



RESPONSIVENESS SUMMARY

Industrial Petroleum Distributors

September 4 – October 6, 2014 Public Comment Period

*Remedial Investigation/Feasibility Study Report,
Draft Cleanup Action Plan,
State Environmental Policy Act (SEPA) Checklist and Determination,
and Agreed Order*

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

October 2014

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Site Information

Address: 1117 and 1120 West Bay Drive NW, Olympia

Site Manager: Steve Teel

Public Involvement Coordinator: Diana Smith

From September 4 – October 6, 2014, the Department of Ecology held a public comment period on a draft remedial investigation (RI) report, feasibility study (FS), draft cleanup action plan (draft CAP), State Environmental Policy Act (SEPA) review and determination, and agreed order (legal agreement) with Atlantic Richfield Company (ARCO) for the Industrial Petroleum Distributors site. Public comments and Ecology's responses for these comment periods are summarized in this document.

Site Background

In the early 1950s, ARCO developed a bulk fuel storage and distribution facility on the site. Industrial Petroleum Distributors (IPD) later used the site to store waste oil. Past activities contaminated soil and groundwater with petroleum hydrocarbons.

In 2000, Ecology entered into an agreed order (legal agreement) with ARCO and the owner of Industrial Petroleum Distributors - the Disclaimer Trust created under the Last Will and Testament of John J. O'Connell (called "the Trust") - to begin cleanup.

Under the 2000 agreed order, a Remedial Investigation/ Feasibility Study report and Cleanup Action Plan were prepared for the portion of the site on the west side of West Bay Drive (see map on page 3). In 2002, Ecology held a public comment period and finalized the documents. The west portion of the site was cleaned up under the Voluntary Cleanup Program and included:

- Demolishing buildings and the concrete slabs for the above-ground storage tanks.
- Removing and disposing of petroleum-contaminated soil.
- Sampling soil and groundwater to confirm cleanup was complete.

In 2003, Ecology issued an opinion letter stating that no further cleanup was needed on the west portion of the site, but that more cleanup actions would be needed for the portion of the site east of West Bay Drive.

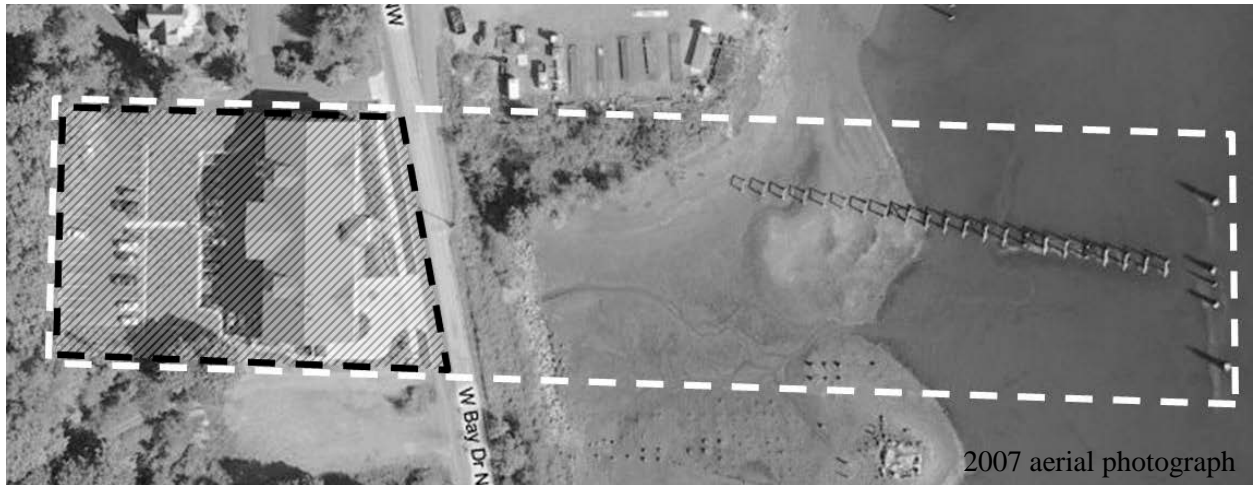
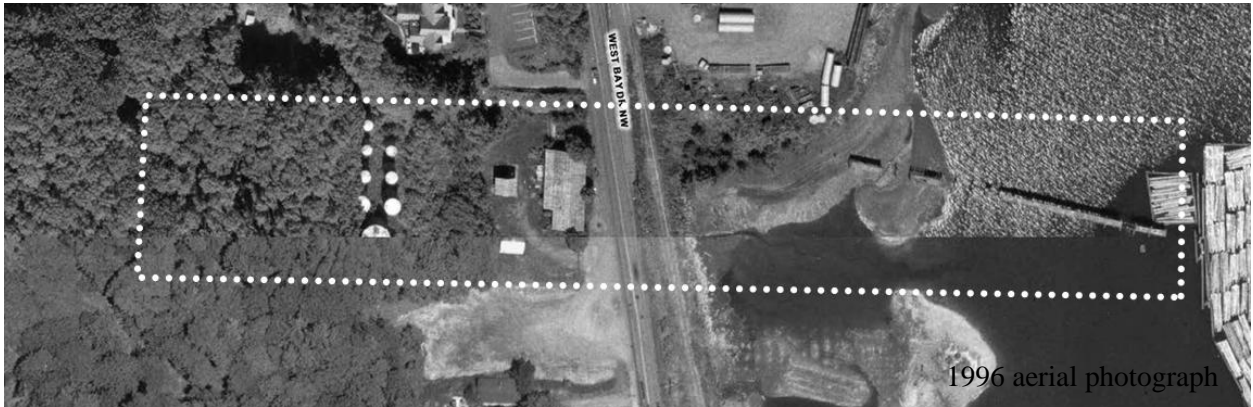
In 2012, Ecology and ARCO entered into a new agreed order. This agreed order replaced the agreed order that Ecology entered into with ARCO and the Trust in 2000. The agreed order required ARCO to complete:

