

*wa state penitentiary  
Mgn. Sandra Treccani  
FSID: 779  
SIC: J1B3A*

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:

STATE OF WASHINGTON,  
DEPARTMENT OF CORRECTIONS

AGREED ORDER

No. 6200

TO: Steve Sinclair  
Superintendent, Washington State Penitentiary  
Washington State Department of Corrections  
1313 N 13<sup>th</sup> St.  
Walla Walla, WA 99362

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## **I. INTRODUCTION**

The mutual objective of the State of Washington, Department of Ecology (Ecology) and State of Washington, Department of Corrections (Corrections) under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires Corrections to complete a Remedial Investigation/Feasibility Study for contamination related to activities at the Washington State Penitentiary (Penitentiary) in Walla Walla, Washington. Ecology believes the actions required by this Order are in the public interest.

## **II. JURISDICTION**

This Agreed Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

## **III. PARTIES BOUND**

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such party to comply with this Order. Corrections agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter Corrections' responsibility under this Order. Corrections shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

## **IV. DEFINITIONS**

Unless otherwise specified herein, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms in this Order.

A. Site: The Site is referred to as Washington State Penitentiary and is generally located at 1313 N. 13<sup>th</sup> Street, Walla Walla, Washington. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site. The Site is more

particularly described in the Site Diagram (Exhibit A). The Site constitutes a Facility under RCW 70.105D.020(5). The Site has been assigned Facility Site Number 779.

B. Parties: Refers to the State of Washington, Department of Ecology and the State of Washington, Department of Corrections.

C. Potentially Liable Person (PLP): Refers to the State of Washington, Department of Corrections.

D. Agreed Order or Order: Refers to this Order and each of the exhibits to this Order. All exhibits are integral and enforceable parts of this Order. The terms “Agreed Order” or “Order” shall include all exhibits to this Order.

## V. FINDINGS OF FACT

Ecology makes the following findings of fact, without any express or implied admissions of such facts by Corrections:

A. The Site is located at 1313 N. 13<sup>th</sup> Street, in northwest Walla Walla, Washington, covering 531 acres.

B. Corrections has owned and operated the Washington State Penitentiary as a prison since the late 1800s. The Penitentiary has used hazardous chemicals in its operations, through dry cleaning, machine repair, metalworking, furniture refinishing, and refueling activities.

C. Groundwater contamination with perchloroethylene and trichloroethylene was documented in wells hydraulically upgradient of the Sudbury Road Landfill. The landfill is immediately adjacent to and hydraulically downgradient of the Penitentiary.

D. In February 1992, unconfirmed reports were made to Ecology of drums of solvent being disposed in the Penitentiary’s construction/demolition debris landfill. In May 1992, an Early Notice Letter was sent regarding potential contamination in the debris landfill.

E. In April 1995, a Site Hazard Assessment was done by Ecology. It was evaluated using the Washington Ranking Method (WARM) and ranked a 3.

F. Releases from petroleum underground storage tanks have been documented in the late 1980s, 1993, and 1996.

G. In certified correspondence dated April 17, 2008, Ecology notified Corrections of the preliminary finding of potential liability and requested comment on that finding.

H. In certified correspondence dated May 19, 2008, Ecology notified Corrections of their status as PLP with regard to the release of hazardous substances at the Penitentiary.

I. Corrections notes that any obligation it assumes under this Order, to the extent such obligation requires Corrections to expend funds on remediation, will require legislative appropriation of funds to undertake the work. Corrections commits to request, and pursue in good faith, funding by the legislature to the extent necessary to fulfill its obligations under this Order. Should the legislature not provide funding, Corrections remains responsible for the full performance of all obligations under this Order, including that detailed in the Scope of Work and Schedule contained herein.

## **VI. ECOLOGY DETERMINATIONS**

A. Corrections is an “owner or operator” as defined in RCW 70.105D.020(17) of a “facility” as defined in RCW 70.105D.020(5).

B. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70.105D.020(25) and RCW 70.105D.020(10), respectively, has occurred at the Site.

C. Based upon credible evidence, Ecology issued a PLP status letter to Corrections dated April 17, 2008, pursuant to RCW 70.105D.040, -.020(21) and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that Corrections is a PLP under RCW 70.105D.040 and notified Corrections of this determination by letter dated May 19, 2008.

D. Pursuant to RCW 70.105D.030(1) and -.050(1), Ecology may require PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

## VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that Corrections take the following remedial actions at the Site and that these actions be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein:

A. The work to be performed includes the planning, implementation, and reporting on the conduct of a Remedial Investigation and Feasibility Study (RI/FS). Attached hereto as Exhibit B is a Scope of Work for the completion of an RI/FS. Exhibit B is incorporated by reference as an integral and enforceable part of the Order.

B. Corrections shall submit all necessary work plans to implement the Scope of Work to Ecology for review and approval according to the Schedule of Deliverables attached as Exhibit B. Upon approval by Ecology, Corrections will proceed with field implementation of the Work Plans in accordance with an agreed upon schedule.

C. Work Plans shall consist of a detailed description of site conditions, work to be performed, personnel requirements, and schedules for implementation and deliverables for the following:

1. TASK I. Project Plan including RI Work Plan, Sampling and Analysis Plan, and Health and Safety Plan.
2. TASK II. Conduct RI Field Investigations.
3. TASK III. Remedial Investigation/Feasibility Study Report.

These work plans and each element thereof shall be designed, implemented, and completed in accordance with the MTCA (Chapter 70.105D RCW) and its implementing regulation (Chapter 173-340 WAC) as amended, and all applicable federal, state, and local laws and regulations.

D. After receipt of a deliverable plan, technical report, draft, or final document, Ecology will provide written notification to Corrections of approval or disapproval. If not approved, Ecology will specify deficiencies and necessary changes.

E. If, at any time after the first exchange of comments on drafts, Ecology determines that insufficient progress is being made in the preparation of any of the deliverables required by this section, Ecology may complete and issue the final deliverable.

## **VIII. TERMS AND CONDITIONS OF ORDER**

### **A. Public Notice**

RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that this Order is inadequate or improper in any respect. Ecology shall provide Corrections an opportunity to review and comment on the public notice.

### **B. Remedial Action Costs**

Corrections shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under Chapter 70.105D RCW, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). Corrections shall pay the required amount within ninety (90) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

Pursuant to RCW 70.105D.055, Ecology reserves all rights provided by law to recover unreimbursed remedial action costs by filing a lien against real property subject to the remedial actions.

**C. Implementation of Remedial Action**

If Ecology determines that Corrections has failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to Corrections, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of Corrections' failure to comply with its obligations under this Order, Corrections shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.B (Remedial Action Costs), provided that Corrections is not obligated under this section to reimburse Ecology for costs incurred for work inconsistent with or beyond the scope of this Order.

Except where necessary to abate an emergency situation, Corrections shall not perform any remedial actions at the Site outside those remedial actions required by this Order, unless Ecology concurs, in writing, with such additional remedial actions.

**D. Designated Project Coordinators**

The project coordinator for Ecology is:

Sandra Treccani  
Department of Ecology  
Eastern Regional Office  
4601 N Monroe  
Spokane, WA 99205-1295  
(509) 329-3412

The project coordinator for Corrections is:

Lauren "Shane" Loper  
1313 N. 13<sup>th</sup> Ave  
Walla Walla, WA 99362  
(509) 526-6594

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and Corrections, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Decree.

Any party may change its respective project coordinator. Written notification shall be given to the other party at least ten (10) calendar days prior to the change.

**E. Performance**

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist licensed in the State of Washington or under the direct supervision of an engineer registered in the State of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by Chapter 18.220 RCW or RCW 18.43.130.

Corrections shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

**F. Access**

Ecology or any Ecology authorized representative shall have the full authority to enter and freely move about all property at the Site that Corrections either owns, controls, or has access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing Corrections' progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the



data submitted to Ecology by Corrections. Corrections shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by Corrections where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall follow the Washington State Penitentiary Clearance Procedure (Exhibit C) for gaining entry to the areas of the Penitentiary which are inside the secure perimeter. Ecology or any Ecology authorized representative shall give reasonable advance notice before entering any area outside the secure perimeter of the Penitentiary controlled by Corrections, unless an emergency prevents such notice. All persons who access the area inside the secure perimeter of the Site pursuant to this section shall comply with:

1. Washington State Penitentiary Clearance Procedure;
2. Department of Corrections *Restricted* Policy Directive 420.500 Tool Control;
3. Department of Corrections Policy Directive 400.030 Security Guidelines for Wireless Portable Technology in Facilities;
4. Department of Corrections Policy Directive 870.400 Employee Personal Appearance/Uniform Standards;
5. WSP Operational Memorandum 150.150 Prohibited Clothing Department of Corrections Policy Directive 420.340 Searches of Facility Visitors; and
6. Any applicable Health and Safety Plan(s).

Ecology or any Ecology representative shall not take photographs of the Site which include offenders incarcerated in the custody of Corrections. Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access. The security restrictions required for physical access do not apply to Ecology's, or any Ecology representative's, access to any and all project records.

**G. Sampling, Data Submittal, and Availability**

With respect to the implementation of this Order, Corrections shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII (Work to be Performed),

Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal.

If requested by Ecology, Corrections shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by Corrections pursuant to implementation of this Order. Corrections shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow Corrections and/or its authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section VIII.F (Access), Ecology shall notify Corrections prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under Chapter 173-50 WAC for the specific analyses to be conducted, unless otherwise approved by Ecology.

#### **H. Public Participation**

A Public Participation Plan is required for this Site. Ecology shall develop a Public Participation Plan and provide Corrections an opportunity for review and comment (Exhibit D).

Ecology shall maintain the responsibility for public participation at the Site. However, Corrections shall cooperate with Ecology, and shall:

1. If agreed to by Ecology, develop appropriate mailing list, prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before major meetings with the interested public and local governments. Likewise, Ecology shall notify Corrections prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all

press releases, fact sheets, meetings, and other outreach efforts by Corrections that do not receive prior Ecology approval, Corrections shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

4. When requested by Ecology, arrange and/or continue information repositories to be located at the following locations:

- a. Washington State Penitentiary  
Administration Building  
1313 N. 13<sup>th</sup> Ave  
Walla Walla, WA 99362
- b. Ecology's Eastern Regional Office  
4601 N Monroe  
Spokane, WA 99205

At a minimum, copies of all public notices, fact sheets, and press releases; all quality assured monitoring data; remedial action plans and reports; supplemental remedial planning documents; and all other similar documents relating to performance of the remedial action required by this Order shall be promptly placed in these repositories.

#### **I. Retention of Records**

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, Corrections shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, Corrections shall make all records available to Ecology and allow access for review within a reasonable time.

#### **J. Resolution of Disputes**

1. In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's project coordinator, or an itemized billing statement under

Section VIII.B (Remedial Action Costs), the Parties shall utilize the dispute resolution procedure set forth below.

a. Upon receipt of Ecology's project coordinator's written decision or the itemized billing statement, Corrections has fourteen (14) days within which to notify Ecology's project coordinator in writing of its objection to the decision or itemized statement.

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute. If the project coordinators cannot resolve the dispute within fourteen (14) days, Ecology's project coordinator shall issue a written decision.

c. Corrections may then request regional management review of the decision. This request shall be submitted in writing to the Eastern Region's Toxics Cleanup Section Manager within seven (7) days of receipt of Ecology's project coordinator's written decision.

d. The Regional Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of Corrections' request for review. The Regional Section Manager's decision shall be Ecology's final decision on the disputed matter.

2. The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used.

3. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

**K. Extension of Schedule**

1. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

a. The deadline that is sought to be extended;

- b. The length of the extension sought;
- c. The reason(s) for the extension; and
- d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on Corrections to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

- a. Circumstances beyond the reasonable control and despite the due diligence of Corrections including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by Corrections;
- b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty;
- c. Security emergencies at the Penitentiary, including but not limited to, lockdowns, hostage situations, riots; or
- d. Endangerment as described in Section VIII.M (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of Corrections.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give Corrections written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section VIII.L (Amendment of Order) when a schedule extension is granted.

4. An extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:

- a. Delays in the issuance of a necessary permit which was applied for in a timely manner;
- b. Other circumstances deemed exceptional or extraordinary by Ecology; or
- c. Endangerment as described in Section VIII.M (Endangerment).

**L. Amendment of Order**

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within seven (7) days of verbal agreement.

Except as provided in Section VIII.N (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and Corrections. Corrections shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to this Order represents a substantial change, Ecology will provide public notice and opportunity to comment. Reasons for the disapproval of a proposed amendment to this Order shall be stated in writing. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.J (Resolution of Disputes).

**M. Endangerment**

In the event Ecology determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct Corrections to cease such activities for such period of time as it deems necessary to abate the danger. Corrections shall immediately comply with such direction.

In the event Corrections determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment and/or the security of the Penitentiary, including, but not limited to, lockdowns, hostage situations, riots, Corrections may cease such activities. Corrections shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or

ceasing such activities. Upon Ecology's direction Corrections shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with Corrections' cessation of activities, it may direct Corrections to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to Section VIII.M (Endangerment), Corrections' obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII.K (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.

Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

**N. Reservation of Rights**

This Order is not a settlement under Chapter 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against Corrections to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against Corrections regarding remedial actions required by this Order, provided Corrections complies with this Order.

Ecology nevertheless reserves its rights under Chapter 70.105D RCW, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

**O. Transfer of Interest in Property**

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by Corrections without provision for continued

implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to Corrections' transfer of any interest in all or any portion of the Site, and during the effective period of this Order, Corrections shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, Corrections shall notify Ecology of said transfer. Upon transfer of any interest, Corrections shall restrict uses and activities to those consistent with this Order and notify all transferees of the restrictions on the use of the property.

**P. Compliance with Applicable Laws**

1. All actions carried out by Corrections pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal, state or local requirements have been identified as being applicable to the actions required by this Order.

2. Pursuant to RCW 70.105D.090(1), Corrections is exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, Corrections shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this section.

Corrections has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or Corrections determines that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or Corrections shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, Corrections shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written



documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by Corrections and on how Corrections must meet those requirements. Ecology shall inform Corrections in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. Corrections shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

3. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for Washington State to administer any federal law, the exemption shall not apply and Corrections shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

**Q. Hold Harmless**

Each Party shall be responsible for the actions and inactions of itself and its own officers, employees, and agents acting within the scope of their authority. Ecology and Corrections, as state agencies, are insured under the self-insurance program of Washington State. A copy of Ecology's and Corrections' certificate of insurance is attached to this Agreed Order as Exhibit E.

Corrections shall defend, protect, and hold Ecology harmless from and against any and all claims, suits, or actions arising from the negligent acts or omissions of Corrections' employees and/or authorized representatives while performing under the terms of this Order.

**IX. SATISFACTION OF ORDER**

The provisions of this Order shall be deemed satisfied upon Corrections' receipt of written notification from Ecology that Corrections has completed the remedial activity required by this Order, as amended by any modifications, and that Corrections has complied with all other provisions of this Agreed Order.

**X. ENFORCEMENT**

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

A. The Attorney General may bring an action to enforce this Order in a state or federal court.

B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.

