



RESPONSIVENESS SUMMARY

Reliable Steel

June 19 – July 21, 2014 Public Comment Period

*Interim Action Work Plan and
State Environmental Policy Act (SEPA) Checklist and Determination*

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

August 2014

Contents

Site Information	2
Site Background.....	2
Site Location.....	3
Responses to Comments	4
Comment #1: Harry Branch.....	4
Comment #2: Urbun Stephens	5
Comment #3: Walter Jorgensen.....	5

Site Information

Address: 1218 West Bay Drive NW, Olympia

Site Manager: Steve Teel

Public Involvement Coordinator: Diana Smith

The Department of Ecology (Ecology) held a public comment period on a proposed interim action work plan (IAWP) and State Environmental Policy Act (SEPA) checklist and determination for the Reliable Steel site from June 19 – July 21, 2014. Public comments and Ecology's responses for this comment periods are summarized in this document.

Site Background

The Reliable Steel site was originally developed as a lumber mill. From 1941-2009, the site was used for boat building, steel fabrication, or welding. In 1993, Ecology found arsenic and copper above state standards in sediments near the site. Ecology asked the owners to remove welding slag and debris on the shoreline. In 2006, BOJO Investments, the property owner, reported finding heavy metals and petroleum hydrocarbons in soil and groundwater.

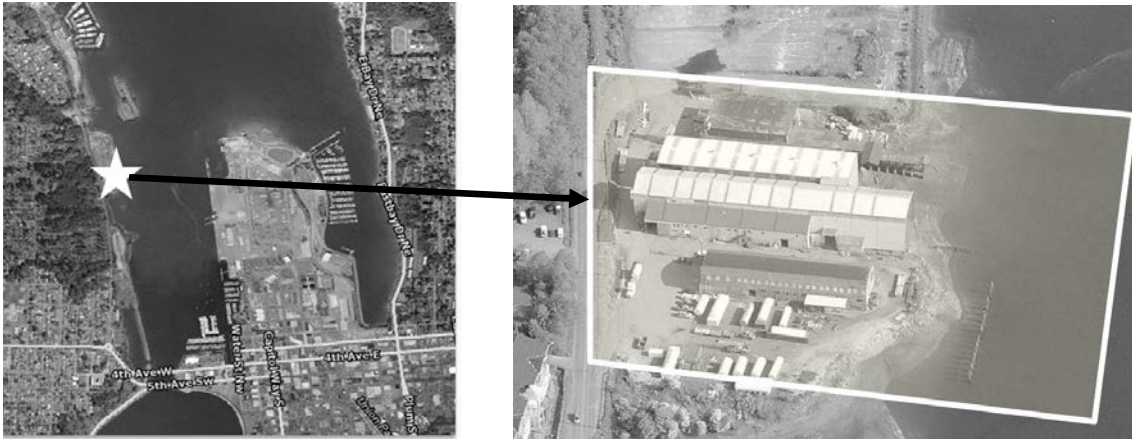
In 2008, Ecology and BOJO entered into an agreed order (legal agreement) for BOJO to investigate the site and study cleanup options. In 2010, a fire badly damaged buildings on the site. The new owner, West Bay Reliable, tore down two buildings in 2011. In 2012, BOJO dissolved the corporation and ceased to exist.

After BOJO ceased to exist, Ecology finished the investigation and drafted a cleanup plan. In 2013, we held a public comment period on the draft site reports and cleanup plan. Based on the comments and questions we received, we will work with the new property owner or other potentially liable parties to finish the cleanup plan once future use is known.

In spring 2014, Ecology developed a draft interim action (partial cleanup) plan for the site. Under the plan, Ecology will clean up some contaminated upland areas of the site that are polluting groundwater. Cleanup work at the site will likely begin this fall.

Site Location

The Reliable Steel site is located at 1218 West Bay Drive NW in Olympia. The site includes land east of West Bay Drive and extends into intertidal and subtidal areas of Budd Inlet.



Responses to Comments

Comment #1: Harry Branch

Sent: Friday, June 20, 2014 9:13 AM

To: Teel, Steve (ECY)

Subject: Reliable Steel

The Reliable Steel property appears to have been adequately assessed, with perhaps the exception of dioxin. Dioxin is the primary chemical of concern for Budd Inlet and should be our primary concern in nearshore areas, since the sources of contamination in marine areas are usually adjoining lands.

Sediment characterizations for Budd Inlet don't indicate that areas offshore from Reliable Steel are particularly impacted by dioxin so the effort is, perhaps, adequate. For other chemicals listed, the method seems to be to locate and remove hot spots. I believe this method will be adequate and consistent with established protocols.

According to sediment characterizations, the areas of greatest dioxin contamination, greater than 50 ppb, are directly offshore from two places: One is the southeast portion of the Port Peninsula, near the Hands on Children's Museum. The other is the north end of Hardel, offshore from the Delson Lumber site. Before any development or effort to allow or encourage public use of these areas there should be a complete assessment of soils, the removal of hot spots and the control of dioxin into the marine environment.

