STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:	AGREED ORDER
STATE OF WASHINGTON, DEPARTMENT OF CORRECTIONS	No. DE 13229

TO: Donald R. Holbrook
Superintendent, Washington State Penitentiary
Washington State Department of Corrections
1313 N 13th St.
Walla Walla, WA 99362

TABLE OF CONTENTS

EXHIBIT C	Scope of Work and Schedule
EXHIBIT D	Department of Corrections' Washington State Penitentiary Security Policies
EXHIBIT E	Environmental Covenant

I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and the State of Washington, Department of Corrections (Corrections) under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires Corrections to implement the Cleanup Action Plan (Exhibit B). Ecology believes the actions required by this Order are in the public interest.

II. JURISDICTION

This Agreed Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

III. PARTIES BOUND

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such party to comply with this Order. Corrections agrees to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter Corrections' responsibility under this Order. Corrections shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

IV. DEFINITIONS

Unless otherwise specified herein, the definitions set forth in RCW 70.105D and WAC 173-340 shall control the meanings of the terms in this Order.

A. Site: The Site is referred to as the Washington State Penitentiary and is generally located at 1313 N. 13th Street, Walla Walla, Washington. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site. The Site is generally described in the Site Diagram (Exhibit A). The Site constitutes a facility under RCW 70.105D.020(8).

B. Parties: Refers to the State of Washington, Department of Ecology and the State of Washington, Department of Corrections.

C. Potentially Liable Person (PLP): Refers to the State of Washington, Department of Corrections.

D. Agreed Order or Order: Refers to this Order and each of the exhibits to this Order. All exhibits are integral and enforceable parts of this Order. The terms "Agreed Order" or "Order" shall include all exhibits to this Order.

V. FINDINGS OF FACT

Ecology makes the following findings of fact, without any express or implied admissions of such facts by Corrections:

A. The Site is located at 1313 N. 13th Street, in northwest Walla Walla, Washington, covering 531 acres.

B. Corrections has owned and operated the Washington State Penitentiary as a prison since the late 1800s. The Penitentiary has used hazardous chemicals in its operations, through dry cleaning, machine repair, metalworking, furniture refinishing, and refueling activities.

C. Groundwater contamination with perchloroethylene and trichloroethylene was documented in wells hydraulically upgradient of the Sudbury Road Landfill. The landfill is immediately adjacent to and hydraulically downgradient of the Penitentiary.

D. In February 1992, unconfirmed reports were made to Ecology of drums of solvent being disposed in the Penitentiary's construction/demolition debris landfill. In May 1992, an Early Notice Letter was sent regarding potential contamination in the debris landfill.

E. In April 1995, a Site Hazard Assessment was done by Ecology. It was evaluated using the Washington Ranking Method (WARM) and ranked a 3.

F. Releases from petroleum underground storage tanks have been documented in the late 1980s, 1993, and 1996.

G. Corrections entered into Agreed Order 6200 with Ecology in January 2009 to complete a Remedial Investigation/Feasibility Study (RI/FS) for all releases at the Site.

H. The RI/FS identified tetrachloroethene, chromium, manganese, and nitrate in groundwater and tetrachloroethene, polynuclear aromatic hydrocarbons, chromium, and lead in specific areas of soils.

I. Corrections notes that any obligation it assumes under this Order, to the extent such obligation requires Corrections to expend funds on remediation, will require legislative appropriation of funds to undertake the work. Corrections commits to request, and pursue in good faith, funding by the legislature to the extent necessary to fulfill its obligations under this Order. Should the legislature not provide funding, Corrections remains responsible for the full performance of all obligations under this Order, including that detailed in the Scope of Work and Schedule contained herein.

VI. ECOLOGY DETERMINATIONS

Ecology makes the following determinations, without any express or implied admissions of such determinations (and underlying facts) by Corrections.

A. Corrections is an "owner or operator" as defined in RCW 70.105D.020(17) of a "facility" as defined in RCW 70.105D.020(5).

B. Based upon all factors known to Ecology, a "release" or "threatened release" of "hazardous substance(s)" as defined in RCW 70.105D.020(32) and (13), respectively, has occurred at the Site.

C. Based upon credible evidence, Ecology issued a PLP status letter to Corrections dated April 17, 2008, pursuant to RCW 70.105D.040, -.020(21) and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that Corrections is a PLP under RCW 70.105D.040 and notified Corrections of this determination by letter dated May 19, 2008.

D. Pursuant to RCW 70.105D.030(1) and .050(1), Ecology may require PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the

foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that Corrections take the following remedial actions at the Site and that these actions be conducted in accordance with WAC 173-340 unless otherwise specifically provided for herein:

A. Corrections shall conduct a final cleanup action at the Site by implementing the Cleanup Action Plan (CAP) (Exhibit B) according to the attached Scope of Work and Schedule (Exhibit C) and all other requirements of this Decree. The cleanup action includes, but is not limited to, the following actions:

   a. Improving 1.8 acres of the existing permeable landfill soil cap by re-grading the existing soil and placing additional soil to cover exposed debris, correct surface irregularities, and provide positive drainage. Additionally, a geotextile barrier and compacted crushed rock will be added to a subset of 0.7 acres.

   b. Installation of an approximately 0.1 acre low permeability asphalt cap in the vicinity of the former dry cleaner building consisting of crushed rock and asphalt.

   c. Decommissioning irrigation well number 4.

   d. Placement of restrictive covenants on the landfill and former dry cleaner areas of the Washington State Penitentiary. A draft environmental covenant is attached (Exhibit E).

   e. Conduct groundwater monitoring to assess performance of the cleanup action in accordance with the Compliance Monitoring Plan approved by Ecology.

B. In order to implement the CAP, Corrections will prepare and submit for Ecology's review and approval all documents necessary to conduct the final cleanup action, including the engineering design report, compliance monitoring plan, and progress reports. These documents will be submitted in accordance with the attached Scope of Work and Schedule (Exhibit C).

C. All plans or other deliverables submitted by Corrections for Ecology's review and approval under the Scope of Work and Schedule (Exhibit C) shall, upon Ecology's approval, become integral and enforceable parts of this Order.

D. If Ecology determines that Corrections has failed to make sufficient progress or failed to implement the remedial action, in whole or in part, Ecology may, after notice to Corrections, perform any or all portions of the remedial action or at Ecology's discretion allow Corrections the opportunity to correct. Corrections shall reimburse Ecology for the costs of doing such work in accordance with Section VII.A (Remedial Action Costs). Ecology reserves the right to enforce requirements of this Order under Section X (Enforcement).

E. Except where necessary to abate an emergency situation, Corrections shall not perform any remedial actions at the Site outside those remedial actions required by this Order, unless Ecology concurs, in writing, with such additional remedial actions.

VIII. TERMS AND CONDITIONS

A. Remedial Action Costs

Corrections shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under RCW 70.105D, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). For all Ecology costs incurred, Corrections shall pay the required amount within thirty (30) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70.105D.055, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

B. Designated Project Coordinators

The project coordinator for Ecology is:

Sandra Treccani
4601 N Monroe
Spokane, WA 99205
(509) 329-3412

The project coordinator for Corrections is:

Eric Heinitz
7345 Linderson Way SW
Mailing: PO Box 41112, Olympia 98504-1108
Tumwater, WA 98501
(360) 725-8397

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and Corrections, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Any party may change its respective project coordinator. Written notification shall be given to the other party at least ten (10) calendar days prior to the change.

C. Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist or hydrogeologist licensed by the State of Washington or under the direct supervision of an engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43 and 18.220.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered by the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by RCW 18.43 and 18.220.

Corrections shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

D. Access

Ecology or any Ecology authorized representative shall have access to enter and freely move about all property at the Site that Corrections either owns, controls, or has access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing Corrections' progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by Corrections. Corrections shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by Corrections where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall follow the Washington State Penitentiary Clearance Procedure (Exhibit D) for gaining entry to the areas of the Site which are inside the secure perimeter of the Penitentiary. Ecology or any Ecology authorized representative shall give reasonable advance notice before entering any area of the Site outside the secure perimeter of the Penitentiary controlled by

Corrections, unless an emergency prevents such notice. All persons who access the area of the Site inside the secure perimeter of the Penitentiary pursuant to this section shall comply with:

1. Washington State Penitentiary Clearance Procedure;
2. Department of Corrections *Restricted* Policy Directive 420.500 Tool Control;
3. Department of Corrections Policy Directive 400.030 Security Guidelines for Wireless Portable Technology in Facilities;
4. Department of Corrections Policy Directive 870.400 Employee Personal Appearance/Uniform Standards;
5. WSP Operational Memorandum 150.150 Prohibited Clothing Department of Corrections Policy Directive 420.340 Searches of Facility Visitors; and
6. Any applicable Health and Safety Plan(s).

Ecology or any Ecology representative shall not take photographs of the Site which include offenders incarcerated in the custody of Corrections. Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access. The security restrictions required for physical access do not apply to Ecology's, or any Ecology representative's, access to any and all project records.

E. Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, Corrections shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII (Work to be Performed), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal.

If requested by Ecology, Corrections shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by Corrections pursuant to implementation of this Order. Corrections shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow Corrections and/or its authorized representative to take split or duplicate samples of any samples collected by

Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section VIII.E (Access), Ecology shall notify Corrections prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under WAC 173-50 for the specific analyses to be conducted, unless otherwise approved by Ecology.

F. Public Participation

A Public Participation Plan is required for this Site. Ecology has developed a Public Participation Plan which is available at Ecology's Eastern Regional Office in Spokane, Washington.

Ecology shall maintain the responsibility for public participation at the Site. However, Corrections shall cooperate with Ecology, and shall:

1. If agreed to by Ecology, develop appropriate mailing lists and prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before major meetings with the interested public and local governments. Likewise, Ecology shall notify Corrections prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by Corrections that do not receive prior Ecology approval, Corrections shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

4. When requested by Ecology, arrange and/or continue information repositories to be located at the following locations:

a. Washington State Penitentiary
Administration Building
1313 N. 13th Ave
Walla Walla, WA 99362

b. Ecology's Eastern Regional Office
4601 N Monroe
Spokane, WA 99205

At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories. A copy of all documents related to this Site shall be maintained in the repository at Ecology's Eastern Regional Office in Spokane, Washington.

G. Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, Corrections shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, Corrections shall make all records available to Ecology and allow access for review within a reasonable time.

Nothing in this Order is intended to waive any right Corrections may have under applicable law to limit disclosure of documents protected by the attorney work-product privilege and/or the attorney-client privilege. If Corrections withholds any requested records based on an assertion of privilege, Corrections shall provide Ecology with a privilege log specifying the records withheld and the applicable privilege. No Site-related data collected pursuant to this Order shall be considered privileged.

H. Resolution of Disputes

1. In the event that Corrections elects to invoke dispute resolution Corrections must utilize the procedure set forth below.

a. Upon the triggering event (receipt of Ecology's project coordinator's written decision or an itemized billing statement), Corrections has fourteen (14) calendar days within which to notify Ecology's project coordinator in writing of its dispute ("Informal Dispute Notice").

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute informally. The parties shall informally confer for up to fourteen (14) calendar days from receipt of the Informal Dispute Notice. If the project coordinators cannot resolve the dispute within those 14 calendar days, then within seven (7) calendar days Ecology's project coordinator shall issue a written decision ("Informal Dispute Decision") stating: the nature of the dispute; the Corrections' position with regards to the dispute; Ecology's position with regards to the dispute; and the extent of resolution reached by informal discussion.

c. Corrections may then request regional management review of the dispute. This request ("Formal Dispute Notice") must be submitted in writing to the Eastern Region Toxics Cleanup Section Manager within seven (7) calendar days of receipt of Ecology's Informal Dispute Decision. The Formal Dispute Notice shall include a written statement of dispute setting forth: the nature of the dispute; the disputing Party's position with respect to the dispute; and the information relied upon to support its position.

d. The Section Manager shall conduct a review of the dispute and shall issue a written decision regarding the dispute ("Decision on Dispute") within thirty (30) calendar days of receipt of the Formal Dispute Notice. The Decision on Dispute shall be Ecology's final decision on the disputed matter.

2. The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used.

3. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

4. In case of a dispute, failure to either proceed with the work required by this Order or timely invoke dispute resolution may result in Ecology's determination that insufficient progress is being made in preparation of a deliverable, and may result in Ecology undertaking the work under Section VII.E (Work to be Performed) or initiating enforcement under Section X (Enforcement).

I. Extension of Schedule

1. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

a. The deadline that is sought to be extended;

b. The length of the extension sought;

c. The reason(s) for the extension; and

d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on Corrections to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

a. Circumstances beyond the reasonable control and despite the due diligence of Corrections including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by Corrections;

b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty;

c. Security emergencies at the Penitentiary, including but not limited to, lockdowns, hostage situations, riots; or

d. Endangerment as described in Section VIII.L (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of Corrections.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give Corrections written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section VIII.K (Amendment of Order) when a schedule extension is granted.

4. An extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:

a. Delays in the issuance of a necessary permit which was applied for in a timely manner;

b. Other circumstances deemed exceptional or extraordinary by Ecology; or

c. Endangerment as described in Section VIII.L (Endangerment).

J. Amendment of Order

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within seven (7) days of verbal agreement.

Except as provided in Section VIII.M (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and Corrections. Corrections shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to this Order represents a substantial change, Ecology will provide

public notice and opportunity to comment. Reasons for the disapproval of a proposed amendment to this Order shall be stated in writing. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.I (Resolution of Disputes).

K. Endangerment

In the event Ecology determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct Corrections to cease such activities for such period of time as it deems necessary to abate the danger. Corrections shall immediately comply with such direction.

In the event Corrections determines that any activity being performed at the Site under this Order is creating or has the potential to create a danger to human health or the environment, Corrections may cease such activities. Corrections shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction, Corrections shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with Corrections' cessation of activities, it may direct Corrections to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to this section, Corrections' obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII.J (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.

Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

L. Reservation of Rights

This Order is not a settlement under RCW 70.105D. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against Corrections to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against Corrections regarding remedial actions required by this Order, provided Corrections complies with this Order.

Ecology nevertheless reserves its rights under RCW 70.105D, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

By entering into this Order, Corrections does not admit to any liability for the Site. Although Corrections is committing to conducting the work required by this Order under the terms of this Order, Corrections expressly reserves all rights available under law, including but not limited to the right to seek cost recovery or contribution against third parties, and the right to assert any defenses to liability in the event of enforcement.

M. Transfer of Interest in Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by Corrections without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to Corrections' transfer of any interest in all or any portion of the Site, and during the effective period of this Order, Corrections shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, Corrections shall notify Ecology of said transfer. Upon transfer of any

interest, Corrections shall notify all transferees of the restrictions on the activities and uses of the property under this Order and incorporate any such use restrictions into the transfer documents.

N. Compliance with Applicable Laws

1. All actions carried out by Corrections pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal, state, or local requirements have been identified as being applicable to the actions required by this Order.

2. Pursuant to RCW 70.105D.090(1), Corrections is exempt from the procedural requirements of RCW 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 and of any laws requiring or authorizing local government permits or approvals. However, Corrections shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this section.

Corrections has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or Corrections determines that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or Corrections shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, Corrections shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by Corrections and on how Corrections must meet those requirements. Ecology shall inform Corrections in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. Corrections shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

3. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the state to administer any federal law, the exemption shall not apply and Corrections shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

O. Land Use Restrictions

In consultation with Corrections, Ecology will prepare the Environmental (Restrictive) Covenant consistent with WAC 173-340-440 and RCW 64.70. After approval by Ecology, Corrections shall record the Environmental (Restrictive) Covenant with the office of the Walla Walla County Auditor within thirty (30) days of Ecology approval of the Cleanup Action Report. The Environmental (Restrictive) Covenant shall restrict future activities and uses of the Site as agreed to by Ecology and Corrections. Corrections shall provide Ecology with the original recorded Environmental (Restrictive) Covenant within thirty (30) days of the recording date.

P. Periodic Review

As remedial action, including groundwater monitoring, continues at the Site, the Parties agree to review the progress of remedial action at the Site, and to review the data accumulated as a result of monitoring the Site as often as is necessary and appropriate under the circumstances. At least every five (5) years after the initiation of cleanup action at the Site the Parties shall meet to discuss the status of the Site and the need, if any, for further remedial action at the Site. Ecology reserves the right to require further remedial action at the Site under appropriate circumstances. This provision shall remain in effect for the duration of this Order.

Q. Hold Harmless

Each Party shall be responsible for the actions and inactions of itself and its own officers, employees, and agents acting within the scope of their authority. Ecology and Corrections, as state agencies, are insured under the self-insurance program of Washington State.

Corrections shall defend, protect, and hold Ecology harmless from and against any and all claims, suits, or actions arising from the negligent acts or omissions of Corrections' employees and/or authorized representatives while performing under the terms of this Order.

IX. SATISFACTION OF ORDER

The provisions of this Order shall be deemed satisfied upon Corrections' receipt of written notification from Ecology that Corrections has completed the remedial activity required by this Order, as amended by any modifications, and that Corrections has complied with all other provisions of this Agreed Order.

X. ENFORCEMENT

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

A. The Attorney General may bring an action to enforce this Order in a state or federal court.

B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.

C. A liable party who refuses, without sufficient cause, to comply with any term of this Order will be liable for:

1. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply.

