

MARSHALL LANDFILL SITE

Public Participation Plan

Cleanup Site ID No. 648
Facility Site ID No. 1022



Prepared by:
Washington State Department of Ecology
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Getting Involved in the Cleanup at the Marshall Landfill Site

The Washington State Department of Ecology encourages the public to learn about and get involved in decision-making opportunities at the Marshall Landfill site. The site is located approximately seven miles southwest of Spokane, Spokane County, Washington and one mile southwest of the town of Marshall, Washington. The site is near the intersection of Grove Street and the Cheney-Spokane Road (See Appendix A – Site Map Figure 1).

The Public Participation Plan (Plan) provides an overview of the Plan and the Model Toxics Control Act (MTCA), which guides the formal cleanup process at sites in Washington State. This document also outlines:

- The purpose of the Plan.
- When public notices will occur.
- The amount of time the public has to comment.
- Where the potentially affected area is located.
- Ways the public may get involved in providing feedback.
- The site background, a community profile, and community concerns.

Purpose of the Plan

The Public Participation Plan has three main purposes:

- To promote public understanding of Ecology’s responsibilities, planning, and cleanup activities at the site.
- To serve as a way of gathering information from the public. This information will assist Ecology in conducting the investigation and plan for cleanup in a manner that is protective of human health and the environment.
- To inform the community living near the site, as well as the general public, about cleanup activities and how to contribute to the decision-making process.

Overview of the Public Participation Plan and Model Toxics Control Act (MTCA)

The Plan is required under authority of the Model Toxics Control Act. MTCA is a “citizen-mandated” law that became effective in 1989 to provide guidelines for the cleanup of contaminated sites in Washington State. This law sets standards to make sure the cleanup of sites is protective of human health and the environment. A glossary of MTCA terms is included as Appendix C of this Plan.

Ecology’s Toxics Cleanup Program investigates reports of contamination that may threaten human health and the environment. If contaminants are confirmed during an investigation, the site is generally ranked and placed on a Hazardous Sites List (HSL).

The Marshall Landfill site ranked a 4 on the Hazardous Sites List. A rank of 1 represents the highest level of concern and 5 the lowest level of concern. Current and former owners or operators, as well as any other potentially liable persons (PLPs) of a site, may be held

responsible for cleanup of contamination based on MTCA. Marshall Landfill Inc., is a PLP but is not financially able to contribute toward cleanup costs.

Ecology identified the Marshall Landfill site as an orphan site. This means in general that potentially liable person(s) are either financially unable, or unavailable, to conduct remedial actions in an adequate or timely manner at this site. As a result Model Toxics Control Act (MTCA) funds are necessary to conduct the Remedial Investigation and Feasibility Study. Ecology is the lead agency to oversee the cleanup of this site which will be conducted in accordance with MTCA.

Public participation is an important part of cleanup under the MTCA process. The participation needs are assessed at each site according to the level of public interest and degree of risk posed by contaminants. Individuals who live near the site, community groups, businesses, government, other organizations and interested parties are provided an opportunity to become involved in commenting on the cleanup process.

The Plan includes requirements for public notice such as:

- Identifying reports about the site.
- The repositories where reports may be read.
- Providing public comment periods.
- Holding public meetings or hearings.

Other forms of participation may be interviews, citizen advisory groups, questionnaires, or workshops.

Public Participation Grants and Technical Assistance

Additionally, citizen groups living near contaminated sites may apply for public participation grants (during open application periods). These grants help citizens receive technical assistance in understanding the cleanup process and create additional public participation avenues.

NOTE: Ecology currently does not have a citizen technical advisor for providing technical assistance to citizens on issues related to the investigation and cleanup of the site.

Amendments

The Plan was developed by Ecology and complies with the Model Toxics Control Act regulations (Chapter 173-340-600 WAC). If Ecology proposes amendments to the Plan, the public will have an opportunity to comment, and Ecology will make changes to the Plan if appropriate. Ecology will determine final approval of the Plan as well as any additional amendments.

Review of Documents and Project Contacts

Documents relating to the cleanup may be reviewed at the repositories listed on page 4 of this Plan. If individuals are interested in knowing more about the site or have comments regarding the Plan, please contact one of the individuals listed below.

