



Responsiveness Summary

Draft Cleanup Action Plan

Schwerin Concaves Site

CSID 3956

FSID 11293827

Public Comment Period October 31 through November 30, 2012

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

March 2013

**Schwerin Concaves Site
Draft Cleanup Action Plan, SEPA Checklist, and DNS
Responsiveness Summary**

The Washington Department of Ecology (Ecology) provided an opportunity for public comment from October 31 through November 30, 2012 for the Draft Cleanup Action Plan (DCAP), State Environmental Policy Act (SEPA), and Determination of Non-Significance (DNS) at the Schwerin Concaves Site. The DCAP is Ecology's decision document that identifies the contaminants, sets their cleanup levels and selects the remedial action to achieve a cleanup protective of human health and the environment.

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 no changes to the DCAP, SEPA, and DNS are necessary based on the comments received.

Index of Comments Received

1. E-mail from Kathy Jordan sent on November 30, 2012.

Fees, William J. (ECY)

From: Kathy Jordan [kathyjordan13@hotmail.com]
Sent: Friday, November 30, 2012 2:54 PM
To: Fees, William J. (ECY)
Subject: Comments for the record on Schwerin cleanup

Thanks for your earlier response. I do have comments for the record now.

1. I have never understood why the taxpayers paid for the original clean-up or why they are paying for the proposed cleanup? I understand there is funding available, but I would hope that does not mean that it has to be used just because the money is sitting there. (I was involved with a state agency for a number of years, and the prevailing attitude was "to hurry up and use the budgeted funds, whether for necessary items or not, because it is in budget and if it isn't spent it will go away and affect future budgets," I would hope this philosophy has changed with all of the financial shortfalls in recent years.)

I, also, do not understand why the people involved in Schwerin Concaves did not have to contribute anything towards the original cleanup, as well as the proposed one. This was a farm family with considerable farm land. Presumably, Schwerin Concaves jumped thru whatever legal hoops, the Dept. of Ecology deemed necessary at the time to avoid payment on original cleanup. The 10 acre site that the proposed clean-up is on was part of the farm ground at the time of the contamination, and was not sub-divided until after notification of contamination. The 10 acres has been quit claimed between family members several times since. Why hasn't the state at least taken the 10 acres as partial payment for this final cleanup?

2. It has been a number of years since the original cleanup on this site. This raises the question of how dangerous this groundwater is at this point. As I am sure DOE is aware, this 10 acres became the site of Sapopol Winery, with Bill Schwerin(Schwerin Concaves) the winemaker, and partial or full owner. I believe this was also the site of The Rock and Blues Fest this last summer. Sponsored by Bill Schwerin and family. This event encouraged overnight RV and tent camping etc. etc. This is to be a yearly event. Although, presumably the entire 10 acres is not contaminated, the site of the winery has to be quite close to some of the contaminated area. Does DOE know if the Rock and Blues Fest was held entirely in a "safe" area?

Per a DOE news release, "restrictions will be placed on the property to prohibit or limit how groundwater and land may be used." What will these restrictions be? Once again, if there have been no restrictions to date, how dangerous can this property be?

3. It was in the news recently that the state Senate was going to investigate the approx. \$70,000 dollars spent on wolf kill. They should be questioning the expenditure by DOE which will add up to almost a Million dollars for cleanup on property that the people causing the clean up, still continue to profit from after 20 some years. They should question the need for the final cleanup after 20 some years. If it has been there this many years, could it hurt to leave it as is with restrictions so the landowners can not sell or use the land until they do the cleanup?

4. As it stands now the proposed cleanup will be a million dollar gift to the people whom illegally created the problem in the first place. (Hopefully it is not just one of these "good old boy" deals) One would hope you could expect more of DOE.

Thanks for your time.

Kathy Jordan

ECOLOGY'S RESPONSE TO COMMENTS

1. Response to comments submitted by Kathy Jordan

Comment 1: I have never understood why the taxpayers paid for the original clean-up or why they are paying for the proposed cleanup? I understand there is funding available, but I would hope that does not mean that it has to be used just because the money is sitting there. (I was involved with a state agency for a number of years, and the prevailing attitude was "to hurry up and use the budgeted funds, whether for necessary items or not, because it is in budget and if it isn't spent it will go away and affect future budgets," I would hope this philosophy has changed with all of the financial shortfalls in recent years.)