2. Civil penalties of up to twenty-five thousand dollars ($25,000) per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: _____

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Kent Nugen
Director
Capital Planning and Development
DOC Headquarters, Olympia
360/725-8354

Michael Hibbler
Section Manager
Toxics Cleanup Program
Eastern Regional Office
509/329-3568

EXHIBIT A

SITE MAP

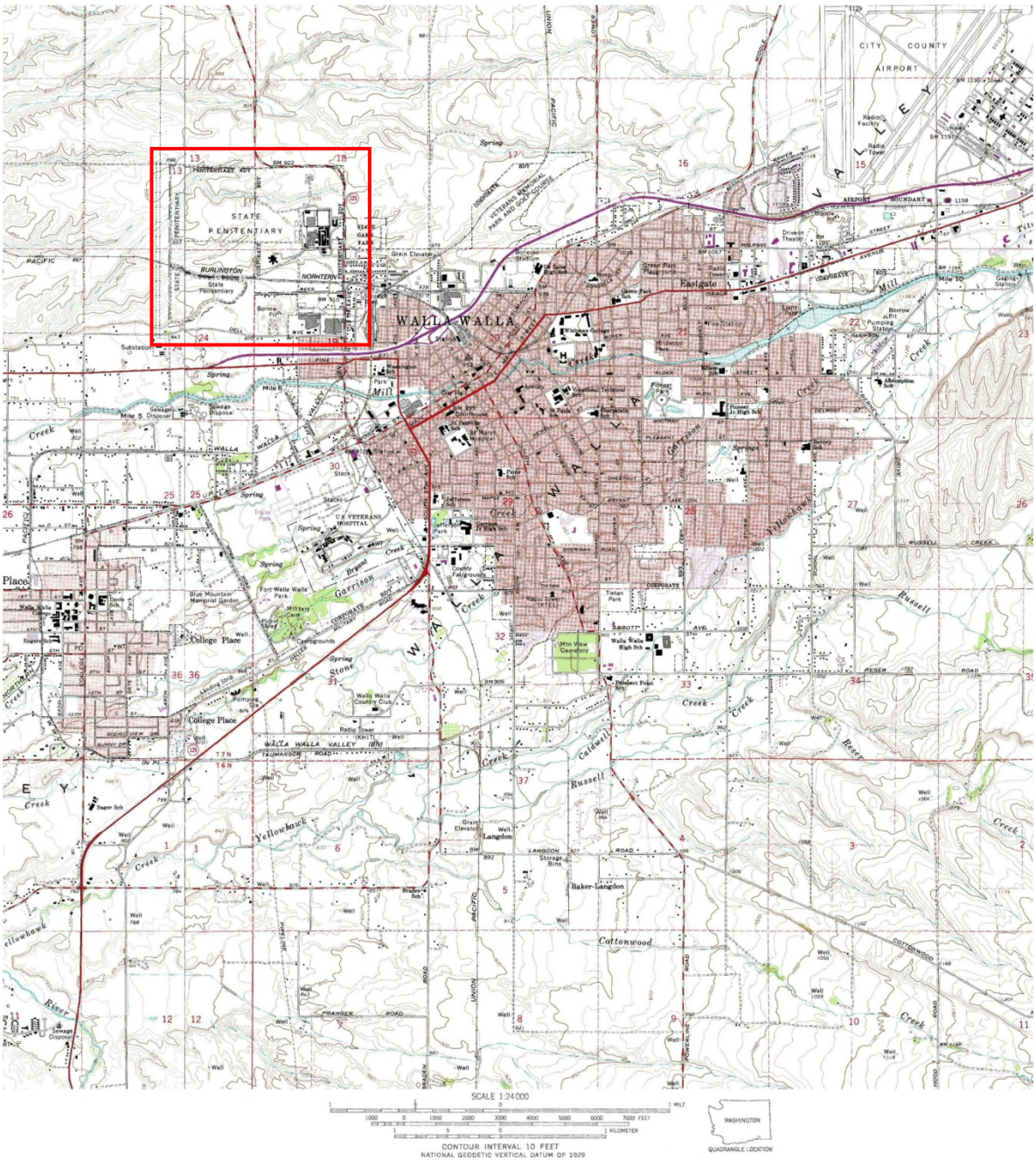

STATE PENITENTIARY
WALLA WALLA
CITY COUNTY AIRPORT
College Place
Eastgate
Mill Creek
Yellowhawk Creek
Garrison Creek
Russell Creek
Cottonwood Creek
Baker-Langdon
Langdon
SCALE 1:24000
1 MILE
1 KILOMETER
CONTOUR INTERVAL 10 FEET
NATIONAL GEODETIC VERTICAL DATUM OF 1929
WASHINGTON
QUADRANGLE LOCATION

EXHIBIT B

CLEANUP ACTION PLAN

DRAFT CLEANUP ACTION PLAN

WA DOC Washington State Penitentiary Site
Walla Walla, WA
FSID 779, CSID 4971

April 2016
Washington Department of Ecology
Toxics Cleanup Program
Eastern Regional Office
Spokane, WA

TABLE OF CONTENTS

LIST OF FIGURES

LIST OF TABLES

LIST OF ACRONYMS

AOC .....Area(s) of Contamination
CAP.....Cleanup Action Plan
cPAH.....carcinogenic polycyclic aromatic hydrocarbon
CUL.....cleanup level
DOC .....Department of Corrections
ECOLOGY .....Department of Ecology
FS .....Feasibility Study
LEL .....lower explosive limit
MTCA.....Model Toxics Control Act
PCB.....polychlorinated biphenyl
PCE .....perchloroethylene
PID .....photo ionization detector
PLP.....potentially liable person
RI.....Remedial Investigation
RIFS .....Remedial Investigation/Feasibility Study
TCE.....trichloroethylene
TEE .....Terrestrial Ecological Evaluation
UST .....underground storage tank
VOC .....volatile organic carbon
WSP .....Washington State Penitentiary

1.0 INTRODUCTION

This report presents the Washington State Department of Ecology's proposed cleanup action for the WA DOC Washington State Penitentiary Site (Site) (Facility Site #779, Cleanup Site #4971), located at 1313 N 13th Ave, Walla Walla, in Walla Walla County, Washington (Figure 1). This Cleanup Action Plan (CAP) is required as part of the Site cleanup process under the Model Toxics Control Act (MTCA), Ch. 70.105D RCW, implemented by the Washington State Department of Ecology (Ecology). The cleanup action decision given herein is based on the Remedial Investigation/Feasibility Study (RI/FS) and other relevant documents in the administrative record. The Washington State Department of Corrections (DOC) has been named the potentially liable person (PLP) by Ecology. DOC has completed investigation activities under Agreed Order 6200 with Ecology.

This CAP outlines the following:

- The history of operations, ownership, and activities at the Site;
- The nature and extent of contamination as presented in the RI;
- Cleanup levels (CULs) for the Site that are protective of human health and the environment;
- The selected remedial action for the Site; and
- Any required compliance monitoring and institutional controls.

1.1 DECLARATION

Ecology has selected this remedy because it will be protective of human health and the environment. Furthermore, the selected remedy is consistent with the preference of the State of Washington as stated in RCW 70.105D.030(1)(b) for permanent solutions.

1.2 APPLICABILITY

Cleanup standards specified in this CAP are applicable only to the WA DOC Washington State Penitentiary (WSP) Site. They were developed as a part of an overall remediation process under Ecology oversight using the authority of MTCA, and should not be considered as setting precedents for other sites.

1.3 ADMINISTRATIVE RECORD

The documents used to make the decisions discussed in this CAP are on file in the administrative record for the Site. Major documents are listed in the reference section. The entire administrative record for the Site is available for public review by appointment at Ecology's Eastern Regional Office, located at 4601 N. Monroe Street, Spokane, WA 99205-1295. Results from applicable studies and reports are summarized to provide background information pertinent to the CAP.

1.4 CLEANUP PROCESS

Cleanup conducted under the MTCA process requires the preparation of specific documents

either by the PLP or by Ecology. Procedural tasks and these resulting documents, along with the MTCA section requiring their completion, are listed below with a brief description of each task.

- *Remedial Investigation and Feasibility Study - WAC 173-340-350*
  The RI/FS documents the investigations and evaluations conducted at the Site from the discovery phase to the RI/FS document. The Remedial Investigation (RI) collects and presents information on the nature and extent of contamination, and the risks posed by the contamination. The Feasibility Study (FS) presents and evaluates Site cleanup alternatives and proposes a preferred cleanup alternative. The document is prepared by the PLP, approved by Ecology, and undergoes public comment.

- *Cleanup Action Plan - WAC 173-340-380*
  The CAP sets cleanup standards for the Site, and selects the cleanup actions intended to achieve the cleanup standards. The document is prepared by Ecology, and undergoes public comment.

- *Engineering Design Report, Construction Plans and Specifications - WAC 173-340-400*
  The report outlines details of the selected cleanup action, including any engineered systems and design components from the CAP. These may include construction plans and specifications with technical drawings. The document is prepared by the PLP and approved by Ecology. Public comment is optional.

- *Operation and Maintenance Plan(s) - WAC 173-340-400*
  These plans summarize the requirements for inspection and maintenance of cleanup actions. They include any actions required to operate and maintain equipment, structures, or other remedial systems. The document is prepared by the PLP and approved by Ecology.

- *Cleanup Action Report - WAC 173-340-400*
  The Cleanup Action Report is completed following implementation of the cleanup action, and provides details on the cleanup activities along with documentation of adherence to or variance from the CAP. The document is prepared by the PLP and approved by Ecology.

- *Compliance Monitoring Plan - WAC 173-340-410*
  Compliance Monitoring Plans provide details on the completion of monitoring activities required to ensure the cleanup action is performing as intended. It is prepared by the PLP and approved by Ecology.

2.0 SITE BACKGROUND

2.1 SITE HISTORY

The Site consists of land owned by DOC (Figure 2) and is bounded by 13th Avenue and light industry to the east, 13th Avenue and agricultural land to the north, Sudbury Road Landfill to the west, and light industry and the City of Walla Walla to the south. The Site currently occupies

540 acres and has various uses, including offender housing, agriculture, manufacturing, various institutional support services, and the closed WSP landfill.

The Site has been operating as a prison since 1887. Various manufacturing and facility support activities have taken place over the years, including but not limited to: jute manufacturing, metal fabrication, license plate production, garment production, furniture refinishing and upholstery, welding, vehicle repair and maintenance, medical and dental laboratories, photo processing, dry cleaning, road sign production, and facility power production. Many of these activities involved the use of petroleum and volatile chemicals.

2.2 SITE INVESTIGATIONS

Multiple environmental investigations were concluded at the WSP prior to the RI. A brief chronological summary is presented here.

- *1984 Polychlorinated Biphenyl (PCB) Appraisal*
  A site-wide transformer inspection resulted in 2 transformers being classified as having "running leaks". The location of the transformers, amount of leakage, affected media, whether the oil contained PCBs, and the ultimate fate of the equipment appears not to have been recorded.

- *1992 Initial Investigation*
  An anonymous complaint of chemical dumping at the WSP landfill led to an Ecology-conducted Initial Investigation. No visual evidence of contamination was observed during this investigation. It was discovered that a 10-inch diameter well near the WSP landfill was not properly decommissioned. Former WSP employees, the County Health Department, and the contractor used for landfill closure were queried by letter. All responded that they had no knowledge of inappropriate dumping at the WSP landfill.

- *1995 Site Hazard Assessment*
  Ecology performed this assessment for the purpose of ranking the cleanup priority of this site against other sites across the State of Washington. This assessment focused on past and present waste management activities and other environmental data. The Site was scored 3 out of 5 according to the Washington Ranking Method. Suspected hazardous substances were listed as TCE and PCE, since they were detected in the two WSP monitoring wells downgradient of the WSP landfill and upgradient of the Sudbury Road Landfill. The site hazard checklist noted that the landfill cover was not well maintained, did not have adequate run-on/runoff control, and did not have a consistent thickness of cover material. The checklist also stated the landfill had no bottom liner and liquid wastes may have been disposed in the WSP landfill.

- *1995 Site Assessment*
  DOC compiled and analyzed landfill history and site condition information in order to evaluate landfill condition, types of disposed materials, and migration potential. This assessment concluded there was no evidence to suggest an imminent threat to human

health or the environment, but that the possibility of contaminants being buried in the WSP landfill could not be ruled out.

- *1996 UST Removal*
  DOC removed 7 underground storage tanks (UST) used for diesel supply to onsite emergency generators. No signs of breach were apparent in the removed tanks, and no evidence of leaking or odors were observed in the excavation sites. Two more USTs were discovered and removed in 2009. Excavation wall confirmatory samples were below applicable screening levels for total petroleum hydrocarbons as gasoline, benzene, toluene, ethylbenzene, xylene, and heavy oil range hydrocarbons.

- *1998 Preliminary Hydrogeologic Evaluation for Washington State Penitentiary Landfill*
  This preliminary study of WSP landfill area groundwater, soil, and landfill soil gas was conducted in two phases. In the first phase, monitoring wells MW-1, MW-2, MW-3, and MW-4 were installed. Groundwater in these wells was sampled, along with Sudbury Landfill wells SLF-9 and SLF-10, and surface water from an intermittent drainage near the WSP landfill. In the second phase, these wells were re-sampled, along with the additional Sudbury Landfill well SLF-7. The intermittent drainage was not sampled in the second phase because no flow or water was present. A methane survey was also completed in the WSP landfill area, and 28 Geoprobe® borings were installed, from which soil and soil gas samples were collected. The additional groundwater monitoring well MW-5 was installed at the WSP landfill. In the evaluation, Water Quality Standards for the State of Washington were exceeded for total dissolved solids, iron, manganese, nitrate-nitrogen, trichloroethylene (TCE), and perchloroethylene (PCE). Combustible gas was also detected in the east and west cells.

- *1999 Sudbury Landfill Site Contaminant Source Identification/Assessment Report*
  Ecology completed a Contaminant Source Identification/Assessment study regarding potential sources of volatile organic carbons (VOCs) upgradient of Sudbury Road Landfill. Public records were reviewed, the properties and uses of the contaminants were researched, officials and residents were interviewed, and reconnaissance was made of the Site. Analysis of Sudbury Road Landfill groundwater monitoring well data indicated that an upgradient source was contributing VOCs to Sudbury Road Landfill groundwater.

- *2000 Preliminary Assessment Washington State Penitentiary Narrative Report*
  Ecology conducted a research and file review to assess immediate or potential threat to human health and the environment and to collect information to support a decision on further action under the federal Comprehensive Response, Compensation, and Liability Act (CERCLA). It was concluded that the shallow aquifer was impacted by VOCs, and that the WSP landfill was a highly possible source. It was also concluded there was no information indicating impacts to Mill Creek or Walla Walla River, but that there was a possible threat to human health and the environment, as these streams ultimately receive runoff from the WSP. It was identified that there were opportunities for soil exposure and air hazards, but the threat was judged to be low.

2.3 PHYSICAL SITE CHARACTERISTICS

2.3.1 Topography and Climate

Site elevation ranges from 850 to 900 feet, generally sloping to the west at a gradient of less than 1%. The Site is located along the north slope of the Walla Walla Valley. The region is semi-arid, receiving around 15-19 inches of precipitation per year, normally occurring as snow in the winter. Summers are warm and dry. The annual mean temperature is about 54˚F.

2.3.2 Regional Hydrogeology

The geology in the vicinity of the Site is primarily Columbia River Group basalt flows overlain by alluvial deposits of the Ringold Formation. Surficial Palouse Formation loess overlies the alluvial deposits (Newcomb,1965). The alluvial deposits in the Site area are composed of 200 feet of sands and gravels underlain by 250 to 300 feet of lacustrine clay.

The two substantial aquifers in the Walla Walla area identified in the RI/FS are the gravel aquifer and the deeper basalt aquifer. The gravel aquifer is approximately 200 feet thick and appears to be unconfined in the Site area, with a westward horizontal gradient. The shallow gravel aquifer is used extensively for irrigation, and also for domestic well use, including drinking water. The deeper basalt aquifer is separated by 250 to 300 feet of clay from the gravel aquifer. The basalt aquifer is confined, with a potentiometric surface of approximately 50 ft below ground surface in the vicinity of the Site, resulting in a net upward vertical gradient from the lower basalt aquifer to the gravel aquifer. The basalt aquifer is used for irrigation, industrial, and domestic uses. The City of Walla Walla derives 88-90% of its drinking water from the Mill Creek watershed. This is supplemented by wells drawing from the deep basalt aquifer. Walla Walla also operates aquifer storage and recovery wells that inject surface water into the deep basalt aquifer during winter months.

3.0 REMEDIAL INVESTIGATION

A RI was performed to assess the nature and extent of contamination. Areas of Contamination (AOCs) and potential AOCs were identified based on the preliminary site conceptual model and pre-existing data (Figure 3). An RI field investigation was completed to refine the site conceptual model of the WSP landfill and other AOCs. Investigated areas included the closed WSP landfill, former dry cleaning operation areas, former motor pool area, former auto body and furniture refinishing area, former hazardous waste accumulation area, and steam plant boiler ash area.

3.1 SOIL

Prior to advancing RI investigative boreholes or test pits, a geophysical survey was conducted at the WSP landfill. Magnetometer methods were used to search for ferrous debris, and electromagnetic methods were used to search for limits of waste placement. Results of these surveys were used to guide location selection for test pits, soil probes, and soil gas sample points. Soil samples were collected from 16 test pits completed to a depth of 6 to 18 feet within the landfill to assess thickness and composition of landfill materials (Figure 4). Although damaged

drums were encountered in the test pits, no odors, elevated photo ionization detector (PID) readings, liquids, or other suspect substances were observed.

To assess identified AOCs, including former dry cleaning operations, former motor pool, a former accumulation area, and a steam plant area, 13 hydraulic push borings were completed at or near suspected contamination source areas throughout the WSP complex (Figure 5). Continuous depth samples were collected and analyzed for VOCs, carcinogenic polycyclic aromatic hydrocarbons (cPAHs), and/or selected metals, depending on the suspected nature of potential contamination. Undisturbed soil samples were collected from the boreholes of the 10 monitoring wells installed during the RI field investigation. Samples were analyzed for but did not exceed screening levels for total petroleum hydrocarbons, benzene, toluene, ethylbenzene, xylene, VOCs, PAHs, and/or selected metals. Areas with soil exceeding CULs were the closed landfill AOC and the former dry cleaner AOC.

Soil samples were collected at six locations within the closed landfill in order to assess near surface conditions in cover and landfill materials. In particular, conditions within 6 feet of the surface can be potentially important to the exposure of ecological receptors to contamination. Grab samples were collected at depths of 1, 3 and 5 feet below ground surface at each of 3 locations in the west cell and the east cell of the closed landfill. Samples were analyzed for arsenic, lead, chromium, and cPAHs.

Contaminants in soil detected above screening levels at the closed landfill AOC included arsenic, benzo[a]pyrene, total cPAHs, chromium, lead, and PCE (Table 1). Arsenic was detected at 15 mg/kg at a depth of 8 feet in TP-8. Benzo[a]pyrene was detected at a maximum concentration of 0.31; total cPAHs were detected at a maximum of 0.41 mg/kg normalized as benzo[a]pyrene using toxicity equivalent factors. Lead was detected at 940 mg/kg in TP-8 at a depth of 8 feet. PCE was detected at a maximum concentration of 0.52 mg/kg in the closed landfill AOC. Chromium exceeded CULs, but analyses were only performed for total chromium. Chromium will be considered an indicator at the site, but all future sampling will be for speciated chromium so that results can be compared to the chromium(6) CUL.

PCE was detected in 88% of soil samples taken near one building in the former dry cleaner AOC. At location I-P9, PCE concentrations exceeded screening levels and the maximum concentration detected was 12 mg/kg at a depth of 12 feet.

3.2 SOIL GAS

Soil gas was investigated at the closed WSP landfill (14 locations) and at other AOCs where VOCs may be indicated (4 locations). Soil gas screening locations are presented in Figure 6. General soil gas composition was screened in the soil gas probes with a PID and a four-gas meter (oxygen, hydrogen sulfide, carbon monoxide, and lower explosive limit [LEL]). LEL, interpreted as methane, was detected in landfill gas probes but not at levels of concern. Elevated PID readings were generally not observed. Based on the screening results, soil gas samples were collected from borings P-4 (closed landfill area) and I-P2 (north of former auto shop). Low levels of an assortment of VOCs were detected in soil gas from both wells. Neither TCE nor PCE were detected in soil gas in either well.