<p>WA Department of Ecology Contacts: Patrick Cabbage, Site Manager WA State Department of Ecology Toxics Cleanup Program 4601 N. Monroe Spokane, WA 99205 509/329-3543 e-mail patrick.cabbage@ecy.wa.gov</p> <p>Carol Bergin, Public Involvement WA State Department of Ecology Toxics Cleanup Program 4601 N. Monroe Spokane, WA 99205 509/329-3546 e-mail cabe461@ecy.wa.gov</p> <p>Kari Johnson, Public Disclosure WA State Department of Ecology 4601 N. Monroe Spokane, WA 99205 509/329-3415 e-mail kajo461@ecy.wa.gov</p>	<p>Para asistencia Español Gregory Bohn WA State Department of Ecology Toxics Cleanup Program 15 West Yakima Street, Suite 200 Yakima, WA 98902-3452 509/454-4174</p>
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Site Background

Site Overview

The site is located approximately seven miles southwest of Spokane, Spokane County, Washington and one mile southwest of the town of Marshall, Washington. The site is near the intersection of Grove Street and the Cheney-Spokane Road (See Appendix A – Site Map Figure 1).

Historically, groundwater contamination exceeded state standards. Contaminants are a result of landfill operations and include volatile organic compounds (VOCs) and metals. The metals include but are not limited to arsenic, lead, cadmium, copper and mercury.

Since 1989 at least twenty groundwater monitoring wells have been installed at the site. By 1990 both areas of the landfill where materials were dumped were closed. Marshall Landfill Inc., who is the property owner, conducted quarterly groundwater monitoring from 1993 to 2011 as part of the landfill post-closure activities. The last groundwater monitoring event at the site occurred in December of 2011.

The site is made up of two areas where landfill materials were dumped:

- The Main Landfill covers about 25 acres and operated from 1970 to 1990. After the landfill was closed it was covered with sand.

- The Five Acre Landfill is approximately 200 feet northwest of the Main Landfill and operated from 1980 to 1984. After it was closed it was capped with 2 feet of compacted clay.

Another landfill is found south of the Main Landfill. It was a former Spokane County landfill. The County landfill is not part of the site because previous studies did not show any evidence that it was a source of contamination. North, northeast of the site is a sand and gravel operation that is currently in operation.

A unique and complicating hydrogeologic feature of the site is that at least three aquifers lie under the site. These aquifers are identified below:

1. The *Basement Aquifer* located within the oldest rocks in the area, known as the Revett, Burke and Wallace Formations.
2. The *Basalt Aquifer* located within the Columbia River Basalt Group and deposits of the Latah Formation
3. The *Sand Aquifer* located within the Minnie Creek Valley and moves toward the town of Marshall

More information about these aquifers, their interactions, direction of groundwater flow, and impacts to the site and community may be found in the Work Plan. The Remedial Investigation will also provide more information about these aquifers and their interactions with site-related contaminants, if any.

Remedial Investigation and Feasibility Study

The Washington State Department of Ecology proposes to conduct a Remedial Investigation and Feasibility Study (RI/FS) at the site. The site is located approximately seven miles southwest of Spokane, Spokane County, Washington and one mile southwest of the town of Marshall, Washington. The site is near the intersection of Grove Street and the Cheney-Spokane Road (See Appendix A – Site Map Figure 1).

The purpose of the Remedial Investigation is to review historical information and gather new information to determine the nature and extent of site-related contamination in soil and groundwater. A detailed Feasibility Study will be available for public comment once it is completed. It will identify and evaluate cleanup options based on information from the Remedial Investigation.

If information indicates there is an immediate threat to the community from site-related contamination actions will be taken to immediately address the issue. Ecology would notify the public of the situation.

Ecology conducted an assessment of the property in 1990 and ranked the site a 4 on the Hazardous Sites List. The Hazardous Sites List is a record of contaminated sites throughout the state that are ranked on a scale of 1 to 5. One represents the greatest potential threat to human health and the environment; 5 represents the least potential threat.

How Does the Site Impact My Property?

During interviews with some local residents, individuals asked questions about how the site has or may impact their real estate values, sales disclosure issues, tax assessments, and other property issues. Ecology only has authority over the cleanup work based on the Model Toxics Control Act (MTCA) regulations.