- A Remedial Investigation to determine the nature and extent of contamination.
- A Feasibility Study to look at cleanup options.
- A draft Cleanup Action Plan.

Site Location



Legend	
Location of Industrial Petroleum	★
2000 Agreed Order Study Area	⋯
2012 Agreed Order Study Area	⎓
Portion of Site Cleaned Up Under the VCP	▨



Comment #1: Puget Soundkeeper

From: Katelyn Kinn
Sent: Tuesday, October 14, 2014 8:50 AM
To: Teel, Steve (ECY)
Subject: Correction to Comments

Greetings Mr. Teel,

Thank you for your phone call last week asking about a number Soundkeeper mentioned in its comment letter. I am writing to report that we mistakenly cited an incorrect number. The number Soundkeeper intended to cite was actually *600 gallons*. Agreed order, page 4, section 4.

Please consider this correction.

Our apologies for the confusion.

Sincerely,

Katelyn Kinn
Staff Attorney
Puget Soundkeeper Alliance

From: Katelyn Kinn
Sent: Monday, October 06, 2014 4:36 PM
To: Teel, Steve (ECY)
Subject: Puget Soundkeeper Comments on Proposed Cleanup Plan ;, Industrial Petroleum site, Olympia

Mr. Teel,

Please consider the attached comments on the proposed cleanup plans for the Industrial Petroleum site located at 1117 and 1120 West Bay Drive NW in Olympia (Publication Number: 14-09-111), submitted on behalf of Puget Soundkeeper Alliance.

These comments are being submitted via email only. Please advise if you would prefer to receive a physical copy via US Mail.

Sincerely,

Katelyn Kinn
Staff Attorney
Puget Soundkeeper Alliance



October 6, 2014

Via Email

Steve Teel
Site Manager
Department of Ecology
SWRO Toxics Cleanup Program
P.O. Box 47775
Olympia, WA 98504-7775
Steve.Teel@ecy.wa.gov

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Preserving
Puget Sound*

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Re: Proposed cleanup plans for the Industrial Petroleum site located at 1117 and 1120 West Bay Drive NW in Olympia.

Dear Mr. Teel:

Please consider these comments on the proposed cleanup plans for the Industrial Petroleum site located at 1117 and 1120 West Bay Drive NW in Olympia, public notice on which was issued by Washington Department of Ecology (Ecology) via Publication Number: 14-09-111 last month.