C. In the event Corrections refuses, without sufficient cause, to comply with any term of this Order, Corrections will be liable for:


a. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply; and

b. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: 7 January 2009

STATE OF WASHINGTON,  
DEPARTMENT OF CORRECTIONS

  
\_\_\_\_\_  
Eldon Vail  
Secretary  
DOC Headquarters, Olympia  
(360) 725-8810

STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY


  
\_\_\_\_\_  
Michael A. Hibbler  
Section Manager  
Toxics Cleanup Program  
Eastern Regional Office  
(509) 329-3568

EXHIBIT A

SITE MAP



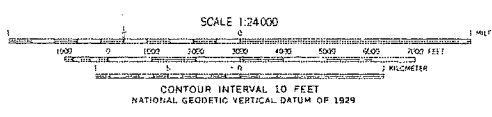
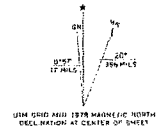
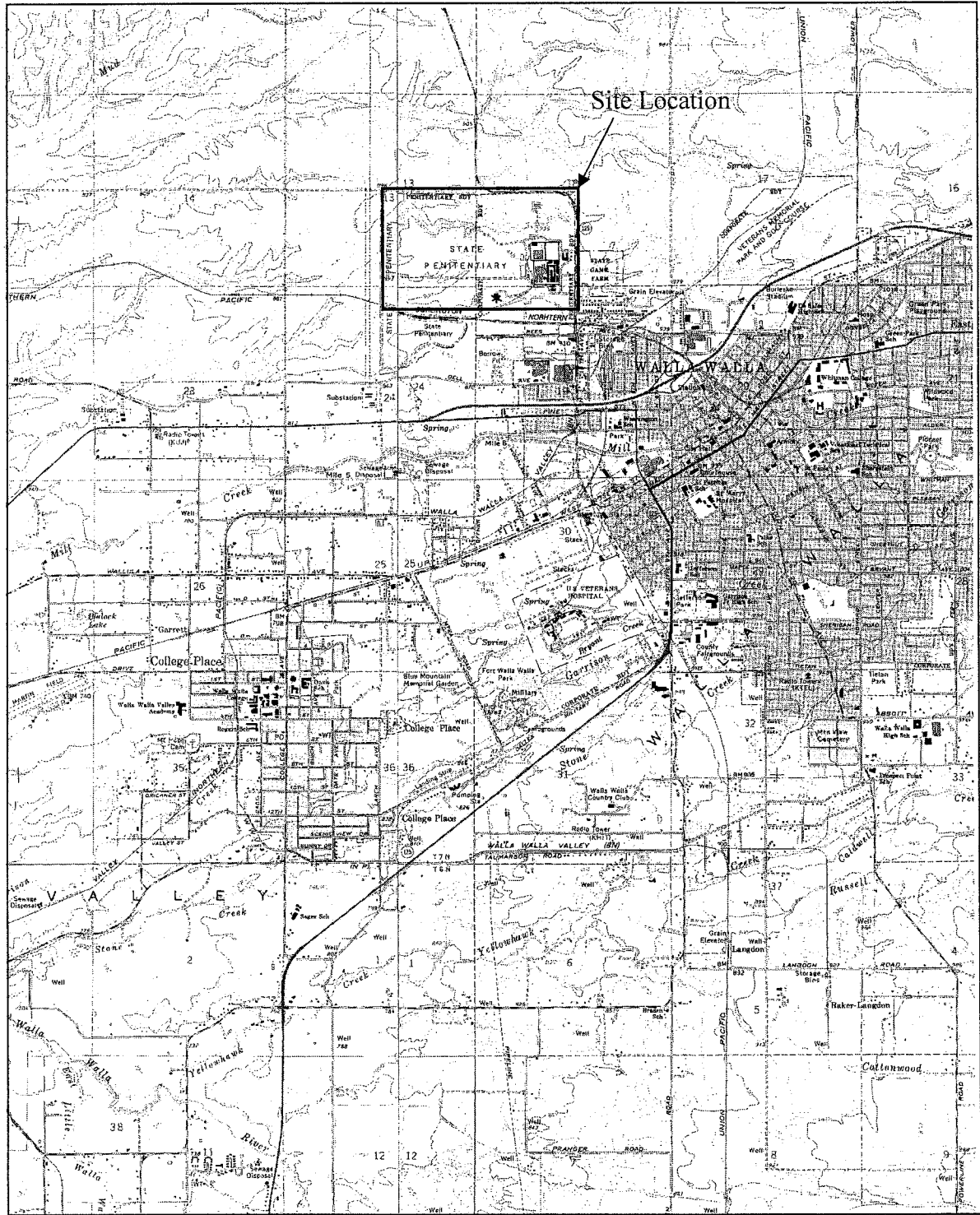




EXHIBIT B

SCOPE OF WORK AND SCHEDULE





**EXHIBIT B**  
**Washington State Penitentiary Site Scope of Work**  
**Remedial Investigation/Feasibility Study**

This scope of work is to investigate the contamination at the Washington State Penitentiary Site (Site) in Walla Walla, Washington. This scope of work prepared by the Department of Ecology is to be used by the potentially liable party (PLP) to develop Work Plans in order to complete a Remedial Investigation/Feasibility Study (RI/FS) at the Site.

The RI is to supplement existing data and determine the nature and extent of contamination by hazardous substances at the Site. The FS shall evaluate remedial alternatives that are applicable to the Site. The information and data gathered during the RI/FS shall be used to identify if additional data needs be collected and determine an appropriate remedial action. The PLP shall furnish all personnel, materials, and services necessary for, or incidental to, performing the Remedial Investigation at the Site. The RI/FS shall contain the following tasks:

**Task I: RI/FS Project Plan**

**A. RI/FS Work Plan**

A work plan outlining procedures for the Remedial Investigation shall be prepared which includes the following information:

1. Background Summary  
Any pertinent Site information including, but not limited to:
  - a. Maps – topographical, property lines, underground tank locations, surface water bodies near the vicinity of the Site, previous Site investigations; all maps shall be consistent with the requirement set forth in WAC 173-340-840(4) and be of sufficient detail and accuracy to locate and report all current and future work performed at the Site;
  - b. Property history.
2. Evaluation of Existing Data  
A brief discussion of activities and data already collected during previous investigations, including but not limited to:
  - a. Closed Construction/Demolition Landfill, Washington State Penitentiary (Parametrix, Inc, 1995);
  - b. Preliminary Hydrogeologic Evaluation, Construction Demolition Landfill, Washington State Penitentiary (HWA GeoSciences, Inc, 1998);
  - c. Preliminary Assessment, Washington State Penitentiary (Dept of Ecology, 2000)
3. Task II (Remedial Investigation) Work Plans and Schedules

## B. Sampling and Analysis Plan

The PLP shall prepare a Sampling and Analysis Plan for use during all Site characterization studies. The Sampling and Analysis Plan shall contain:

1. Field Sampling and Testing Plans – The plan shall describe in detail the sampling, testing, and data gathering methods, locations, frequency and other field study procedures that will be used for obtaining data required to complete the RI/FS. The Sampling and Testing Plan will include the following:
  - a. Specific sampling methods, including number and type of QA/QC samples;
  - b. Sampling locations and designations, including access considerations;
  - c. Types of media to be sampled and the number of samples of each;
  - d. Schedule and task assignments;
  - e. Supplies and equipment;
  - f. Monitoring well construction requirements;
  - g. Analytical procedures, methods, and detection limits;
  - h. Sample custody procedures, including holding times, containers, and preservation;
  - i. Shipping and handling arrangements.
2. Quality Assurance Project Plan (QAPP)
  - a. Field quality assurance/quality control (QA/QC) methods;
  - b. Chain of custody procedures;
  - c. Decontamination procedures;
  - d. Laboratory QA/QC methods.
3. Health and Safety Plan
  - a. Level of chemical protection;
  - b. Hazard evaluation;
  - c. Waste characteristics;
  - d. Special considerations and emergency information.

## **Task II: Remedial Investigation**

The purpose of the Remedial Investigation is to obtain the information necessary to supplement and verify existing data. That information will be used to characterize the Site and source(s), type(s), and extent of contamination present to sufficiently complete the Feasibility Study and select the appropriate Remedial Action. The resulting data shall meet the criteria set out in the QAPP and be of sufficient quality to develop an appropriate remedial action for the Site. The investigation shall meet the requirements stated in WAC 173-340-350, and more specifically, shall include the following elements:

### A. Historical Research

Collect detailed information on the historical use of the facilities, focused specifically

on locating the current and historical areas with solvent-handling, underground storage tanks, or potentially-contaminating activities (areas of potential contamination, APCs). This research will help guide the location of data collection activities.

1. Collect background information from the previous environmental investigations, other Ecology information, and any other historical data.
2. Collect historical aerial photos and current or historical facility and/or operational maps showing the layout and use of buildings over time.
3. Interview current or former Department of Corrections employees who have knowledge of the nature and location of historical activities.

#### B. Site Characterization

APCs will be selected with a goal of characterizing the wastes and areas where wastes were handled, stored, spilled, or disposed. Analytical data collected shall help describe the nature, extent, and potential sources of contamination.

##### 1. Source Identification

- a. Use surface electromagnetic survey equipment to identify potential buried drums
- b. Areas to be surveyed include both cells of the construction/demolition landfill

##### 2. Soils

- a. Install soil borings in identified APCs using direct push techniques
- b. Field screen soil from borings for any evidence of contamination (odor, staining, discoloration, or by using tools such as a photoionization detector)
- c. Collect soil samples at specified locations or where field screening indicates evidence of contamination
- d. Characterize soil samples using the Unified Soil Classification System (USCS)
- e. Generate boring logs for each boring
- f. Soils will be analyzed for any combination of volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, or total petroleum hydrocarbons (TPH), depending on the historical use of the APC

##### 3. Groundwater

- a. Installation of new monitoring wells upgradient of the facility and in areas showing contaminant impacts (as determined through soil investigations)
- b. Generate well logs such that regional stratigraphy may be characterized
- c. Collect soil samples as necessary based on results of direct push soil investigations
- d. Measure water levels in all wells and new borings
- e. Collect four quarters of groundwater samples at new and existing monitoring wells, including Sudbury Road Landfill wells at the western boundary of the penitentiary property

- f. Groundwater will be analyzed for any combination of VOCs, SVOCs, metals, or TPH, depending on the results of the soil samples for that APC (if available)
  - g. Generate maps showing water levels and regional/site hydrogeology
4. Soil Gas
- a. Installation of soil gas monitoring equipment at locations found to have VOC or SVOC contamination in soils indicative of a potential source area
  - b. Operation of monitoring system/collection of samples to determine the presence or absence of soil gas containing VOCs or SVOCs
  - c. Depending on the results, generate isocontour maps showing soil gas contaminant concentrations
- C. Potential Receptor Information
- Collect data on the surrounding human and ecological populations that may be in contact with contaminants and potential routes of exposure for those populations in support of the Feasibility Study.
- 1. Public Use/Site Access – Potential uses of the affected properties and the presence or absence of controls on Site access;
  - 2. Potential Groundwater/Surface Water Uses – Any consumptive, recreational, or other use of groundwater and surface water in the area, and by which populations;
  - 3. Environmental Receptors – Information on the presence of endangered or threatened species, potential habitats, and ecological environments.

**Task III: RI/FS Report**

The PLP shall complete a report documenting the RI/FS as required by WAC 173-340-350(7) and (8). This report shall include the following elements:

A. Remedial Investigation

- 1. Background Information
  - a. Site History
  - b. Previous Studies
- 2. Nature and Extent of Contamination
 

The PLP shall prepare an assessment and description of the degree and extent of contamination. This should include:

  - a. Data Analysis – Analyze all data collected during Task II (Remedial Investigation) and prepare supporting maps and tables;
  - b. Lab reports, previous investigations, well and boring logs, and any other documentation of characterization activities shall be included.

3. Applicable, Relevant, and Appropriate Requirements (ARARs) Analysis  
Identify Applicable State and Federal Laws for cleanup of the Site in accordance with WAC 173-340-710.
4. Cleanup Levels/Risk Assessment Analysis  
Perform a baseline Model Toxics Cleanup Act (MTCA) cleanup levels analysis/baseline risk assessment characterizing the current and potential threats to public health and the environment that may be posed by hazardous substances at the facility. The assessment will integrate cleanup standards and risk assessment as required by WAC 173-340-357 and WAC 173-340-708.
5. Discussion and Recommendations
  - a. Interpret and discuss data to determine the nature and extent of the contamination and to support final recommendations for the Site;
  - b. A summary of all possible and suspected source areas of contamination based on the data collected will be included;
  - c. Any known or potential risks to the public health, welfare, and the environment should be discussed;
  - d. Recommendations should be provided identifying additional data requirements.

#### B. Feasibility Study

1. Identification of contamination to be remediated;
2. Identification and initial screening of treatment technologies;
3. Proposed remedial alternatives and evaluation with respect to MTCA criteria;
4. Recommended alternative.

## Schedule of Deliverables

<u>Deliverables</u>	<u>Date Due</u>
Effective date of Order	Start
Department of Corrections (DOC) to Submit <i>Draft</i> RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan (Task I) and Schedule of Work to be Performed*	90 days after start
DOC to Submit <i>Final</i> RI/FS Work Plan, Sampling and Analysis Plan, Health and Safety Plan (Task I) and Schedule of Work to be Performed*	45 days after DOC receives written approval from Ecology of draft documents
DOC to Begin implementation of RI (Task II) following Schedule of Work to be Performed	30 days after DOC receives written approval of plans from Ecology
DOC to Submit <i>Draft</i> RI/FS Report (Task III)	As approved in RI/FS Work Plan
DOC to Submit <i>Final</i> RI/FS Report (Task III)	30 days after DOC receives Ecology's written approval of draft
Progress Reports	Every 3 months

\* In addition to the terms of this Order in Section VII.E and Section VIII.C, at its sole discretion Ecology may, after notice to Corrections, complete and issue the Project Plan including RI Work Plan, Sampling and Analysis Plan, Health and Safety Plan, and Public Participation Plan.

EXHIBIT C

DEPARTMENT OF CORRECTIONS  
WASHINGTON STATE PENITENTIARY  
SECURITY POLICIES







Department of Corrections  
Washington State Penitentiary

Memorandum

RE: Clearance Procedure.

To Whom It May Concern:

The following pages describe the clearance process; as well as address a few questions that have come up regarding clearance procedures, acknowledgment forms, badging, denials, etc.

Attached you should find:

- Contractor Orientation Packet
- Packet acknowledgment form (**required**)
- Application form (**required**)
- Search Policy
- Search acknowledgment form (**required**)
- Wireless device policy
- Wireless device clearance request form (**optional**)

**Please ensure your staff receive the entire packet** and return the acknowledgement forms with the application. Please ensure they read the orientation and policies carefully before arrival to the institution.

If you have any further questions, feel free to call or e-mail me.

Thank you,

Christina Lane, Project Secretary  
WSP – Capital Projects  
1313 N. 13<sup>th</sup> Ave. MS # 8  
Walla Walla WA. 99362  
Ph: 509-526-6540 Fx: 509-526-6529  
E-mail: cmlane@doc1.wa.gov



Department Of Corrections  
Washington State Penitentiary

## Washington State Penitentiary (WSP) Contractor Orientation Packet

### Clearance Application

All individuals wishing to enter institutional grounds must be 18 years of age or older and must submit a clearance application with the required acknowledgement forms. The National Crime Information Center (NCIC), Washington State Crime Information Center (WACIC), and the Washington State Information System (WASIS), are used to check for criminal history, active warrants, etc. The Public Access System (PAS) will be used to check for affiliation with an offender incarcerated in the state of Washington. Allow one to two weeks for processing. (Subject to RFP/spec. book) Please insure accuracy and legibility.

Application approvals expire after 90 days. If you have not received a construction badge within that time frame, you will need to resubmit the clearance so the background checks can be done again.

Once clearance is approved, a memo is generated requesting access on a specific date and time. If there are changes made for a particular date, a new memo will need to be submitted for approval. Please allow at least 24 hours for this process.

Random background checks may be repeated on any badged employee/contractors. Any new information on the background check, such as a recent arrest, could result in denial of access. Please be truthful and accurate in the application. If there are false statements on the form, the contractors may be denied. The applicant must sign the forms prior to sending it in.

---

### Authorization and Denials

Authorization to be on site is given after the background check has been completed. When you know your schedule, notify your general contractor and/or the Capital Project Secretary, one to two days prior to arrival.

Be specific about the following:

- Date and time of the visit with the name and company of the person(s) coming in
- Project Name
- Location of access
- Duration (Guest badges are for short duration visits, a week or less) Guest badges can be issued at any time each day. Construction badges are done at 7:00 am, Monday through Friday.

The Captain may deny a clearance or access to the facility based on some of the following reasons:

- Conviction of a felony
- Conviction of a gross misdemeanor (depending on what, how long ago and how many offences)
- On probation or community supervision
- Current warrant for arrest (including a missed traffic court date)
- Having been an offenders visitor or on an offenders visitor list
- A pattern of disregard for the law (e.g., repeated DUI's)
- Providing false information on the clearance form

If you have been denied, you may submit an appeal. Applicants are responsible for their own appeals. Appeals can be done as follows:

- If you choose to, you may obtain a copy of your record through the Washington State Patrol. This will enable you to work with the courts to fulfill any outstanding obligations, have discrepancies corrected, etc. Once these issues have been resolved, you may resubmit.
- If you wish to appeal mail or fax a letter to the Washington State Penitentiary, Addressed "to whom it may concern" and send it to the attention of the Capital Project Secretary. [Christina Lane] Your letter should state why you feel your application should be reconsidered. You can take this opportunity to explain the circumstances of any passed arrests you may have. Your letter will be put with your clearance packet and sent to the Associate Superintendent for review.
- If the Associate Superintendent approves access then the applicant will be notified. If the Associate Superintendent denies access then the entire packet will be sent to the Superintendent for review. The Superintendent's decision is final.