Based on site historical information Ecology has reviewed, it is not anticipated that there are or will be *site-related* impacts to surrounding properties. As the Remedial Investigation and Feasibility Study are conducted, Ecology will obtain additional information to further assess potential property impacts from *site-related materials*. Ecology will keep the local residents informed as new information becomes available.

Ecology recognizes the residents' frustrations that Ecology cannot address real estate values, sales disclosure issues, tax assessments, and other property value questions. These questions should be directed to experts in those particular fields.

Contaminants of Concern

Based on review of historical documents, including soil sampling and groundwater monitoring, the primary contaminants of concern at the site are volatile organic compounds (VOCs) and metals from materials dumped at the site. The metals include but are not limited to arsenic, lead, cadmium, copper and mercury.

The Remedial Investigation will more clearly define existing contaminants in soil and groundwater at the site. The report from the Remedial Investigation will be made available for public review and comment.

COMMUNITY BACKGROUND

Community Profile

The community is in a rural setting in Spokane County and includes the town of Marshall, wooded parcels near the upper plateau portion of the site, small farms, and other homes near the site. The site is also near Action Materials and a few other businesses. Eastern Washington University is located in Cheney, Washington which lies a few miles southwest of the site.

Based on the most recent U.S. Census data, the population of Marshall is less than 6,000 and is more than 94 percent Caucasian. English is the primary language spoken in the community. Nearly 45 percent of the population has a bachelor's degree, and the median income is approximately \$80,000.

Community Concerns

Community interviews were conducted with residents who live near the site. Ecology staff also attended an evening meeting on Tuesday, March 15, 2014 with the Board of the local water district. Additional interviews were conducted Tuesday, April 15, 2014. Some of the primary concerns expressed in interviews and conversations with local residents are listed on the following page:

- Keep residents informed about the cleanup, the findings, and any plans for cleanup.
- What are the impacts to fish and wildlife in the area? Are the fish safe to eat in the local lake?
- Sometimes the water tastes and smells funny. Testing is done regularly by the city, but we are not sure if it is ok.
- People don't want to be forced to get City water piped in because of some finding from the investigation. Many prefer to stay on well water.
- There is a concern about taxes being raised as a result of the cleanup or local impacts. Concern was expressed about increased taxes as a result of cleanup.
- The post office is the center of information for the community. Ecology should place notices about meetings and comment periods at the post office.
- Keep outreach flyers simple - put them in layman's terms.
- There has been some erosion in the area due to rain events. A couple of residents had materials wash into their yards. One person indicated there was trash mixed in with the dirt. They expressed concern whether there might be contaminants from the landfill in those rain washout events that also move into the town of Marshall and the creek.

Ecology will address site-related concerns as information becomes available. The activities listed in the Public Participation Activities and Timeline section below will be some of the ways Ecology will notify people.

Public Participation Activities and Timeline

The following is a list of some of the public participation efforts that occurred and will occur until the cleanup actions are completed:

- ❖ A **mailing list** has been developed for individuals who live near the site. The potentially affected vicinity covers any adjacent properties and homes and businesses within close proximity to the site, and areas to be investigated. These residents will receive copies of all fact sheets developed regarding the cleanup process via first class mail. Additionally, individuals, organizations, local, state, and federal governments, and any other interested parties are added to the mailing list as requested. Others who are interested may request to be on the mailing list at any time by contacting Carol Bergin at the Department of Ecology (see page 4 for contact information).

- ❖ **Public Repositories** are locations where documents may be reviewed. The following locations will contain copies of any documents that go through the public review process related to this site. Additionally, Ecology will provide the local Marshall Post Office with copies of the fact sheets that are sent to the mailing list.

WA Department of Ecology
4601 N. Monroe
Spokane, WA 99205-1295
Contact: Ms. Kari Johnson
Public Disclosure Coordinator
509/329-3415

