

New City Cleaners



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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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August 27, 1996

Paul and Bettie Haverluk
c/o Thomas R. Benke, Esq.
Copeland, Landye, Bennett, and Wolf, Llp
3500 First Interstate Tower
Portland, OR 97201

Dear Mr. Benke:

RE: Responsiveness Summary - Enforcement Order No. DE 96TC-C180

Attached herein please find a copy of the Responsiveness Summary for Enforcement Order No. DE 96TC-C180 for your review. After consideration of your comments, the Department has determined that no changes in the Order are necessary. The effective date of the Order is unchanged and is effective on August 26, 1996.

If you have any questions regarding this Responsiveness Summary, please call me at (509) 454-7846.

Sincerely,

Chung Ki Yee, P.E.
Toxics Cleanup Program
Central Regional Office

Enclosure

cc: Paul and Bettie Haverluk
Kathy Gerla, AAG

Responsiveness Summary
on
Enforcement Order No. DE 96TC-C180

On July 22, 1996, Ecology issued Enforcement Order No. DE 96TC-C180 to Paul and Bettie Haverluk, Potentially Liable Persons, requiring remedial investigation activities at the New City Cleaners facility in Richland, Washington. Ecology published a legal notice in the July 23, 1996 issue of the Tri-City Herald soliciting comments from the public on the enforcement order. The 30-day comment period for the public notice expired on August 23, 1996. On August 23, 1996, Ecology received comments from Thomas R. Benke of Copeland, Landye, Bennett and Wolf, LLP, Portland, Oregon, representative of Paul and Bettie Haverluk with regard to environmental conditions at New City Cleaners.

This Responsiveness Summary addresses comments submitted by the Mr. Thomas R. Benke on Enforcement Order No. DE 96TC-C180. A copy of the letter is attached for reference.

Comment No. 1

“Paragraph 3.

This paragraph is misleading. K. Kaser’s representation that the two tanks were used to store perchloroethylene is without basis in fact. At a minimum, Ecology should add to paragraph 3., at the end of last sentence,

, not perchloroethylene.”

Ecology’s Response

Mr. Dale Nichols of K. Kaser Co. Inc. submitted to Ecology “Underground Storage Tank Permanent Closure/Change-In-Service Checklist” for Tank ID No. 1 (1200-gallon) and No. 2 (1200-gallon). The checklists identified perchloroethylene as the last substance stored in both of these tanks. Both of these forms are signed by a Paul Haverluk, identifying Paul Haverluk as the tank owner or authorized representative.

A letter submitted to Ecology (received on July 17, 1992) by Mr. Paul Haverluk identifying the two 1200-gallon underground storage tanks were used to store stoddard solvent.

Based on these two documents, it is not known what chemical compound(s) was stored in the two 1200-gallon underground storage tanks. As such, both of these findings were included in paragraph 3, Section II, Findings of Fact without comments or interpolation. Ecology anticipates the upcoming Remedial Investigation will identify the chemical(s) that was stored in these two underground storage tanks. Any statement in the Order excluding the possibility that perchloroethylene was stored in the two 1200-gallon underground storage tanks prior to the completion of the remedial investigation activities is premature.

Comment No. 2

“Paragraphs 4, through 16.

The phrase “has been found in” is inappropriate and should be replaced with “, as reported in”. “Findings” are within the purview of Ecology only, not the analytical laboratories, . . . , neither did the analytical laboratories “find” that the detected contaminants were in the soil and groundwater. We do not question, for purposes of the Enforcement Order, the accuracy of the analytical results.”

Ecology’s Response

The phrase “has been found in” is used in the context that the chemical under consideration was found and reported by the analytical laboratory. The sources of the analytical results are identified in paragraph 17, laboratory reports prepared by Precision Analytics, Inc., Pullman, Washington and paragraph 18, laboratory reports prepared by ALCHEM Laboratory, Boise, Idaho.

Comments on Attachment A: Scope of Work for Remedial Investigation Work Plans under Chapter 173-340 WAC

“Our main concern is that the Order maintain Ecology’s flexibility to require submission of less information than is specified in Attachment A “as appropriate” so that the Remedial Investigation may proceed without necessary expense or delay in accordance with the information gathering goals of WAC 173-340-350. . . .

Introductory Paragraph . . .

Paragraph 1.A.2 . . .

Paragraph 3.A.3 . . .

Paragraph 3.A.4 . . .

Paragraph 3.C . . . “

Ecology’s Response

The Ecology draft document, *Appendix A: Scope of Work for Remedial Investigation Work Plans under Chapter 173-340 WAC*, was designed to encompass conditions commonly encountered in contaminated sites and not specific to a particular site. Although the listing of tasks presented in Appendix A is extensive, nevertheless, it is not all encompassing. Therefore, in developing the Work Plan, the PLP is required to, at minimum, review the appropriateness of the listed tasks with respect to conditions encountered at the site under consideration. Depending on site-specific conditions, the PLP may also need to consider other tasks not identified in Appendix A to fully characterize the site. As specified in the Order, Ecology may allow departure from the requirements of Appendix A if Ecology deems the

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requirements as inappropriate to the site under consideration. In all cases, sufficient information including operational history must be developed and evaluated to enable the selection of a cleanup action under WAC 173-340-360.