Note: Per policy: WSP OM 280.205, II, D. "Anyone requesting clarification of their criminal history will be referred to the original arresting agency. WSP shall not disseminate information to anyone other than authorized personnel".

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### **WSP Contractor I.D. Badge**

Obtaining a WSP contractor I.D. badge (Pink) will take place Monday through Friday at 7 a.m. (Except during holidays) Badging must be scheduled two days, or more, in advance. The 7:00 a.m. time frame is firm and late arrivals will need to reschedule through their general contractor. A current driver's license or a current state photo I.D. will be required at the time of arrival. All personal property can be secured in your vehicle or stored in institution lock boxes.

After a construction badge has been issued, notification still has to be given for site visits, meetings, print reviews, etc., as an escort will need to be provided. Please notify us in advance.

---

## Security Issues

There are dangers involved while working at a Penitentiary and the State of Washington is required to use ordinary care to keep the premises reasonably safe during the contractor's visit. In the case of a hostage situation WSP will recognize each visitor, contractor, volunteer and/or vender involved as a hostage and will follow authorized procedures to attempt a successful resolution. As a hostage, you would receive no authority to negotiate or issue orders.

---

## Contraband

Please ensure that your vehicle, as well as your person, is free from contraband. You may lock up personal items in the lock boxes

Do not bring in the following:

- Weapons (knives guns, ammunition [including empty shells], defense sprays, etc)
- Drugs (other than what are prescribed and then in daily quantities only)
- Glass, metal and tin containers
- Wireless devices (cell phones, laptops, cameras, etc)
- Keys, credit cards, checkbooks
- Tobacco

Only the following items can be brought into the secured perimeters:

- Currency/coin under \$20
- Comb
- Briefcase/portfolio (Subject to search)
- Reading glasses
- Pens
- Jewelry
- Prescription medication (only enough for up to an 11 hour day)

The institution will not be liable for any loss of or damage to personal items.

DOC 190.500 "In an effort to provide a safe, healthy and productive environment for employees, offenders and visitors, the use of tobacco products is prohibited within the perimeter of Prison facilities." Chewing tobacco is permitted providing it is not spit out on the grounds or provided to an offender. Smoking areas have been provided.

---

## Wireless Device Policy (Please read the attached policy WSP 400.030)

If your job cannot be accomplished with out the use of a wireless device in the field with you, you can submit a "Wireless Device Security Exemption Request" to the Capital Project Secretary one to two weeks prior to arrival. Cell phones and other wireless devices are considered to be contraband and, as such, are not permitted on the facilities grounds. Electronic devices can and have created security issues, therefore we need to be aware of how many come on the grounds,

where they are going and what they will be used for. Personal phones, PDA, etc. are expected to be secured in vehicles and used during non-working time frames.

Please insure accuracy and legibility and ensure the justification section must be filled out in detail

---

### **Dress Standards**

#### General Guidelines:

The Washington State Penitentiary strives to ensure that the attire and personal appearance of all staff, contractors, volunteers and vendors is to be professional and appropriate for their job duties.

Tattoos that depict violence, gang affiliation or could be construed as sexual in nature must be covered.

#### Prohibited Clothing:

- Orange tee shirts or orange vests
- Clothing that refers to obscenity, alcohol, drugs, prisons, gangs or sex
- Items with holes, rips, tears or drawstrings
- Low cut shirts and blouses
- Sheer, transparent or mesh fabrics that expose undergarments through the fabric
- Tight fitting clothing
- Shorts, cut offs, halter tops, tank tops, sleeveless blouses or shirts
- Camouflage or fatigue clothing
- Any item considered to be a threat to the security and safety of offenders, visitors or staff, as determined by the Superintendent or designee

Always follow the OSHA/WISHA WAC's regarding protection and clothing. (296-155)

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### **Search Policies (Please read the attached policy DOC 420.340)**

Search policies are given to everyone applying for clearance. The acknowledgment form must be signed and sent in with the application. Clearance applications cannot be processed without the search acknowledgment form.

Note: The acknowledgement form is a legal document and as such, can not be altered.

All visitors, staff, contractors and volunteers are subject to search in order to maintain the safety and security of the institution.

If a person refuses a search, access to the facility may be denied for a period of 90 days for a first-time refusal. A second refusal may result in permanent denial of access. This includes all forms of searches, i.e. container, vehicle, metal detector, etc.

Vehicle Search (WSP 420.330) – “An interior and exterior inspection of a vehicle entering and leaving the secure grounds/perimeter of a correctional facility; or a visual, exterior-only inspection of vehicles parked in a state-owned parking lot which is outside the secured perimeter of a facility.”

“The owner or driver of a vehicle shall be present during the search of a vehicle entering the secured grounds/perimeter of the facility. The owner or driver shall shut off the vehicle engine and the driver and occupants (except inmate transport vehicles) shall be out of the vehicle during the search.”

A vehicle search shall include, but not be limited to, a search:

- Under the hood, seats, and floor mats
- Inside the glove-box, ashtrays, consoles and door pouches
- Inside the trunk and any tire carriers
- A container search of all items being transported

The searching staff will ensure that any vehicle entering the facility has none of the following:

- Firearms
- Ammunition
- Chemical agents
- Flammable items
- Weapons
- Alcoholic beverages
- Jacks
- Illegal drugs
- Cell phones and/or other wireless electronic devices
- And/or other items that may be used to cause serious injury or escape on board before allowing entry

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### Tool Inventories (DOC 420.500)

All tools will be inventoried daily upon arrival and departure. (Check with your RFP/spec book for details regarding your construction area.) Only bring with you the tools you'll need to work with for that day. This will help the inventory and search procedures move quicker and more smoothly.

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### Communication with offenders

Communication with offenders should be avoided at all times. If an offender wishes to engage in conversation, refer him to your escorting officer.

If you see or suspect suspicious behavior, an escape or if you feel threatened by an offender, immediately report this to your escort and/or the nearest WSP staff member.

Any emergency should be reported to your escort or the nearest WSP staff member. If you are near an institutional telephone, the on-site emergency number is #333.

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### Sexual Misconduct with Offenders (DOC 490.800)

Law S. 1435, the "Prison Rape Elimination Act of 2003. Statement by the President: Today, I have signed into Law S. 1435, the "Prison Rape Elimination Act of 2003." The Act provides for analysis of the incidence and effects of prison rape in Federal, State and local institutions, and for information, resources, recommendations and funding to protect individuals from prison rape ... GEORGE W BUSH, THE WHITE HOUSE; September 4, 2003.

Washington State Department of Corrections (DOC) policy specifically forbids any activity associated with or that promotes acts of sexual conduct, including sexual harassment between offenders and DOC staff. In this definition, staff includes; vendors, contractors and volunteers of the DOC as well as staff from other federal, state, or local jurisdictions. An "offender" means someone incarcerated in a correctional facility or under supervision in the community.

#### Inappropriate Conduct

Misconduct includes:

- Sharing personal information with an offender
- Exchanging romantic letters or phone calls
- Sexual involvement, including touching or penetration.

#### Sexual Misconduct

Sexual Misconduct can be defined as behavior of a sexual nature. The result is a breach of the professional relationship that exists between staff and an offender. Sexual misconduct distinctly alters the boundary between professional roles and personal relationships - personal elements are then introduced into what should be a sex-neutral situation. Forms of sexual misconduct include, but are not limited to:

- Attempts to engage in a sexual act with any offender's genitalia, anus, groin, breast, inner thigh, and/or buttocks with the intent to abuse, humiliate, harass.
- Any solicitation of sexual activity through promises of favors and/or threatening an offender for refusing sexual advances.
- Invasion of privacy beyond what is reasonably necessary for safety and security, including disrespectful, unduly familiar, or threatening comments made to offenders.

Sexual misconduct, including sexual harassment, is a serious offense - and is against the law.

Depending on the investigation findings of an alleged incident, disciplinary action may result in dismissal and the advanced possibility of criminal charges. In addition, persons accused of sexual harassment in civil or criminal proceedings may be held personally liable for damages to the person harassed.

Sexual misconduct can take many forms, including but not limited to:

- Sexual comments about one's body.
- Repeated staring, comments, and/or propositions of a sexual nature.
- Conversations filled with sexually suggestive innuendoes or double meanings.
- Display or transmittal of sexually suggestive posters, objects, or messages.
- Demands for acts of a sexual nature.
- Physical sexual assault.
- Request for sex in exchange for favors.

Sexual harassment is any sexual behavior that adversely affects an offender's environment as it pertains to his/her responsibilities of incarceration or supervision. It can occur without conscious intent and is not limited to explicit demands for sex.

Sexual misconduct and sexual harassment are an abuse of power. No one can predict when romantic or sexual feelings will occur between two people, but acting on those feelings by becoming involved with an offender is unprofessional and unacceptable conduct.

As a DOC vendor, contractor or volunteer, your designated assignments place you in a position of authority over the offenders with whom you interact in a professional capacity. It is not possible to have a relationship as equals because you have a responsibility to maintain custody, evaluate work performance, and/or provide input to issues that affect release dates, return to prison, or other sanctions.

#### Some other things to consider

- Amorous or sexual relationships with an offender are seldom a secret. Such behavior will undermine your professional career by subjecting you to disrespect and manipulation from other offenders that may be aware of your situation.
- Once in a relationship, professional judgment becomes clouded and the normal defenses that exist to protect you will be compromised. When acting on emotions, you may take actions that would otherwise be considered inappropriate in a correctional environment (either in custody or in the community).
- Others will be judging your decisions for professionalism and trustworthiness. Your conduct and the decisions you make reflect not only on your own reputation, but also on that of your peers and the agency you represent.
- Romantic or sexual relationships often end with bitter feelings. If this occurs, you may be vulnerable to a host of problems-such as loss of respect from your peers, a damaged reputation, and loss of employment.
- Engaging in any form of over-familiar activity with an offender is unprofessional conduct and in violation of department policy.



### A special note to persons in positions of power

Amorous or sexual relationships are inappropriate and illegal when they occur between an offender and any staff member. Offenders depend upon staff to provide for their board and care, ensure their safety, address their health care needs, supervise their work and conduct, and act as role models for socially-acceptable conduct.

Because of the difference in power between offenders and staff, vendors, contractors and volunteers, there can never be a consensual relationship between the two entities. Here are some factors to consider.

Some offenders have a history of victimization, particularly in their formative years, which may make them especially vulnerable to the sexual overtures of persons in positions of authority. Their perception of affection/love may be skewed by this background of abuse, making it impossible for them to refuse advances of a staff member.

In some instances, particularly for female offenders, their survival in the community has been directly related to using their sexuality to obtain the means to support themselves. Coupled with low self-esteem, this carries over into their conduct in prison and while under community supervision.

Occasionally an offender tries to use sex to improve his/her standing or circumstances (e.g., better job, avoid disciplinary action, affect a release plan, gain privileges, etc.). However, as the person in authority, it is your responsibility to discourage, refuse and report any overtures as well as maintain professional boundaries at all times.

Your personal and professional reputation may be jeopardized because of unprofessional conduct. Your effectiveness as agents of the DOC, your careers, and even your family can be negatively impacted or destroyed.

Boundaries in relationships can be difficult. If you question your professional boundaries with an offender or feel uncomfortable with his/her actions or advances toward you, talk to another person you respect and bring this matter to the attention of a DOC employee before it gets out of control.

### Incident Identification

You may become aware of a sexual assault in one of the following ways:

- Discover an assault in progress
- Offender reports an assault
- Suspected or you may hear of an offender being threatened with assault or rumored to have been assaulted

### Consequences

There are serious consequences for any person found to be in violation of the Washington State Statutes or PREA to include:

- Suspension/termination of visitor/contractor privileges
- Misdemeanor or felony conviction
- Jail or prison

### Report- Report-Report!

If you suspect an assault involving offenders, staff, vendors, volunteers and/or visitors, notify a DOC employee immediately, i.e. your escorting officer!

### For Questions

If you have general questions regarding PREA, call 360-725-8200.

State of Washington Department of Corrections

[www.docl.wa.gov](http://www.docl.wa.gov) P297 11/26/05

**WASHINGTON STATE PENITENTIARY  
FACILITY CLEARANCE APPLICATION FORM**

Please fill out completely and print or type information legibly.

NAME: \_\_\_\_\_  
LAST
FIRST
MIDDLE (Full)

SEX: \_\_\_\_\_ RACE: \_\_\_\_\_

HAIR COLOR: \_\_\_\_\_ EYE COLOR: \_\_\_\_\_ HEIGHT: \_\_\_\_\_ WEIGHT: \_\_\_\_\_

SOCIAL SECURITY #: \_\_\_\_\_ DATE OF BIRTH: \_\_\_\_\_

DRIVER'S LICENSE NUMBER: \_\_\_\_\_ STATE \_\_\_\_\_

PLACE OF BIRTH: \_\_\_\_\_  
STATE
OR
COUNTRY if not born in USA

MAIDEN NAME OR ALIAS: \_\_\_\_\_

Do you have a criminal history? Yes or No, Convicted felon: Yes or No, Other: \_\_\_\_\_

Are any friends or family members incarcerated? If so;  
 What is their name: \_\_\_\_\_  
 What is their relationship to you: \_\_\_\_\_  
 Where are they housed: \_\_\_\_\_

EMPLOYER'S NAME: \_\_\_\_\_

EMPLOYER'S ADDRESS: \_\_\_\_\_  
 \_\_\_\_\_

EMPLOYER'S PHONE #: \_\_\_\_\_ FAX #: \_\_\_\_\_

PURPOSE OF ACCESS: \_\_\_\_\_

PROJECT or LOCATION OF ACCESS: \_\_\_\_\_

DATE OF ACCESS: \_\_\_\_\_ DURATION: \_\_\_\_\_

➤ By signing, I declare that all information given on this form is true and accurate.

Signed \_\_\_\_\_



**Department of Corrections  
Washington State Penitentiary**

**ACKNOWLEDGEMENT OF RECEIPT OF  
WSP CONTRACTOR ORIENTATION PACKET**

I acknowledge that I have received the WSP contractor orientation packet addressing:

- Facility clearance and access
- WSP ID Badges
- Security issues
- Contraband
- Wireless device policy
- Dress standards
- Search Policy
- Tool Inventory
- Offender contact/communication
- Sexual misconduct with offenders. (PREA)

I agree to become familiar with the packet and have a thorough knowledge and understanding of its contents.

\_\_\_\_\_  
Company Name

\_\_\_\_\_  
Employee Name (Please Print)

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Form will be retained by the facility.



I HEREBY ACKNOWLEDGE REVIEW of the search POLICY / DIRECTIVE.

I UNDERSTAND that, per DOC requirements, I may be subjected to a "Canine Search," "Container Search," a "Locker Search," "Electronic Search," a "Vehicle Search," a "Pat Search," or a "Strip Search."

I FURTHER UNDERSTAND that I have the option of submitting to the requested search OR of immediately leaving the correctional facility. I understand that if I refuse to submit to a search, which is properly authorized, I will be escorted from the facility, and that law enforcement will be notified of any suspected criminal activity.

I FURTHER UNDERSTAND that if I opt to leave the facility without having been searched, I may be subject to denial of entrance to the facility for a period of 90 days. A second refusal to be searched may result in permanent denial of access.

I ALSO UNDERSTAND that if I am searched and found to be in possession of contraband, I may be subject to permanent denial of access. I may also be requested to remain in the immediate area of contraband discovery pending the arrival of law enforcement.

POR LO PRESENTE, RECONOZCO QUE HE REVISADO la poliza / directiva de registros.

YO COMPRENDO QUE DE ACUERDO A LOS REQUISITOS DE DOC, yo puedo ser sometida/o a una "Busqueda Canina," "Busqueda de Recipientes," una "Busqueda de Armario," "Busqueda Electronica," una "Busqueda de Vehiculo," una "Busqueda Oportuna," o un "Despojo para Busqueda."

YO ADEMAS COMPRENDO que yo tengo la opcion de someterme a la busqueda pedida o de inmediatamente dejar la facilidad correccional. Yo comprendo que si yo rehuso someterme a una busqueda que es autorizada adecuadamente, que yo sere escoltado desde la facilidad, y que las autoridades judiciales se notificaran de cualquier actividad delictiva sospechada.

YO ADEMAS COMPRENDO que si yo opto por salir de la facilidad sin haber sido buscado, yo puedo estar sujeto a la negacion de entrada a la facilidad por un periodo de 90 dias. Un segundo rechazo para ser buscado puede resultar en negacion permanente de acceso.