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Response 1: The Washington Department of Ecology (Ecology) Toxics Cleanup Program began oversight of the Schwerin Concaves Site (Site) in 2001. The Site was transferred from Ecology's Hazardous Waste and Toxics Reduction Program. At the time of transfer from the Hazardous Waste Program and Toxics Reduction Program, Ecology determined the Site as a company and Bill Schwerin, as an individual, did not have the financial resources to investigate or cleanup contamination at the Site. For this reason, the Toxics Cleanup Program considered the Site an orphan site and allocated funds to investigate and cleanup the contamination. Ecology intends to file an environmental lien on the property so the owners will not profit from the cleanup. The lien will cover the portion of the property that required cleanup. Ecology does not expect nor anticipate recouping all cleanup costs.

Comment 2: It has been a number of years since the original cleanup on this site. This raises the question of how dangerous this groundwater is at this point. As I am sure DOE is aware, this 10 acres became the site of Sapolil Winery, with Bill Schwerin(Schwerin Concaves) the winemaker, and partial or full owner. I believe this was also the site of The Rock and Blues Fest this last summer. Sponsored by Bill Schwerin and family. This event encouraged overnight RV and tent camping etc. etc. This is to be a yearly event. Although, presumably the entire 10 acres is not contaminated, the site of the winery has to be quite close to some of the contaminated area. Does DOE know if the Rock and Blues Fest was held entirely in a "safe" area?

Per a DOE news release, "restrictions will be placed on the property to prohibit or limit how groundwater and land may be used." What will these restrictions be? Once again, if there have been no restrictions to date, how dangerous can this property be? This comment addresses a statement in the RI/FS regarding who may have placed the stockpile material in its current location, and suggests a change be made indicating that a UPRR property user did it.

Response 2: The shallow groundwater is contaminated with hexavalent chromium at levels that do not meet state standards. The onsite water is supplied from a well drilled into the uncontaminated deeper basalt. While the winery is located on the same parcel of land as the former Schwerin Concaves plating operations, it is distinctly separate from the plating operations. The plating shop, which is the focus of the cleanup, has not been used in the winery operations. The contamination is associated with the shallow groundwater and the former plating shop. The contaminated groundwater is not available for onsite use and the contaminated soil has been only identified beneath the plating shop. It is Ecology's understanding the Rock and Blues Fest was located north and west of the plating shop in a field where the soil is not contaminated. Participants in the festival could not be exposed to soil or groundwater contamination.

A restrictive covenant meeting the requirements of the Uniform Environmental Covenants Act (UECA – Chapter 6464.70 RCW) will be placed on the property. The covenant will prohibit use of the contaminated shallow groundwater, limit development in soil contamination areas, and remain with the property in perpetuity. The covenant can be terminated when all conditions of cleanup are met at the Site. The covenant will cover the plating shop area and where contaminated groundwater is located. It will not cover the entire acreage.

Comment 3: It was in the news recently that the state Senate was going to investigate the approx. \$70,000 dollars spent on wolf kill. They should be questioning the expenditure by DOE which will add up to almost a Million dollars for cleanup on property that the people causing the clean up, still continue to profit from after 20 some years. They should question the need for the final cleanup after 20 some years. If it has been there this many years, could it hurt to leave it as is with restrictions so the landowners can not sell or use the land until they do the cleanup?

Response 3: The previous interim remedial actions addressed the obvious soil contamination in an effort to eliminate the potential for direct exposure. Groundwater monitoring was used to assess that remedial action. Given the hydrogeologic conditions, a lengthy monitoring period was needed to determine the success of the action. A decline in contaminant concentrations was observed, but not fast enough. The recent cleanup action plan is to address any remaining soil contamination beneath the plating shop and groundwater contamination. It is Ecology's intent to get contamination out of the environment and eliminate the potential exposures to contamination.

A restrictive covenant will be placed on the property. As described above the covenant will limit site uses. In addition, the lien will eliminate profiteering from the Ecology cleanup.

Comment 4: As it stands now the proposed cleanup will be a million dollar gift to the people whom illegally created the problem in the first place. (Hopefully it is not just one of these "good old boy" deals) One would hope you could expect more of DOE.

Response 4: Ecology's mission is to get contamination out of the environment and that is the intent of this cleanup action.