will need to be recorded to restrict future uses to protect the cleanup action and ensure protection of human health and the environment. Does Ecology foresee the need for Burlington Northern to have a similar covenant to not disturb the ground adjacent to the impermeable cap? The footprint of the impermeable cap would be approximately 15' – 20' from the centerline of the rail, and it is Simplot's understanding that Burlington Northern has a form of "right-of-way" within 25' of the centerline of the rail."


Ecology Response: Ecology recommends that Simplot contact BNSF to discuss cap protection and obtain BNSF's assistance to properly protect the groundwater and the City of Warden public water supply from further impact from EDB-contaminated soil.

If you have any further questions about these responses, please contact me at (509) 329-3543 or clof461@ecy.wa.gov.

Sincerely,



Christer Loftenius, L.G. L.H.G.
Site Manager
Toxics Cleanup Program, Eastern Region

cc: Kaitlyn Krajicek, HDR Engineering, Inc.
Nicholas Acklam, Ecology 
Kara Tebeau, Attorney General's Office
Ecology Site File