YO TAMBIEN COMPRENDO que si yo soy buscado y encontrado de estar en la posesion de contrabando, yo puedo estar sujeto a la negacion permanente de acceso. Yo puedo tambien ser pedido permanecer en el area inmediata del descubrimiento de contrabando pendiente la llegada de la justicia local.


Signature of Applicant

Printed Name

Date / Fecha

Receiving Staff

Date

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	TITLE <b>SEARCHING AND DETAINING FACILITY VISITORS</b>		

**REFERENCES:**


DOC 100.100 is hereby incorporated into this policy; RCW 72.02; RCW 72.09.650; DOC 410.320 Bombs, Bomb Threats, and Suspicious Objects; DOC 420.250 Use of Restraints; DOC 420.330 Searches of Vehicles; DOC 420.360 Searches by Canines; DOC 420.375 Contraband and Evidence Handling; DOC 450.300 Visits for Prison Offenders; DOC 890.600 Bloodborne Pathogens Employee Protection

**POLICY:**

- I. The Department requires searches of volunteers, contractors and vendors and their agents/employees, and other facility visitors on facility grounds. Searches will be conducted as needed to enhance the security and safety of staff, offenders, and the public by minimizing the introduction of contraband into Department facilities.
- II. The Department may detain visitors who enter correctional facility grounds when it appears the visitor has committed or is attempting to commit a crime on facility grounds.

**DIRECTIVE:**

- I. Searching Visitors
  - A. Notification
    1. Notices will be clearly posted along facility perimeter boundaries and at all entrances to inform all persons that they are subject to search.
    2. The person(s) to be searched must be informed of the type of search to be conducted and the consequences of refusing a search.
      - a. When a group has applied and been approved for a tour of a facility, the Superintendent may determine in advance whether tour group members will be searched and the type of search(es) to be conducted. This decision will be communicated to the public access staff and to the staff escorting the tour.
    3. All facility visitors will be provided the opportunity to read this policy.
      - a. For tour groups, a copy of this policy will be provided to the tour sponsor.
    4. Each facility visitor must sign DOC 21-575 Acknowledgment of Visitor Search Requirements the first time they enter a facility. The form will be retained by the facility and a copy may be given to the visitor upon request.

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5. If a person refuses a search, s/he will be escorted from the facility and law enforcement may be notified of any suspected criminal activity. Persons refusing to be searched may be denied access to the facility for a period of 90 days. A second refusal may result in permanent denial of access.

**B. Searches**

1. Electronic Search
  - a. Facility visitors may be subjected to a scan by a hand-held or stationary electronic detector.
2. Container Search
  - a. Handbags, briefcases, or any other containers brought in by facility visitors will be searched. These searches may be conducted in a public area.
    - 1) The person will be present during such a search, unless ownership cannot be established and there is a compelling security reason for proceeding with the search. Items of unknown ownership should be handled as suspicious objects per DOC 410.320 Bombs, Bomb Threats, and Suspicious Objects.
    - 2) A container search may be conducted or supplemented by a canine search.
3. Pat Search
  - a. Pat searches may be conducted in a public area by a correctional staff of the same gender as the person being searched. A pat search may include:
    - 1) Removal of the coat, hat, and shoes,
    - 2) A manual search of clothing and personal effects,
    - 3) Visual inspection of the nasal passages, hands, hair, ears, and mouth, and
    - 4) The removal of a hairpiece, hearing aid, and/or dentures. This portion of a pat search must take place in a private area.



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- b. The pat search of a child in diapers will be accomplished in a private area.
  - 1) The diaper will be removed by the accompanying adult and replaced with a clean diaper that has been searched by staff.
  - 2) A pat search will be conducted on the child and the adult, and all hand carried items will be searched.
  
- 4. Locker Search
  - a. Searches of state provided lockers may be conducted using master keys or combinations owned or controlled by the facility.
  - b. A locker search does not require the presence of the person using the locker.
  - c. A canine may be used to conduct or supplement a locker search at any time.
  
- 5. Canine Search
  - a. A canine search of facility visitors may occur per DOC 420.360 Searches by Canines.
  - b. When a canine has alerted on a person, a pat search of the person will be conducted. A vehicle search may also be conducted.
    - 1) If contraband is not discovered, access to the facility may be permitted. Management strategy for dealing with any remaining suspicion in relation to the immediate visit includes:
      - a) Assigning staff to escort the person(s),
      - b) Seating the visitor and offender directly in front of visit room staff, and/or
      - c) Non-contact visiting.
  - c. If the canine has alerted on a person or there is specific intelligence information related to the visitor/offender, temporary suspension of the visit is appropriate pending further investigation.





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- 1) Documentation to support the temporary suspension of the visitation will be submitted to the Superintendent the next business day.
  - d. If contraband is discovered, the contraband procedure portion of this policy applies.
  6. Vehicle Search
    - a. Vehicle searches will be conducted in accordance with DOC 420.330 Searches of Vehicles.
  7. Strip Search
    - a. Facility visitors will not be voluntarily or involuntarily strip searched without the specific, documented approval of the Assistant Secretary for Prisons.
      - 1) Requests for a strip search will only be considered by the Assistant Secretary for Prisons in the most extreme and/or unusual circumstances. At a minimum, reasonable suspicion must be established before the strip search request is forwarded to the Assistant Secretary for Prisons.
      - 2) Strip searches will be conducted by 2 correctional staff of the same gender as the person being searched.
  - C. Safety Procedure for Searches
    1. In compliance with DOC 890.600 Bloodborne Pathogens Employee Protection, staff will wear protective gloves when searching a person, an article, or the surface of any item contaminated with blood or body fluids.
- ## II. Contraband
- A. Contraband found during searches will not be permitted inside the facility.
  - B. If contraband is discovered, the offending person will be denied access pending review by the Superintendent/designee. Any person found to be in possession of any form of contraband may be subject to permanent denial of access.
    1. Contraband will be documented and disposed of per DOC 420.375 Contraband and Evidence Handling.



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- C. Local law enforcement will be notified of criminal activity if a facility visitor is found in possession of contraband that is an illegal item.

### III. Detaining Visitors

- A. The Shift Supervisor has the authority to detain, search, or remove facility visitors who:

1. Enter or remain within a facility or on the grounds without permission,
2. With probable cause, appear to have committed or are attempting to commit a crime, or
3. Possess contraband.

- B. Staff observing the violation or having probable cause to believe that a crime has occurred or is about to occur will notify the Shift Supervisor as soon as possible. Staff will advise the Shift Supervisor of the following:

1. Name of person(s) involved,
2. Location of incident,
3. Nature of incident,
4. Number of offenders involved,
5. Number of staff involved,
6. Number of citizens/visitors involved,
7. Injuries, and
8. Weapons involved.


- C. The Shift Supervisor will provide direction to on scene staff and will send additional staff, if necessary.

1. If the violation occurs during visitation, the visit will be terminated and the offender will be removed from the visiting area.

- D. The Shift Supervisor will immediately notify local law enforcement.

1. If law enforcement will respond:

- a. The Shift Supervisor will direct that the person(s) be detained for law enforcement in a location previously designated by the Superintendent,
- b. The person(s) will remain under constant observation until law enforcement arrives and assumes custody,

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- c. The person(s) will be afforded reasonable accommodations (i.e., restroom, water, etc.) while remaining under constant supervision,
- d. The person(s) will be searched as described above,
- e. Any contraband that is confiscated will be seized and documented per DOC 420.375 Contraband and Evidence Handling or the policy of the local law enforcement agency. The contraband will be released to the responding law enforcement officer, and
- f. If the detainee becomes combative, becomes a threat to him/herself or to staff, or damages property, use of force is authorized, including restraints, to protect the safety of persons or the security of state property in accordance with DOC 420.250 Use of Restraints. The Shift Supervisor will be notified as soon as practical.

2. If law enforcement will not respond:

- a. The person(s) will be searched as described above,
- b. Any contraband that is confiscated will be seized and documented per DOC 420.375 Contraband and Evidence Handling and the policy of the local law enforcement agency. The contraband will be stored in a secure evidence locker and released to law enforcement,
- c. The person(s) will be advised that the incident has been reported to law enforcement and they will be contacted by that particular agency later, and
- d. The person(s) will be escorted to the facility entrance and allowed to leave.

IV. Monitoring and Training

- A. All new correctional staff will receive training in effective/proper search techniques and methods of documentation. Training will include:
  - 1. Methodology,
  - 2. Liabilities, and
  - 3. Policy review.
- B. This training will be documented in the employee's training record.

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- C. Supervisors will monitor employee search techniques and provide training to correct any deficiencies.

**DEFINITIONS:**


The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Illegal Item, Reasonable Suspicion. Other words/terms appearing in this policy may also be defined in the glossary.

**ATTACHMENTS:**

None

**DOC FORMS:**

DOC 21-575 Acknowledgment of Visitor Search Requirements

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	REVISION DATE 9/27/07	PAGE NUMBER 2 of 3	NUMBER <b>DOC 400.030</b>
	TITLE <b>SECURITY GUIDELINES FOR WIRELESS PORTABLE TECHNOLOGY IN FACILITIES</b>		

**REFERENCES:**


DOC 100.100 is hereby incorporated into this policy; DOC 280.100 Acceptable Use of Technology; DOC 280.250 Acquisition, Disposal and Licensing of Information Technology; DOC 280.310 Information Technology Security

**POLICY:**

- I. The Department's guidelines for possession and use of wireless portable technology on Prison facility grounds will be followed to maintain order and security, and prevent the introduction of contraband into facilities. The Department will not be liable for loss or damage to any personal items.

**DIRECTIVE:**

- I. Acquisition
  - A. Wireless portable technology (e.g. cellular telephones, pagers, cameras, video equipment, personal digital assistants (PDA), Palm Pilots, laptop computers, walkie-talkies, etc.) will be acquired per DOC 280.250 Acquisition, Disposal and Licensing of Information Technology.
- II. State Issue
  - A. The Superintendent will designate an individual to maintain tracking of wireless technology in accordance with DOC 280.100 Acceptable Use of Technology.
  - B. Information pertaining to wireless portable technology will be kept on file with the issuing facility/department to allow for disabling, if necessary.
  - C. Staff are responsible for returning state issued equipment to the Superintendent/designee when the equipment is not functioning properly or is no longer needed.
    - 1. Administrative Services staff issued wireless technology through their chain of command will coordinate the return of these devices with the Superintendent/designee.
- III. Authorization Within Facilities
  - A. Prior written approval must be granted by the Superintendent/designee for:
    - 1. Wireless Portable Technology not issued by the Department to be permitted within the secure perimeter of any Prison facility.
    - 2. Cellular telephones, personal or state, to be permitted within the secure perimeter of Level III or higher facilities.

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## POLICY

- B. DOC 21-573 Wireless Portable Technology Security Exemption Request will be submitted to the Superintendent to request approval.
    - 1. Upon approval, staff must carry a signed copy of DOC 21-573 Wireless Portable Technology Security Exemption Request with the device authorized within the secure perimeter of their facility.
  - C. Non-facility Department staff may enter Level II facilities with state issued wireless portable technology. This equipment must be logged in at the external facility checkpoint and logged out upon departure. Individuals bringing items into a facility will be responsible for ensuring they depart the facility with approved items/equipment.
  - D. Personal communication devices will not be connected to the Department network in any manner, per DOC 280.310 Information Technology Security.
  - E. If any wireless portable technology is lost, the Shift Commander will be notified immediately and the provider will be notified to disable the device.
    - 1. Administrative Services staff will immediately notify the Shift Commander to maintain facility security, then notify their chain of command.
- IV. Contract Staff Use of Personal or Company Owned Computers or Software
- A. Use of non-Department cellular telephones, pagers, laptop, and/or software applications must be formally authorized in the contract.
  - B. To be cleared through control points, contract staff must carry an approved DOC 21-573 Wireless Portable Technology Security Exemption Request to transport a personally owned computer, software, or wireless portable technology to/from their workstation.

### DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

### ATTACHMENTS:

None

### DOC FORMS:

DOC 21-573 Wireless Portable Technology Security Exemption Request



WIRELESS DEVICE SECURITY  
EXEMPTION REQUEST

REQUESTOR'S NAME	PHONE NUMBER
SUPERVISOR	PHONE NUMBER

I have reviewed DOC 400.030 Security Guidelines for Wireless Devices in Facilities.  
Request to bring the following item(s) on prison facility grounds. Check all that apply:

- CELLULAR TELEPHONE
- PALM PILOT (PDA)
- PAGER
- LAPTOP COMPUTER
- DISCS, CD ROM, DVD
- OTHER MEDIA DEVICE \_\_\_\_\_

Justification / Duration of request:

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Requestor Signature	SERVICE PROVIDER NAME AND PHONE NUMBER
CELL PHONE / PAGER NUMBER	DATE OF REQUEST

CAPTAIN APPROVAL:  YES  NO

DATE
------

If NO, state reason(s)

SUPERINTENDENT APPROVAL:  YES  NO

DATE
------

If NO, state reason(s)

Additional conditions for use:

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Distribution: Original-Superintendent File Copy -Staff Member, Shift Commander, Public Access File

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.







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Washington State Penitentiary

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**WSP 150.150**

TITLE

**FACILITY VISITS AND TOURS**

**REVIEW/REVISION HISTORY:**

Effective:	08/12/02	WSP 150.150	Facility Tours
Revised:	01/03/05	WSP 150.150	Facility Tours
Revised:	05/01/06	WSP 150.150	Facility Visits and Tours
Revised:	05/02/07	WSP 150.150	Facility Visits and Tours
Revised:	08/26/08	WSP 150.150	Facility Visits and Tours

**SUMMARY OF REVISION/REVIEW:**

Added Facility Clearance Procedures as an attachment. Minor changes throughout. Read Carefully.

**APPROVED:**

STEPHEN D. SINCLAIR, Superintendent  
Washington State Penitentiary

Date Signed



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TITLE

**FACILITY VISITS AND TOURS**

**REFERENCES:**

DOC 150.150 Visits and Tours of Department Facilities and Offices; DOC 150.100 Public Information and Media Relations; DOC 290.400 Fundraising to Support Charities; DOC 400.100 Reporting of Incidents and Significant Events; DOC 420.340 Searches of Facility Visitors; WSP 150.100 Public and Media Relations.

**OPERATIONAL MEMORANDUM:**

- I. The Washington State Penitentiary (WSP) may allow individuals and groups to visit or tour the facility. Tours of the facility will be limited to law enforcement representatives, judicial officers/representatives, and college groups directly involved in a criminal justice/corrections class or program unless authorized by the Superintendent/designee. General public tours will not be authorized.
- II. This Operational Memorandum does not pertain to inmate personal visits.
- III. The Public Information/Legal Liaison Office (PIO/LLO) will coordinate facility tours.
- IV. Personal tours for staff family/friends will generally be limited to the facility open house. However, an Associate Superintendent may authorize an individual tour for a staff member's family/friends. The requirements Facility Clearance Procedures (Attachment 3) will be followed. The staff member may be expected to conduct the tour during their non-working hours.

**PROCEDURE:**

- I. General Information
  - A. During normal business hours, unannounced visits (e.g., health inspectors, fire department, Labor and Industries, etc.) will be referred to the Superintendent/designee and assigned to the appropriate staff person. The Duty Officer will be contacted during non-business hours.
  - B. All facility initiated requests to city, county, state or federal elected and/or appointed officials for speaking engagements and/or to tour the Penitentiary must come through the Office of the Secretary.
  - C. Visits involving state or federal elected and/or appointed officials will be coordinated through the chain of command up to the Office of the Secretary, as appropriate.



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- D. News media access will be handled in accordance with WSP 150.100 Public and Media Relations.
- E. Businesses or charities wishing to solicit at WSP will be handled per DOC 290.400 Fundraising to Support Charities.
- F. Persons under the age of 18 will not be allowed to enter the secure perimeter of the facility.
- G. Minors are not authorized in the offices or administrative section of the facility except for:
  - 1. High school students who work for the Department through an Intern or Work Study Program.
  - 2. Mentoring (when approved by the Superintendent).
  - 3. Staff's children, grandchildren, or other approved individuals for special events, such as Take your Daughter or Son to Work Day.
  - 4. Staff's relatives or friends for a brief duration, for instances such as meeting for lunch, stopping by to connect after school or work, or special events.

II. Approval Process

- A. Visit/tour requests must be pre-arranged and pre-approved.
- B. The individual/group requesting a tour must submit a written request to the PIO/LLO/designee at least 3 weeks prior to the planned tour. The request must include the purpose of the visit.
- C. When a request has been received and the tour approved, the PIO/LLO/designee will send the requestor the following:
  - 1. Clothing Standards for Tour Participants (Attachment 1);
  - 2. Confirmation letter (Attachment 2); and,
  - 3. Facility Clearance form.