Because VOCs were found in site groundwater and inhabited buildings may overlie subsurface contamination, vapor migration from soil and/or groundwater was evaluated. The governing document for evaluation of the vapor intrusion exposure pathway for this site is the Ecology *Guidance for Evaluating Soil Vapor Intrusion in Washington State: Investigation and Remedial Action*. VOCs detected in site groundwater include chloroform, naphthalene, sec-butylbenzene, PCE, toluene, and TCE. Of these detected VOCs, the maximum detected concentration exceeded the screening level from Table B-1 of the vapor intrusion guidance for chloroform, PCE, and TCE. Conservative maximum indoor air concentrations were predicted for these VOCs and also vinyl chloride using the Johnson-Ettinger model. Although not detected in site groundwater, vinyl chloride was included at the method detection limit in this analysis, because it is a breakdown product of both PCE and TCE, and because it is toxic at much lower concentrations than either of those compounds. None of the VOCs were predicted to exceed the MTCA Method B indoor air CULs using Johnson-Ettinger model calculations with conservative assumptions. Therefore the vapor intrusion pathway is not considered for site CULs.

3.3 GROUNDWATER

Ten new groundwater monitoring wells (MW-6 through MW-15) were installed as part of the RI field investigation. The groundwater investigation network for the RI consisted of four pre-RI monitoring wells (MW-1, MW-2, MW-3, and MW-5), the ten newly installed groundwater monitoring wells, and three Sudbury Road Landfill wells near the western WSP property boundary. Well locations are shown in Figure 7. Samples were collected in four quarterly RI groundwater monitoring events.

A water well inventory was conducted to assess the potential need to sample existing water wells as part of the RI field investigation. A total of 214 well logs were identified and included in the inventory. It was determined that none of the identified local water supply wells were likely to be affected by potential contamination sources identified at WSP, based on results of the WSP well sampling that showed a groundwater plume with very limited extent. During the initial investigation, an out-of-use irrigation well near the southeast corner of the WSP landfill (No. 4) was identified as not being properly decommissioned. While this well hypothetically could serve as a vertical migration pathway for contaminant from the upper aquifer to the lower aquifer, the potential for this is reduced by the upward vertical gradient between the basalt aquifer and the gravel aquifer.

Chromium, manganese, and PCE were detected in groundwater above screening levels (Table 2). These detections were all well within the property boundaries of the WSP, indicating a plume with very limited extent. Chromium was detected in MW-8 at a concentration of 75 µg/L on July 29, 2010, and was detected in MW-12 at a concentration of 69 µg/L on July 15, 2010. Elevated levels of manganese were detected in upgradient wells in the southeastern section of the site. Manganese concentration ranged from 420 -2,600 µg/L at MW-6, from 22-3,100 µg/L at MW-7, and from 460-35,000 µg/L at MW-8. Elevated concentrations of manganese were detected intermittently at these wells only, and not at any downgradient wells, suggesting a possible upgradient source. PCE was detected at concentration of 5.3 µg/L at MW-5 on July 16, 2010.

Results of subsequent sampling of MW-5 have been below the Method B CUL of 5 µg/L for PCE.

3.4 SURFACE WATER

Surface water runoff was not sampled during any of the four quarters of the RI field investigation, due to dry conditions.

3.5 RISKS TO HUMAN HEALTH AND THE ENVIRONMENT

Exposure to chemicals in soil for human populations could potentially occur through direct contact, through inhalation of dust entrained in air or volatile chemical emissions into air, or through ingestion of chemicals in soil. Exposure to chemicals in groundwater could potentially occur through direct contact, through inhalation of emissions of volatile chemicals, or through ingestion of chemicals in site groundwater. Potential exposed populations could include site residents, visitors, indoor workers, construction/utility outdoor workers, and off-site well owner or well-owner visitor.

Exposure to chemicals in soil for ecological receptors could potentially occur through direct contact with soil by burrowing or ground-dwelling animals, inhalation of dust or volatilized chemicals (including burrowing animals), or ingestion of chemicals in site soil or uptake by plants. Exposure to chemicals in groundwater could potentially occur through direct contact with groundwater, inhalation of emissions of volatile chemicals, or ingestion of chemicals in site groundwater.

4.0 CLEANUP STANDARDS

MTCA requires the establishment of cleanup standards for individual sites. Cleanup standards consist of CULs for hazardous substances at the site, location where these CULs must be met (point of compliance), and other regulatory requirements that apply to the site because of the type of action and/or location of the site (applicable State and Federal laws). CULs determine the concentration at which a substance does not threaten human health or the environment. All material exceeding a CUL is addressed through a remedy that prevents exposure to the material. Points of compliance represent the locations on the site where CULs must be met.

4.1 SITE USE

The evaluation of both CULs and ecological exposures depends on the nature of the Site use. Options under MTCA are either an unrestricted property or an industrial property. Industrial properties are defined in WAC 173-340-200; the definition includes properties characterized by transportation areas and facilities zoned for industrial use. Industrial properties are further described in WAC 173-340-745(1) with the following factors:

- People don’t normally live on industrial property;
- Access by the general public is generally not allowed;
- Food is not grown/raised;

- Operations are characterized by chemical use/storage, noise, odors, and truck traffic;
- Ground surface is mostly covered by buildings, paved lots and roads, and storage areas; and
- Presence of support facilities serving the industrial facility employees and not the general public.

The Site is currently zoned as Public Reserve (City of Walla Walla, 2014a; City of Walla Walla, 2014b). The Public Reserve Land Use Zoning is intended to protect and preserve certain areas of land devoted to existing and future use for civic, cultural, educational, and similar facilities. Permitted Uses under this zoning include a diversity of residential, agricultural, recreational, commercial, and construction activities (Walla Walla Municipal Code, Title 20.50.090; Walla Walla Municipal Code, Title 20.100.040). Past and current uses at the WSP include full time residency and agriculture including food crops. Significant portions of the WSP land area are not covered by buildings, paved lots and roads, or storage areas. Based upon these considerations, Site CULs will be based upon unrestricted land use.

4.2 SITE CLEANUP LEVELS

The process for establishing CULs involves the following:

- Determining which method to use;
- Developing CULs for individual contaminants in each media;
- Determining which contaminants contribute the majority of the overall risk in each media (indicators); and
- Adjusting the CULs downward based on total site risk.

The MTCA Cleanup Regulation provides three options for establishing CULs: Methods A, B, and C.

- Method A may be used to establish CULs at routine sites or sites with relatively few hazardous substances.
- Method B is the standard method for establishing CULs and may be used to establish CULs at any site.
- Method C is a conditional method used when a CUL under Method A or B is technically impossible to achieve or may cause significantly greater environmental harm. Method C also may be applied to qualifying industrial properties.

Based upon the variety of hazardous substances identified onsite, Method A is not used to establish CULs for impacted soil and groundwater. Because of the current and potential site uses that conflict with an industrial classification, Method B is used to develop CULs for impacted soil and groundwater.

When defining CULs at a site contaminated with several hazardous substances, Ecology may eliminate from consideration those contaminants contributing a small percentage of the overall threat to human health and the environment. WAC 173-340-703(2) provides a substance may be eliminated from further consideration based on:

- The toxicological characteristics of the substance which govern its ability to adversely affect human health or the environment relative to the concentration of the substance;
- The chemical and physical characteristics of the substance which govern its tendency to persist in the environment;
- The chemical and physical characteristics of the substance which govern its tendency to move into and through the environment;
- The natural background concentration of the substance;
- The thoroughness of testing for the substance;
- The frequency of detection; and
- The degradation by-products of the substance.

Analyses of frequency of detection for compounds detected in groundwater and soil are presented in Tables 3 and 4, respectively. CUL evaluations for groundwater and soil are summarized in Tables 5 and 6.

Chromium has been detected in groundwater above the CUL in 40% of groundwater samples, and at maximum concentration of 75 µg/L. This exceeds the site CUL of 48 µg/L for hexavalent chromium. Since groundwater sample analysis was for total chromium instead of hexavalent, samples are conservatively compared to the hexavalent chromium standard. Future sampling for both total and hexavalent chromium could show that CULs aren't exceeded, but until that occurs an exceedance of CULs is assumed. Although PCE was detected in 58% of samples in which it was analyzed for, it was detected above the CUL of 5 µg/L only once out of 83 PCE analyses. PCE concentration has not exceeded 2 µg/L in the subsequent 7 quarters of monitoring of MW-5 conducted since. Manganese was also detected in site groundwater at a maximum concentration of 35,000 µg/L, but the spatial distribution of manganese groundwater concentration data suggests a possible upgradient source.

Hazardous substances detected in site soil above CULs include PCE, benzo[a]pyrene, total cPAHs, chromium, and lead. PCE was detected in 30% of soil samples in which it was analyzed for, and at maximum concentration of 12 mg/kg, which exceeds the site CUL of 0.05 mg/kg for PCE. Benzo[a]pyrene was detected in 38% of the soil samples in which it was analyzed for, and at a maximum concentration of 0.31 mg/kg, which exceeds the site CUL of 0.14 mg/kg. Maximum total cPAH detected was 0.41 mg/kg, as benzo[a]pyrene. Chromium was detected in 100% of soil samples in which it was analyzed for, and at a maximum concentration of 54 mg/kg, which exceeds the site CUL of 42 mg/kg, set by area background. Lead was detected in 100% of soil samples in which it was analyzed for, and at a maximum concentration of 1,400 mg/kg, which exceeds the site CUL of 250 mg/kg.

WAC 173-340-700(5)(b) provides that, when using Method B to derive CULs, where a hazardous waste site involves multiple hazardous substances and/or multiple pathways of exposure, then standard and modified Method B CULs for individual substances must be adjusted downward for additive health effects in accordance with the procedures in WAC 173-340-708 if the total excess lifetime cancer risk for a site exceeds 1×10^{-5} or the hazard index for substances with similar non-carcinogenic toxic effects exceeds one. Computation of total overall site risk is summarized in table 7. Because total excess lifetime cancer risk above background

exceeds 1×10^{-5}, a downward adjustment to CULs is made based on cancer risk; benzo(a)pyrene is reduced from 0.14 mg/kg to 0.014 mg/kg. Because no total hazard index above background exceeds 1, no downward adjustment to CULs is made based on non-cancer hazard.

4.3 Point of Compliance

The MTCA Cleanup Regulation defines the point of compliance as the point or points where CULs shall be attained. Once CULs are met at the point of compliance, the Site is no longer considered a threat to human health or the environment.

WAC 173-340-740(6) gives the point of compliance requirements for soil. The standard soil point of compliance is established at a depth of fifteen feet and shall apply at this Site. WAC 173-340-720(8) gives the point of compliance requirements for groundwater. The standard groundwater point of compliance is established throughout the site from the uppermost level of the saturated zone extending vertically to the lowest most depth which could potentially be affected by the site. Groundwater CULs shall be attained in all groundwater from the point of compliance to the outer boundary of the hazardous substance plume.

4.4 Terrestrial Ecological Evaluation

WAC 173-340-7490 requires that sites perform a terrestrial ecological evaluation (TEE) to determine the potential effects of soil contamination on ecological receptors. A site may be excluded from a TEE if any of the following are met:

- All contaminated soil is or will be located below the point of compliance;
- All contaminated soil is or will be covered by physical barriers such as buildings or pavement;
- The site meets certain requirements related to the nature of on-site and surrounding undeveloped land; or
- Concentrations of hazardous substances in soil do not exceed natural background levels.

For sites with institutional controls to prevent excavation of deeper soil, a conditional point of compliance may be set at the biologically active soil zone. Unless a site-specific depth is approved by Ecology, this zone is assumed to extend to a depth of six feet. Much of the site is restricted from exposure to some ecological receptors by the prison wall. However, some ecological receptors are not blocked by the prison wall, and some AOCs are located outside of the prison wall. Likewise it has not been demonstrated that all contaminated soil will be covered by physical barriers. The site includes and is adjacent to extensive tracts of agricultural land that meets the criteria for contiguous undeveloped land, and therefore does not meet this criterion for exclusion either. Lastly, concentrations of hazardous substances in soil exceed natural background levels. This Site does not meet any of the exclusionary criteria. Therefore, the Site is evaluated to determine whether the Site will conduct a simplified TEE or a site-specific TEE. As provided in WAC 173-340-7491, if any of the following criteria are true, then the Site is evaluated under a site-specific TEE:

- The site is located on or adjacent to an area where management or land use plans will maintain or restore native or semi-native vegetation;
- The site is used by a threatened or endangered species;
- The site is located on a property containing at least ten acres of native vegetation within 500 feet of the site, not including vegetation beyond the property boundaries; or
- The department determines the site may pose a risk to significant wildlife populations.

No evidence of land use management to maintain or restore native or semi-native vegetation was found based on review of aerial imagery. No use of the site by threatened or endangered species has been recorded. No areas of native vegetation of at least ten acres size exist within 500 feet of the contaminated area. As there are no known significant wildlife populations to which the Site poses a risk, the Site will be evaluated using the simplified TEE.

The process for conducting a simplified TEE includes an exposure analysis, a pathway analysis, and a contaminants analysis.

In the exposure analysis, the evaluation may be ended if total area of soil contamination at the site is not more than 350 feet. Since the area of soil contamination may exceed 350 square feet, the TEE is continued. Factors affecting whether the surrounding area makes substantial wildlife exposure unlikely were evaluated using Table 749-1 from WAC 173-340-900. Results of this analysis did not indicate that the TEE could be ended.

In the contaminants analysis, the TEE may be ended if contaminants are not present in soil at the point of compliance above concentrations listed in Table 749-2 from WAC 173-340-900, or if contaminants are not present in soil within 6 feet of the ground surface at concentrations likely to be toxic or to bio-accumulate, as based on approved bioassay results. Contaminants have not been found to be present in soil samples within the point of compliance collected at the former motor pool AOC, the former dry cleaner AOC, the former hazardous waste handling AOC, or the western portion of the WSP landfill. However, two soil samples in the eastern portion of the WSP landfill within 6 feet of ground surface were above the Simplified TEE unrestricted land use concentration of 220 mg/kg for lead for protection of ecological receptors.

In the pathways analysis, the TEE may be ended if there are no potential exposure pathways to ecological receptors. For commercial or industrial property, only potential exposures to wildlife need to be considered. Although the WSP is not strictly commercial or industrial in use, the Site is considered commercial/industrial for TEE purposes. Incomplete pathways may be due to the presence of man-made physical barriers, either currently existing or to be placed (within a time frame acceptable to the department) as part of a remedy or land use. This TEE would be ended if a man-made barrier protective of ecological receptors were to be placed in a timely fashion over the closed landfill. If this requirement were not met, a site-specific analysis would have to be conducted.

5.0 CLEANUP ACTION SELECTION

5.1 REMEDIAL ACTION OBJECTIVES

The remedial action objectives are statements describing the actions necessary to protect human health and the environment through eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route. They are developed considering the characteristics of the contaminated media, the characteristics of the hazardous substances present, migration and exposure pathways, and potential receptor points.

Groundwater has been contaminated by past activities at the Site. Exposure to chemicals in groundwater could potentially occur through direct contact with groundwater, through inhalation of emissions of volatile chemicals from groundwater, or through ingestion of chemicals in site groundwater.

Soil has been contaminated by past activities at the Site. Exposure to chemicals in soil for human populations or ecological receptors could potentially occur through direct contact with soil, through inhalation of dust entrained in air or volatile chemicals emitting into air from soil, or through ingestion of chemicals in site soil.

Potential exposed populations could include site residents, visitors, indoor workers, construction/utility outdoor workers, and off-site well owner or well-owner visitor. Animal receptors are also present due to the proximity of undeveloped land.

Given these potential exposure pathways, the following are the remedial action objectives for the Site:

- Prevent or minimize direct contact, ingestion, inhalation, or uptake of contaminated soil by humans or ecological receptors.
- Prevent or minimize direct contact, ingestion, inhalation, or uptake of contaminated groundwater by humans or ecological receptors.

5.2 CLEANUP ACTION ALTERNATIVES

Cleanup alternatives to meet these remedial action objectives are evaluated as part of the RI/FS. The FS evaluated three alternatives for addressing all contaminated media at the Site: Alternative 1 - Monitored natural attenuation, institutional controls, and permeable cover improvements; Alternative 2 - Landfill cap with institutional controls; and Alternative 3 - No action. The alternatives presented in the RI/FS did not include groundwater monitoring. Because hazardous substances were detected in site groundwater above CULs, these three alternatives have been modified in this CAP to include groundwater monitoring. A fourth alternative was also developed which combines permeable cap improvements at the closed landfill and a low permeability asphalt cap near the former dry cleaning building. This fourth alternative combines elements of Alternative 1 and Alternative 2. Due to the highly-secure nature of the facilities around or near the AOCs, the ability to trespass is eliminated and fencing is not included in any of the remedies.

5.2.1 Alternative 1: Landfill Permeable Cover Improvements, Monitored Natural Attenuation, and Institutional Controls

Alternative 1 is described in the FS. This alternative is modified from the FS to include groundwater monitoring and construction of a barrier to protect ecological receptors from soil contamination. Alternative 1 consists of:

- Quarterly groundwater monitoring until groundwater CULs are achieved
- Institutional controls to prevent exposure at the closed landfill and areas with soil contamination near one former dry cleaner building. These would include deed restrictions prohibiting soil excavation or disturbance within the specified area and depth intervals without prior consultation with Ecology, prohibition of disturbing landfill soil cover or waste, and prohibition of modifying existing stormwater facilities.
- Improving the existing permeable landfill soil cap to provide a direct contact barrier, reduce infiltration, enhance evapotranspiration, and protect ecological receptors. Soil cap improvements over about 1.8 acres will include re-grading and placement of additional material to cover exposed debris, correct surface irregularities, and provide positive drainage. Approximately 0.7 acres of geotextile barrier overlain by 12-inches of compacted crushed rock in identified areas of soil contamination will be installed to prevent exposure of ecological receptors. Separation geotextile and clean aggregate cover have been determined to provide protection to burrowing animals from underlying contaminated soil (*United States Department of Interior, 2011*).
- Decommission Irrigation Well No. 4

5.2.2 Alternative 2: Landfill Low Permeability Cap, Dry Cleaner Asphalt Cap, Monitored Natural Attenuation, and Institutional Controls

Alternative 2 is described in the FS. This alternative is modified from the FS to include groundwater monitoring. Alternative 2 consists of:

- Quarterly groundwater monitoring until groundwater CULs are achieved
- Institutional controls to prevent exposure at the closed landfill and areas with soil contamination near one former dry cleaner building. These would include deed restrictions prohibiting soil excavation or disturbance within the specified area and depth intervals without prior consultation with Ecology, prohibition of disturbing landfill soil cover or waste, and prohibition of modifying existing stormwater facilities.
- Install a low permeability engineered soil cap over landfill soils that contain contaminants at concentrations over CULs and reduces infiltration, using Chapter 173-304 as a design guideline, and meeting the ecological remedial objectives of Section 5.1.1 of this CAP. This would cover approximately 7.7 acres.
- Install an approximately 1 acre low permeability asphalt cap in the area near the former dry cleaner, consisting of 6 inches of crushed rock, 2.5 inches of asphalt concrete pavement, and stormwater control structures – note that any material generated by subgrade excavation for the paving would have to be tested for contaminants before being used for any re-grading activities.

