

Exhibit D

Public Participation Plan

Prepared for:
Alexander Farms Site
Grandview, WA

Prepared by:
Washington State Department of Ecology
Central Regional Office
Toxics Cleanup Program
Yakima, Washington

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1.0 INTRODUCTION

This Public Participation Plan has been prepared by the Washington State Department of Ecology (Ecology) for the cleanup actions at the Alexander Farms Site, Grandview, Washington. This Public Participation Plan has been prepared in accordance with criteria set forth in Washington Administrative Code (WAC) 173-340-600.

The purpose of this Public Participation Plan is to encourage a coordinated effort and effective public involvement tailored to the public's needs concerning cleanup actions at the Alexander Farms Site in Grandview, Washington. Appropriate governmental officials, persons residing in the potentially affected vicinity, interested persons visiting the potentially affected area, and other persons requesting information about the site, shall be kept informed. According to WAC 173-340-600(9)(g), the Public Participation Plan shall include the following:

- Applicable public notice requirements and how these will be met
- Information repositories
- Methods of identifying the public's concerns
- Methods of addressing the public's concerns and conveying information to the public
- Coordination of public participation requirements
- Amendments to the plan
- Citizen technical advisor (Ecology Site Manager)

1.1 Site Overview and History

Overview

The Alexander Farms Facility (Site) located in Benton County, Washington, includes all areas where Dinoseb contaminated soil and groundwater originating at the West King Tull Road site has come to be located, including but not limited to, Benton County Parcel No. 1-3094-201-2011-001 located at 179301 West King Tull Road (the former Alexander/Tobin residence), Benton County Parcel No. 1-3094-201-2011-002 located at 179101 West King Tull Road (the former Yakima Chief Ranches Hop processing facility), Benton County Parcel No. 1-3094-200-0001-004 (a hop yard owned by the Alexanders), and Benton County Parcel No. 1-3194-200-0010-000 located at 4902 North Hicks Road (the Etzel residence).

The cleanup action plan will not apply to Benton County Parcel No. 1-3194-200-0010-000 located at 4902 North Hicks Road (the Etzel residence). Ecology has determined, based on available information, that no further action is required at the North Hicks Road parcel.

History

As a result of historic Dinoseb mixing and loading, and the cleaning and maintenance of Dinoseb application equipment and containers, the Alexanders released Dinoseb into the environment at the operational headquarters area of the Grandview South Ranch.

In 1994, the Alexanders subdivided the Grandview South Ranch and sold the residential portion to Don and Theresa Tobin (Tobins). The Tobins and their children lived in the ranch house at 179301 West King Tull Road until April of 1998. The Tobins obtained their domestic water from the shallow groundwater well located on the former operational headquarters property of the Grandview South Ranch.

In April of 1998, Ecology investigated a complaint from the Tobins of yellow-colored water coming from the groundwater domestic well at the Grandview South Ranch. Analysis by Manchester Laboratory of a water sample from the groundwater domestic well at the Grandview South Ranch revealed Dinoseb contamination at a concentration of 290 micrograms of Dinoseb per liter of water (ug/l).

The maximum concentration limit (MCL) for Dinoseb established by the USEPA under the Safe Drinking Water Act is 7 ug/l.

Inspections of the Grandview South Ranch by Ecology representatives revealed areas of bright yellow-colored soil. Analysis of two samples of the yellow-colored soil revealed Dinoseb contamination at concentrations of 345 mg/kg and 425 mg/kg respectively.

The concentration of Dinoseb in soils considered protective of potable groundwater as established by Ecology under the MTCA is 1.6 mg/kg.

Inspections of the Grandview South Ranch by Ecology and White Shield employees in 1998 revealed a 30-gallon Vertac General Weed Killer Drum (Vertac Drum) located at the north end of the hop picker building. The Vertac Drum contained approximately ten (10) gallons of yellow/brown liquid. White Shield representatives observed the yellow/brown liquid emerge from a hole in the Vertac Drum when they probed the drum with a boot. Ecology representatives observed yellow-colored soil surrounding the Vertac Drum.

Ecology representatives inspected the Grandview South Ranch and discovered five (5) additional 30-gallon Vertac General Weed Killer Drums in various locations throughout the property.