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- D. At least 2 weeks in advance of the scheduled tour, the requestor must submit a Facility Clearance form for each tour participant. No other type of list or form will be accepted.

III. Background Checks

- A. A National Crime Information Center (NCIC)/Washington Crime Information Center (WACIC) check will be conducted on all members of groups/tours involved in access to any area of the facility in accordance Facility Clearance Procedures (Attachment 3).

1. A facility Captain may approve a person to enter facility grounds outside the secure perimeter without a background check.

- B. NCIC/WACIC checks will not be required for visitors from the following agencies:

2. Commissioned law enforcement officers
3. Immigration and Customs Enforcement (ICE);
4. Attorney General;
5. Fire and ambulance personnel;
6. Consulate staff;
7. Department employees;
8. Indeterminate Sentence Review Board (ISRB);
9. Elected officials and their staff;
10. Other government agency employees provided they have current/validated status (i.e. Labor and Industries, Department of Health, etc.); and
11. Other individuals as deemed appropriate by the Superintendent/designee.

IV. Searches

- A. When a group has applied and been approved for a tour, a copy of DOC 420.340 Searching and Detaining Facility Visitors will be provided to the tour sponsor.

- B. All visitors are subject to search in accordance with DOC 420.340 Searching and Detaining Facility Visitors. A visitor has the option of refusing to be searched. Refusal to be searched will result in the visitor being denied access to the facility.

1. The Superintendent may determine in advance whether tour group members will be searched. This decision will be communicated to Public



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Access staff and the escorting staff members through the LLO/PIO's Office.

2. Tour participants are not required to sign DOC 03-060 Acknowledgement of Visitor Search Requirements, unless an actual search will take place.

C. Tour group members may be required to clear metal detectors throughout the facility.

D. Tour group members may not bring personal property other than their picture identification. All other property must be left in their vehicles or locked in a locker prior to the tour. Approval for any carry in items will be considered on a case by case basis. These items are subject to search.

V. Tour Guidelines

A. Each visitor must provide current photo identification.

B. To the extent possible, the tour will be conducted in a manner that does not disrupt the regular activities of the areas being toured.

C. Tour groups will be limited to a total of 20 individuals.

1. Groups consisting of 10 people or less may have a single staff tour guide.

2. Groups consisting of 10 or more individuals must have 2 staff tour guides.

3. The staff person(s) assigned to conduct the tour must remain with the group at all times.

4. Normally, the tour group will visit a living unit, recreation area and correctional industries area.

D. Due to the increased number of tour requests from colleges/universities and limited staff resources, only one such tour per week will be scheduled on a first come, first served basis. College/university tours will be conducted on the following days/times:

1. Monday – 1:00 p.m. to 2:30 p.m.

2. Wednesday – 9:00 a.m. to 10:30 a.m.



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3. Thursday – 9:00 a.m. to 10:30 a.m.

- E. The housing unit to be visited will be notified of the scheduled tour. It will be the responsibility of the Unit Manager/designee to provide the inmates with advance notice of the tour.
- F. The Superintendent may authorize exceptions to the tour group requirements.

**DEFINITIONS:**

Words/terms appearing in this operational memorandum may be defined in the glossary section of the Policy Manual.

**ATTACHMENTS:**

Clothing Standards for Tour Participants (Attachment 1)  
Confirmation Letter (sample) (Attachment 2)  
Facility Clearance Procedures (Attachment 3)

**FORMS:**

DOC 03-060 Acknowledgement of Visitor Search Requirements  
WSP 21-420 WSP Facility Clearance Form  
WSP 21-421 WSP Facility Clearance Memo

## **WASHINGTON STATE PENITENTIARY CLOTHING STANDARDS FOR TOUR PARTICIPANTS**

The following clothing items are prohibited when participating in a tour:

1. Items with holes, rips, tears, quilted, or with drawstrings.
2. Low cut (exposing undergarment, cleavage, back, stomach) or shirt/blouses with full zippers.
3. Sheer, transparent or mesh fabrics (other than hosiery) that is see-through or that exposes undergarments through the fabric.
4. Tight fitting clothing (i.e., spandex, lycra or other rubberized or elasticized garments). We must be able to search your pockets comfortably.
5. Clothing that refers to obscenity, alcohol, drugs, prison, gangs or sex in any form.
6. Culottes, shorts, cut-offs, halter tops, tank tops, oversized or sleeveless blouses or shirts.
7. Cargo, stir-up, jogging, baggy, overly long, deep pocketed pants or any pants with elastic closures at the bottom of the leg. All pockets must be easily searched.
8. Thongs or shower shoes.
9. Dresses or skirts with hemlines higher than the bottom of the knee.
10. Wrap around clothing with full length openings or skirts too tight to allow officers to easily search the inner leg. No button down skirts or dresses.
11. Camouflage or fatigue clothing.
12. Bibbed attire or jumpers.
13. Money belts or belts with compartments.
14. Excessive jewelry or non-searchable jewelry styles. (No more than 2 rings on each hand, 2 necklaces, 2 bracelets, one watch and 2 pair of earrings.) No lockets or pins. No non-prescription sunglasses.
15. Shirts or blouses that are longer than hip length must be tucked into pants/skirt. Shirts and blouses must be long enough to ensure no skin is exposed with arms raised.
16. Headgear or excessive hair ornamentation (unless medically required and written verification is provided, or part of a religious practice).
17. Any item considered to be a threat to the security and safety of inmates, visitors or staff as determined by the Superintendent/designee.



STATE OF WASHINGTON  
**DEPARTMENT OF CORRECTIONS**  
WASHINGTON STATE PENITENTIARY  
1313 N. 13<sup>th</sup> Avenue – Walla Walla, Washington 99362

**DATE:**

**TO:**

**FROM:**

**SUBJECT:**

Attached is a Facility Clearance form for access to the Penitentiary. Each tour participant *must* completely and legibly fill out the marked portion of the clearance form. It is imperative that the full legal name of the tour participant is given as it appears on their birth certificate (e.g., Robert, not Bob; Catherine, not Cathy) including the persons full middle name – not just an initial. I also need any other last name used (e.g., maiden name, previous married name, etc.). Please feel free to make copies as needed. **DO NOT** submit any other type of form or list of tour participants. The clearance forms can either be faxed or mailed back to me. They must be received by \_\_\_\_\_ to facilitate timely background checks. No additional names may be added to the tour after \_\_\_\_\_.

Occasionally, a person is denied access to the Penitentiary based on the background check. The Captain approves/denies access based on some of the following reasons:

- Conviction of a felony;
- Conviction of a gross misdemeanor (depending on what, how long ago and how many);
- On probation/community supervision;
- Current warrant for arrest (even a missed traffic court date);
- Having been an inmate visitor;
- A pattern of disregard for the law (e.g., repeated DUI's);
- Providing false information on the clearance form.

If one of the tour participants is denied access, you will be notified by telephone. Specific information for the reason of the denial is considered confidential and will not be revealed.

I have your tour scheduled for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_. Tour participants *must have a current photo identification* which will be exchanged for a guest badge. Wallets are not permitted. Park in the visitor's parking lot and ensure the vehicle is locked. Keys will be secured in a locker prior to the tour.

Attached are the Clothing Standards for Tour Participants. Tour participants must comply with this standard. Comfortable shoes are recommended due to the amount of walking involved.



# FACILITY CLEARANCE PROCEDURES

The secure perimeter is defined as any point beyond the Security Booth, Public Access tunnel, 3 Tower Gate, Minor Control, and inside the Minimum Security Unit.

All potential employees will have a facility clearance completed prior to employment. This will be the responsibility of the hiring supervisor or manager.

## I. Controllers

- A. The following positions will serve as NCIC Controllers for the facility:
1. Public Access Sergeants (inmate visitors).
  2. Administrative Program Manager (tours, official visitors, media).
  3. Capital Projects Administrative Secretary (expansion).
  4. Correctional Industries Administrative Secretary (vendors and company representatives).
  5. Engineers Administrative Secretary (vendors and company representatives).
  6. Volunteer Coordinator (volunteers).
  7. Human Resources (potential employees).
  8. Correctional Records Managers (all others).

## II. Background Checks

- A. In order to have an individual cleared for entrance into the facility, a WSP 21-420 WSP Facility Clearance Form will be completed and sent to the appropriate Controller.
1. Whenever possible, the Facility Clearance Form will be sent to the Controller 72 hours in advance of the scheduled visit.
  2. A WSP 21-421 WSP Facility Clearance Memo should be submitted with the clearance form(s) when appropriate.
- B. The Controller will date stamp the form, review it for completeness and assign an Operator to run the background check.
- C. The Operator will review their NCIC III Log to determine if the applicant has been previously cleared.
1. If the applicant has been cleared within the past 90 days, the clearance date will be noted on the new clearance memo forwarded to the Captain for signature.
  2. If the applicant has *not* been cleared within the past 90 days, the Operator will:

## FACILITY CLEARANCE PROCEDURES

- a. Check the Public Access System (PAS) using only the last name in the visitor find field;
    - 1) If a list of names is retrieved, the list will be screened for a possible match. A match will be noted on the WSP 21-420 WSP Facility Clearance Form.
  - b. Conduct a WASIS/WACIC/NCIC III check;
  - c. Determine if there are any misdemeanor or felony conviction(s), an outstanding warrant(s) or if the check is clear. If the applicant has an outstanding warrant (hit), the Operator will notify the Intelligence and Investigations Office; and,
  - d. Enter the applicant's information on the NCIC III Log.
- D. Once the background check is completed, the Operator will forward the clearance form(s), background check(s) and clearance memo to the appropriate Captain for approval/denial and signature.
- E. The Captain will approve/deny the clearance.
1. If approved, the clearance packet will be returned to the Operator.
  2. Denials will be routed through the chain of command when an override is requested.
  3. The Superintendent will review and sign any background check that reveals a Felony Conviction.
- F. The Clearance Form and background check information will not be maintained and must be destroyed by the Operator after approval/denial.
- G. Copies of the signed clearance memo will be distributed by the requestor as indicated on the memo.
- III. Guest Badge and Escort Procedures
- A. A guest badge will be issued to any official visitor who enters the secure perimeter of WSP.
  - B. Official visitors will be escorted by a staff member at all times unless other arrangements have been approved by the Superintendent.



# WASHINGTON STATE PENITENTIARY FACILITY CLEARANCE

Date: \_\_\_\_\_  
 Requested By: \_\_\_\_\_ Department: \_\_\_\_\_  
 Date of Access: \_\_\_\_\_ Location of Access: \_\_\_\_\_  
 Purpose/Justification: \_\_\_\_\_

THIS SECTION MUST BE COMPLETED			
NAME: (Last)		(First)	(Middle)
MAIDEN NAME, ALIAS OR NICKNAME(S):			
SEX: M <input type="checkbox"/> F <input type="checkbox"/>	SSN:	DOB: (Month/Day/Year)	
Hair Color:	Eye Color:	Height:	Weight:
Race:	Drivers License #:	State of Issue:	State/Country of Birth:
Do you have a criminal history? Yes <input type="checkbox"/> No <input type="checkbox"/>		Do you have any friends or family members who are incarcerated? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Convicted felon: Yes <input type="checkbox"/> No <input type="checkbox"/>		If yes, who and where?	
Other: _____			

NCIC	PAS CHECK
<input type="checkbox"/> Clear <input type="checkbox"/> Warrant <input type="checkbox"/> Criminal History	<input type="checkbox"/> Clear <input type="checkbox"/> Clear <input type="checkbox"/> Clear <input type="checkbox"/> Clear
<input type="checkbox"/> Misdemeanor charges/convictions <input type="checkbox"/> Restraining/no contact order <input type="checkbox"/> Felony charges/convictions	<input type="checkbox"/> Visitor <input type="checkbox"/> Visitor <input type="checkbox"/> Visitor <input type="checkbox"/> Visitor
Operator _____ Badge/Position # _____ Date _____	

Approvals are good for 90 days from the date of signature

Approved  Denied Captain \_\_\_\_\_ Date \_\_\_\_\_

**Denials shall be routed through the chain of command if an override is requested.**

Approved  Denied Associate Superintendent \_\_\_\_\_ Date \_\_\_\_\_

Approved  Denied Superintendent \_\_\_\_\_ Date \_\_\_\_\_

Your social security number is required if you wish to be employed or granted access to this facility. Information received may be shared with other law enforcement agencies when appropriate.



WASHINGTON STATE PENITENTIARY

DATE:

TO:

Correctional Captain

FROM:

SUBJECT: FACILITY CLEARANCE

A security check (PAS and NCIC/WACIC) has been completed and clearance is granted for the following person (attach additional sheets as necessary):

Date of NCIC clearance:

Date(s) of access: Time (if applicable)

Reason for Access:

Location(s) of Access:  East Complex  MI. Attorney Visit Room Only  
 West Complex  MSU  IMU – North  IMU - South

The following staff will provide escort:

Comments:

\_\_\_\_\_  
Captain Signature

\_\_\_\_\_  
Date

c: Operator

Appropriate Control Points:

**East Complex** – Main Gate; Public Access; Security Booth; Master Control, Shift Lieutenant  
MSU – Sergeant

**West Complex** – Pubic Access; Minor Control; 3 Tower Gate, Shift Lieutenant  
IMU South – Unit Sergeant  
IMU North – Unit Sergeant



# WASHINGTON STATE PENITENTIARY FACILITY CLEARANCE

Date: \_\_\_\_\_

Requested By: \_\_\_\_\_ Department: \_\_\_\_\_

Date of Access: \_\_\_\_\_ Location of Access: \_\_\_\_\_

Purpose/Justification: \_\_\_\_\_

THIS SECTION MUST BE COMPLETED			
NAME: (Last)		(First)	(Middle)
MAIDEN NAME, ALIAS OR NICKNAME(S):			
SEX: M <input type="checkbox"/> F <input type="checkbox"/>	SSN:	DOB: (Month/Day/Year)	
Hair Color:	Eye Color:	Height:	Weight:
Race:	Drivers License #:	State of Issue:	State/Country of Birth:
Do you have a criminal history? Yes <input type="checkbox"/> No <input type="checkbox"/>		Do you have any friends or family members who are incarcerated? Yes <input type="checkbox"/> No <input type="checkbox"/>	
Convicted felon: Yes <input type="checkbox"/> No <input type="checkbox"/>		If yes, who and where?	
Other: _____			

NCIC	PAS CHECK
<input type="checkbox"/> Clear <input type="checkbox"/> Warrant <input type="checkbox"/> Criminal History	<input type="checkbox"/> Misdemeanor charges/convictions <input type="checkbox"/> Restraining/no contact order <input type="checkbox"/> Felony charges/convictions
MI <input type="checkbox"/> Clear <input type="checkbox"/> Visitor MSC <input type="checkbox"/> Clear <input type="checkbox"/> Visitor IMU <input type="checkbox"/> Clear <input type="checkbox"/> Visitor MSU <input type="checkbox"/> Clear <input type="checkbox"/> Visitor	
Operator _____ Badge/Position # _____ Date _____	

Approvals are good for 90 days from the date of signature

Approved  Denied Captain \_\_\_\_\_ Date \_\_\_\_\_

**Denials shall be routed through the chain of command if an override is requested.**

Approved  Denied Associate Superintendent \_\_\_\_\_ Date \_\_\_\_\_

Approved  Denied Superintendent \_\_\_\_\_ Date \_\_\_\_\_

Your social security number is required if you wish to be employed or granted access to this facility. Information received may be shared with other law enforcement agencies when appropriate.





**DENIAL OF DISCLOSURE OF PUBLIC RECORDS**

09/04/08  
DATE

PERSON REQUESTING DISCLOSURE

ADDRESS

1. TO:
2. YOUR REQUEST FOR DISCLOSURE OF THE RECORDS IDENTIFIED BELOW HAS BEEN DENIED TO THE EXTENT AND FOR THE REASON(S) SET FORTH BELOW.

DOC 420.500/Revision Date 11/29/07

Specific security information and process that must be protected to ensure the safety and security of a department facility, staff and offenders have been redacted per the following cite(s) from the pages outlined below.

RCW 42.56.420(2) - Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety".

RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy".

Policy Page(s) - 3, 4, 5, 6  
Attachment 2 Page(s) - 1, 2

3. **DECIDED BY:** Denise Vaughan

**TITLE**  
Public Disclosure Manager

4. YOU MAY APPEAL THIS DECISION TO Agency Appeals Officer BY COMPLETING THE APPEAL SECTION OF THIS FORM, AND MAILING THIS ENTIRE FORM, AND ANY ATTACHMENTS THERETO, TO THE ADDRESS SHOWN ON LINE 5.