- Decommission Irrigation Well No. 4

5.2.3 Alternative 3: Monitored Natural Attenuation and Institutional Controls

In the FS, Alternative 3 was described as "allowing the Site to remain in its present condition with no measures to reduce or monitor soil contamination." For the purpose of making meaningful comparisons for the capping actions presented in other alternatives, this alternative is modified to include groundwater monitoring for contaminants above CULs and required institutional controls for areas in which soils will remain above CULs within the point of compliance. Alternative 3 consists of:

- Quarterly groundwater monitoring until CULs are achieved
- Institutional controls to prevent exposure at the closed landfill and areas with soil contamination near one former dry cleaner building. These would include deed restrictions prohibiting soil excavation or disturbance within the specified area and depth intervals without prior consultation with Ecology, prohibition of disturbing landfill soil cover or waste, and prohibition of modifying existing stormwater facilities.

5.2.4 Alternative 4: Landfill Permeable Cover Improvements, Dry Cleaner Asphalt Cap, Monitored Natural Attenuation, and Institutional Controls

Alternative 4 is presented in this CAP to combine the permeable landfill cap element from Alternative 1 with the low permeability asphalt cap near the former dry cleaner building from Alternative 2. Alternative 4 consists of:

- Quarterly groundwater monitoring until groundwater CULs are achieved
- Institutional controls to prevent exposure at the closed landfill and areas with soil contamination near one former dry cleaner building. These would include deed restrictions prohibiting soil excavation or disturbance within the specified area and depth intervals without prior consultation with Ecology, prohibition of disturbing landfill soil cover or waste, and prohibition of modifying existing stormwater facilities.
- Improving the existing permeable landfill soil cap to provide a direct contact barrier, reduce infiltration, enhance evapotranspiration, and protect ecological receptors. Soil cap improvements over about 1.8 acres will include re-grading and placement of additional material to cover exposed debris, correct surface irregularities, and provide positive drainage. Approximately 0.7 acres of geotextile barrier overlain by 12-inches of compacted crushed rock in identified areas of soil contamination will be installed to prevent exposure of ecological receptors. Separation geotextile and clean aggregate cover have been determined to provide protection to burrowing animals from underlying contaminated soil (*United States Department of Interior, 2011*).
- Install an approximately 0.1 acre low permeability asphalt cap in the vicinity of the former dry cleaner building, consisting of 6 inches of crushed rock, 2.5 inches of asphalt concrete pavement, and stormwater control structures – note that any material generated by subgrade excavation for the paving would have to be tested for contaminants before being used for any re-grading activities.
- Decommission Irrigation Well No. 4

5.3 REGULATORY REQUIREMENTS

The MTCA Cleanup Regulation sets forth the minimum requirements and procedures for selecting a cleanup action. A cleanup action must meet each of the minimum requirements specified in WAC 173-340-360(2), including certain threshold and other requirements. These requirements are outlined below.

5.3.1 Threshold Requirements

WAC 173-340-360(2)(a) requires that the cleanup action shall:

- Protect human health and the environment;
- Comply with cleanup standards (see Section 4.0);
- Comply with applicable state and federal laws (see Section 5.3.4); and
- Provide for compliance monitoring.

5.3.2 Other Requirements

In addition, WAC 173-340-360(2)(b) states the cleanup action shall:

- Use permanent solutions to the maximum extent practicable;
- Provide for a reasonable restoration time frame; and
- Consider public concerns

WAC 173-340-360(3) describes the specific requirements and procedures for determining whether a cleanup action uses permanent solutions to the maximum extent practicable. A permanent solution is defined as one where CULs can be met without further action being required at the Site other than the disposal of residue from the treatment of hazardous substances. To determine whether a cleanup action uses permanent solutions to the maximum extent practicable, a disproportionate cost analysis is conducted. This analysis compares the costs and benefits of the cleanup action alternatives and involves the consideration of several factors, including:

- Protectiveness
- Permanent reduction of toxicity, mobility and volume
- Cost
- Long-term effectiveness
- Short-term risk
- Implementability
- Consideration of public concerns

The comparison of benefits and costs may be quantitative, but will often be qualitative and require the use of best professional judgment.

WAC 173-340-360(4) describes the specific requirements and procedures for determining whether a cleanup action provides for a reasonable restoration time frame.

5.3.3 Cleanup Action Expectations

WAC 173-340-370 sets forth the following expectations for the development of cleanup action alternatives and the selection of cleanup actions. These expectations represent the types of cleanup actions Ecology considers likely results of the remedy selection process; however, Ecology recognizes that there may be some sites where cleanup actions conforming to these expectations are not appropriate.

- Treatment technologies will be emphasized at sites with liquid wastes, areas with high concentrations of hazardous substances, or with highly mobile and/or highly treatable contaminants;
- To minimize the need for long-term management of contaminated materials, hazardous substances will be destroyed, detoxified, and/or removed to concentrations below CULs throughout sites with small volumes of hazardous substances;
- Engineering controls, such as containment, may need to be used at sites with large volumes of materials with relatively low levels of hazardous substances where treatment is impracticable;
- To minimize the potential for migration of hazardous substances, active measures will be taken to prevent precipitation and runoff from coming into contact with contaminated soil or waste materials;
- When hazardous substances remain on-site at concentrations which exceed CULs, they will be consolidated to the maximum extent practicable where needed to minimize the potential for direct contact and migration of hazardous substances;
- For sites adjacent to surface water, active measures will be taken to prevent/minimize releases to that water; dilution will not be the sole method for demonstrating compliance;
- Natural attenuation of hazardous substances may be appropriate at sites under certain specified conditions (see WAC 173-340-370(7)); and
- Cleanup actions will not result in a significantly greater overall threat to human health and the environment than other alternatives.

5.3.4 Applicable, Relevant, and Appropriate State and Federal Laws, and Local Requirements

WAC 173-340-710(1) requires that all cleanup actions comply with all applicable state and federal law. It further states the term “applicable state and federal laws” shall include legally applicable requirements and those requirements that the department determines “…are relevant and appropriate requirements.” This section discusses applicable state and federal law, relevant and appropriate requirements, and local permitting requirements which were considered and were of primary importance in selecting cleanup requirements. If other requirements are identified at a later date, they will be applied to the cleanup actions at that time.

MTCA provides an exemption from the procedural requirements of several state laws and from any laws authorizing local government permits or approvals for remedial actions conducted under a consent decree, order, or agreed order. [RCW 70.105D.090] However, the substantive

requirements of a required permit must be met. The procedural requirements of the following state laws are exempted:

- Ch. 70.94 RCW, Washington Clean Air Act;
- Ch. 70.95 RCW, Solid Waste Management, Reduction, and Recycling;
- Ch. 70.105 RCW, Hazardous Waste Management;
- Ch. 75.20 RCW, Construction Projects in State Waters;
- Ch. 90.48 RCW, Water Pollution Control; and
- Ch. 90.58 RCW, Shoreline Management Act of 1971.

WAC 173-340-710(4) sets forth the criteria Ecology evaluates when determining whether certain requirements are relevant and appropriate for a cleanup action. Table 8 lists the state and federal laws containing the applicable or relevant and appropriate requirements that apply to the cleanup action at the WSP Site. Local laws, which may be more stringent than specified state and federal laws, will govern where applicable.

5.4 Evaluation of Cleanup Action Alternatives

The requirements and criteria outlined in Section 5.3 are used to conduct a comparative evaluation of the alternatives and to select a cleanup action from those alternatives. Table 9 provides a summary of the ranking of the alternatives against the various criteria. All four alternatives include groundwater monitoring, institutional controls, and irrigation well decommissioning, so those elements will not be included below. The comparisons will only evaluate the two different capping options for the landfill and the area around the former dry cleaning building.

5.4.1 Threshold Requirements

5.4.1.1 Protection of Human Health and the Environment

Alternative 1 would reduce the likelihood of direct contact by human or ecological receptors with contaminated subsurface material with a 1-foot compacted gravel barrier overlying geotextile over areas of soil contamination within the closed landfill. By re-grading the closed landfill to provide positive drainage and prevent pooling, Alternative 1 also reduces the potential for contaminated materials within the closed landfill to affect groundwater.

Because a low permeability cover would be constructed for both areas in Alternative 2, the likelihood of direct contact with contaminated soils and the potential for leaching to affect groundwater in both areas would be reduced. The low permeability covers would reduce the leaching risk to a greater degree than in Alternative 1.

Alternative 3 would provide no additional protection to human health and the environment.

Alternative 4 would be slightly less protective than Alternative 2 since a low permeability cap would not be used over the landfill.

5.4.1.2 Compliance with Cleanup Standards

For all Alternatives, soils that do not meet CULs will remain onsite. A cleanup action may be deemed to comply with cleanup standards in these circumstances if:

- The selected remedy is permanent to the maximum extent practicable
- The cleanup action is protective of human health
- The cleanup action is demonstrated to be protective of terrestrial and ecological receptors
- Institutional controls are put in place
- Compliance monitoring and periodic reviews are appropriately provided for
- The types, levels, and amount of hazardous substances remaining on-site and the measures that will be used to prevent migration and contact with those substances are specified in the CAP

Cleanup actions shall not rely primarily on institutional controls and monitoring where it is technically possible to implement a more permanent cleanup action for all or a portion of the site.

Alternatives 1, 2, and 4 would comply with cleanup standards. All would protect human health and ecological receptors. All would involve institutional controls, compliance monitoring, and periodic reviews. This CAP will specify all required measures for hazardous substances remaining on-site. The alternatives also achieve varying degrees of permanence, as discussed in Section 5.4.2.1. Alternative 3 does not protect ecological receptors.

5.4.1.3 Compliance with State and Federal Laws

Alternatives 1, 2, and 4 would be in compliance with applicable state and federal laws listed in Table 8. Alternative 3 would not be in compliance with MTCA, because the cleanup action would rely primarily on institutional controls to prevent exposure to contaminated soils at the closed landfill, as the existing cover is known to be incomplete with exposed waste materials.

5.4.1.4 Provision for Compliance Monitoring

There are three types of compliance monitoring: protection, performance, and confirmational. Protection monitoring is designed to protect human health and the environment during the construction and operation & maintenance phases of the cleanup action. Performance monitoring confirms the cleanup action has met cleanup and/or performance standards. Confirmational monitoring confirms the long-term effectiveness of the cleanup action once cleanup standards have been met or other performance standards have been attained. All four alternatives would meet this provision as all would require varying levels of all three types of compliance monitoring.

5.4.2 Other Requirements

Since Alternative 3 does not meet Threshold Requirements, it will not be carried forward for evaluation.

5.4.2.1 Use of Permanent Solutions to the Maximum Extent Practicable

As discussed previously, to determine whether a cleanup action uses permanent solutions to the maximum extent practicable, the disproportionate cost analysis is used. The analysis compares the costs and benefits of the cleanup action alternatives and involves the consideration of several factors. The comparison of costs and benefits may be quantitative, but will often be qualitative and require the use of best professional judgment. Table 9 provides a summary of the relative ranking of each alternative in the decision process.

- Protectiveness

  Protectiveness measures the degree to which existing risk is reduced, time required to reduce risk and attain cleanup standards, on- and off-site risks resulting from implementing the alternative, and improvement of overall environmental quality.

  Alternative 1 would reduce risk of direct contact with contaminated soils at the closed landfill, and reduce leaching to groundwater by improving the permeable landfill cap. Risk reduction should be achieved in one construction season. There would be some construction-related exposure risks and general construction safety hazards during landfill soil cover improvement activities. Construction activities would generate some off-site risks from truck traffic. Improvements to the soil cover would protect ecological receptors from contact with contaminated materials, and reduce infiltration to and leaching from landfill waste materials.

  Alternative 2 has a low permeability cover, which would reduce risks to a greater degree than Alternative 1. Alternative 2 would also reduce risk of direct contact with or leaching from contaminated soil near the former dry cleaner building with an asphalt cap. Risk reduction should be achieved in one construction season. Construction-related risks would be higher than Alternative 1 due to the higher level of work involved with both caps.

  Alternative 4 would represent a greater risk reduction than Alternative 1 due to the asphalt cap, but less than Alternative 2 due to a permeable cap. Construction risk would also be greater than Alternative 1, but less than Alternative 2.

- Permanent Reduction of Toxicity, Mobility and Volume

  Permanence measures the adequacy of the alternative in destroying the hazardous substance(s), the reduction or elimination of releases or sources of releases, the degree of irreversibility of any treatment process, and the characteristics and quantity of any treatment residuals.

  None of the alternatives would destroy the hazardous substances in soil, but would instead leave them in place. All of the alternatives would place restrictions on excavation

or soil disturbance to prevent releases of hazardous substances to the surface or to the atmosphere.

Alternative 1 would reduce leaching to groundwater by improving the coverage and drainage of the permeable landfill soil cover.

Alternative 2 would reduce leaching to groundwater to a greater extent than Alternative 1 by reducing infiltration via a low permeability engineered soil cap. Alternative 2 would also use an asphalt cap to reduce the release of hazardous substances to air or groundwater near the former dry cleaner building.

Alternative 4 would reduce the source of a release in the landfill area to the same extent as Alternative 1, but would add the additional release reduction from the asphalt cap near the former dry cleaner building. Thus, it would represent a greater overall release reduction than Alternative 1, but less than Alternative 2.

- Cleanup Costs

Costs are approximated based on specific design assumptions for each alternative. Although the costs provided by DOC are estimates based on design assumptions that might change, the relative costs can be used for this evaluation. For a detailed description of the costs involved with each alternative, please refer to the FS. Costs presented below represent all elements included in the alternative, including elements that are the same in all alternatives (even though they aren't specifically mentioned).

Alternative 1 involves improvement of the existing permeable soil cap on the closed WSP landfill. DOC estimated a cost of $443,733 for this alternative. This estimate assumed no groundwater monitoring costs, and did not include a gravel and geotextile barrier for ecological receptors. Including costs for 2 years of groundwater monitoring provided by DOC, and for a .066 acre gravel and geotextile barrier, based on unit rate analysis from Washington State Department of Transportation, the cost for Alternative 1 is estimated at $605,362.

Alternative 2 involves construction of a new low permeability cap for the closed WSP landfill, and construction of an asphalt cap near the old dry cleaner building. DOC estimated a cost of $1,900,794 for this alternative. This estimate assumed no groundwater monitoring costs. Including costs for 2 years of groundwater monitoring provided by DOC, the cost for Alternative 2 is estimated at $2,026,852.

Alternative 4 involves improvement of the existing permeable soil cap on the closed WSP landfill, and construction of asphalt caps near the former dry cleaner building. Since this alternative wasn't presented in the RI/FS, line item values provided by DOC in the RI/FS were used to create a cost estimate of $973,782.

- Long-Term Effectiveness

  Long-term effectiveness measures the degree of certainty that the alternative will be successful, the reliability of the alternative during the period that hazardous substances will remain above CULs, the magnitude of residual risk after implementation, and the effectiveness of controls required to manage remaining wastes.

  Alternative 1 is anticipated to have a high degree of certainty of successful remediation of contaminated soils at the closed landfill and near the former dry cleaner building by preventing direct contact. Groundwater quality should improve over time at the landfill due to the creation of positive drainage for the landfill cover, reducing leaching potential. However, no reduction in leaching potential would occur near the former dry cleaner building. Institutional controls and landfill cap maintenance would provide long-term reliability. Residual risk would remain due to contaminated soils left on-site and minimally-impacted groundwater, which will be monitored to ensure reductions occur.

  Alternative 2 is anticipated to have a higher degree of certainty of successful remediation due to the addition of a low permeability cap over the landfill and the asphalt cap near the dry cleaner building, thus reducing leaching potential in both areas. All other measures of effectiveness would be the same as Alternative 1.

  Like with other evaluations, Alternative 4 is between Alternatives 1 and 2. Alternative 4 should have a higher degree of certainty of successful remediation of contaminated soils at the closed landfill and near the former dry cleaner building by preventing direct contact. However, additional success would be achieved by the infiltration reduction in both areas, instead of just the landfill as in Alternative 1. All other measures of effectiveness would be the same as Alternative 1.

- Short-Term Risk

  Short-term risk measures the risks related to an alternative during construction and implementation, and the effectiveness of measures that will be taken to manage such risks.

  Risks during construction for Alternative 1 include potential exposure to contaminated soils during re-grading and gravel activities. Risks would be mitigated by proper construction management techniques that have been effectively used at other contaminated sites.

  Risks would be higher for Alternative 2 due to a higher amount of construction work needed for the low permeability engineered soil cap. Additionally, work will be performed in the former dry cleaner building area. These are due to potential exposure to contaminated soils during subgrade preparation in both areas. Risks would be mitigated by proper construction management techniques that have been effectively used at other contaminated sites.

Short-term risks during construction for Alternative 4 are the same as Alternative 1 for the landfill cap, and the same as Alternative 2 for the dry cleaner building area. Risks would be mitigated by proper construction management techniques that have been effectively used at other contaminated sites.

- Implementability

  Implementability considers whether the alternative is technically possible, the availability of necessary off-site facilities, services, and materials, administrative and regulatory requirements, scheduling, size, complexity, monitoring requirements, access for operations and monitoring, and integrations with existing facility operations.

  All alternatives are implementable and technically possible. All of the alternatives would make use of administrative and regulatory resources to maintain institutional controls.

  Alternative 1 would make use of conventionally available facilities, services and materials for permeable cap improvement construction activities. Size, scheduling, and complexity of this construction project would all be within reasonable and conventional levels. Construction activities for Alternative 1 are expected to integrate into facility operations without undue disturbance. Additionally, repairing and re-grading the landfill soil cover would provide an operational benefit to the WSP by improving visibility and security of the landfill area.

  Alternative 2 would make use of conventionally available facilities, services and materials for low permeability engineered soil cap and asphalt cap construction activities. Size, scheduling, and complexity of this construction project would all be of greater magnitude than for Alternative 1, but still within reasonable and conventional levels. Construction activities for Alternative 2 would require greater access to working areas within the WSP, and would make use of more material and equipment than Alternative 1. However they are still expected to integrate into facility operations without undue disturbance. Alternative 2 would also result in improving visibility and security of the landfill area.

  Alternative 4 would make use of conventionally available facilities, services and materials for permeable cap improvement construction activities and asphalt cap construction activities. Measures of size, scheduling, complexity, site access, and disturbance of WSP operations of this construction project would all be of between those of Alternatives 1 and 2 in terms of magnitude. Alternative 4 would also result in improving visibility and security of the landfill area.

- Consider Public Concerns

  All of the alternatives would provide opportunity for members of the public to review and comment on any proposals or plans.

Costs are disproportionate to the benefits if the incremental costs of an alternative are disproportionate to the incremental benefits of that alternative. Based on the analysis of the factors listed above, it has been determined Alternative 2 has the highest ranking for use of a permanent solution to the maximum extent practicable, followed by Alternative 4, and Alternative 1. Alternative 4 provides a high degree of protection at a much lower cost. Alternative 1 provides a high degree of protection at the closed landfill, but relies on institutional controls to prevent exposures near the former dry cleaner building.

