



RESPONSIVENESS SUMMARY

Alexander Avenue Petroleum Tank Facilities

Facility Site ID#: 1377

Cleanup Site ID#: 743

July 26 – August 26, 2013 Public Comment Period

Agreed Order

**Prepared by
Washington State Department of Ecology
Southwest Regional Office
Toxics Cleanup Program
Lacey, Washington**

October 2013

Contents

Site Information	2
Responses to Comments	2
Comment 1: Citizens for a Healthy Bay.....	2
Comment 2: Environmental Protection Agency.....	2
Site Boundary/Map	2
Relationship to Occidental Chemical Site	3
Coordination between Ecology and EPA.....	3
Appendix A: Public Comments	5

Site Information

Address: 709, 901, and a portion of 1001 Alexander Avenue

Site Manager: Joyce Mercuri

Public Involvement Coordinator: Diana Smith

From July 26 to August 26, 2013 the Department of Ecology (Ecology) held a public comment period for the Alexander Avenue Petroleum Tank Facilities cleanup site.

Ecology, the Port of Tacoma, and Mariana Properties, Inc. are entering into an agreed order to begin cleaning up contamination at the site. The agreed order will require the port and Mariana Properties to prepare:

- **Remedial Investigation (RI) Report**, which describes the nature and extent of contamination.
- **Feasibility Study (FS)**, which evaluates cleanup options.
- **Draft Cleanup Action Plan (draft CAP)**, which describes the proposed cleanup action and how it meets Ecology's cleanup standards.

Responses to Comments

Ecology received comments from Citizens for a Healthy Bay (CHB) and Environmental Protection Agency (EPA). The comment letters are included in Appendix A.

Comment 1: Citizens for a Healthy Bay

CHB requested to be added to the project distribution list for data, reports, and memoranda generated under the agreed order.

Ecology Response

Ecology has arranged for the project consultants to add CHB to the distribution list for all deliverables required under the agreed order.

Comment 2: Environmental Protection Agency

EPA's comments fell into three general categories:

Site Boundary/Map

EPA noted that recent data indicate the petroleum contamination extends further to the southeast than in shown in the Exhibit A and suggested that the site boundary be modified.

Ecology Response

No changes are needed to the agreed order. Ecology acknowledges that contamination likely extends further to the southeast. However, the data supporting this statement had not been formally reported to Ecology as of the writing of the agreed order and were not included in the findings of fact or the exhibit to the agreed order.

The map in Exhibit A shows an approximate site boundary based on the property where the facilities that are known to be the source of the contamination were located.

The tasks required under this agreed order are intended to clarify the full extent of contamination.

Relationship to Occidental Chemical Site

EPA raised several issues concerning potential for commingled contamination with the Occidental Chemical site and requested changes to the agreed order to clarify what is covered under the Occidental Site Administrative Order on Consent (AOC).

Ecology Response

No changes are needed to the agreed order. Ecology acknowledges that there is potential for commingling of contaminants between the Alexander Avenue Petroleum Tank Facilities site and the Occidental Chemical Site.

- This agreed order is for actions required at the Alexander Avenue Petroleum Tank Facilities site. Ecology believes it is not necessary to include statements about what is required for the adjacent Occidental Chemical site under the Occidental AOC in this agreed order.
- Section VII. B. 4 requires that the Alexander Avenue remedial investigation work plan include measures to delineate the Alexander Avenue Petroleum Tank Facilities site contaminants in relationship to Occidental site contaminants.
- Once the remedial investigation is complete, Ecology envisions that we will hold discussions with EPA to reach agreement about what areas are commingled and to identify the most effective approach for addressing contaminants under each agency's authority. Ecology believes it is premature to include specific directives about how the contaminants will be addressed in this agreed order, as that will be determined during the feasibility study phase of the cleanup.

Coordination between Ecology and EPA

EPA requested coordination during the activities under the Alexander Avenue agreed order to ensure consistency with, and avoid conflict with, cleanup actions at the Occidental Chemical Site.

Ecology Response

Ecology agrees with the need for ongoing coordination and communication with EPA during the activities under this agreed order. Ecology will ensure that EPA is on distribution lists for all deliverables under this order, and Ecology will consult with EPA prior to providing comments or approvals for all key documents. Ecology will meet with EPA when the draft Remedial Investigation Data Memorandum is available to discuss areas of commingled contamination and determine best approach for addressing them under each agency's authority.

Appendix A: Public Comments



535 Dock Street
Suite 213
Tacoma, WA 98402
Phone (253) 383-2429
Fax (253) 383-2446
chb@healthybay.org
www.healthybay.org

August 26, 2013

Ms. Joyce Mercuri, Site Manager
Toxics Cleanup Program, SWRO
P.O. Box 47775
Olympia, WA 98504-7775
Joyce.Mercuri@ecy.wa.gov

Re: Alexander Avenue Petroleum Tank Facilities
Agreed Order No. DE 9835
Facility Site No. 1377, Cleanup Site No. 743

Dear Ms. Mercuri:

The purpose of this letter is to communicate remarks by Citizens for a Healthy Bay (CHB) regarding the above referenced Agreed Order.