5. **TO:** TITLE: Agency Appeals Officer

**ADDRESS**  
 Department of Corrections  
 Public Disclosure Appeal Officer  
 PO Box 41114  
 Olympia, WA 98604-1114

---

6.

APPEAL

I APPEAL THE ABOVE DECISION DENYING DISCLOSURE. IT IS INCORRECT BECAUSE:

---

7. SIGNATURE OF PERSON MAKING APPEAL

DATE

---



**INSTRUCTIONS FOR COMPLETING  
DOC FORM 05-067 – DENIAL OF DISCLOSURE OF PUBLIC RECORDS**

- Date Person completing the form will insert the date of the decision of denial in the upper right hand corner in the line provided.
- Line 1 Type name and address of the person who requested the disclosure.
- Line 2 If the request is denied, in whole or in part:
- a. Identify the specific record(s) that will not be disclosed, and
  - b. Indicate whether the entire record or only part of the record will not be disclosed.
  - c. Cite the specific statute(s) which exempts or prohibits disclosure, and explain how that statute(s) applies to the record(s) in question.
- Line 3 Type in the name of the person denying disclosure and the title of that person, i.e., Records Review Officer or Public Disclosure Coordinator.
- Line 4 Type in the title of the person to whom the decision may be appealed. If decided by a Records Review Officer, the appeal is to a Command Review Officer. If decided by a Public Disclosure Coordinator, the appeal is to the Public Disclosure Administrator.
- Line 5 Type in the title of the person who would decide the appeal. This will be the same title as appears in Line 4.
- Line 6 The person making the appeal will complete Line 6.
- Line 7 The person making the appeal will sign here and insert the date of the appeal.



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

**RESTRICTED  
POLICY**

APPLICABILITY <b>PRISON</b>		
REVISION DATE 11/29/07	PAGE NUMBER 1 of 7	NUMBER DOC 420.500
TITLE TOOL CONTROL		

**REVIEW/REVISION HISTORY:**

Effective: 12/27/00  
 Revised: 11/21/01  
 Revised: 8/21/06  
 Revised: 11/29/07

**SUMMARY OF REVISION/REVIEW:**

II.A.4. - Added to include the Marine Department and shipyard at McNeil Island  
 II.D. - Added information regarding determining which items are considered tools  
 III.A.1.a) - Added to indicate markings required for ladders  
 II.E. - Added to reference DOC 650.055 Needles, Syringes and Hazardous medical and Dental Instruments

**APPROVED:**

*H.W. Clarke*

HAROLD W. CLARKE, Secretary  
Department of Corrections

10/19/07

Date Signed

*Redacted =*



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

## **RESTRICTED POLICY**

APPLICABILITY  
**PRISON**

REVISION DATE  
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2 of 7

NUMBER  
**DOC 420.500**

TITLE

**TOOL CONTROL**

### **REFERENCES:**

DOC 100.100 is hereby incorporated into this policy; ACA 4-4196; DOC 650.055 Needles, Syringes and Hazardous Medical and Dental Instruments.

### **POLICY:**

- I. The Department will provide for the safety and security of staff, offenders, and visitors by establishing methods of accountability for the control and use of tools, to include culinary, within the confines of a facility or under the supervision of facility staff. [4-4196]

### **DIRECTIVE:**

#### **I. Responsible Staff**

- A. The Superintendent will designate a Tool Control Manager, the rank of Captain/ Correctional Program Manager (CPM) or above, responsible for tool control management.
- B. The Tool Control Manager may designate a Tool Control Officer(s) responsible for inspection, inventory, and maintenance of tools.

#### **II. Storage and Identification**

- A. All tools will be stored according to the Tool Control Matrix (Attachment 2). [4-4196]
  1. Class A tools are identified in Class A Tool List (Attachment 1). Class A tools will be maintained on tool drawer cut outs or on shadow boards. Class A tools that are too large for a shadow board/cut out will be marked and secured in a designated area.
  2. All tools not identified as Class A tools are Class B tools. Class B tools will either be stored on a shadow board or tool drawer cut out, or racked/organized to be easily visible and inventoried.
  3. Shadow boards may not have multiple tools in one spot; however, multiple shadow boards may be used.
  4. Racking (i.e., storing multiple, like items together) of tools can only be done with large tools, such as Department of Natural Resources (DNR) tools, grounds tools (e.g., rakes, shovels, polaskis, axes, combies, edgers, etc.), and large or bulky items (e.g., scaffolding, ropes, etc.) in the Marine Department and shipyard at McNeil Island. Racks can be wooden or metal, wall-mounted or free-standing on floor.



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

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## **RESTRICTED POLICY**

TITLE

**TOOL CONTROL**

- B. The Tool Control Manager must approve areas where tools may be stored.
- C. The Tool Control Manager will determine storage, supervision, transport, and checkout requirements for removable parts of stationary machinery that are Class A or Class B tools.
- D. The Tool Control Manager will determine which items should be considered a tool, based on facility security needs.
- E. The management of medical/dental instruments is covered in DOC 650.055 Needles, Syringes and Hazardous Medical and Dental Instruments.

### III. Marking

- A. Class A and B tools will be etched with a facility and location code.
  - 1. Class A tools will also be color coded red, except where health restrictions prohibit painting.
    - a) All ladders that are not painted red by the manufacturer will be identified with either a red zip tie or by painting a small yet easily identifiable area red.
- B. Each facility will have a list identifying tool codes for work area designations.

### IV. Inventory

- A. The Tool Control Officer(s) will maintain a perpetual master inventory on DOC 21-515 Tool Control Inventory or electronic version. Electronic versions will be printed out on [REDACTED] basis.
- B. Work supervisors will maintain a sub-inventory of all tools assigned to individual areas on DOC 21-515 Tool Control Inventory or electronic version. Sub-inventories will be maintained in all storage areas (e.g., tool cribs, tool cabinets, toolboxes, tool drawers, etc.).
  - 1. The area work supervisors will also be responsible for the perpetual accountability of consumable inventory items (e.g., blades for exacto knives, box cutters, window scrapers, hacksaws, chop saws, and drill bits) within their work area.
  - 2. A local process will be established for accountability that addresses exchange, issuance, and the return of all broken/worn out items.



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## **RESTRICTED POLICY**

TITLE

**TOOL CONTROL**

- C. Signed and dated copies of all sub-inventories will be forwarded to the Tool Control Officer on the last working day of [REDACTED]
- D. The Tool Control Officer will:
1. Use DOC 21-517 Lost Tool Report and DOC 21-518 Tool Add/Drop to reconcile the current quarter's sub-inventories with the master inventory,
  2. Report any discrepancies to the Tool Control Manager and Superintendent/designee, and
  3. Initiate an investigation of any and all discrepancies and forward a copy of the results to the Tool Control Manager and Superintendent/designee.

### V. Issuing/Checking Out Tools

- A. The Tool Control Manager may authorize offenders to work inside a tool crib.
1. Doors to the tool crib must be secured to restrict access when an offender is inside the tool crib.
  2. The offender assigned to the tool crib is responsible for accurate logging of all tools, chit placement, and unaccounted for tools.
- B. The work supervisor will ensure that all tools are accounted for [REDACTED] and any time the offender assigned to the tool crib leaves it.
- C. DOC 21-514 Work Shop Designation Tool Control – Check Out Sheet must be used to track tool issue and will be filed daily in each work area and maintained per the Records Retention Schedule.
- D. Each work supervisor will monitor tool issue and use throughout the day, as identified in the Tool Control Matrix (Attachment 2) under Supervision Requirements.
- E. Tools will be transported per the Tool Control Matrix (Attachment 2).

### VI. Tool Accountability

- A. Each employee responsible for the tools in his/her area will be required to sign DOC 21-516 Daily Tool Accountability, verifying that all tools are accounted for [REDACTED]. The signed form will be filed in each area and maintained per the Records Retention Schedule.
- B. The Tool Control Officer will make unscheduled checks of toolboxes, tool cribs, tool cabinets, and other tool storage areas at least once [REDACTED] to ensure



STATE OF WASHINGTON  
DEPARTMENT OF CORRECTIONS

APPLICABILITY <b>PRISON</b>		
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## **RESTRICTED POLICY**

inventories are accurate and DOC 21-516 Daily Tool Accountability has been completed and signed.

1. Discrepancies noted during unscheduled tool inventory checks will be investigated immediately by the Tool Control Officer and reported to the employee responsible for tools in that area.
  2. A report will be submitted to the Tool Control Manager and Superintendent/designee with the results of the investigation.
- C. The Tool Control Officer will submit [REDACTED] report to the Tool Control Manager that contains:
1. Documentation of unscheduled checks of tools storage areas,
  2. Adds/drops,
  3. Recommendations for additions/deletions to inventories, which includes recommendations for removal of excess tools, and
  4. Discrepancies and corrective action initiated.

### VII. Unaccounted for Tools

A. When a staff discovers a tool is missing, s/he will immediately:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]

B. The Shift Commander will:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]

C. If the missing tool is not located:



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DEPARTMENT OF CORRECTIONS

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## **RESTRICTED POLICY**

TITLE

**TOOL CONTROL**

1. The Shift Commander will notify all unit/area supervisors.
2. The work supervisor will submit DOC 21-517 Lost Tool Report to the Tool Control Officer.
3. [REDACTED]
4. The Shift Commander or Tool Control Manager will ensure appropriate corrective action is initiated.

D. If the tool is recovered:

1. Staff will notify the Shift Commander,
2. The Shift Commander will notify all unit/area supervisors,
3. The Shift Commander will ensure appropriate corrective action is taken, and
4. The Tool Control Officer will submit a report to the Tool Control Manager, summarizing the tool recovery and corrective action taken to minimize the risk of reoccurrence.

### VIII. Disposal/Replacement of Tools

- A. All new or replacement tools will come in through a central location and be marked and coded prior to being issued.
  1. The Tool Control Officer will document the tool on the master DOC 21-515 Tool Control Inventory or electronic version and update sub-inventories at the time of issuance. Electronic versions must be backed up with a paper version.
- B. Employees responsible for tools in their area will notify the Tool Control Manager whenever new, upgraded, or significantly different tools are requested. The Tool Control Manager will notify the Tool Control Officer of approved tools.
- C. The Tool Control Officer will adjust all inventories and complete DOC 21-518 Tool Add/Drop.
- D. The Tool Control Officer will ensure that all broken, worn out, or excess tools are immediately removed from the facility and disposed of properly.

### IX. Reassignment

- A. When tools are reassigned from one work area to another:
  1. The work supervisor dropping the tool from his/her inventory will initiate DOC 21-518 Tool Add/Drop and submit the tools to the Tool Control Officer.



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**TOOL CONTROL**

2. The Tool Control Officer will:
  - a. Re-etch the tool with the new location code,
  - b. Issue the tool to the new location,
  - c. Complete DOC 21-518 Tool Add/Drop, adding the tool to the new location, and
  - d. Adjust all affected inventories.

### X. Personally Owned Tools

- A. Personally owned tools are not authorized inside a total confinement facility. All tools required by staff to perform their duties will be provided by the facility.
- B. The Tool Control Manager during normal working hours, or the Shift Commander during evenings/weekend/holidays, may authorize contractors and/or specialized technicians to use their own tools.
  1. Contractors will complete DOC 21-877 Tool Control Inventory for Contractors to provide an inventory for all tools.
  2. Facility staff will check tools against this inventory when the contractor enters and leaves the facility.

### DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Class A Tools; Class B Tools; Shadow Board; Tool Crib. Other words/terms appearing in this policy may be defined in the glossary.

### ATTACHMENTS:

Class A Tool List (Attachment 1)  
Tool Control Matrix (Attachment 2) [4-4196]

### DOC FORMS:

DOC 21-514 Work Shop Designation Tool Control – Check Out Sheet  
DOC 21-515 Tool Control Inventory  
DOC 21-516 Daily Tool Accountability  
DOC 21-517 Lost Tool Report  
DOC 21-518 Tool Add/Drop  
DOC 21-877 Tool Control Inventory for Contractors



## CLASS A TOOL LIST

Air Hammer Bits	Pipe Wrench, 18" and over
Any Powder Actuated Fastening Tool	Pitchfork
Awl	Polaski
Axe, single bit and double bit	Portable gas Cut Off Saw
Band Saw, portable	Pry Bars, 12" (i.e. wrecking, crow, Pinch)
Blades, all metal cutting, including hacksaw, sawzall	Puller, Manhole Cover
Bolt Cutters	Ropes
Buffalo Chopper, 3" and 6" blades	Scaffolding
Cable and Chain come along	Screwdriver, all security types
Cable Cutter	Screwdrivers, over 14"
Chain Hoists	Serving Fork, 14"
Chain Saw and Blades	Sharpening Steel
Chains, all	Sickle
Cleavers, all	Splitting Mauls
Compressed gases over 1 lb.	Straight Razors
Core Drilling Machines with Bits	
Crimpers, over 12"	
Cutter, Maimin	
Cutter, Wolf Pacer	
Cutters, w/removable blades	
Cutters, Wire (capable of cutting 9 gauge fence wire)	
Dremel Tools, cord and cordless	
Electric Grinder, disc portable	
Electric Hammer Drill	
Electric Jack Hammers	
Fencing Pliers, all	
Files, metal cutting type	
Gun, Air/Electric Nail	
Gun, Air/Electric Staple	
Hacksaws	
Hammer, Sledge, 4 lbs and over	
Hatchet, single and double bit	
Hydraulic tools, all portable	
Ice Pick	
Jacks, all	
Knives, all except putty knives	
Ladders, 6' and over	
Metal concrete cutting bits, over 1/2" diameter	
Pick, Dirt	
Pigtails, electrical for grinders	

## TOOL CONTROL MATRIX

### Storage

Level	Class A	Class B
Level 5 – Max	Central tool crib [REDACTED] Shadow board/tool drawer cutouts/racked [REDACTED]	Central tool crib [REDACTED] Shadow board/tool drawer cutouts/racked [REDACTED]
Level 4 – Close	Tool room or cage [REDACTED] Shadow board/tool drawer cutouts/racked [REDACTED]	Tool room/cage/box [REDACTED] Shadow board/tool drawer cutouts/racked [REDACTED]
Level 3 – Med	Tool room or cage [REDACTED] Shadow board/tool drawer cutouts/racked [REDACTED]	Tool room/cage/box [REDACTED] Shadow board/tool drawer cutouts/racked [REDACTED]
Level 2 – Min	Tool room or cage [REDACTED] Shadow board/tool drawer cutouts/racked [REDACTED]	Tool room/cage/box [REDACTED] Shadow board/tool drawer cutouts/racked [REDACTED]
DNR	Building or vehicle [REDACTED] Shadow in building only [REDACTED]	Building or vehicle [REDACTED] Shadow in building only [REDACTED]
Off-Site	Tool room or vehicle [REDACTED] Shadow in building only [REDACTED]	Tool room or vehicle [REDACTED] Shadow in building only [REDACTED]

### Supervision Requirements

Level	Class A	Class B
Level 5 – Max	Direct supervision	Direct supervision
Level 4 – Close	Direct supervision	Frequent supervision
Level 3 – Med	Direct supervision	Frequent supervision
Level 2 – Min	Spot check	Spot check
DNR	Spot check	Spot check
Off-Site	Spot check	Spot check

Direct Supervision – The Work Supervisor has direct line of sight or the offender crew is within a visually open shop or a building with restricted access.

Frequent Supervision – The Work Supervisor visually checks the offender(s) using the tool(s) [REDACTED]

Spot checks – The Work Supervisor visually checks the offender(s) using the tool(s) [REDACTED]

## TOOL CONTROL MATRIX

### Issue/Checkout

Level	Class A	Class B
Level 5 – Max	Staff issues to offender	Staff issues to offender
Level 4 – Close	Staff issues to offender	Offender issues to offender
Level 3 – Med	Staff issues to offender	Offender issues to offender
Level 2 – Min	Staff issues to offender	Offender issues to offender
Level 1 – WR	Staff issues to offender	Offender issues to offender
DNR	Staff issues to offender	Offender issues to offender
Off-Site	Staff issues to offender	Offender issues to offender

### Transportation of Tools

Level	Class A	Class B
Level 5 – Max	[REDACTED]	[REDACTED]
Level 4 – Close	[REDACTED]	[REDACTED]
Level 3 – Med	[REDACTED]	[REDACTED]
Level 2 – Min	Offender transport	Offender transport
DNR	Offender transport	Offender transport
Off-Site	Offender transport	Offender transport



EXHIBIT D

PUBLIC PARTICIPATION PLAN



# **EXHIBIT D**

## **WASHINGTON STATE DEPARTMENT OF CORRECTIONS WASHINGTON STATE PENITENTIARY**

### **Draft Public Participation Plan**

#### **Exhibit D to the Agreed Order for a Remedial Investigation/ Feasibility Study**

Prepared by:  
Washington State Department of Ecology

**Para asistencia en Español (509) 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**

**September 2008**

## **Getting Involved in Cleanup at the WA State Penitentiary Site**

Ecology encourages the public, including staff and offenders at the Penitentiary to learn about and get involved in decision-making opportunities related to cleanup of contaminants at the WA State Department of Corrections, WA State Penitentiary site (site). Opportunities for involvement are available during specific stages of investigation and cleanup of volatile organic compounds (VOCs) and petroleum at the site. The site is located at 1313 North 13<sup>th</sup> Street, in the city of Walla Walla, Washington.