5.4.2.2 Provide a Reasonable Restoration Time Frame

WAC 173-340-360(4) describes the specific requirements and procedures for determining whether a cleanup action provides for a reasonable restoration time frame, as required under subsection (2)(b)(ii). The factors used to determine whether a cleanup action provides a reasonable restoration time frame are set forth in WAC 173-340-360(4)(b).

Site environmental monitoring data supports the premise of naturally attenuating contamination in groundwater, which is a factor supporting the reasonability of the restoration time frame for all of the alternatives.

Alternatives 1, 2, and 4 would provide for a reasonable restoration time frame, as the actions would meet CULs in soil immediately upon completion, and site environmental monitoring data supports the premise of naturally attenuating contamination in groundwater.

5.4.3 Cleanup Action Expectations

Specific expectations of CULs are outlined in WAC 173-340-370 and are described in Section 5.3.3. Alternatives would address applicable expectations in the following manner:

- All alternatives would make use of engineering controls for containment of large volumes of materials with relatively low levels of hazardous substances where treatment is impractical.
- Alternatives 1 and 4 take active measures to prevent precipitation and subsequent runoff from contacting contaminated materials by providing positive drainage for the closed WSP landfill soil cap. Alternative 2 prevents water contact with waste materials in the closed landfill with a low permeability cap. Alternatives 2 and 4 attempt to minimize leaching through contaminated soil near the former dry cleaner building with an asphalt cap.
- Alternatives 1, 2, and 4 rely on natural attenuation of hazardous substances to attain cleanup objectives. This is appropriate considering that additional source control is not practicable, contaminants remaining onsite would not pose an unacceptable risk to human health or the environment, environmental monitoring data suggest degradation of contaminants is occurring, and appropriate environmental monitoring would verify natural attenuation was progressing and that human health and the environment would be protected.

5.5 DECISION

Based on the analysis described above, Alternative 4 has been selected as the remedial action for the WSP Site. The alternative meets the minimum requirements for remedial actions.

Alternative 4 meets each of the threshold requirements. Although Alternative 2 is ranked as slightly more permanent than Alternative 4, the incremental cost of Alternative 2 over Alternative 4 is deemed to be disproportionate to the incremental benefit in permanence.

6.0 SELECTED REMEDIAL ACTION

The selected alternative would improve the existing permeable soil landfill cap to prevent direct contact with contamination by human and ecological receptors, reduce infiltration by adding native soil to cover contamination and eliminate low spots, and establish new native plant cover. A geotextile and gravel barrier would be installed to exclude burrowing animals from contaminated materials in the closed landfill. Landfill soil cap vegetation would be maintained and erosion would be monitored and corrected as part of institutional control inspections. An asphalt cap would be installed near the former dry cleaner building to prevent direct contact with contaminated soil and to reduce leaching potential. Environmental covenants running with the deed would prohibit soil excavation or disturbance where soil contaminants exceed CULs. Irrigation Well No. 4 would be decommissioned in accordance with WAC 173-160-381(1)(a) with a complete grout seal. Groundwater monitoring and well maintenance plans will be written to measure monitored natural attenuation in groundwater. Groundwater samples will be collected quarterly until groundwater meets CULs, and a groundwater report will be submitted to Ecology annually. Periodic reviews will be completed at least every 5 years because the remedy requires the use of institutional controls.

7.0 REFERENCES CITED

Washington State Department of Ecology, 2007, Model Toxics Cleanup Act Regulation Chapter 173-340 WAC

City of Walla Walla, 2014a, http://www.ci.walla-walla.wa.us/depts/gis/interactive, viewed on April 30, 2014

Walla Walla Municipal Code, Title 20.50.090, PR Public Reserve

Walla Walla Municipal Code, Title 20.100.040, Table of Permitted Uses

City of Walla Walla, 2014b, Personal communication with Brian Walker, Assistant Development Services Director, City of Walla Walla, April 30, 2014, 10:00 am

Newcomb, R. C., 1965, Geology and ground-water resources of the Walla Walla River Basin Washington-Oregon, Water Supply Bulletin No. 21, State of Washington

United States Department of the Interior, Fish and Wildlife Service, 2011, Response to Comments Submitted for the Engineering Evaluation Cost Analysis Report for the Midway Atoll National Wildlife Refuge, July 11, 2011.

FIGURES

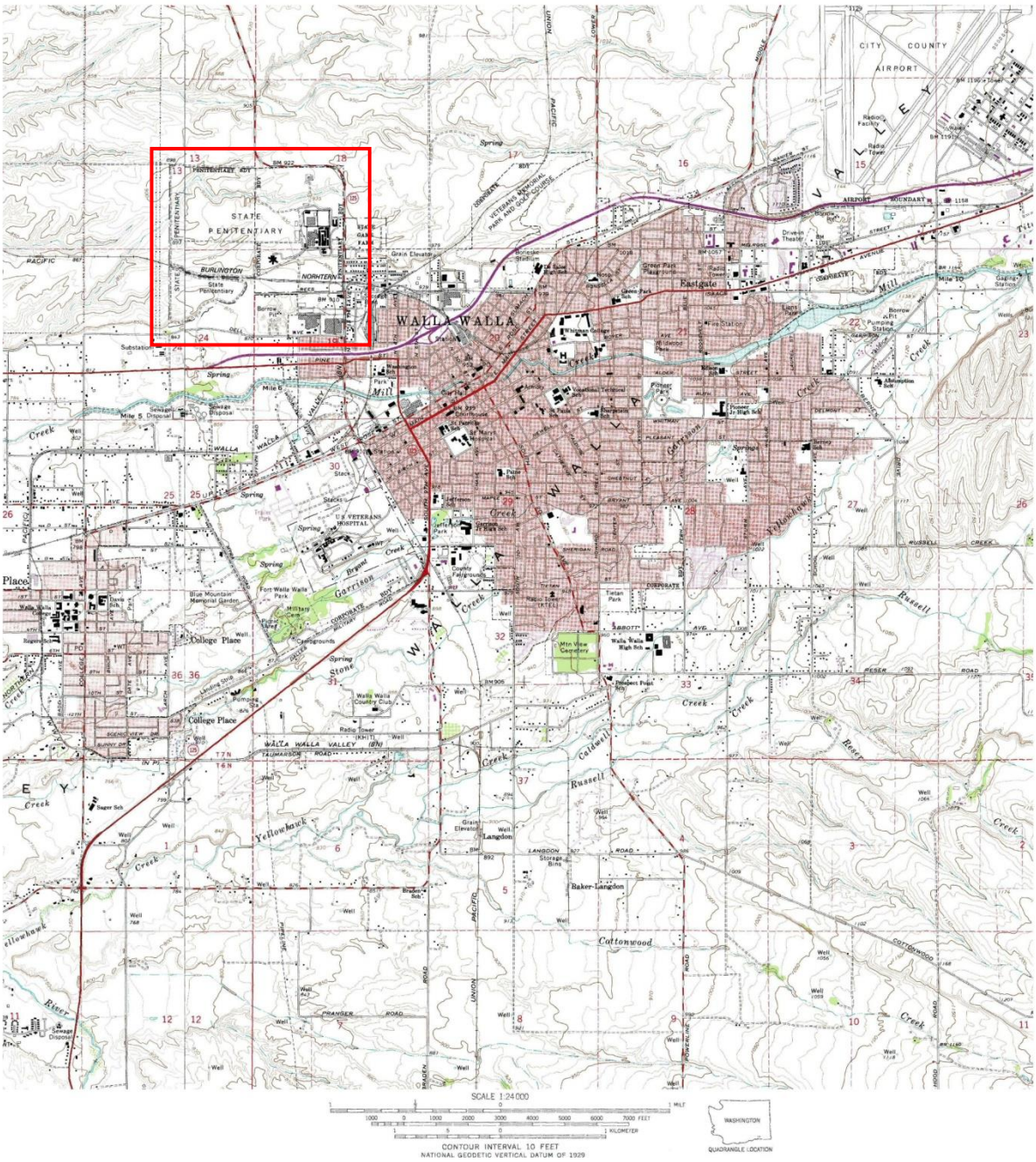


Figure 1. Site Location

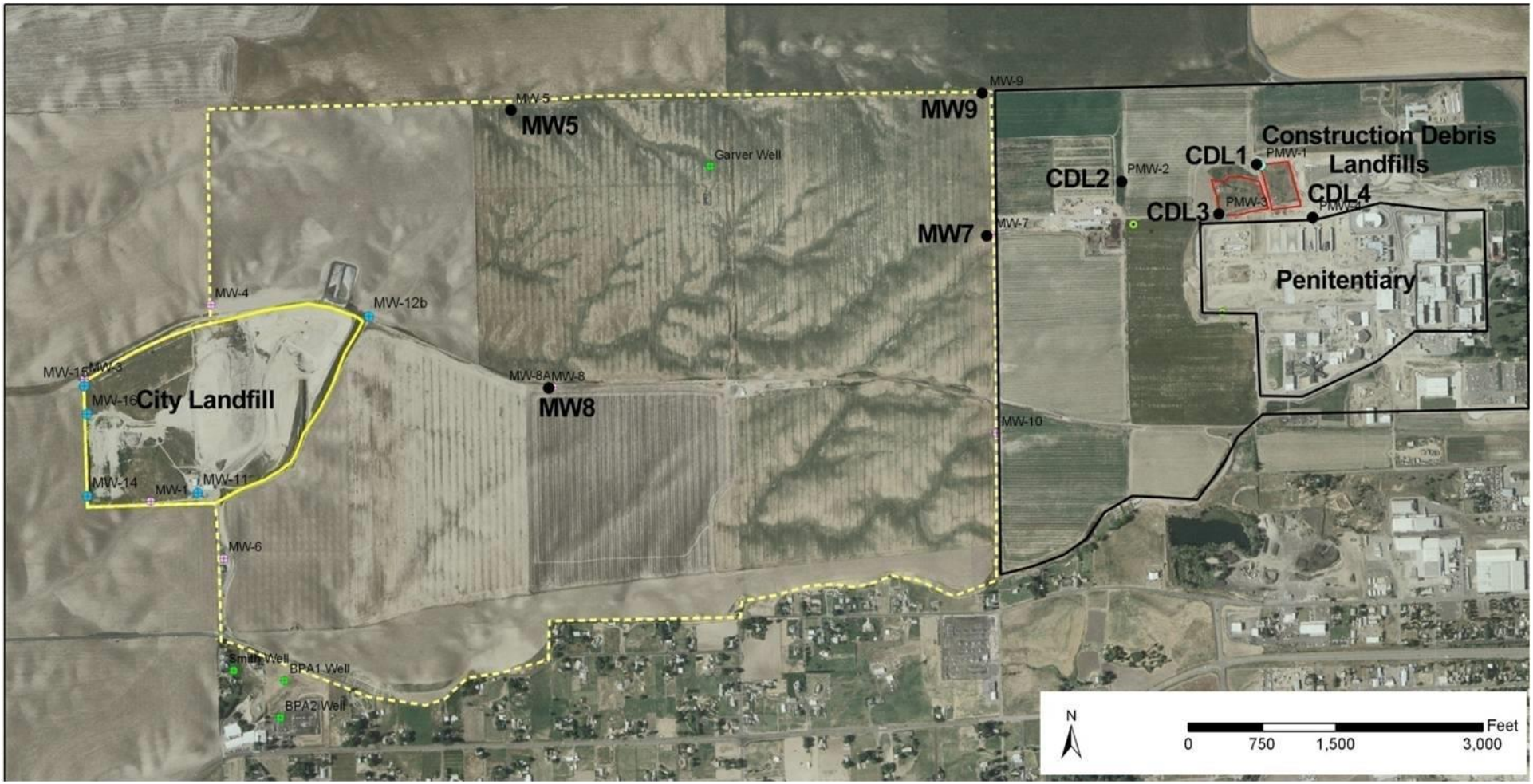


Figure 2. Site Map

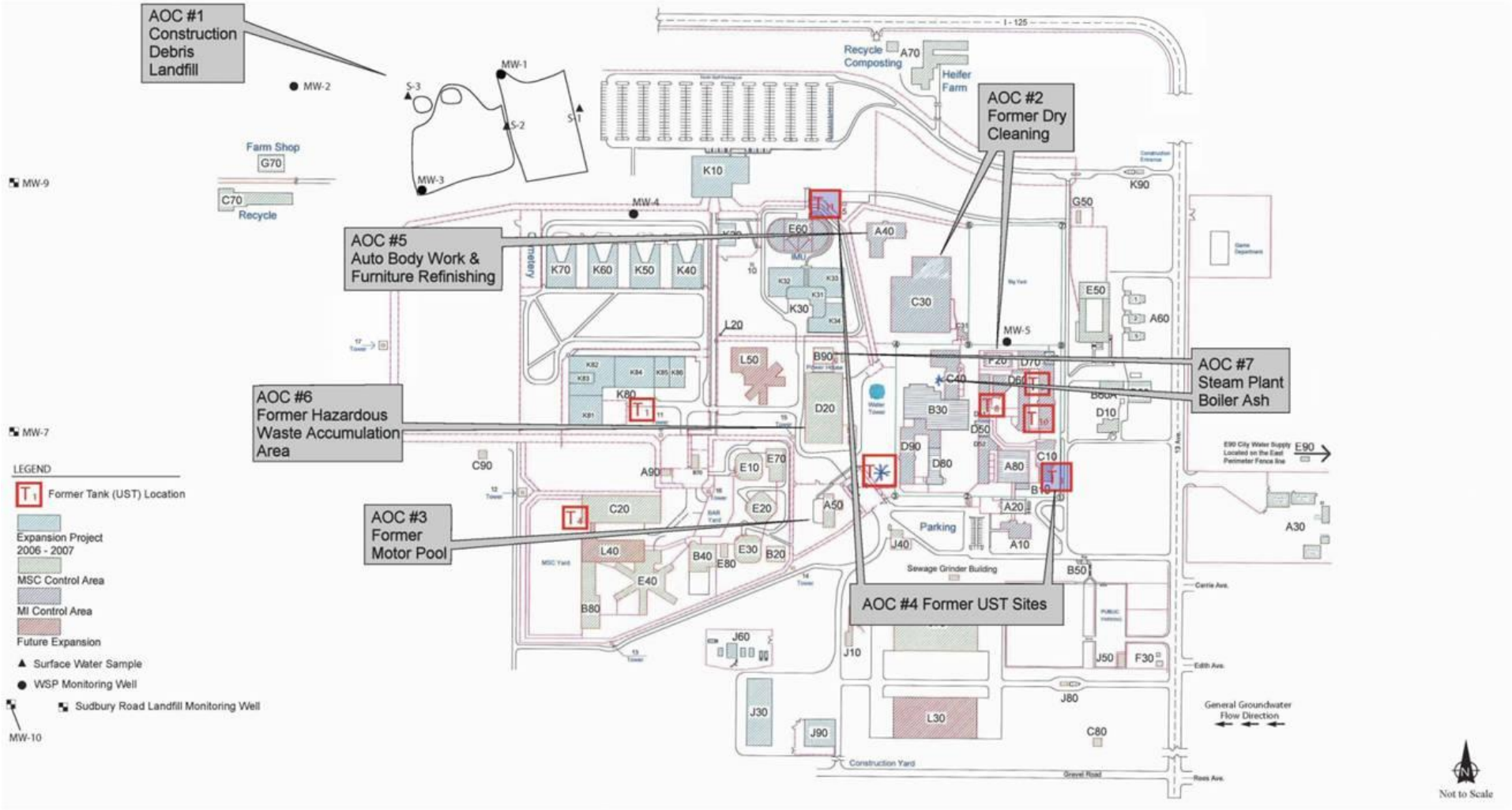


Figure 3. Areas of Potential Contamination (AOCs)