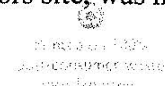
Puget Soundkeeper Alliance (Soundkeeper) is a non-profit organization with its mission to protect and preserve Puget Sound by tracking down and stopping the flow of toxic pollutants into the Sound. To achieve this goal, Soundkeeper routinely interfaces with Ecology's Water Quality Program, Spills Program and Toxics Cleanup Program. Soundkeeper regularly comments on draft regulatory language and also enforces National Pollutant Discharge Elimination System (NPDES) permits through Section 505 of the Clean water Act. Soundkeeper is concerned about the impacts of former oil storage sites on Puget Sound water quality, sensitive marine ecosystems, and human health.

Firstly, Soundkeeper would like to thank Ecology for taking the time to carefully plan the cleanup of the Industrial Petroleum Distributors oil storage site in preparation to turn it into a park.

Soundkeeper requests that Ecology answer the following questions prior to the start of the project.

1. Why did Ecology not test the adjacent shoreline?

Based on the available documents, we would like to know why the shoreline along Budd Inlet, south and east adjacent to the Industrial Petroleum Distributors site, was not



tested for contaminated soils, despite being well within the infiltration area? As far as Soundkeeper can tell, Ecology is only requesting ARCO to clean the area within the proposed park boundary, despite over 600,000 gallons of oil historically spilled in the area. Soundkeeper is concerned that contaminated soil will remain undetected in this area and pose a health and safety risk to the Olympia community and continue to contaminate water quality and the marine environment in Budd Inlet.

2. What best management practices will Ecology implement to prevent sediment runoff into Budd Inlet?

Ecology made no mention of implementing BMPs to prevent contaminated soil from entering the adjacent Budd Inlet during excavation. Soundkeeper would like Ecology to describe what it will do to prevent sediment runoff from entering the Inlet.

3. How will Ecology prevent erosion and sediment discharge during the interim before the area is turned into a Park?

Soundkeeper would like to know what Ecology will do to make sure that loose sediment does not discharge into the Budd Inlet during the interim before the park is built, if it is ever built.

4. When will ARCO remove the remaining pilings from the pier?

Ecology makes no mention of removal of the still standing pier pilings. Soundkeeper would like to know why those pilings will remain in place, rather than have ARCO pay for their removal.

Conclusion

While it is wonderful that Ecology will hold ARCO responsible for cleaning up the old oil storage site, we believe it would be prudent to examine the entire property and the adjacent shoreline, and mandate that ARCO clean all of its lingering contaminated soil and pilings now, rather than wait and clean them up later. Soundkeeper would like ARCO to restore the area back to its natural condition to benefit the people of Olympia for their enjoyment of the space as a park, and for the Budd Inlet ecosystem.

Sincerely,

Derek Leuzzi, Esq.
Katelyn Kinn, Esq.
Puget Soundkeeper Alliance

Ecology Response

Thank you for your comments. Individual comments and responses are broken down below.

Comment #1.1

Why did Ecology not test the adjacent shoreline?

Based on the available documents, we would like to know why the shoreline along Budd Inlet, south and east adjacent to the Industrial Petroleum Distributors site was not tested for contaminated soils, despite being well within the infiltration area? As far as Soundkeeper can tell, Ecology is only requesting ARCO to clean the area within the proposed park boundary, despite over 600 gallons of oil historically spilled in the area. Soundkeeper is concerned that contaminated soil will remain undetected in this area and pose a health and safety risk to the Olympia community and continue to contaminate water quality and the marine environment in Budd Inlet.

Ecology Response

As detailed in Appendix A of the 2012 RI report, sediment samples were collected from the southeast shoreline of the site in 2009. Samples were collected at four evenly spaced locations beneath the entire length of the former pipeline pier, beginning at the approximate higher high water level and ending at the end of the pier. These samples were analyzed for total petroleum hydrocarbons by the hydrocarbon identification method. Petroleum hydrocarbons were not detected in any of the samples. Also, as shown on Figure 14 of the RI report, the area of uplands contamination was delineated and did not extend to the shoreline. Therefore, no further investigation of sediments was necessary for the Site. You can read the RI report at <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4240>.