The Public Participation Plan (Plan) provides an overview of the Plan and the Model Toxics Control Act (MTCA). The Plan also outlines the purpose of the Plan, when public notice will occur, the amount of time the public has to comment, where the potentially affected area is located and ways the public may get involved in providing feedback. It also provides site background, a community profile, and community concerns.

### **Purpose of the Plan**

The Public Participation Plan has three main purposes:

- To promote public understanding of the Washington Department of Ecology's responsibilities, planning, and cleanup activities at the site.
- To serve as a way of gathering information from the public. This information will assist Ecology and the potentially liable persons (PLPs) to conduct the investigation and plan for cleanup in a manner that is protective of human health and the environment.
- To inform staff, offenders, the community living near the site, and the general public about cleanup activities and how to contribute to the decision-making process.

### **Overview of the Public Participation Plan and Model Toxics Control Act (MTCA)**

The Plan is required under authority of the Model Toxics Control Act. MTCA is a "citizen-mandated" law that became effective in 1989 to provide guidelines for the cleanup of contaminated sites in Washington State. This law sets standards to make sure the cleanup of sites is protective of human health and the environment. A glossary of MTCA terms is included as Appendix C of this Plan.

Ecology's Toxic Cleanup Program investigates reports of contamination that may threaten human health and the environment. If contaminants are confirmed during an investigation, the site is generally ranked and placed on a Hazardous Sites List (HSL).

The WA State Penitentiary site ranked a three on the Hazardous Sites List. A rank of one represents the highest level of concern and five the lowest. Current and former owners or operators, as well as any other PLPs of a site, may be held responsible for cleanup of contamination based on MTCA. The PLP identified by Ecology for this site is the WA State Department of Corrections. Other PLPs may be identified during the investigation process.

Public participation is an important part of cleanup under the MTCA process. The participation needs are assessed at each site according to the level of public interest and degree of risk posed by contaminants. Individuals who live on or near the site, community groups, businesses,



government, other organizations and interested parties are provided an opportunity to become involved in commenting on the cleanup process. Penitentiary staff and offenders are an important part of the community at this site and are encouraged to comment on the cleanup as it progresses.

The Plan includes requirements for public notice such as: identifying reports about the site and the repositories where reports may be read; providing public comment periods; and holding public meetings or hearings. Other forms of participation may be interviews, citizen advisory groups, questionnaires, or workshops. Since offenders cannot participate in activities outside of the Penitentiary, Ecology staff visited the site on July 22, 2008 to conduct some interviews with staff and offenders about the proposed cleanup work and discuss ways they may be involved in the decision-making process. The section about Public Participation Activities and Timelines provides additional information about outreach to the community, Penitentiary staff and offenders.

### **Public Participation Grants and Technical Assistance**

Additionally, citizen groups living near contaminated sites may apply for public participation grants (during open application periods). These grants help citizens receive technical assistance in understanding the cleanup process and create additional public participation avenues.

**NOTE:** Ecology currently does not have a citizen technical advisor for providing technical assistance to citizens on issues related to the investigation and cleanup of the site.

### **Amendments**

The Plan was developed by Ecology and complies with the Model Toxics Control Act regulations (Chapter 173-340-600 WAC). It will be reviewed as cleanup progresses and may be amended if necessary. Amendments may be submitted to Ecology's site manager, Sandra Treccani, for review and consideration. Ecology will determine final approval of the Plan as well as any amendments.

### **Review of Documents and Project Contacts**

Documents relating to the cleanup may be reviewed at the repositories listed on page 7 of this Plan. If individuals are interested in knowing more about the site or have comments regarding the Public Participation Plan, please contact one of the individuals listed on page 4.

<p><b>WA Department of Ecology Contacts:</b>  Sandra Treccani, Site Manager  WA State Department of Ecology  Toxics Cleanup Program  4601 N. Monroe  Spokane, WA 99205  (509) 329-3412  <a href="mailto:satr461@ecy.wa.gov">satr461@ecy.wa.gov</a></p> <p>Carol Bergin, Public Involvement  WA State Department of Ecology  Toxics Cleanup Program  4601 N. Monroe  Spokane, WA 99205  (509) 329-3546  <a href="mailto:cabe461@ecy.wa.gov">cabe461@ecy.wa.gov</a></p> <p>Roger Johnson, Public Disclosure  WA State Department of Ecology  15 W. Yakima Avenue, Suite 200  Yakima, WA 98902-3401  (509) 454-7658  <a href="mailto:rjoh461@ecy.wa.gov">rjoh461@ecy.wa.gov</a></p>	<p><b>Para asistencia Espanol</b>  WA State Department of Ecology  Toxics Cleanup Program  15 W. Yakima Avenue, Suite 200  Yakima, WA 98902-3401  (509) 454-4174  <a href="mailto:gboh461@ecy.wa.gov">gboh461@ecy.wa.gov</a></p> <p><b>Если вам нужно помощь по русский, звоните (509) 477-3881</b></p> <p><b>若需中文翻譯: (360) 407-6956</b></p> <p><b>Liên hệ bằng tiếng Việt, xin liên lạc (360) 407-6948</b></p> <hr/> <p><b>WA State Penitentiary Contact:</b>  Lauren "Shane" Loper  1313 N. 13<sup>th</sup> Avenue  Walla Walla WA 99362  (509) 526-6594  <a href="mailto:lsloper@doc1.wa.gov">lsloper@doc1.wa.gov</a></p>
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## SITE BACKGROUND

The WA State Penitentiary is located at 1313 North 13<sup>th</sup> Street, just outside the city of Walla Walla, Washington (see Figure 1). The Penitentiary is situated on 540 acres in a primarily rural area. The facility began operating in 1887 and today houses 1,967 offenders. The Penitentiary provides jobs for 1200 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.

Historically, chemicals have been used at the prison for a variety of reasons. Many of these chemicals were necessary to carry out various services such as furniture refinishing and repair, license plate manufacturing, dry cleaning, motor pool maintenance, metal working and welding, photo processing, sign manufacturing and various medical and dental labs. The chemicals currently identified at the site are volatile organic compounds (VOCs) and petroleum-based solvents and may be harmful to human health. The penitentiary currently manages and disposes of all chemicals in a legally compliant manner.

Historically Some of these chemicals may have been disposed of in a landfill located outside of the penitentiary perimeter fences. Now, there is concern that certain chemicals may have moved into soil or groundwater in and near the landfill. The chemicals currently identified at the site are volatile organic compounds (VOCs) and petroleum-based solvents and may be harmful to human health. The City of Walla Walla has not found these chemicals in the drinking water supply.

In an effort to more clearly identify what chemicals are present and where they are located 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 Agreed Order is a legal document issued by Ecology. The Order makes the agreement between Ecology and Corrections formal so cleanup actions needed at the site may move forward. The draft Agreed Order does not become final until after the 30-day comment period. Ecology will review all comments received during the comment period and may revise the Order, if necessary.

The purpose of the Remedial Investigation is to gather more information to determine where and how much contamination may be in soil and groundwater. The purpose of the Feasibility Study is to evaluate various cleanup alternatives for the contamination.

### **Contaminants of Concern**

Chemicals that have been used at the site are volatile organic compounds (VOCs) that include toluene, perchloroethylene (PCE), trichloroethylene (TCE), methylene chloride, sodium hydroxide, silver, petroleum, and various petroleum-based solvents. Contaminants that have been found in shallow groundwater are PCE and TCE.

## **COMMUNITY BACKGROUND**

### **Community Profile**

Early inhabitants of the Walla Walla region included several Native American Tribes who named the area “Walla Walla” which means “many waters.” Walla Walla is now home to more than 30,000 people from a variety of ethnic backgrounds. According to the 2000 Census, Hispanics make up the second largest group after Caucasians. “Other Race,” “Two or More Races,” Asian and Pacific Islanders, Blacks, Indians, Eskimos and Aleuts follow in population.

Walla Walla lies at the foot of the Blue Mountains in a community rich in agricultural lands, rivers, and streams. The soil is fertile from past volcanic activity, and the county holds some of the oldest farms in the state of Washington. Crops farmed include wheat, asparagus, strawberries, peas, onions, and an increasing number of wine vineyards. Skiing, golfing, fishing, and camping are just a few of the outdoor activities found in the region. In addition to farming, the area has a community college, two four-year colleges, several historic sites, museums, and the state penitentiary. Employers in the region range from

state and local governments to food processors, machinery and irrigation manufacturers, local farmers, and other business interests.

### **Community Concerns**

On July 22, 2008 some interviews were conducted with Penitentiary staff and offenders. Interviews were also conducted in the neighborhood near the facility. Ecology is continuing to conduct community interviews in the area. Some of the primary concerns expressed during interviews already completed are listed below:

- The primary concern expressed by most people interviewed both inside the Penitentiary and in the community was about the drinking water. People asked whether chemicals had been found in the drinking water and whether food was impacted. Local families and some offenders were particularly concerned about potential drinking water contamination that might affect children in the area. Offenders were particularly concerned about contaminants getting into their drinking water, food, and shower water. A couple of people asked how they would know if they had been exposed to anything in the water. Ecology's site manager explained that the drinking water supplied to the Penitentiary and local community is from the City of Walla Walla. The city tested the water and did not find any site-related contaminants in the drinking water.
- Questions were raised about potential air contamination at the Penitentiary. The issue of dirt being stirred up in the community during any work at the site was also raised. A question was asked about any fumes that might leak out of the ground into the air. Ecology's site manager indicated there would not be a risk of exposure to contamination in the outside air from the site.
- People within the Penitentiary and local community expressed a desire to be informed as Ecology finds new information. Offenders suggested newsletters, postings to bulletin boards, word of mouth, and internal T.V. Staff and local community folks said the Walla Walla Union Bulletin, Spanish radio, T.V. and newspapers, local churches and an organization called "Commitment to Community" (Blue Mountain Action Council) were good ways to inform people about the site. Several people liked the one-on-one contact and some were interested in a public meeting about the site.
- Most people interviewed said they trusted that Ecology would be able to cleanup the site properly and would let people know what was "really happening" regarding the contamination.
- Some concerns expressed were not related to Ecology's project. Some questions were asked about potential risks from exposure to contaminants in the Blue Mountain Unit of the Penitentiary that had asbestos, poor ventilation, bad tasting water, and old construction materials. A question also was raised about the air quality in the area where license plates are manufactured. A person indicated the room is often filled with powder from spraying the plates and masks aren't required for all people in the room. The person asked about potential lung and breathing problems from that type

of dusty environment. Ecology will address these questions with the Department of Corrections.

- A suggestion was made that Ecology’s site manager could provide a presentation to Offender Communication Liaisons (OCLs) and they could distribute information to offenders about the project.

Ecology will also focus on addressing site-related concerns through the activities listed in the Public Participation Activities and Timeline section below.

## Public Participation Activities and Timeline

The following is a list of some of the public participation efforts that will occur until the cleanup actions are completed:

- ❖ A **mailing list** is being developed to notify people about the site. The potentially affected vicinity covers any adjacent properties, homes and businesses within close proximity to the site, and areas to be investigated. People in these areas will receive copies of all fact sheets developed regarding the cleanup process via first class mail. Ecology will also mail notices to offenders and staff within the Penitentiary through an internal Department of Corrections distribution system. Additionally, individuals, organizations, local, state, and federal governments, and any other interested parties will be added to the mailing list. Others who are interested in being on the mailing list may contact Carol Bergin at the Department of Ecology (see page 4 for details).
- ❖ **Public Repositories** are locations where documents may be reviewed. In an effort to provide offenders access to information, additional repositories have been established at each of the Department of Corrections Law Libraries. The following locations will contain copies of any documents that go through the public review process related to this site:

**WA Department of Ecology**  
 4601 North Monroe  
 Spokane, WA 99205-1295  
 Contact: Mr. Roger Johnson  
 Public Disclosure Coordinator  
 (509) 329-3415

**Walla Walla Public Library**  
 238 East Alder Street  
 Walla Walla, WA 99362  
 (509) 527-4550

**Ecology’s Web Site at**

**[http://www.ecy.wa.gov/programs/tcp/sites/state/pen\\_hp.htm](http://www.ecy.wa.gov/programs/tcp/sites/state/pen_hp.htm)**

<p><b>Ahtanum View Correctional Complex</b>          2009 S 64<sup>th</sup> Avenue          Yakima WA 98903-1025</p>	<p><b>Monroe Correctional Complex</b>          16700 177<sup>th</sup> Avenue SE          P.O. Box 777 NM-83          Monroe, WA 98272-0777</p>
<p><b>Airway Heights Corrections Center</b>          11919 W Sprague Avenue          P.O. Box 1899          Airway Heights, WA 99001-1899</p>	<p><b>Olympic Corrections Center</b>          11235 Hoh Mainline Road          Forks, WA 98331-9492</p>

<b>Cedar Creek Corrections Center</b> 12200 Bordeaux Road P.O. Box 37 Littlerock, WA 98556-0037	<b>Pine Lodge Corrections Center for Women</b> 751 S Pine Street P. O. Box 300 Medical Lake, WA 99022-0300
<b>Clallam Bay Corrections Center</b> 1830 Eagle Crest Way Clallam Bay, WA 98326-9724	<b>Stafford Creek Corrections Center</b> 191 Constantine Way WA-39 Aberdeen, WA 98520-9504
<b>Coyote Ridge Corrections Center</b> 1301 N Ephrata P O Box 769 Connell, WA 99326-0769	<b>Washington Corrections Center</b> 2321 W Dayton Airport Road P.O. Box 900 WS-01 Shelton, WA 98584-0974
<b>Larch Corrections Center</b> 15314 NE Dole Valley Road Yacolt, WA 98675-9531	<b>Washington Corrections Center for Women</b> 9601 Bujacich Road NW WP-04 Gig Harbor, WA 98332-8300
<b>McNeil Island Corrections Center</b> 35 Settler Street P.O. Box 88900 Steilacoom, WA 98388-0499	<b>Washington State Penitentiary</b> 1313 North 13 <sup>th</sup> Avenue Walla Walla, WA 99362-8817
<b>Mission Creek Corrections Center for Women</b> 3420 NE Sand Hill Road Belfair, WA 98528-9007	<b>Out of State and Jail Facilities</b> P.O. Box 41149 Olympia, WA 98504-1149

❖ **Opportunity to Comment**

- During each stage of cleanup **fact sheets** are created by Ecology, then distributed to individuals on the mailing list. These fact sheets explain the stage of cleanup, the site background, what happens next in the cleanup process and ask for comments from the public. Additionally, fact sheets will be mailed in bulk to the Penitentiary for distribution to staff and offenders. They will also be posted on bulletin boards in each unit at the Penitentiary. Fact sheets will be provided in English and Spanish. Both language versions will also contain phone numbers for Russian, Chinese, and Vietnamese contacts who can help explain the fact sheet.
- A **30-day comment period** allows interested parties time to comment on the process. The fact sheet contains contact information about where to submit comments and where and when public meetings or hearings will be held if requested.
- The information from these fact sheets is also published in a statewide **Site Register** which is sent to those who request to be on that mailing list. Persons interested in receiving the Site Register should contact Linda Thompson of Ecology at 360/407-6069 or e-mail [Ltho461@ecy.wa.gov](mailto:Ltho461@ecy.wa.gov). The fact sheets are also posted on Ecology's web page under the Toxics Cleanup Program at [http://www.ecy.wa.gov/programs/tcp/sites/state/pen\\_hp.htm](http://www.ecy.wa.gov/programs/tcp/sites/state/pen_hp.htm)

- ❖ **Display ads or legal notices** will be published in the Walla Walla Union Bulletin, ethnic newspapers when available, and on Ecology's Public Events Calendar at

<http://www.ecy.wa.gov> to inform the general public. These notices are published at the beginning of the 30-day comment period for the public notices. They are also used to announce public meetings and workshops or public hearings.