Figure 4. Landfill Test Pit Locations

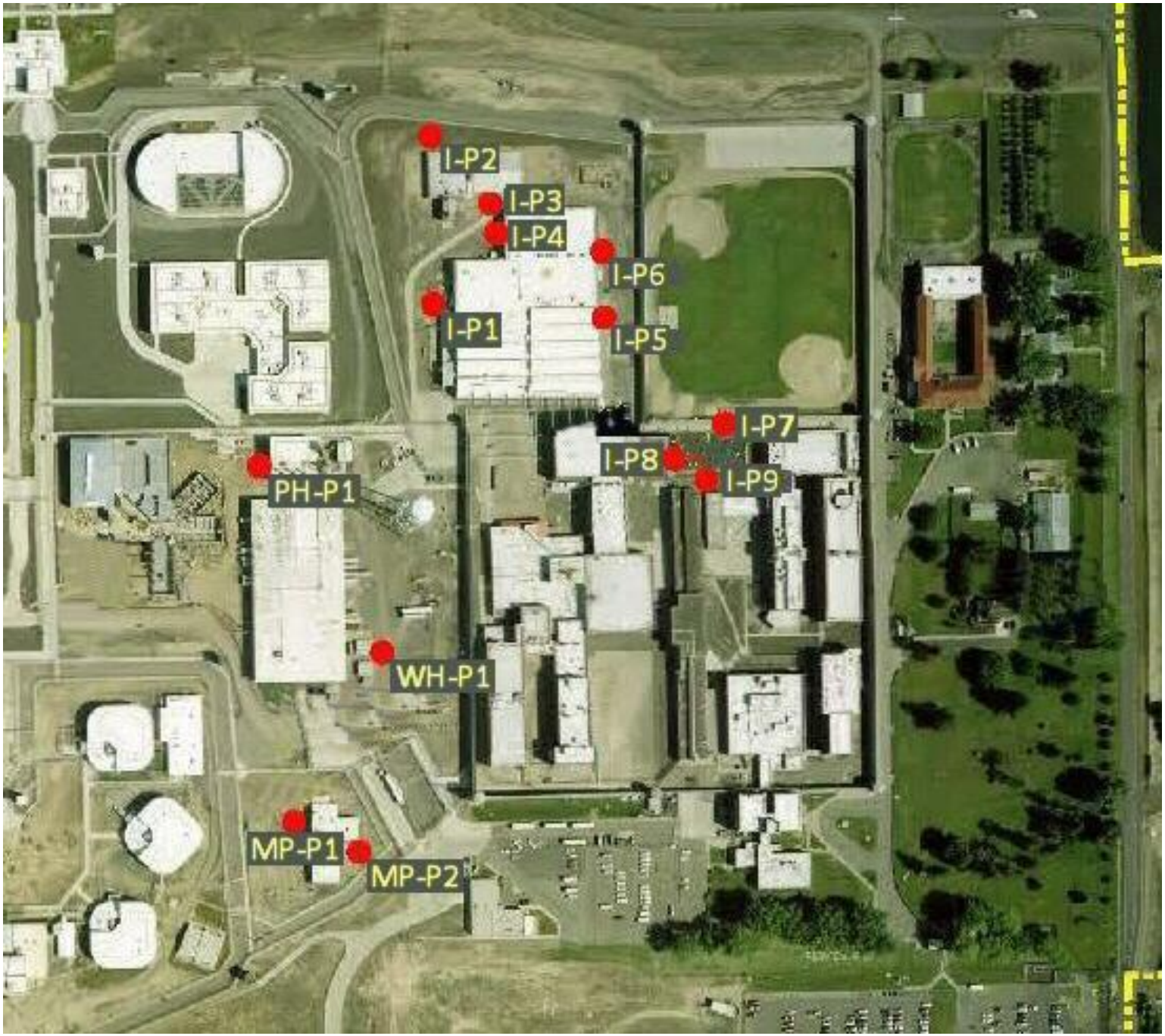


Figure 5. Overall Site Soil Sampling Locations

Figure 6. Soil Gas Screening Locations

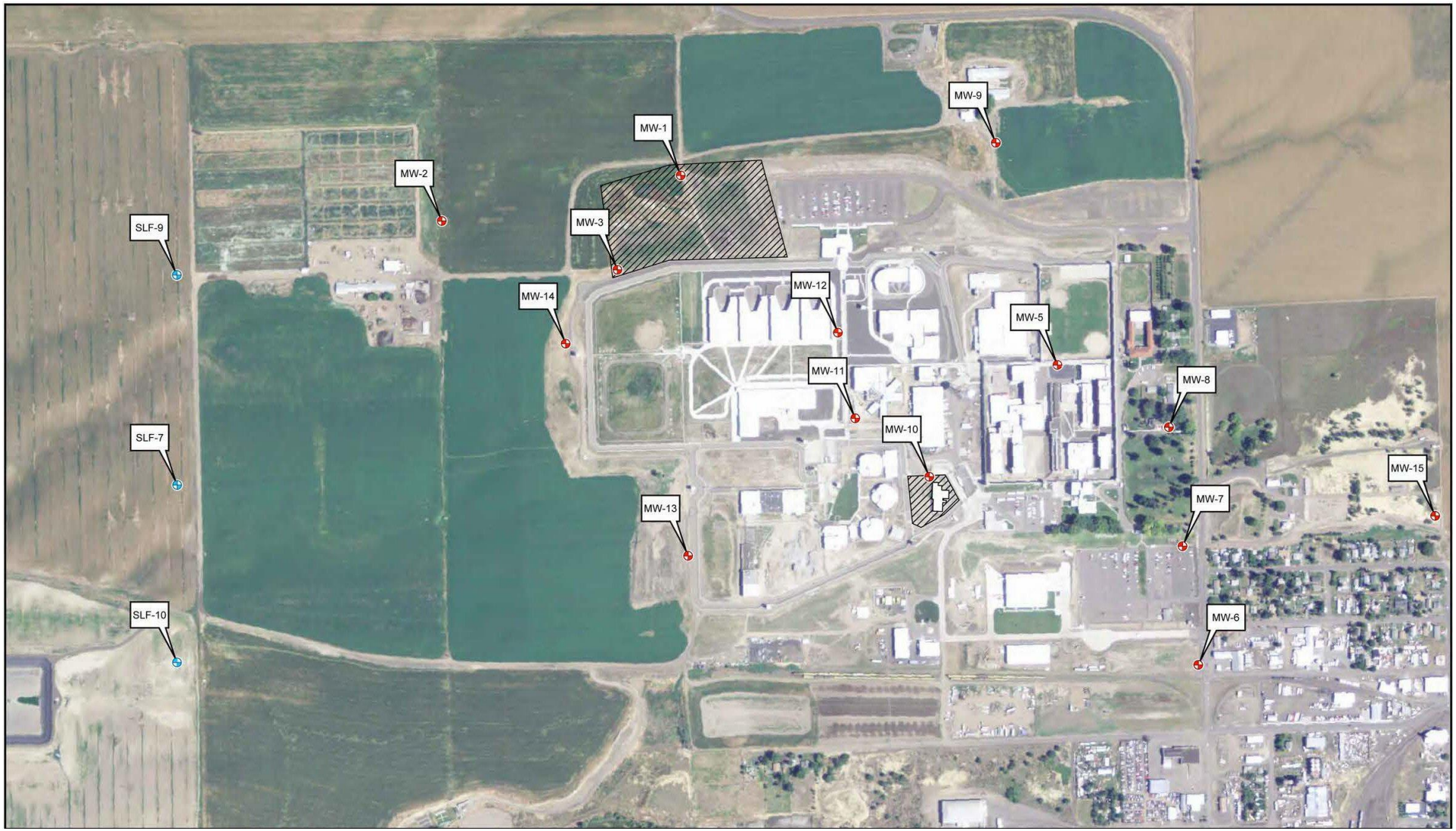


Figure 7. Well Locations

TABLES

Analyte (mg/kg)	Motor Pool	Former Dry Cleaner								Steam Plant	Waste Handling	Landfill
	MP-P1	I-P1		I-P2				I-P9		PH-P1	WH-P1	TP-1
	03-01-SB-04	02-01-SB-08	07-01-SB-04	02-02-SB-12	02-02-SB-16	02-02-SB-20	02-06-SB-04	02-09-SB-04	02-09-SB-12	07-01-SB-04	06-01-SB-04	01-01-TP-08
Petroleum Hydrocarbons												
Diesel Range Organics											38	
Gasoline Range Organics												
Lube Oil											190	
Aromatic Hydrocarbons												
Benzene												
Toluene												
Ethylbenzene												
m, p-Xylene												
o-Xylene												
Volatile Organics												
Acetone	0.059	0.033		0.035	0.021	0.035	0.055	0.073	0.077		0.059	0.072
Carbon Disulfide				0.0015								
Chloroform												
Methyl ethyl ketone	0.0086							0.0085	0.0088		0.0071	
Tetrachloroethene	0.0025						0.0021	1.6	12		0.024	
Trichloroethene									0.0014			
1,2,4-Trimethylbenzene												
p-Isopropyltoluene												
cPAHs												
1-Methylnaphthalene											0.051	
2-Methylnaphthalene											0.066	
Acenaphthene												
Acenaphthylene												
Anthracene											0.012	
Benzo(ghi)perylene											0.034	
Fluorene												
Fluoranthene											0.081	
Naphthalene											0.02	
Phenanthrene											0.073	
Pyrene											0.086	
Benz[a]anthracene			0.03							0.027	0.042	
Benzo(a)pyrene			0.044							0.032	0.044	
Benzo(b)fluoranthene			0.042							0.024	0.039	
Benzo(k)fluoranthene			0.035							0.022	0.044	
Chrysene			0.041							0.029	0.061	
Dibenzo(a,h)anthracene			0.011								0.011	
Indeno(1,2,3-cd)pyrene			0.034							0.021	0.027	
Total cPAHs as benzo(a)pyrene			0.05661							0.03938	0.05671	
Metals												
Arsenic												
Cadmium												
Chromium (total)										14	12	
Copper										29	24	
Lead										57	18	
Manganese										520	450	
Arsenic (III)												
Arsenic (V)												

This table shows the maximum detected concentration in a given year of monitoring (between 2010 and 2013).
If a year is missing for a location, it means no contaminants were detected at any monitoring event during that year.
If a cell is empty, it means no detections occurred for that contaminant during that year at that location.
Complete data tables can be located in the RI/FS document.

Table 1. Soil Sampling Results Summary

Analyte (mg/kg)	Landfill								Landfill				
	TP-12	TP-16	TP-3	TP-5	TP-6	TP-8	TP-9	TP-10	TEE TP-1			TEE TP-2	
	01-12-TP-16	01-16-TP-12	01-03-TP-07	01-05-TP-07	01-06-TP-08	01-08-TP-10	01-09-TP-10	01-10-TP-15	WSP01-1	WSP01-3	WSP01-5	WSP02-1	WSP02-3
Petroleum Hydrocarbons													
Diesel Range Organics			43										
Gasoline Range Organics		11	18										
Lube Oil			680					57					
Aromatic Hydrocarbons													
Benzene				0.0015	0.089	0.082							
Toluene					0.042	0.018							
Ethylbenzene					0.0041	0.0034							
m, p-Xylene					0.012								
o-Xylene					0.005								
Volatile Organics													
Acetone	0.088		0.19	0.093			0.081	0.15					
Carbon Disulfide					0.0094	0.0018							
Chloroform				0.0013				0.0095					
Methyl ethyl ketone	0.015		0.013	0.0094			0.011	0.016					
Tetrachloroethene			0.052					0.013					
Trichloroethene													
1,2,4-Trimethylbenzene					0.0031								
p-Isopropyltoluene							0.0044						
cPAHs													
1-Methylnaphthalene		0.044	0.036	0.011				0.012		0.035			
2-Methylnaphthalene		0.043	0.03	0.012				0.014		0.042			
Acenaphthene		0.11	0.0095					0.011					
Acenaphthylene													
Anthracene		0.19	0.014					0.017					
Benzo(ghi)perylene		0.16	0.033	0.017				0.067					
Fluorene		0.11											
Fluoranthene		0.65	0.1	0.017				0.11	0.1			0.028	
Naphthalene		0.03	0.012	0.0083	0.012								
Phenanthrene		0.63	0.056	0.019				0.056	0.055				
Pyrene		0.62	0.09	0.016				0.12	0.12			0.029	
Benz[a]anthracene		0.32	0.037	0.0081				0.059	0.058				
Benzo(a)pyrene		0.31	0.037	0.013				0.082	0.059				
Benzo(b)fluoranthene		0.2	0.04	0.016				0.072	0.071			0.025	
Benzo(k)fluoranthene		0.24	0.035	0.011				0.067	0.034				
Chrysene		0.35	0.065	0.014				0.075	0.051				
Dibenzo(a,h)anthracene		0.067	0.0091					0.021					
Indeno(1,2,3-cd)pyrene		0.15	0.024	0.014				0.054					
Total cPAHs as benzo(a)pyrene		0.3792	0.04846	0.01764				0.10415	0.08			0.025	
Metals													
Arsenic						15			4.88	2.42	2.21	4.87	4.73
Cadmium						2							
Chromium (total)		16	13	14		54		16	16	12	11	17	16
Copper		41	26	26		720		25					
Lead		240	41	38		940		52	15	7.2	7.8	14	11
Manganese		390	210	480		910		530					
Arsenic (III)										0.215			
Arsenic (V)									4.88	2.2	2.21	4.87	4.73

This table shows the maximum detected concentration in a given year of monitoring (between 2010 and 2013).
If a year is missing for a location, it means no contaminants were detected at any monitoring event during that year.
If a cell is empty, it means no detections occurred for that contaminant during that year at that location.
Complete data tables can be located in the RI/FS document.

Table 1. Soil Sampling Results Summary

Analyte (mg/kg)	Landfill												
	TEE TP-2	TEE TP-3			TEE TP-4			TEE TP-5			TEE TP-6		
	WSP02-5	WSP03-1	WSP03-3	WSP03-5	WSP04-1	WSP04-3	WSP04-5	WSP05-1	WSP05-3	WSP05-5	WSP06-1	WSP06-3	WSP06-5
Petroleum Hydrocarbons													
Diesel Range Organics													
Gasoline Range Organics													
Lube Oil													
Aromatic Hydrocarbons													
Benzene													
Toluene													
Ethylbenzene													
m, p-Xylene													
o-Xylene													
Volatile Organics													
Acetone													
Carbon Disulfide													
Chloroform													
Methyl ethyl ketone													
Tetrachloroethene													
Trichloroethene													
1,2,4-Trimethylbenzene													
p-Isopropyltoluene													
cPAHs													
1-Methylnaphthalene							0.037	0.079	0.037		0.036		
2-Methylnaphthalene					0.023		0.025	0.062	0.033		0.035		
Acenaphthene													
Acenaphthylene													
Anthracene								0.032					
Benzo(ghi)perylene													
Fluorene													
Fluoranthene			0.29	0.5	0.085		0.022	0.1	0.028				
Naphthalene			0.34					0.023					
Phenanthrene				0.37	0.048			0.089	0.024				
Pyrene			0.34	0.54	0.086			0.08					
Benz[a]anthracene				0.28	0.036			0.046					
Benzo(a)pyrene					0.035			0.042					
Benzo(b)fluoranthene			0.27	0.25	0.058			0.062					
Benzo(k)fluoranthene					0.032								
Chrysene				0.32	0.05			0.063					
Dibenzo(a,h)anthracene													
Indeno(1,2,3-cd)pyrene													
Total cPAHs as benzo(a)pyrene			0.268	0.285	0.052			0.059					
Metals													
Arsenic	0.962	1.69	4.71	3.61	1.96	1.52	2.76	0.347	1.62	6.89	3.18	6.96	7.42
Cadmium													
Chromium (total)	4.8	13	14	15	13	9.9	15	16	13	20	13	16	14
Copper													
Lead	3.3	25	130	130	16	5.2	22	23	320	1400	8.2	10	9.8
Manganese													
Arsenic (III)			0.268	0.26	0.05		0.049	0.039		0.142		0.526	0.506
Arsenic (V)	0.962	1.69	4.44	3.36	1.91	1.52	2.71	0.347	1.62	6.74	3.18	6.44	6.91

This table shows the maximum detected concentration in a given year of monitoring (between 2010 and 2013).
If a year is missing for a location, it means no contaminants were detected at any monitoring event during that year.
If a cell is empty, it means no detections occurred for that contaminant during that year at that location.
Complete data tables can be located in the RI/FS document.

Table 1. Soil Sampling Results Summary

Analyte (mg/kg)	Monitoring Wells						
	MW-7	MW-8	MW-9	MW-10	MW-11	MW-12	MW-13
	MW-07-SB-6	MW-08-SB-06	MW-09-SB-06	MW-10-SB-06	MW-11-SB-06	MW-12-SB-07	MW-13-SB-06
Petroleum Hydrocarbons							
Diesel Range Organics							
Gasoline Range Organics							
Lube Oil							
Aromatic Hydrocarbons							
Benzene					0.0016		
Toluene							
Ethylbenzene							
m, p-Xylene							
o-Xylene							
Volatile Organics							
Acetone	0.04	0.045	0.053	0.04	0.042	0.047	0.055
Carbon Disulfide							
Chloroform							
Methyl ethyl ketone							0.008
Tetrachloroethene							
Trichloroethene							
1,2,4-Trimethylbenzene							
p-Isopropyltoluene							
cPAHs							
1-Methylnaphthalene							0.019
2-Methylnaphthalene							0.027
Acenaphthene							
Acenaphthylene							
Anthracene							
Benzo(ghi)perylene							
Fluorene							
Fluoranthene							0.0086
Naphthalene							0.015
Phenanthrene							0.022
Pyrene							0.0088
Benz[a]anthracene							
Benzo(a)pyrene							
Benzo(b)fluoranthene							
Benzo(k)fluoranthene							
Chrysene							
Dibenzo(a,h)anthracene							
Indeno(1,2,3-cd)pyrene							
Total cPAHs as benzo(a)pyrene							
Metals							
Arsenic							
Cadmium							
Chromium (total)	20	16	17	15	16	18	19
Copper	24	24	25	22	25	25	29
Lead	7.6	9.7	9.3	12	9.6	11	13
Manganese	500	540	540	590	680	620	720
Arsenic (III)							
Arsenic (V)							

This table shows the maximum detected concentration in a given year of monitoring (between 2010 and 2013).
If a year is missing for a location, it means no contaminants were detected at any monitoring event during that year.
If a cell is empty, it means no detections occurred for that contaminant during that year at that location.
Complete data tables can be located in the RI/FS document.

Table 1. Soil Sampling Results Summary

Analyte (µg/L except nitrate)	SUDBURY MW-7			SUDBURY MW-9				SUDBURY MW-10				WSP MW-1			WSP MW-2			WSP MW-3			WSP MW-5			WSP MW-6		
	2010	2011	2012	2010	2011	2012	2013	2010	2011	2012	2013	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Petroleum Hydrocarbons																										
2 Diesel																								21000		
Gasoline Range Organics																								140		
Aromatic Hydrocarbons																										
Toluene																										
Volatile Organics																										
Sec-Butylbenzene																								0.89	0.2	
Tetrachloroethene			0.14	0.53	0.49	0.64	0.57	0.43	0.49	0.72	0.71										5.3	1.5				
Trichloroethene				1.2	1.3	1.7	1.6					0.49	0.52	0.54	2.4	2.3	2.4	2.1	1.9	2.2						
cPAHs																										
1-Methylnaphthalene																								0.26		
Acenaphthene																								0.35		
Benzo(ghi)perylene								0.02										0.016								
Fluorene																								1.1		
Naphthalene																								0.23		
Phenanthrene																								0.098		
Benz[a]anthracene				0.012				0.024							0.017			0.026			0.01					
Benzo(a)pyrene																		0.023								
Benzo(b)fluoranthene				0.012				0.033							0.02			0.036								
Benzo(k)fluoranthene								0.016							0.014			0.026								
Chrysene				0.012				0.038							0.023			0.038						0.0099		
Dibenzo(a/h)anthracene																										
Indeno(1,2,3-cd)pyrene								0.016										0.014								
Total cPAHs as benzo(a)pyrene				0.007625				0.01403							0.00945			0.03145						0.006819		
Metals																										
Arsenic																										
Chromium (total)	13		5.2							3.5		12	4.9			3.4	5.4	16	13	5.5	13	71	37		4.1	3.4
Copper				18																						
Lead				6.6	1.1																		6.4			
Manganese	32			12														40			32			2600	1400	
Conventionals																										
Nitrate (mg/L)	1.6	1.6		16	14			6.6	7.3			15	22		15	16		19	24		1.4	1.9	1.1	0.61	2.3	

This table shows the maximum detected concentration in a given year of monitoring (between 2010 and 2013).
If a year is missing for a location, it means no contaminants were detected at any monitoring event during that year.
If a cell is empty, it means no detections occurred for that contaminant during that year at that location.
Complete data tables can be located in the RI/FS document.

Table 2. Groundwater Sampling Results Summary

Analyte (ug/L except nitrate)	WSP MW-7			WSP MW-8			WSP MW-9			WSP MW-10			WSP MW-11			WSP MW-12			WSP MW-13			WSP MW-14			WSP MW-15		
	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012	2010	2011	2012
Petroleum Hydrocarbons																											
2 Diesel																											
Gasoline Range Organics																											
Aromatic Hydrocarbons																											
Toluene					1.1												2.1										
Volatile Organics																											
Sec-Butylbenzene																											
Tetrachloroethene			0.1				0.72	0.76	0.34	0.22	0.25	0.14	1.5	1.9	1.7	0.39	0.75	0.35	0.21	0.35	0.24	0.94	0.93	0.86			
Trichloroethene				3.3	2.6	2.8	1.3	1.3	1.5		0.52	0.56	0.62	0.59	0.63	1.7	1	1.1				0.99	1	0.89			
cPAHs																											
1-Methylnaphthalene																											
Acenaphthene																											
Benzo(ghi)perylene																			0.023			0.02					
Fluorene																											
Naphthalene																											
Phenanthrene																											
Benz[a]anthracene							0.012												0.033			0.029					
Benzo(a)pyrene																			0.029			0.019					
Benzo(b)fluoranthene							0.014												0.052			0.056					
Benzo(k)fluoranthene																			0.027			0.024					
Chrysene							0.015												0.059			0.063					
Dibenzo(a/h)anthracene																											
Indeno(1,2,3-cd)pyrene																			0.019			0.016					
Total cPAHs as benzo(a)pyrene							0.007725												0.039865			0.0297					
Metals																											
Arsenic	4.7			10																							
Chromium (total)	43	40	7.6	75	9.1	4.5	15	21	15		9.5	8.9	33	11	5.1	69	46	6.1		11	8.7	19	6.5	2.8		54	5.2
Copper	86			470																							
Lead			2.2						5.8	1.1		3.3		2.3			3.2			2.3						0.0038	
Manganese	3100			35000			64			130			65			210			44			51					
Conventionals																											
Nitrate (mg/L)	10	18		7.8	7.7		14	14		14	16		15	22		14	46		36	18		22	22				

This table shows the maximum detected concentration in a given year of monitoring (between 2010 and 2013).
If a year is missing for a location, it means no contaminants were detected at any monitoring event during that year.
If a cell is empty, it means no detections occurred for that contaminant during that year at that location.
Complete data tables can be located in the RI/FS document.