Comment #1.2

What best management practices will Ecology implement to prevent sediment runoff into Budd Inlet?

Ecology made no mention of implementing BMPs to prevent contaminated soil from entering the adjacent Budd Inlet during excavation. Soundkeeper would like Ecology to describe what it will do to prevent sediment runoff from entering the Inlet.

Ecology Response

Section VII.B of the agreed order requires that ARCO submit for Ecology review and approval the Construction Plans and Specifications for the cleanup action. ARCO must submit a temporary erosion and sedimentation control plan, and a stormwater pollution prevention plan. Ecology will review these plans to make sure that appropriate Best Management Practices (BMPs) are included.

Comment #1.3

How will Ecology prevent erosion and sediment discharge during the interim before the area is turned into a Park?

Soundkeeper would like to know what Ecology will do to make sure that loose sediment does not discharge into the Budd Inlet during the interim before the park is built, if it is ever built.

Ecology Response

Ecology is not aware of any current problems with loose site sediments discharging into Budd Inlet.

Comment #1.4

When will ARCO remove the remaining pilings from the pier?

Ecology makes no mention of removal of the still standing pier pilings. Soundkeeper would like to know why those pilings will remain in place, rather than have ARCO pay for their removal.

Ecology Response

Almost all of the former pipeline pier pilings have been removed from the Site. In 2013, Department of Natural Resources removed 44 pilings from the site during a Budd Inlet piling removal project. Only four pilings remain on the upper portion of the shoreline (see below picture). These pilings are not within the site boundary as defined by the extent of contamination (see the RI report), so removing them is not part of the cleanup.



Comment #1.5

While it is wonderful that Ecology will hold ARCO responsible for cleaning up the old oil storage site, we believe it would be prudent to examine the entire property and the adjacent shoreline, and mandate that ARCO clean all of its lingering contaminated soil and pilings now, rather than wait and clean them up later. Soundkeeper would like ARCO to restore the area back to its natural condition to benefit the people of Olympia for their enjoyment of the space as a park, and for the Budd Inlet ecosystem.

Ecology Response

The draft CAP addresses all of the contamination that was identified in the RI report. Regarding the future use of the property, under Washington's cleanup law, the Model Toxics Control Act (MTCA), Ecology does not have the authority to direct the future land use through the cleanup process. Rather, Ecology considers the site's historical and current uses, projected future use, and local zoning designations in making a determination of the appropriate cleanup levels to be applied in a cleanup.

Comment #2: Herb Pearse

From: Herb Pearse

Sent: Friday, September 05, 2014 10:56 AM

To: Teel, Steve (ECY)

Subject: Comment / Cleanup planned at old petroleum facility in Olympia

Steve,

As I am sure the Department of Ecology is aware, our ADSorb-it Fabric Technology would have direct applications in this cleanup for the elimination oil oils migrating to and from the water long term.

I have attached a series of photos of BP's Deployment of many miles of our ADSorb-it Fabric as an oil fence for shoreline protection during their major oil release to the Gulf of Mexico in 2020. If you look at the 6th photo in the series you do not see any oil on the water or on the shoreline but plenty of oil sorbed to the ADSorb-it Fabric. The tide comes in and goes out and as the water passes through, the oil stays in the ADSorb-it Fabric.

Additionally I have attached a photo of the U.S. Navy / Manchester Fuel Depot using our ADSorb-it Fabric rolled out on the shoreline of Little Clam Bay to remove oils on water and oils migrating from the shoreline.

Please let me know if there is someone specific I should contact to have our ADSorb-it Fabric Technology implemented during this cleanup for enhanced protection of our environment.

Best Regards,

Herb Pearse

Eco-Tec, Inc. / VMS An Environmental Partnership, LLP

Remediation Specialists

Manufacturers of ADSorb-it Products

Ecology Response

Thank you for your comment. Ecology does not generally require the use of specific products in site cleanups. Additionally, based on your description, it does not appear that your product would be applicable for the uplands soil cleanup that is needed at this Site.