- ❖ **Public meetings, workshops, open houses, and public hearings** are held based on the level of community interest. A public meeting may be held if there is enough interest in the site. A public hearing may be held if ten or more people request one based on the subject of the public notice. The hearing will be used as an opportunity for Ecology to formally gather comments. These meetings, workshops, or hearings will be held at a location that meets ADA standards and is close to the site. They may be held away from the site if it is necessary to accommodate large numbers of people. These events are announced using the same methods as display ads or legal notices.
- ❖ Flyers and bulletins may also be made available in various locations throughout the community and at the Penitentiary (e.g., postings at local businesses, schools, libraries, etc.) to announce public comment periods, meetings, workshops, etc.

### Answering Questions from the Public

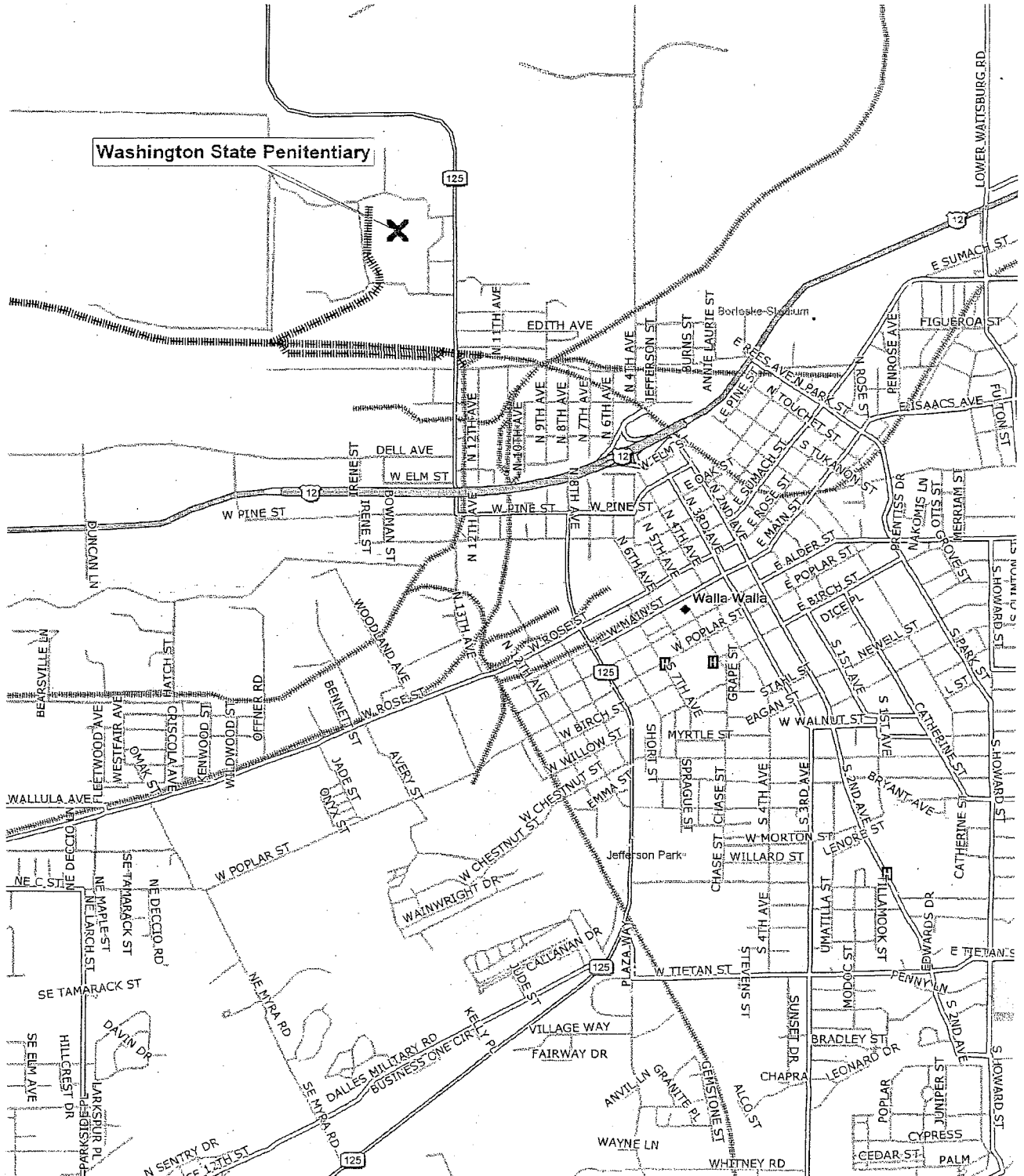
Individuals may want to ask questions to better understand the cleanup process. Page 4 lists the contacts for Ecology and the project manager for the WA State Penitentiary site. If you are interested and have questions you are encouraged to contact the people on the contact list by phone or e-mail to obtain information about the site, the process and potential decisions.

### Public Notice and Comment Periods Timeline

DATE	ACTION TAKEN
July 22, 2008	Article about the site in the Walla Walla Union Bulletin
July 22, 2008	Conducted Interviews with Penitentiary staff and offenders and began neighborhood community interviews. Additional interviews will be conducted.
October 2008	Agreed Order for a Remedial Investigation and Feasibility Study
October 2008	Fact Sheet and Public Comment Period about the Agreed Order for the Remedial Investigation and Feasibility Study
October 2008	Public Meeting about the project and Agreed Order
More Activities to Follow As Cleanup Progresses	

# APPENDIX A

## SITE MAP - FIGURE 1





**APPENDIX B**

**CURRENT MAILING LIST**

**(to be included in final hard copy of the Agreed Order)**

**WA STATE PENITENTIARY SITE**

## APPENDIX C GLOSSARY

**Agreed Order:** A legal document issued by Ecology which formalizes an agreement between the department and potentially liable persons (PLPs) for the actions needed at a site. An agreed order is subject to public comment. If an order is substantially changed, an additional comment period is provided.

**Applicable State and Federal Law:** All legally applicable requirements and those requirements that Ecology determines are relevant and appropriate requirements.

**Area Background:** The concentrations of hazardous substances that are consistently present in the environment in the vicinity of a site which are the result of human activities unrelated to releases from that site.

**Carcinogen:** Any substance or agent that produces or tends to produce cancer in humans.

**Chronic Toxicity:** The ability of a hazardous substance to cause injury or death to an organism resulting from repeated or constant exposure to the hazardous substance over an extended period of time.

**Cleanup:** The implementation of a cleanup action or interim action.

**Cleanup Action:** Any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup levels; utilizes permanent solutions to the maximum extent practicable; and includes adequate monitoring to ensure the effectiveness of the cleanup action.

**Cleanup Action Plan:** A document which identifies the cleanup action and specifies cleanup standards and other requirements for a particular site. After completion of a comment period on a Draft Cleanup Action Plan, Ecology will issue a final Cleanup Action Plan.

**Cleanup Level:** The concentration of a hazardous substance in soil, water, air or sediment that is determined to be protective of human health and the environment under specified exposure conditions.

**Cleanup Process:** The process for identifying, investigating, and cleaning up hazardous waste sites.

**Consent Decree:** A legal document approved and issued by a court which formalizes an agreement reached between the state and potentially liable persons (PLPs) on the actions needed at a site. A decree is subject to public comment. If a decree is substantially changed, an additional comment period is provided.

**Containment:** A container, vessel, barrier, or structure, whether natural or constructed, which confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment.

**Contaminant:** Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

**Enforcement Order:** A legal document, issued by Ecology, requiring remedial action. Failure to comply with an enforcement order may result in substantial liability for costs and penalties. An enforcement order is subject to public comment. If an enforcement order is substantially changed, an additional comment period is provided.

**Environment:** Any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the state of Washington.

**Exposure:** Subjection of an organism to the action, influence or effect of a hazardous substance (chemical agent) or physical agent.

**Exposure Pathways:** The path a hazardous substance takes or could take from a source to an exposed organism. An exposure pathway describes the mechanism by which an individual or population is exposed or has the potential to be exposed to hazardous substances at or originating from the site. Each exposure pathway includes an actual or potential source or release from a source, an exposure point, and an exposure route. If the source exposure point differs from the source of the hazardous substance, exposure pathway also includes a transport/exposure medium.

**Facility:** Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed or, placed, or otherwise come to be located.

**Feasibility Study (FS):** A study to evaluate alternative cleanup actions for a site. A comment period on the draft report is required. Ecology selects the preferred alternative after reviewing those documents.

**Free Product:** A hazardous substance that is present as a nonaqueous phase liquid (that is, liquid not dissolved in water).

**Groundwater:** Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In aquifers, groundwater occurs in sufficient quantities that it can be used for drinking water, irrigation, and other purposes.

**Hazardous Sites List:** A list of sites identified by Ecology that requires further remedial action. The sites are ranked from 1 to 5 to indicate their relative priority for further action.

**Hazardous Substance:** Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) (any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes; (a) have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or (b) are corrosive, explosive, flammable, or may generate pressure through decomposition or other means,) and (6) (any dangerous waste which (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may affect the genetic makeup of man or wildlife; and is highly toxic to man or wildlife; (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment), or any dangerous or extremely dangerous waste as designated by rule under Chapter 70.105 RCW: any hazardous substance as defined in RCW 70.105.010 (14) (any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter,) or any hazardous substance as defined by rule under Chapter 70.105 RCW; petroleum products.

**Hazardous Waste Site:** Any facility where there has been a confirmation of a release or threatened release of a hazardous substance that requires remedial action.

**Independent Cleanup Action:** Any remedial action conducted without Ecology oversight or approval, and not under an order or decree.

**Initial Investigation:** An investigation to determine that a release or threatened release may have occurred that warrants further action.

**Interim Action:** Any remedial action that partially addresses the cleanup of a site.

**Mixed Funding:** Any funding, either in the form of a loan or a contribution, provided to potentially liable persons from the state toxics control account.

**Model Toxics Control Act (MTCA):** Washington State's law that governs the investigation, evaluation and cleanup of hazardous waste sites. Refers to RCW 70.105D. It was approved by voters at the November 1988 general election and known as Initiative 97. The implementing regulation is WAC 173-340.

**Monitoring Wells:** Special wells drilled at specific locations on or off a hazardous waste site where groundwater can be sampled at selected depths and studied to determine the direction of groundwater flow and the types and amounts of contaminants present.

**Natural Background:** The concentration of hazardous substance consistently present in the environment which has not been influenced by localized human activities.

**National Priorities List (NPL):** EPA's list of hazardous waste sites identified for possible long-term remedial response with funding from the federal Superfund trust fund.

**Owner or Operator:** Any person with any ownership interest in the facility or who exercises any control over the facility; or in the case of an abandoned facility, any person who had owned or operated or exercised control over the facility any time before its abandonment.

**Polynuclear Aromatic Hydrocarbon (PAH):** A class of organic compounds, some of which are long-lasting and carcinogenic. These compounds are formed from the combustion of organic material and are ubiquitous in the environment. PAHs are commonly formed by forest fires and by the combustion of fossil fuels.

**Potentially Liable Person (PLP):** Any person whom Ecology finds, based on credible evidence, to be liable under authority of RCW 70.105D.040.

**Public Notice:** At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and opportunity for interested persons to comment.

**Public Participation Plan:** A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

**Recovery By-Products:** Any hazardous substance, water, sludge, or other materials collected in the free product removal process in response to a release from an underground storage tank.

**Release:** Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

**Remedial Action:** Any action to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance and any health assessments or health effects studies.

**Remedial Investigation (RI):** A study to define the extent of problems at a site. When combined with a study to evaluate alternative cleanup actions it is referred to as a Remedial Investigation/Feasibility Study (RI/FS). In both cases, a comment period on the draft report is required.

**Responsiveness Summary:** A compilation of all questions and comments to a document open for public comment and their respective answers/replies by Ecology. The Responsiveness

Summary is mailed, at a minimum, to those who provided comments and its availability is published in the Site Register.

**Risk Assessment:** The determination of the probability that a hazardous substance, when released into the environment, will cause an adverse effect in exposed humans or other living organisms.

**Sensitive Environment:** An area of particular environmental value, where a release could pose a greater threat than in other areas including: wetlands; critical habitat for endangered or threatened species; national or state wildlife refuge; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river; rookery; riparian area; big game winter range.

**Site:** See Facility.

**Site Characterization Report:** A written report describing the site and nature of a release from an underground storage tank, as described in WAC 173-340-450 (4) (b).

**Site Hazard Assessment (SHA):** An assessment to gather information about a site to confirm whether a release has occurred and to enable Ecology to evaluate the relative potential hazard posed by the release. If further action is needed, an RI/FS is undertaken.

**Site Register:** Publication issued every two weeks of major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control Act. To receive this publication, please call (360) 407-7200.

**Surface Water:** Lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the state of Washington or under the jurisdiction of the state of Washington.

**TCP:** Toxics Cleanup Program at Ecology

**Total Petroleum Hydrocarbons (TPH):** A scientific measure of the sum of all petroleum hydrocarbons in a sample (without distinguishing one hydrocarbon from another). The "petroleum hydrocarbons" include compounds of carbon and hydrogen that are derived from naturally occurring petroleum sources or from manufactured petroleum products (such as refined oil, coal, and asphalt).

**Toxicity:** The degree to which a substance at a particular concentration is capable of causing harm to living organisms, including people, plants and animals.

**Underground Storage Tank (UST):** An underground storage tank and connected underground piping as defined in the rules adopted under Chapter 90.76 RCW.

**Washington Ranking Method (WARM):** Method used to rank sites placed on the hazardous sites list. A report describing this method is available from Ecology.

EXHIBIT E

CERTIFICATE OF INSURANCE





# CERTIFICATE OF LIABILITY INSURANCE

Issue Date 03/31/2008

**ISSUED BY:**

State of Washington  
Office of Financial Management  
Risk Management Division  
PO Box 41027  
Olympia WA 98504-1027

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE STATE OF WASHINGTON SELF INSURANCE LIABILITY PROGRAM.

**COVERAGE AFFORDED BY**

**State of Washington Self Insurance Liability Program**

**INSURED:**

State of Washington  
Department of Corrections  
MS 41103  
Olympia, WA 98504

THE STATE OF WASHINGTON, INCLUDING ALL ITS AGENCIES AND DEPARTMENTS, IS SELF-INSURED FOR TORT LIABILITY CLAIMS. ALL CLAIMS MUST BE FILED WITH THE STATE OFFICE OF RISK MANAGEMENT FOR PROCESSING IN ACCORD WITH STATUTORY REQUIREMENTS.

## COVERAGES

THIS IS TO CERTIFY COVERAGE DESCRIBED BELOW IS PROVIDED TO THE INSURED NAMED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE COVERAGE AFFORDED BY THE SELF-INSURANCE LIABILITY PROGRAM IS SUBJECT TO ALL THE TERMS, EXCLUSIONS, AND CONDITIONS OF SUCH PROGRAM.

TYPE OF COVERAGE	POLICY NUMBER	EFFECTIVE DATE	EXPIRATION DATE	LIMITS
<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> OCCURRENCE COVERAGE	Self-Insured	Continuous	Continuous	BODILY INJURY, PROPERTY DAMAGE & PERSONAL INJURY COMBINED EACH OCCURRENCE \$5,000,000
<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input checked="" type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS				BODILY INJURY & PROPERTY DAMAGE COMBINED EACH ACCIDENT \$5,000,000
<b>WORKERS COMPENSATION AND EMPLOYERS LIABILITY</b>				STATUTORY
<b>OTHER</b>				

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS: Coverage applies as respects tort liability claims against the State of Washington as covered by the Tort Claims Act (RCW 4.92 et seq.) The Certificate Holder is named as additional insured, but only as respects the negligence of the State of Washington.

**CERTIFICATE HOLDER:**

**CANCELLATION**

EVIDENCE OF INSURANCE

SHOULD THE SELF INSURANCE LIABILITY PROGRAM BE CANCELLED, THE STATE OF WASHINGTON WILL ENDEAVOR TO MAIL 45 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL NOT IMPOSE ANY OBLIGATION OR LIABILITY UPON THE STATE OF WASHINGTON, ITS OFFICIALS, EMPLOYEES, AGENTS OR REPRESENTATIVES.

**AUTHORIZED REPRESENTATIVE:**

CERTIFICATE NUMBER CRT 08-342

  
Claudia Schmitz, Coverage Administrator