Table 2. Groundwater Sampling Results Summary

Analyte	Total Samples	Number of Detections	Detection Frequency	Maximum Concentration (µg/L except nitrate)
Naphthalene	83	1	1%	1
Arsenic	160	2	1%	10
Toluene	84	2	2%	2.1
Copper	99	3	3%	470
Sec-Butylbenzene	67	4	6%	0.89
1-Methylnaphthalene	16	1	6%	0.26
Acenaphthene	16	1	6%	0.35
Fluorene	16	1	6%	1.1
Phenanthrene	16	1	6%	0.13
Gasoline Range Organics	30	2	7%	140
Lead	128	13	10%	6.6
Benzo(a)pyrene	16	3	19%	0.029
Benzo(ghi)perylene	16	4	25%	0.023
Indeno(1,2,3-cd)pyrene	16	4	25%	0.019
Benzo(k)fluoranthene	16	5	31%	0.027
Manganese	99	38	38%	35000
Chromium (total)	160	64	40%	75
Benzo(b)fluoranthene	16	7	44%	0.056
Benz[a]anthracene	16	8	50%	0.033
Chrysene	16	8	50%	0.063
Trichloroethene	144	80	56%	3.3
Tetrachloroethene	144	83	58%	5.3
Chloroform	83	69	83%	2.6
2 Diesel	1	1	100%	21
Manganese	32	32	100%	38000
Nitrate (mg/L)	66	66	100%	46

Table 3. Groundwater Detection Frequency

Analyte	Total Samples	Number of Detections	Detection Frequency	Maximum Concentration (mg/kg)
Acenaphthene	37	1	3%	0.11
Fluorene	37	1	3%	0.11
m, p-Xylene	29	1	3%	0.081
o-Xylene	29	1	3%	0.081
1,2,4-Trimethylbenzene	27	1	4%	0.0065
p-Isopropyltoluene	27	1	4%	0.0065
Trichloroethene[a]	27	1	4%	0.0065
Acenaphthylene	37	2	5%	0.011
Cadmium	17	1	6%	2
Ethylbenzene	29	2	7%	0.081
Toluene	29	2	7%	0.081
Chloroform	27	2	7%	0.0095
Diesel Range Organics	19	2	11%	43
Carbon Disulfide	27	3	11%	0.0094
Naphthalene	64	8	13%	0.03
Benzene	29	4	14%	0.089
Dibenzo(a,h)anthracene	39	6	15%	0.067
Gasoline Range Organics	13	2	15%	18
Lube Oil	19	3	16%	680
Anthracene	37	6	16%	0.19
Benzo(ghi)perylene	37	6	16%	0.16
Indeno(1,2,3-cd)pyrene	39	8	21%	0.15
Benzo(k)fluoranthene	39	10	26%	0.24
Benzo(a)pyrene	39	11	28%	0.31
Tetrachloroethene	27	8	30%	12
Benz[a]anthracene	39	12	31%	0.32
Chrysene	39	12	31%	0.35
Phenanthrene	37	12	32%	0.63
1-Methylnaphthalene	37	12	32%	0.079
Pyrene	37	13	35%	0.62
2-Methylnaphthalene	37	13	35%	0.066
Benzo(b)fluoranthene	39	14	36%	0.27
Methyl ethyl ketone	27	10	37%	0.032
Fluoranthene	37	15	41%	0.65
Arsenic	35	19	54%	15
Acetone	27	24	89%	0.19
Chromium (total)	35	35	100%	54
Copper	17	17	100%	720
Lead	35	35	100%	1400
Manganese	17	17	100%	910

a = retained despite <5% detection frequency due to presence in groundwater

Table 4. Soil Detection Frequency

Analyte	Max Concentration (µg/L except nitrate)	WA Primary MCL	WA GW Quality Standard	MTCA Cancer Risk at MCL	MTCA Hazard Quotient at MCL	Is MCL Protective?	Adjusted MCL	MTCA A	MTCA B Carcinogenic	MTCA B Non-Carcinogenic	Vapor Intrusion Pathway	Applicable Background	Surface Water CUL	Final CUL	Basis
Petroleum Hydrocarbons															
Gasoline Range Organics	140							**1000**							< Method A CUL
2 Diesel	21							**500**							< Method A CUL
VOCs															
Chloroform	2.6	**80**	7		1.00	Yes				80			5.7		< MCL
Trichloroethene	3.3	5	3	9.26E-06	1.25	No	**4**	5	0.54	4	7		2.5		< Adjusted MCL
Tetrachloroethene	5.3	**5**	0.8	2.38E-07	0.10	Yes		5	21	48	120		0.69	**5**	**MCL**
Sec-Butylbenzene	0.89														No MTCA criteria
cPAHs															
1-Methylnaphthalene	0.26								**1.5**						< Method B CUL
Acenaphthene	0.35									**960**			670		< Method B CUL
Fluorene	1.1									**640**			1100		< Method B CUL
Phenanthrene	0.13														No MTCA criteria
Benzo(ghi)perylene	0.023														No MTCA criteria
Benz[a]anthracene	0.033								**0.12**				0.0028		< Method B CUL
Chrysene	0.063							**12**					0.0028		< Method A CUL
Benzo(b)fluoranthene	0.056								**0.12**				0.0028		< Method B CUL
Benzo(k)fluoranthene	0.027							**1.2**					0.0028		< Method A CUL
Benzo(a)pyrene	0.029	0.2	0.008	1.67E-05		No	**0.12**	0.1	0.012				0.0028		< Adjusted MCL
Indeno(1,2,3-cd)pyrene	0.019								**0.12**				0.0028		< Method B CUL
Total cPAHs		0.2	0.008	1.67E-05		No	0.12	0.1	0.012						< Adjusted MCL
Metals															
Chromium (VI)	75	100	50		2.08	No	**48**	50		48			10	**48**	**Adjusted MCL**
Lead	6.6	**15**	50			Yes		15					0.54		< MCL
Manganese	35000		50							**2240**			50	**2240**	**Method B CUL**
Conventionals															
Nitrate (mg/L)	46	**10**	10										10000	**10**	**MCL**

Table 5. Groundwater Cleanup Levels Evaluation

Analyte	Maximum Concentration mg/kg	MTCA A Unrestricted	MTCA B Carcinogen	MTCA B Non-carcinogen	Present in Groundwater	CUL to protect groundwater	Applicable Background	Final CUL mg/kg	Basis
Petroleum Hydrocarbons									
Gasoline Range Organics	18	**30**			Yes	30			< Method A CUL
Diesel Range Organics	43	**2000**			Yes	2000			< Method A CUL
Lube Oil	680				No				No MTCA criteria
Aromatic Hydrocarbons									
Benzene	0.089	0.03	**18**	320	No				< Method B CUL (carcinogenic)
Toluene	0.081	7		**6400**	No				< Method B CUL (non-carcinogenic)
Ethylbenzene	0.081	6		**8000**	No				< Method B CUL (non-carcinogenic)
VOCs									
Acetone	0.19			**72000**	No				< Method B CUL (non-carcinogenic)
Carbon Disulfide	0.0094			**8000**	No				< Method B CUL (non-carcinogenic)
Methyl ethyl ketone	0.032			**48000**	No				< Method B CUL (non-carcinogenic)
Chloroform	0.0095			**800**	No				< Method B CUL (non-carcinogenic)
Trichloroethene	0.0065	0.03	12	40	Yes	**0.03**			< Method B CUL (protection of groundwater)
Tetrachloroethene	12	0.05	480	12	Yes	**0.05**		**0.05**	**Method B (protection of groundwater)**
cPAHs									
Naphthalene	0.03	5		**1600**	No				< Method B CUL (non-carcinogenic)
2-Methylnaphthalene	0.066			**320**	No				< Method B CUL (non-carcinogenic)
1-Methylnaphthalene	0.079		**35**		Yes	No MTCA criteria			< Method B CUL (carcinogenic)
Acenaphthylene	0.011				No				No MTCA criteria
Phenanthrene	0.63				Yes	No MTCA criteria			No MTCA criteria
Anthracene	0.19			**24000**	No				< Method B CUL (non-carcinogenic)
Fluoranthene	0.65			**3200**	No				< Method B CUL (non-carcinogenic)
Pyrene	0.62			**2400**	No				< Method B CUL (non-carcinogenic)
Benzo(ghi)perylene	0.16				Yes	No MTCA criteria			No MTCA criteria
Benz[a]anthracene	0.32		1.4		Yes	**0.86**			< Method B CUL (protection of groundwater)
Chrysene	0.35		140		Yes	**96**			< Method B CUL (protection of groundwater)
Benzo(b)fluoranthene	0.27				Yes	**2.9**			< Method B CUL (protection of groundwater)
Benzo(k)fluoranthene	0.24		**14**		Yes	29			< Method B CUL (carcinogenic)
Benzo(a)pyrene	0.31	0.1	**0.14**		Yes	2.3		**0.14**	**Method B (carcinogenic)**
Indeno(1,2,3-cd)pyrene	0.15		**1.4**		Yes	8.4			< Method B CUL (carcinogenic)
Dibenzo(a,h)anthracene	0.067		**0.14**		No				< Method B CUL (carcinogenic)
Total cPAHs as Benzo(a)pyrene	0.3792	0.1	**0.14**		Yes			**0.14**	**Method B (carcinogenic)**
Metals									
Arsenic	15	20	0.67	24	No		**20**		< Method B CUL (background)
Cadmium	2	2		**80**	No		1		< Method B CUL (non-carcinogenic)
Chromium (VI)	54	19		240	Yes		**42**	**42**	**Background**
Copper	720			**3200**	No		36		< Method B CUL (non-carcinogenic)
Lead	1400	**250**			Yes		17	**250**	**Method A protection of blood levels**
Manganese	910			**11000**	Yes		1100		< Method B CUL (non-carcinogenic)

Table 6. Soil Cleanup Levels Evaluation

Indicator Analyte	Method B Cleanup Level	Basis	Cancer Risk	Hemotoxicity	Neurotoxicity
Conventionals					
Nitrate	10,000 µg/L	MCL gw		1	
Inorganics					
Chromium (VI)	42 mg/kg	BCKR soil	not calculated - based on background		
Chromium (VI)	48 µg/L	MCL gw	no known toxicological endpoint		
Lead	250 mg/kg	A soil	not calculated - based on Method A		
Manganese	2240 µg/L	BNCAR gw			1
Volatile Oraganics					
Tetrachloroethene	0.05 mg/kg	BCAR soil	1.00E-06		
Tetrachloroethene	5 µg/L	MCL gw	1.00E-05		
Benzo(a)pyrene	0.14 mg/kg	BCAR soil	1.00E-06		
Totals:			1.20E-05	1	1

Indicator Analyte	Adjusted Method B Cleanup Level	Basis	Cancer Risk	Hemotoxicity	Neurotoxicity
Conventionals					
Nitrate	10,000 µg/L	MCL gw		1	
Inorganics					
Chromium (VI)	42 mg/kg	BCKR soil	not calculated - based on background		
Chromium (VI)	48 µg/L	MCL gw	no known toxicological endpoint		
Lead	250 mg/kg	A soil	not calculated - based on Method A		
Manganese	2240 µg/L	BNCAR gw			1
Volatile Oraganics					
Tetrachloroethene	0.005 mg/kg	BCAR soil	1.00E-07		
Tetrachloroethene	5 µg/L	MCL gw	1.00E-05		
Benzo(a)pyrene	0.014 mg/kg	BCAR soil	1.00E-07		
Totals:			1.02E-05	1	1

Table 7. Overall Site Risk Evaluation, Pre- and Post-Adjustment

Cleanup Action Implementation	
Ch. 18.104 RCW; Ch. 173-160 WAC	Water Well Construction; Minimum Standards for Construction and Maintenance of Water Wells
Ch. 173-162 WAC	Rules & Regulations Governing the Licensing of Well Contractors & Operators
Ch. 70.105D RCW; Ch. 173-340 WAC	Model Toxics Control Act; MTCA Cleanup Regulation
Ch. 43.21C RCW; Ch. 197-11 WAC	State Environmental Policy Act; SEPA Rules
29 CFR 1910	Occupational Safety and Health Act
Groundwater and Surface Water	
42 USC 300	Safe Drinking Water Act
33 USC 1251; 40 CFR 131; Ch. 173-201A WAC	Clean Water Act of 1977; Water Quality Standards
Ch. 70.105D RCW; Ch. 173-340 WAC	Model Toxics Control Act; MTCA Cleanup Regulation
40 CFR 141; 40 CFR 143	National Primary Drinking Water Standards; National Secondary Drinking Water Standards
Ch. 246-290 WAC	Department of Health Standards for Public Water Supplies
Ch. 173-154 WAC	Protection of Upper Aquifer Zones
Air	
42 USC 7401; 40 CFR 50	Clean Air Act of 1977; National Ambient Air Quality Standards
Ch. 70.94 RCW; Ch. 43.21A RCW; Ch. 173-400 WAC	Washington Clean Air Act; General Regulations for Air Pollution
Ch. 173-460 WAC Ch. 173-470 WAC	Controls for New Sources of Air Pollution Ambient Air Quality Standards for Particulate Matter
Ch. 70.105D RCW; Ch. 173-340 WAC	Model Toxics Control Act; MTCA Cleanup Regulation

Table 8. Applicable or Relevant and Appropriate Requirements

Criteria	Alternative 1 Landfill permeable cover improvements	Alternative 2 Landfill low permeability cap; dry cleaner asphalt cap	Alternative 3 No site improvements	Alternative 4 Landfill permeable cover improvements; dry cleaner asphalt cap
Threshold Requirements				
Protection of human health & environment	yes	yes	no	yes
Compliance with cleanup standards	yes	yes	no	yes
Compliance with state & federal laws	yes	yes	no	yes
Provision for compliance monitoring	yes	yes	yes	yes
Other Requirements				
Use of Permanent Solutions (disproportionate cost analysis)	overall rank #3	overall rank #2	--	overall rank #1
Protectiveness	3	1	--	2
Permanent Reduction	3	1	--	2
Cleanup Cost (estimated)	$605,362	$2,026,852	--	$973,782
Long-term Effectiveness	3	1	--	2
Short-term Risk	1	3	--	2
Implementability	3	1	--	2
Consider Public Concerns	yes	yes	--	yes
Provide Reasonable Time Frame	1	1	--	1
Consider Public Comments	yes	yes	--	yes

Table 9. Evaluation of Cleanup Action Alternatives

EXHIBIT C

SCOPE OF WORK AND SCHEDULE

EXHIBIT C
SCOPE OF WORK AND SCHEDULE
For the Remedial Action at the WA DOC Washington State Penitentiary Site

This scope of work is to implement the Cleanup Action Plan (Exhibit B) to address soil and groundwater contamination at the WA DOC Washington State Penitentiary Site (Site) in Walla Walla, Washington. This scope of work prepared by the Department of Ecology is to be used by the Washington State Department of Corrections (Corrections) to develop Work Plans in order to complete the remedial actions required by the Cleanup Action Plan at the Site.

The PLP shall furnish all personnel, materials, and services necessary for, or incidental to, performing the remedial action at the Site.

Corrections shall submit the follow required deliverables to Ecology for review and approval according to the schedule contained below:

A. Engineering Design Report
The EDR will meet the requirements 173-340-400 and provide engineering concepts and design criteria for components of the cleanup action. It should include details on: engineered cap compositions and thicknesses, material and design specifications, planned final grades and cross-sections, maps identifying existing site conditions and locations of the proposed cleanup actions, compaction requirements, and a Schedule of Work to be Performed. Stormwater management designs will also be included for both capped areas. Also included should be specific measures to manage short-term hazards associated with the construction phase of this cleanup action, including but not limited to dust control, surface water/storm water runoff and any accidental spills, and the specifics of any quality control testing to be performed and additional information to address applicable state, federal, and local requirements. In addition, the EDR will include a health and safety plan and perform the cleanup in compliance with that plan. The health and safety plan shall conform to WAC 173-340-810 and includes emergency information, characteristics of waste, levels of protection, hazard evaluation, and any other applicable site specific information.

B. Operations and Maintenance Plan (O&M Plan)
An O&M Plan will be developed in accordance with WAC 173-340-400. It is intended to present technical guidance and regulatory requirements to assure ongoing protection to human health and the environment after completion of the remedy. The O&M Plan should include procedures for maintenance of the remedy after completion of the cleanup action, and should include any contingency procedures. It should include monitoring schedules and persons responsible for tasks. The O&M Plan should also provide for continued implementation of any institutional controls associated with the remedy.

C. Compliance Monitoring Plan
Compliance Monitoring consists of protection monitoring, performance monitoring,

and confirmational monitoring. Protection monitoring confirms that human health and the environment are adequately protected during construction and operation of a cleanup action. Performance monitoring confirms that the cleanup action has attained cleanup and/or performance standards. Confirmational monitoring confirms the long-term effectiveness of the cleanup action once cleanup standards are attained.

The Compliance Monitoring Plan must meet the requirements of WAC 173-340-400 and WAC 173-340-410. The plan must indicate the details of soil monitoring (protection and performance monitoring) and groundwater monitoring (performance and confirmational monitoring), including schedules for monitoring events. It also will include a Sampling and Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP) which will meet the requirements of WAC 173-340-410 and WAC 173-340-820. The SAP and QAPP may be revised and incorporated from the Remedial Investigation/Feasibility Study.

D. Progress Reports

Progress reports will be completed and submitted monthly. They should provide:

- A list of activities that have taken place (including on- and off-site);
- Detailed descriptions of any deviations from required tasks not otherwise documented in project plans or amendment requests;
- Description of all deviations from this Scope of Work and Schedule for the current month and any planned deviations in the upcoming month;
- For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule;
- All raw data (including laboratory analysis) received during the reporting month; and
- A list of deliverables for the upcoming month if different from the schedule.

E. Cleanup Action Report

Corrections will submit a draft Cleanup Action Report in accordance with WAC 173-340-400 no later than 90 days after completion of the cleanup construction, defined as the end of physical work at the site. The Cleanup Action Report will include final representations of the work performed, all laboratory data, any deviations from the Engineering Design Report, and documentation of institutional controls.