Cheney Library
610 First Street
Cheney, WA 99004
509/893-8280

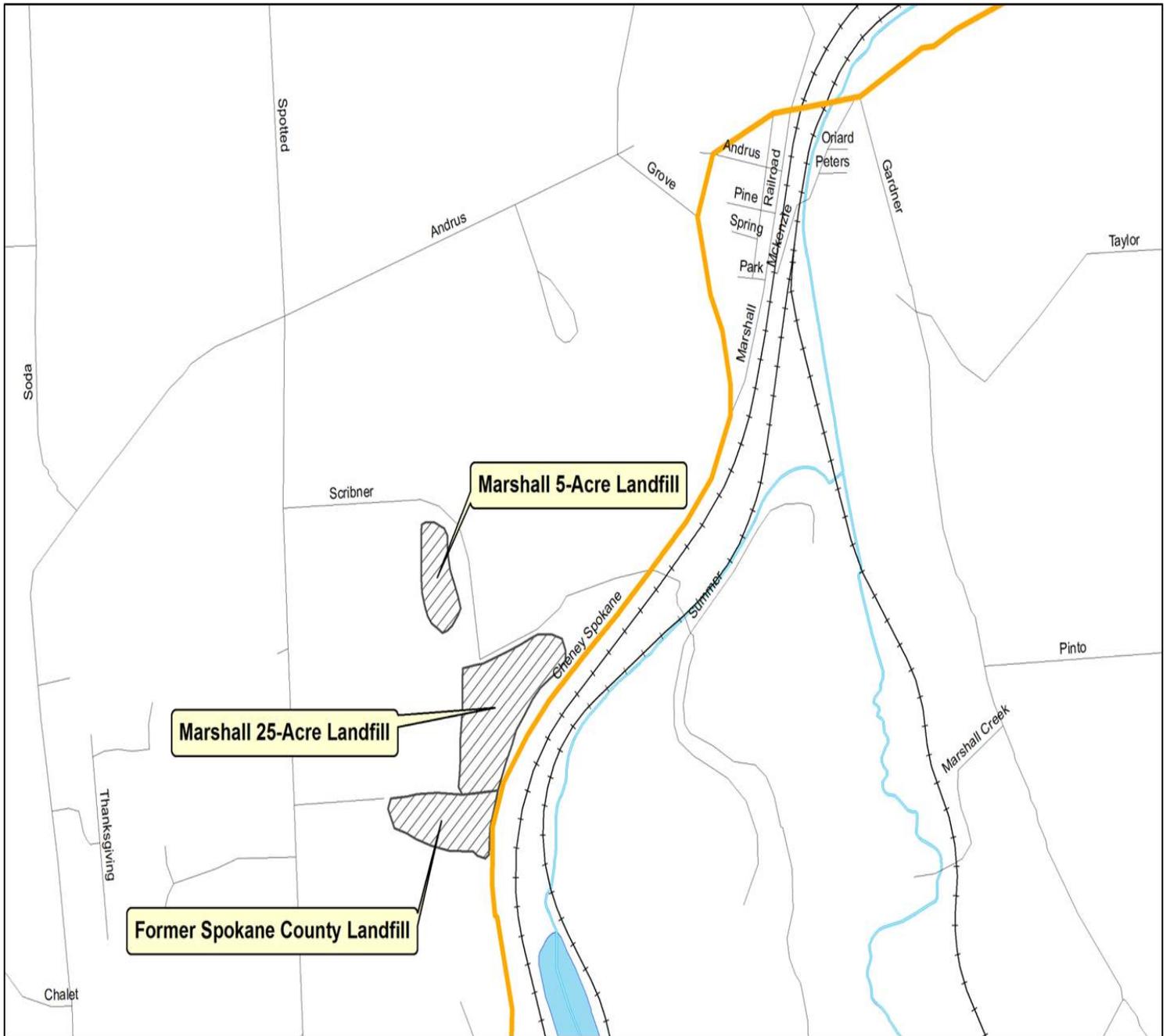
Ecology's Web Site at <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=1022>

- ❖ **Opportunity to Comment**

- During each stage of cleanup, **fact sheets** will be created by Ecology, then distributed to individuals on the mailing list. These fact sheets explain the stage of cleanup, the site background, what happens next in the cleanup process and ask for comments from the public.
- A **30-day comment period** allows interested parties time to comment on the process. The fact sheet contains contact information about where to submit comments and where and when public meetings will be held, or hearings will be held if requested.
- The information from these fact sheets is also published in a statewide **Site Register** which is sent to those who request to be on that mailing list. Persons interested in receiving the Site Register should contact Seth Preston of Ecology at 360-407-6848 or e-mail seth.preston@ecy.wa.gov.
- Ecology maintains a **Public Involvement Calendar** which lists agency-wide public meetings, public comment periods, hearings, open houses, and workshops. You may access this calendar by going to Ecology's homepage at www.ecy.wa.gov and clicking on Public Involvement Calendar in the navigation bar at the top of the page.