On May 6, 1998, Ecology issued a notice of Potentially Liable Person Status letter to the Alexanders.

Between May and July of 1998, White Shield investigated the soil contamination at the Grandview South Ranch. A soil sample from the area of the Vertac Drum with a hole revealed Dinoseb contamination at a concentration of 15,000 mg/kg (1.5%). A soil sample taken at the dry well at a depth of eighteen (18) inches below the soil surface revealed Dinoseb contamination at a concentration of 5,300 mg/kg. A soil sample taken near the Hop Kiln Building revealed Dinoseb contamination at a concentration of 8,600 mg/kg. Between May and July 1998, White Shield excavated approximately 800 cubic yards of Dinoseb contaminated soil.

In September 1998, Ecology requested the assistance of the United States Environmental Protection Agency (USEPA) after Ecology determined that White Shield had removed all

excavation equipment from the site in August 1998 and that excavation activities had all but ceased during August, September, and October of 1998. Following Ecology's request for assistance, the United States Environmental Protection Agency conducted a removal assessment and time-critical removal action at the Alexander Farms site. The removal action was conducted from November 1998 to December 1999 for the primary purpose of removing soil believed to be contaminating a drinking water supply. The soil removal substantially reduced the threat of contaminated soil leaching Dinoseb into the groundwater. Removal of contaminated surface and subsurface soils was accomplished by excavating to depths ranging from 2 to 13 feet below ground surface. Soil that contains 1.6 milligrams per kilogram (mg/Kg) of dinoseb is considered a threat to groundwater.

A total of 9,953 cubic yards (12,740 tons) of soil was removed from the site, significantly reducing the threat of release of dinoseb from that source to groundwater. Based on Ecology's "contained-in" determination, soil containing dinoseb at a concentration of less than 80 mg/Kg did not have to be handled as hazardous waste. Of the 12,740 tons of soil, sampling by EPA indicated that 9,206 tons reportedly contained concentrations between 1.6 and 80 mg/Kg and could be hauled directly to Arlington, Oregon for off-site disposal. Sampling also indicated to EPA that the remaining 3,534 tons of waste soil contained dinoseb at concentrations greater than 80 mg/Kg making it a hazardous waste. The latter soils were treated on-site by EPA using a thermal desorption unit. The thermally treated soils were subsequently disposed of off-site at Waste Management, Inc., Subtitle D landfill at Arlington, Oregon. In addition to the excavation, treatment and disposal of the soil, the EPA also disposed of 130 cubic yards of dinoseb-contaminated construction debris, 660 gallons of miscellaneous hazardous substances, and 1,375 gallons of petroleum product.

On September 25, 1998, the Alexanders filed a lawsuit titled Dan Alexander and Harriet Alexander v. Washington State Department of Ecology, No. 98-2-01679-2, Benton County Superior Court. This lawsuit sought to recover cleanup costs incurred by the Alexanders (who were plaintiffs in that suit) on the basis that the Alexanders claimed they were not liable persons under MTCA RCW 70.105D.040, and claiming that the costs they had incurred up to that point had been reasonably incurred consistent with Ecology's order. The Alexanders also alleged that the department acted in an arbitrary and capricious manner with regard to certain investigative and remedial decisions and that they were entitled to a remedy for incurring costs as a result of those allegedly arbitrary and capricious decisions. That lawsuit was resolved after trial to the Honorable Craig J. Matheson with Findings and Conclusions determining, among other things, that the Alexanders were liable parties under MTCA. Although that judgment was appealed by the Alexanders, their appeal was dismissed along with all other litigation by the Alexanders making claims against Ecology and the State in connection with the Site and remediation of the Site.

1.2 The Cleanup Process

Ecology plans to enter into a consent decree with Dan and Harriet Alexander to conduct a soil and groundwater cleanup of the contamination remaining at the site. A draft Cleanup Action Plan (CAP) has been prepared detailing the preferred cleanup option. The draft CAP will go out for

public comment. Ecology may amend the draft CAP in response to comments received during the public comment period. Then, a final CAP will be issued and implemented.

2.0 Applicable Public Notice Requirements

WAC 173-340-600(5) lists methods Ecology may use to provide information to the public. For the Alexander Farms Site, Ecology has chosen the following methods to provide information to the public.