The most recent sediment characterization for Budd Inlet was an extensive and commendable effort. The next phase should be source identification and source control, based what we have found in marine sediments. This has always been the assumption. Let's not get sidetracked.

Ecology Response

Thank you for your comments and your support for the Reliable Steel sediment cleanup approach outlined in the 2013 draft cleanup action plan (CAP). Based on comments we received during its' July – August 2013 public comment period, we intend to revise the cleanup plan once future property use is known. In the future, we will revise the draft CAP and work with the new property owner or other potentially liable parties to finish the cleanup. We will then make the revised draft CAP available for public review and comment.

Regarding Budd Inlet sediment characterization work, under an agreed order amendment with Ecology, the Port of Olympia is continuing to investigate cleanup options for a study area in southern Budd Inlet. The Port recently submitted the initial draft investigation report, which we are reviewing. We hope to make the investigation report available for public review this fall, along with a study of potential sources of the dioxins.

After that, the Port will finish evaluating cleanup options for the study area. Then they'll develop an interim action cleanup plan for the study area. We'll make each of the Port's cleanup reports

available as a public review draft once we've approved each one. However, we don't plan to hold a formal public comment period until we have all three of the reports.

Comment #2: Urbun Stephens

Sent: Tuesday, June 24, 2014 7:17 AM

To: Teel, Steve (ECY)

Subject: Reliable steel cleanup

I am a 83 year old lifetime Olympia area man I remember the days of a busy west bay drive with all its sawmills and tug boats those days are gone and new use for the land has began. Reliable should be cleaned up I know it has many toxic issues but it needs to be prepared for something like condos not an extention of a dog park!

Ecology Response

Thank you for your comments. We appreciate your support for cleanup.

The future use of the property will be determined by the property owner. Under state cleanup law, called the Model Toxics Control Act (MTCA), Ecology does not have the authority to dictate land use and development. Our role is to protect human health and the environment.

We do consider current land use, projected future land use, and local zoning in determining appropriate cleanup levels. We set cleanup levels for a site as part of developing the draft cleanup action plan. For Reliable Steel, we will do this when we work with the new property owner or other potentially liable parties to develop the final cleanup plan.

Cleanup levels must be protective of human health and the environment under specific types of exposure. This can be partly based on the type of land use, such as residential or industrial. Under MTCA, the final cleanup options for a site must address contamination at a site that is above site-specific cleanup levels.

Comment #3: Walter Jorgensen

Sent: Thursday, July 03, 2014 1:12 PM

To: Rogowski, Barry (ECY)

Cc: Teel, Steve (ECY); Lawson, Rebecca (ECY); Wirkkala, Angie (ECY); Assessor Steven Drew; Andy Hobbs; Todd Stamm

Subject: Department of Ecology plans partial cleanup for polluted property on West Bay

Dear Mr. Rogowski,

A question about these clean-ups: Since the public is paying more than the property is worth to clean it up, do we at least get ownership of the property at the end? Seems we should.

Dear Mr. Teel,

Is this truly only a "partial" cleanup? Aside from being of little practical use to the owner, what is the continuing danger or damage being caused by this site's toxic condition? Do higher tides contact soil or other material and wash contaminants into the water? As with dioxins, will disturbing this site cause wider distribution of the contaminants?

Ecology Response

Recovering Cleanup Costs

Ecology does not acquire ownership of property to recover costs; we use liens instead. Property lien authority was added to State's cleanup law, the Model Toxics Control Act (MTCA) in 2005 to facilitate cost recovery for situations when the State spends money cleaning up private property. A property lien is a legal interest in a property attached to the title of the property until the debt secured by the lien is paid off or otherwise resolved. Because lenders typically require liens to be satisfied before they will loan money for purchase or redevelopment of a property, a lien is a powerful tool to help us recovery our costs, especially where we are spending substantial sums to cleanup a property (and increase its value).

MTCA liens are unique in that they can supersede many other liens previously attached to the property. But for a MTCA lien to be most effective, specific procedures must be followed. Those procedures are described in Toxics Cleanup Program Procedure 550B. The first step in this procedure is to send and record a "Notice of Intent to Incur Remedial Action Costs." Ecology will be recording such a notice to the new property owner. Ecology filed such a notice in 2012 to the previous owner.

Partial Cleanup: Yes, the interim action will only clean up a part of the site contamination. However, we believe that the proposed action is important because it will substantially reduce the soil-to-groundwater-to-surface water contamination pathway.

Continuing Environmental Damage: Following the interim action, the main potential contamination pathways that would still need to be addressed is the contamination in the nearshore sediments. While the contaminant levels in sediments are above cleanup levels, the contaminant levels do not require an emergency removal. However, Ecology would like to see this site cleaned up as soon as possible.

Cleanup and Distribution of Contamination: The cleanup that will eventually be performed for the sediments was designed and will be implemented so that the contamination is removed and/or contained and is not distributed further.