- ❖ **Display ads or legal** will be published in the Spokesman Review, Cheney Free Press, and on Ecology's Public Involvement Calendar to inform the general public. These notices are published at the beginning of the 30-day comment period for the public notices. They are also used to announce public meetings, workshops, or public hearings.

APPENDIX A SITE MAP - FIGURE 1



APPENDIX B

CURRENT MAILING LIST
(available upon request)

APPENDIX C GLOSSARY

Agreed Order: A legal document issued by Ecology, which formalizes an agreement between the department and potentially liable persons (PLPs) for the actions needed at a site. An agreed order is subject to public comment. If an order is substantially changed, an additional comment period is provided.

Applicable State and Federal Law: All legally applicable requirements and those requirements that Ecology determines are relevant and appropriate requirements.

Area Background: The concentrations of hazardous substances that are consistently present in the environment in the vicinity of a site which are the result of human activities unrelated to releases from that site.

Carcinogen: Any substance or agent that produces or tends to produce cancer in humans.

Chronic Toxicity: The ability of a hazardous substance to cause injury or death to an organism resulting from repeated or constant exposure to the hazardous substance over an extended period of time.

Cleanup: The implementation of a cleanup action or interim action.

Cleanup Action: Any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup levels; utilizes permanent solutions to the maximum extent practicable; and includes adequate monitoring to ensure the effectiveness of the cleanup action.

Cleanup Action Plan: A document, which identifies the cleanup action and specifies cleanup standards and other requirements for a particular site. After completion of a comment period on a Draft Cleanup Action Plan, Ecology will issue a final Cleanup Action Plan.

Cleanup Level: The concentration of a hazardous substance in soil, water, air or sediment that is determined to be protective of human health and the environment under specified exposure conditions.

Cleanup Process: The process for identifying, investigating, and cleaning up hazardous waste sites.

Consent Decree: A legal document approved and issued by a court which formalizes an agreement reached between the state and potentially liable persons (PLPs) on the actions needed at a site. A decree is subject to public comment. If a decree is substantially changed, an additional comment period is provided.

Containment: A container, vessel, barrier, or structure, whether natural or constructed, which confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment.

Contaminant: Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

Enforcement Order: A legal document, issued by Ecology, requiring remedial action. Failure to comply with an enforcement order may result in substantial liability for costs and penalties. An enforcement order is subject to public comment. If an enforcement order is substantially changed, an additional comment period is provided.

Environment: Any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the state of Washington.

Exposure: Subjection of an organism to the action, influence or effect of a hazardous substance (chemical agent) or physical agent.

Exposure Pathways: The path a hazardous substance takes or could take from a source to an exposed organism. An exposure pathway describes the mechanism by which an individual or population is exposed or has the potential to be exposed to hazardous substances at or originating from the site. Each exposure pathway includes an actual or potential source or release from a source, an exposure point, and an exposure route. If the source exposure point differs from the source of the hazardous substance, exposure pathway also includes a transport/exposure medium.

Facility: Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed or, placed, or otherwise come to be located.

Feasibility Study (FS): A study to evaluate alternative cleanup actions for a site. A comment period on the draft report is required. Ecology selects the preferred alternative after reviewing those documents.

Free Product: A hazardous substance that is present as a nonaqueous phase liquid (that is, liquid not dissolved in water).

Groundwater: Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In aquifers, groundwater occurs in sufficient quantities that it can be used for drinking water, irrigation, and other purposes.

Hazardous Sites List: A list of sites identified by Ecology that requires further remedial action. The sites are ranked from 1 to 5 to indicate their relative priority for further action.

Hazardous Substance: Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) (any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes; (a) have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or (b) are corrosive, explosive, flammable, or may generate pressure through decomposition or other means,) and (6) (any dangerous waste which (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may affect the genetic makeup of man or wildlife; and is highly toxic to man or wildlife; (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment), or any dangerous or extremely dangerous waste as designated by rule under Chapter 70.105 RCW: any hazardous substance as defined in RCW 70.105.010 (14) (any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of hazardous waste as described in rules adopted under this chapter,) or any hazardous substance as defined by rule under Chapter 70.105 RCW; petroleum products.