CHB is a citizen-based, non-profit organization representing the greater Commencement Bay community and working to engage citizens to clean up, restore and protect the Commencement Bay environs. As such, over the past 23 years, we have acted to provide community oversight and public participation into cleanup and restoration actions within the Commencement Bay area.

CHB appreciates that the Port of Tacoma (Port) and Mariana Properties have proactively sought to provide for remedial action at the site under the Agreed Order (Order) with the Dept. of Ecology (Ecology). The order requires the Port and Mariana Properties to:

- Prepare a technical memorandum,
- Perform a remedial investigation and feasibility study (RI/FS), and
- Submit a draft site cleanup action plan to Ecology.

CHB understands that, due to the proximity of the Alexander Avenue site to the Occidental Chemical RCRA and Superfund sites, that Ecology in cooperation with the Port and Mariana Properties will communicate closely with the Environmental Protection Agency (EPA) and that EPA will receive copies of all memoranda, data and reports generated by activities conducted under the Agreed Order. Additionally, CHB understands that Ecology will coordinate closely with EPA to resolve any potential conflict that may arise due to activities/findings at the Alexander Avenue and Occidental Chemical sites.

Due to the proximity of the Alexander Avenue site to the Occidental Chemical site CHB respectfully requests that it be added to the project distribution list for all memoranda, data and reports generated under this order. This allows CHB to input

Board of Directors
Bonnie Becker
Cheryl Greengrove
Kathleen Hasselblad
Bruce Kilen
Bett Lucas
Melissa Braisted Nordquist
Marco Pinchot
Bill Pugh
Lee Roussel
Angie Thomson
Sheri Tonn

A tax-exempt
501(c)(3) Washington
nonprofit corporation

August 26, 2013
Ms. Joyce Mercuri, Site Manager
Page Two

comments, recommended changes or community perspectives up front when they are most valuable to all parties.

Thank you for consideration of our remarks.

Sincerely:

Leslie A. Rose
Senior Policy Analyst

Cc: Ms. Leslee Conner, Port of Tacoma
Mr. Clint Babcock, Mariana Properties, Inc.
Jonathan Williams, US EPA Region 10

August 26, 2013

EPA Comments on Draft Agreed Order No. DE 9835 of July 25, 2013

Groundwater and Sediment Remediation, Occidental Chemical Corporation, Tacoma, WA

EPA Docket No. 10-97-001 CERCLA

Background

Glenn Springs Holdings (GSH), which is a wholly-owned subsidiary of Occidental Chemical Corporation, has been performing response actions at the Occidental Site under an Administrative Order on Consent (AOC) amended in 2005. The most recent soil and groundwater investigations at 709/721 Alexander Avenue were conducted as part of the Comprehensive Supplemental Investigation (CSI) completed in November 2012.

GSH submitted a post-CSI step-out recommendation in December 2012 which identified the need to further investigate petroleum product source areas and the extent of LNAPL at 709/721 Alexander Avenue and property further plant-south. The recommendation memo also asserted that this investigative work should be conducted under a different enforcement agreement. EPA and Ecology agreed with this approach, and this draft Ecology Agreed Order (AO) is intended to implement that work.

General Comments

- 1) EPA understands that the AO site definition is written to include contaminants from petroleum product storage and processing facilities located on the plant-south part of the Occidental Site. Based upon the 2012 CSI results, it appears that part of 901 Alexander Avenue exhibited petroleum product LNAPL in soil. EPA recommends this approximate area be included in Exhibit A.
- 2) EPA understands that the site definition is intended to exclude contaminants other than petroleum products unless emanating from the same source. EPA recommends clarifying, in the "Definitions" section, that other contaminants will be continue to be addressed under the Occidental Site AOC.
- 3) EPA recommends that the "Findings of Fact" section of the AO state that petroleum product contaminants are mixed with other contaminants in some areas, and in particular the Hylebos embankment area of the Occidental Site.
- 4) The "Work to be Performed" section should clearly limit the response to those areas where Occidental Site contamination is not present, and state that this Order may include activities conducted to determine whether Occidental contamination is present or co-mingled with contamination subject to the Order, and that all Occidental contamination shall be addressed/remediated pursuant to the effective Occidental Site Order.

5) EPA understands that Ecology will coordinate with EPA to ensure that investigations and other MTCA response actions will be consistent with work performed under the Occidental Site AOC. No revision to the draft AO is needed to document this mutual expectation.

6) Remedial Investigation COCs and screening levels do not need to be determined as this was already accomplished as part of the CSI. Likewise, other aspects of the CSI Work Plan can be utilized to facilitate RI/FS work plan development. No revision to the draft AO is needed to implement this EPA recommendation.

Specific Comments

1) Definitions, Page 3, and Exhibit A: CSI results suggest the site definition extends further plant south. EPA recommends slightly revising Exhibit A to include areas of currently known petroleum product LNAPL. Also, see General Comments 1.

2) Finding of Fact, item J, Page 11: The CSI work was performed by GSH under the Occidental Site AOC. EPA recommends making this clarification.