2.1 Press Releases

Ecology will distribute press releases to inform the public of comment periods on documents related to the site, public meetings, and any other important information related to activities taking place at the site.

2.2 Fact Sheets

Fact sheets are site-specific newsletter-like publications which are mailed to affected communities to inform them of comment periods and other important site activities. Fact sheets may also be used to informally update the community on the progress of the cleanup. They are sent to the persons and agencies listed on the site mailing lists, as well as the repositories and any other area where the public may benefit from having access to them. Fact sheets will be released by the Department of Ecology when it is deemed necessary to do so. Fact sheets will be prepared by Ecology.

2.3 Public Meetings

Public meetings or hearings are held during investigations and cleanups if: 1) During a comment period, ten or more people request one; 2) It is apparent that there is a high level of interest or concern about a site; 3) There is an immediate need for Ecology to communicate with the public directly.

2.4 Site Register

One of the Toxics Cleanup Program's primary communication tools is the Site Register. All public meetings and comment periods as well as many other site activities are published in this bi-monthly report. To receive the Site Register, call Tery Fisher (425) 649-4446 - or Tony Valero at (509)454-7840.

2.5 Legal Ads/Display Ads

Legal and/or display advertisements will be placed in the Yakima Herald, Tri-City Herald, and a local Grandview paper to announce site specific formal comment periods and public meetings/hearings.

3.0 Information Repositories

This is a convenient place where site related information is kept so that the community has access to it. Most often a local library is used as well as the more complete site files which are kept at Ecology's regional office in Yakima. During comment periods, all the documents that are available for review are compiled and kept at the repository. Documents remain at the repositories for the entire duration of public comment period. Ecology's Central Files can make copies of documents, but you may be charged for your copies.

For the Alexander Farms site, the repositories will be:

Bleyhl Community Library
311 Division Street
Grandview, WA 98930-1358
Phone: (509) 882-9217

Department of Ecology
15 W Yakima Ave, Suite 200
Yakima, WA 98902-3401

For an appointment to view files, please contact Roger Johnson (Public Disclosure Coordinator) at (509) 454-7658.

4.0 Identifying the Public's Concerns

Comment periods are the primary way Ecology gets feedback from the public on cleanup decisions. Comment periods are at least 30 days long and are required at key points during the cleanup process before final decisions are made. During comment periods, the public can comment in writing. If ten or more people request a public meeting or hearing, Ecology will conduct a meeting to receive comments.

Notices of the completion and the availability for review and comment of the following documents will be mailed and published:

- Draft Cleanup Action Plan
- Draft Consent Decree
- Final Cleanup Action Plan
- Final Consent Decree

5.0 Addressing the Public's Concerns

After every comment period, Ecology responds to all comments received, both oral and written, in a responsiveness summary. This summary is sent to all people who commented and is also made available at Ecology's regional office in Yakima with the other pertinent site documents.

6.0 Coordination of Public Participation Requirements

The Public Involvement Coordinator and Site Manager will oversee coordination of public involvement requirements outlined in WAC 173-340-600, and with public involvement requirements outlined in other applicable federal, state, and local laws. Additional public involvement requirements are outlined in the State Environmental Policy Act (SEPA) Rules (WAC 178-11) and the SEPA Handbook, Ecology publication 98-114. Public participation requirements of other federal, state, and local laws may be identified during the course of the investigatory and cleanup process.

7.0 Amendments to the Plan

Amendments to the Public Participation Plan shall be approved by Ecology.

8.0 Citizen Technical Advisor (Ecology Site Manager)

Citizens can receive technical assistance on issues related to the site investigation and cleanup from:

Site Manager – Tom Mackie
Ecology Central Regional Office
15 W Yakima Avenue Suite 200
Yakima WA 98902-3452
(509) 454-7834
FAX (509)575-2809

Citizens can receive information on public involvement from:

Public Involvement – Tony Valero
same address as above
(509) 454-7840
FAX (509)575-2809

Ecology's TDD number is (509) 454-7673. The bilingual contact is Tony Valero (509) 454-7840.

9.0 Mailing List

A mailing list has been developed for the project. This list includes residents within