Hazardous Waste Site: Any facility where there has been a confirmation of a release or threatened release of a hazardous substance that requires remedial action.

Independent Cleanup Action: Any remedial action conducted without Ecology oversight or approval, and not under an order or decree.

Initial Investigation: An investigation to determine that a release or threatened release may have occurred that warrants further action.

Interim Action: Any remedial action that partially addresses the cleanup of a site.

Mixed Funding: Any funding, either in the form of a loan or a contribution, provided to potentially liable persons from the state toxics control account.

Model Toxics Control Act (MTCA): Washington State's law that governs the investigation, evaluation and cleanup of hazardous waste sites. Refers to RCW 70.105D. It was approved by voters at the November 1988 general election and known is as Initiative 97. The implementing regulation is WAC 173-340.

Monitoring Wells: Special wells drilled at specific locations on or off a hazardous waste site where groundwater can be sampled at selected depths and studied to determine the direction of groundwater flow and the types and amounts of contaminants present.

Natural Background: The concentration of hazardous substance consistently present in the environment which has not been influenced by localized human activities.

National Priorities List (NPL): EPA's list of hazardous waste sites identified for possible long-term remedial response with funding from the federal Superfund trust fund.

Owner or Operator: Any person with any ownership interest in the facility or who exercises any control over the facility; or in the case of an abandoned facility, any person who had owned or operated or exercised control over the facility any time before its abandonment.

Polynuclear Aromatic Hydrocarbon (PAH): A class of organic compounds, some of which are long-lasting and carcinogenic. These compounds are formed from the combustion of organic material and are ubiquitous in the environment. PAHs are commonly formed by forest fires and by the combustion of fossil fuels.

Potentially Liable Person (PLP): Any person whom Ecology finds, based on credible evidence, to be liable under authority of RCW 70.105D.040.

Public Notice: At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and opportunity for interested persons to comment.

Public Participation Plan: A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

Recovery By-Products: Any hazardous substance, water, sludge, or other materials collected in the free product removal process in response to a release from an underground storage tank.

Release: Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

Remedial Action: Any action to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance and any health assessments or health effects studies.

Remedial Investigation (RI): A study to define the extent of problems at a site. When combined with a study to evaluate alternative cleanup actions it is referred to as a Remedial Investigation/Feasibility Study (RI/FS). In both cases, a comment period on the draft report is required.

Responsiveness Summary: A compilation of all questions and comments to a document open for public comment and their respective answers/replies by Ecology. The Responsiveness Summary is mailed, at a minimum, to those who provided comments and its availability is published in the Site Register.

Risk Assessment: The determination of the probability that a hazardous substance, when released into the environment, will cause an adverse effect in exposed humans or other living organisms.

Sensitive Environment: An area of particular environmental value, where a release could pose a greater threat than in other areas including: wetlands; critical habitat for endangered or threatened species; national or state wildlife refuge; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river; rookery; riparian area; big game winter range.

Site: See Facility.

Site Characterization Report: A written report describing the site and nature of a release from an underground storage tank, as described in WAC 173-340-450 (4) (b).

Site Hazard Assessment (SHA): An assessment to gather information about a site to confirm whether a release has occurred and to enable Ecology to evaluate the relative potential hazard posed by the release. If further action is needed, an RI/FS is undertaken.

Site Register: Publication issued every two weeks of major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control Act. To receive this publication, please call (360) 407-7200.

Surface Water: Lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the state of Washington or under the jurisdiction of the state of Washington.

TCP: Toxics Cleanup Program at Ecology

Total Petroleum Hydrocarbons (TPH): A scientific measure of the sum of all petroleum hydrocarbons in a sample (without distinguishing one hydrocarbon from another). The “petroleum hydrocarbons” include compounds of carbon and hydrogen that are derived from naturally occurring petroleum sources or from manufactured petroleum products (such as refined oil, coal, and asphalt).

Toxicity: The degree to which a substance at a particular concentration is capable of causing harm to living organisms, including people, plants and animals.

Underground Storage Tank (UST): An underground storage tank and connected underground piping as defined in the rules adopted under Chapter 90.76 RCW.

Washington Ranking Method (WARM): Method used to rank sites placed on the hazardous sites list. A report describing this method is available from Ecology.