Schedule of Deliverables

Deliverables	Date Due
Effective date of Order	Start
Corrections to submit *Draft* Engineering Design Report, O&M Plan, Compliance Monitoring Plan, and Schedule of Work to be Performed	90 days after start
Corrections to submit *Final* Engineering Design Report, O&M Plan, Compliance Monitoring Plan, and and Schedule of Work to be Performed	30 days after Corrections receives written approval from Ecology of draft documents
Corrections to begin implementation remedial action following Schedule of Work to be Performed	30 days after Corrections receives written approval of plans from Ecology
Corrections to submit *Draft* Cleanup Action Report	90 days after completion of all physical site work, except performance and confirmational monitoring
Corrections to submit *Final* Cleanup Action Report	30 days after Corrections receives Ecology's written approval of draft
Corrections to submit Progress Reports	Monthly, beginning at Start and ending with Ecology approval of final Cleanup Action Report
Corrections to submit a recorded Environmental Covenant	30 days after Ecology approval of final Cleanup Action Report

EXHIBIT D

DEPARTMENT OF CORRECTIONS'

WASHINGTON STATE PENITENTIARY SECURITY POLICIES

Department of Corrections
Washington State Penitentiary

Memorandum

RE: Clearance Procedure.

To Whom It May Concern:

The following pages describe the clearance process; as well as address a few questions that have come up regarding clearance procedures, acknowledgment forms, badging, denials, etc.

Attached you should find:

- Contractor Orientation Packet
- Packet acknowledgment form **(required)**
- Application form **(required)**
- Search Policy
- Search acknowledgment form **(required)**
- Wireless device policy
- Wireless device clearance request form **(optional)**

Please ensure your staff receive the entire packet and return the acknowledgement forms with the application. Please ensure they read the orientation and policies carefully before arrival to the institution.

If you have any further questions, feel free to call or e-mail me.

Thank you,

Christina Lane, Project Secretary
WSP – Capital Projects
1313 N. 13th Ave. MS # 8
Walla Walla WA. 99362
Ph: 509-526-6540 Fx: 509-526-6529
E-mail: cmlane@doc1.wa.gov

Department Of Corrections
Washington State Penitentiary

Washington State Penitentiary (WSP) Contractor Orientation Packet

Clearance Application

All individuals wishing to enter institutional grounds must be 18 years of age or older and must submit a clearance application with the required acknowledgement forms. The National Crime Information Center (NCIC), Washington State Crime Information Center (WACIC), and the Washington State Information System (WASIS), are used to check for criminal history, active warrants, etc. The Public Access System (PAS) will be used to check for affiliation with an offender incarcerated in the state of Washington. Allow one to two weeks for processing. (Subject to RFP/spec. book) Please insure accuracy and legibility.

Application approvals expire after 90 days. If you have not received a construction badge within that time frame, you will need to resubmit the clearance so the background checks can be done again.

Once clearance is approved, a memo is generated requesting access on a specific date and time. If there are changes made for a particular date, a new memo will need to be submitted for approval. Please allow at least 24 hours for this process.

Random background checks may be repeated on any badged employee/contractors. Any new information on the background check, such as a recent arrest, could result in denial of access. Please be truthful and accurate in the application. If there are false statements on the form, the contractors may be denied. The applicant must sign the forms prior to sending it in.

Authorization and Denials

Authorization to be on site is given after the background check has been completed. When you know your schedule, notify your general contractor and/or the Capital Project Secretary, one to two days prior to arrival.

Be specific about the following:

- Date and time of the visit with the name and company of the person(s) coming in
- Project Name
- Location of access
- Duration (Guest badges are for short duration visits, a week or less) Guest badges can be issued at any time each day. Construction badges are done at 7:00 am, Monday through Friday.

The Captain may deny a clearance or access to the facility based on some of the following reasons:

- Conviction of a felony
- Conviction of a gross misdemeanor (depending on what, how long ago and how many offences)
- On probation or community supervision
- Current warrant for arrest (including a missed traffic court date)
- Having been an offenders visitor or on an offenders visitor list
- A pattern of disregard for the law (e.g., repeated DUI's)
- Providing false information on the clearance form

If you have been denied, you may submit an appeal. Applicants are responsible for their own appeals. Appeals can be done as follows:

- If you choose to, you may obtain a copy of your record through the Washington State Patrol. This will enable you to work with the courts to fulfill any outstanding obligations, have discrepancies corrected, etc. Once these issues have been resolved, you may resubmit.
- If you wish to appeal mail or fax a letter to the Washington State Penitentiary, Addressed "to whom it may concern" and send it to the attention of the Capital Project Secretary. [Christina Lane] Your letter should state why you feel your application should be reconsidered. You can take this opportunity to explain the circumstances of any passed arrests you may have. Your letter will be put with your clearance packet and sent to the Associate Superintendent for review.
- If the Associate Superintendent approves access then the applicant will be notified. If the Associate Superintendent denies access then the entire packet will be sent to the Superintendent for review. The Superintendent's decision is final.

Note: Per policy: WSP OM 280.205, II, D. "Anyone requesting clarification of their criminal history will be referred to the original arresting agency. WSP shall not disseminate information to anyone other than authorized personnel".

WSP Contractor I.D. Badge

Obtaining a WSP contractor I.D. badge (Pink) will take place Monday through Friday at 7 a.m. (Except during holidays) Badging must be scheduled two days, or more, in advance. The 7:00 a.m. time frame is firm and late arrivals will need to reschedule through their general contractor. A current driver's license or a current state photo I.D. will be required at the time of arrival. All personal property can be secured in your vehicle or stored in institution lock boxes.

After a construction badge has been issued, notification still has to be given for site visits, meetings, print reviews, etc., as an escort will need to be provided. Please notify us in advance.

Security Issues

There are dangers involved while working at a Penitentiary and the State of Washington is required to use ordinary care to keep the premises reasonably safe during the contractor's visit. In the case of a hostage situation WSP will recognize each visitor, contractor, volunteer and/or vender involved as a hostage and will follow authorized procedures to attempt a successful resolution. As a hostage, you would receive no authority to negotiate or issue orders.

Contraband

Please ensure that your vehicle, as well as your person, is free from contraband. You may lock up personal items in the lock boxes
Do not bring in the following:

- Weapons (knives guns, ammunition [including empty shells], defense sprays, etc)
- Drugs (other then what are prescribed and then in daily quantities only)
- Glass, metal and tin containers
- Wireless devices (cell phones, laptops, cameras, etc)
- Keys, credit cards, checkbooks
- Tobacco

Only the following items can be brought into the secured perimeters:

- Currency/coin under $20
- Comb
- Briefcase/portfolio (Subject to search)
- Reading glasses
- Pens
- Jewelry
- Prescription medication (only enough for up to an 11 hour day)

The institution will not be liable for any loss of or damage to personal items.

DOC 190.500 "In an effort to provide a safe, healthy and productive environment for employees, offenders and visitors, the use of tobacco products is prohibited within the perimeter of Prison facilities." Chewing tobacco is permitted providing it is not spit out on the grounds or provided to an offender. Smoking areas have been provided.

Wireless Device Policy (Please read the attached policy WSP 400.030)

If your job cannot be accomplished with out the use of a wireless device in the field with you, you can submit a "Wireless Device Security Exemption Request" to the Capital Project Secretary one to two weeks prior to arrival. Cell phones and other wireless devices are considered to be contraband and, as such, are not permitted on the facilities grounds. Electronic devices can and have created security issues, therefore we need to be aware of how many come on the grounds,

where they are going and what they will be used for. Personal phones, PDA, etc. are expected to be secured in vehicles and used during non-working time frames.

Please insure accuracy and legibility and ensure the justification section must be filled out in detail

---

Dress Standards

General Guidelines:

The Washington State Penitentiary strives to ensure that the attire and personal appearance of all staff, contractors, volunteers and venders is to be professional and appropriate for their job duties.

Tattoos that depict violence, gang affiliation or could be construed as sexual in nature must be covered.

Prohibited Clothing:

- Orange tee shirts or orange vests
- Clothing that refers to obscenity, alcohol, drugs, prisons, gangs or sex
- Items with holes, rips, tears or drawstrings
- Low cut shirts and blouses
- Sheer, transparent or mesh fabrics that expose undergarments through the fabric
- Tight fitting clothing
- Shorts, cut offs, halter tops, tank tops, sleeveless blouses or shirts
- Camouflage or fatigue clothing
- Any item considered to be a threat to the security and safety of offenders, visitors or staff, as determined by the Superintendent or designee

Always follow the OSHA/WISHA WAC's regarding protection and clothing. (296-155)

Search Policies (Please read the attached policy DOC 420.340)

Search policies are given to everyone applying for clearance. The acknowledgment form must be signed and sent in with the application. Clearance applications cannot be processed without the search acknowledgment form.

Note: The acknowledgement form is a legal document and as such, can not be altered.

All visitors, staff, contractors and volunteers are subject to search in order to maintain the safety and security of the institution.

If a person refuses a search, access to the facility may be denied for a period of 90 days for a first-time refusal. A second refusal may result in permanent denial of access. This includes all forms of searches, i.e. container, vehicle, metal detector, etc.

Vehicle Search (WSP 420.330) – "An interior and exterior inspection of a vehicle entering and leaving the secure grounds/perimeter of a correctional facility; or a visual, exterior-only inspection of vehicles parked in a state-owned parking lot which is outside the secured perimeter of a facility."
"The owner or driver of a vehicle shall be present during the search of a vehicle entering the secured grounds/perimeter of the facility. The owner or driver shall shut off the vehicle engine and the driver and occupants (except inmate transport vehicles) shall be out of the vehicle during the search."

A vehicle search shall include, but not be limited to, a search:

- Under the hood, seats, and floor mats
- Inside the glove-box, ashtrays, consoles and door pouches
- Inside the trunk and any tire carriers
- A container search of all items being transported

The searching staff will ensure that any vehicle entering the facility has none of the following:

- Firearms
- Ammunition
- Chemical agents
- Flammable items
- Weapons
- Alcoholic beverages
- Jacks
- Illegal drugs
- Cell phones and/or other wireless electronic devices
- And/or other items that may be used to cause serious injury or escape on board before allowing entry

---

Tool Inventories (DOC 420.500)

All tools will be inventoried daily upon arrival and departure. (Check with your RFP/spec book for details regarding your construction area.) Only bring with you the tools you'll need to work with for that day. This will help the inventory and search procedures move quicker and more smoothly.

Communication with offenders

Communication with offenders should be avoided at all times. If an offender wishes to engage in conversation, refer him to your escorting officer.

If you see or suspect suspicious behavior, an escape or if you feel threatened by an offender, immediately report this to your escort and/or the nearest WSP staff member.

Any emergency should be reported to your escort or the nearest WSP staff member. If you are near an institutional telephone, the on-site emergency number is #333.

Sexual Misconduct with Offenders (DOC 490.800)

Law S. 1435, the "Prison Rape Elimination Act of 2003. Statement by the President:
Today, I have signed into Law S. 1435, the "Prison Rape Elimination Act of 2003."
The Act provides for analysis of the incidence and effects of prison rape in Federal, State and local institutions, and for information, resources, recommendations and funding to protect individuals from prison rape ... GEORGE W BUSH, THE WHITE HOUSE; September 4, 2003.

Washington State Department of Corrections (DOC) policy specifically forbids any activity associated with or that promotes acts of sexual conduct, including sexual harassment between offenders and DOC staff. In this definition, staff includes; vendors, contractors and volunteers of the DOC as well as staff from other federal, state, or local jurisdictions. An "offender" means someone incarcerated in a correctional facility or under supervision in the community.

Inappropriate Conduct
Misconduct includes:

- Sharing personal information with an offender
- Exchanging romantic letters or phone calls
- Sexual involvement, including touching or penetration.

Sexual Misconduct
Sexual Misconduct can be defined as behavior of a sexual nature. The result is a breach of the professional relationship that exists between staff and an offender. Sexual misconduct distinctly alters the boundary between professional roles and personal relationships - personal elements are then introduced into what should be a sex-neutral situation. Forms of sexual misconduct include, but are not limited to:

- Attempts to engage in a sexual act with any offender's genitalia, anus, groin, breast, inner thigh, and/or buttocks with the intent to abuse, humiliate, harass.
- Any solicitation of sexual activity through promises of favors and/or threatening an offender for refusing sexual advances.
- Invasion of privacy beyond what is reasonably necessary for safety and security, including disrespectful, unduly familiar, or threatening comments made to offenders.

Sexual misconduct, including sexual harassment, is a serious offense - and is against the law.

Depending on the investigation findings of an alleged incident, disciplinary action may result in dismissal and the advanced possibility of criminal charges. In addition, persons accused of sexual harassment in civil or criminal proceedings may be held personally liable for damages to the person harassed.

Sexual misconduct can take many forms, including but not limited to:

- Sexual comments about one's body.
- Repeated staring, comments, and/or propositions of a sexual nature.
- Conversations filled with sexually suggestive innuendoes or double meanings.
- Display or transmittal of sexually suggestive posters, objects, or messages.
- Demands for acts of a sexual nature.
- Physical sexual assault.
- Request for sex in exchange for favors.

Sexual harassment is any sexual behavior that adversely affects an offender's environment as it pertains to his/her responsibilities of incarceration or supervision. It can occur without conscious intent and is not limited to explicit demands for sex.

Sexual misconduct and sexual harassment are an abuse of power. No one can predict when romantic or sexual feelings will occur between two people, but acting on those feelings by becoming involved with an offender is unprofessional and unacceptable conduct.

As a DOC vendor, contractor or volunteer, your designated assignments place you in a position of authority over the offenders with whom you interact in a professional capacity. It is not possible to have a relationship as equals because you have a responsibility to maintain custody, evaluate work performance, and/or provide input to issues that affect release dates, return to prison, or other sanctions.

<u>Some other things to consider</u>

- Amorous or sexual relationships with an offender are seldom a secret. Such behavior will undermine your professional career by subjecting you to disrespect and manipulation from other offenders that may be aware of your situation.
- Once in a relationship, professional judgment becomes clouded and the normal defenses that exist to protect you will be compromised. When acting on emotions, you may take actions that would otherwise be considered inappropriate in a correctional environment (either in custody or in the community).
- Others will be judging your decisions for professionalism and trustworthiness. Your conduct and the decisions you make reflect not only on your own reputation, but also on that of your peers and the agency you represent.
- Romantic or sexual relationships often end with bitter feelings. If this occurs, you may be vulnerable to a host of problems-such as loss of respect from your peers, a damaged reputation, and loss of employment.
- Engaging in any form of over-familiar activity with an offender is unprofessional conduct and in violation of department policy.

A special note to persons in positions of power

Amorous or sexual relationships are inappropriate and illegal when they occur between an offender and any staff member. Offenders depend upon staff to provide for their board and care, ensure their safety, address their health care needs, supervise their work and conduct, and act as role models for socially-acceptable conduct.

Because of the difference in power between offenders and staff, vendors, contractors and volunteers, there can never be a consensual relationship between the two entities. Here are some factors to consider.

Some offenders have a history of victimization, particularly in their formative years, which may make them especially vulnerable to the sexual overtures of persons in positions of authority. Their perception of affection/love may be skewed by this background of abuse, making it impossible for them to refuse advances of a staff member.

In some instances, particularly for female offenders, their survival in the community has been directly related to using their sexuality to obtain the means to support themselves. Coupled with low self-esteem, this carries over into their conduct in prison and while under community supervision.

Occasionally an offender tries to use sex to improve his/her standing or circumstances (e.g., better job, avoid disciplinary action, affect a release plan, gain privileges, etc.). However, as the person in authority, it is your responsibility to discourage, refuse and report any overtures as well as maintain professional boundaries at all times.

Your personal and professional reputation may be jeopardized because of unprofessional conduct. Your effectiveness as agents of the DOC, your careers, and even your family can be negatively impacted or destroyed.

Boundaries in relationships can be difficult. If you question your professional boundaries with an offender or feel uncomfortable with his/her actions or advances toward you, talk to another person you respect and bring this matter to the attention of a DOC employee before it gets out of control.

Incident Identification

You may become aware of a sexual assault in one of the following ways:

- Discover an assault in progress
- Offender reports an assault
- Suspected or you may hear of an offender being threatened with assault or rumored to have been assaulted

Consequences

There are serious consequences for any person found to be in violation of the Washington State Statutes or PREA to include:

- Suspension/termination of visitor/contractor privileges
- Misdemeanor or felony conviction
- Jail or prison

Report- Report-Report!

If you suspect an assault involving offenders, staff, venders, volunteers and/or visitors, notify a DOC employee immediately, i.e. your escorting officer!

For Questions

If you have general questions regarding PREA, call 360-725-8200.
State of Washington Department of Corrections
www.docl.wa.gov P297 11/26/05

WASHINGTON STATE PENITENTIARY

FACILITY CLEARANCE APPLICATION FORM

Please fill out completely and print or type information legibly.

NAME: _____
LAST FIRST MIDDLE (Full)

SEX: _____ RACE: _____

HAIR COLOR: _____ EYE COLOR: _____ HEIGHT: _____ WEIGHT: _____

SOCIAL SECURITY #: _____ DATE OF BIRTH: _____

DRIVER'S LICENSE NUMBER: _____
STATE

PLACE OF BIRTH: _____
STATE OR COUNTRY if not born in USA

MAIDEN NAME OR ALIAS: _____

Do you have a criminal history? Yes or No, Convicted felon: Yes or No, Other: _____

Are any friends or family members incarcerated? If so;

What is their name: _____

What is their relationship to you: _____

Where are they housed: _____

EMPLOYER'S NAME: _____

EMPLOYER'S ADDRESS: _____

_____

EMPLOYER'S PHONE #: _____ FAX #: _____

PURPOSE OF ACCESS: _____

PROJECT or LOCATION OF ACCESS: _____

DATE OF ACCESS: _____ DURATION: _____

- By signing, I declare that all information given on this form is true and accurate.

Signed _____

Department of Corrections
Washington State Penitentiary

ACKNOWLEDGEMENT OF RECEIPT OF WSP CONTRACTOR ORIENTATION PACKET

I acknowledge that I have received the WSP contractor orientation packet addressing:

- Facility clearance and access
- WSP ID Badges
- Security issues
- Contraband
- Wireless device policy
- Dress standards
- Search Policy
- Tool Inventory
- Offender contact/communication
- Sexual misconduct with offenders. (PREA)

I agree to become familiar with the packet and have a thorough knowledge and understanding of its contents.

_____
Company Name

_____
Employee Name (Please Print)

_____ _____
Employee Signature Date

Form will be retained by the facility.

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS

ACKNOWLEDGMENT OF VISITOR SEARCH REQUIREMENTS
RECONOCIMIENTO DE LOS REQUISITOS PARA EL REGISTRO DE VISITAS

I HEREBY ACKNOWLEDGE REVIEW of the search POLICY / DIRECTIVE.

I UNDERSTAND that, per DOC requirements, I may be subjected to a "Canine Search," "Container Search," a "Locker Search," "Electronic Search," a "Vehicle Search," a "Pat Search," or a "Strip Search."

I FURTHER UNDERSTAND that I have the option of submitting to the requested search OR of immediately leaving the correctional facility. I understand that if I refuse to submit to a search, which is properly authorized, I will be escorted from the facility, and that law enforcement will be notified of any suspected criminal activity.

I FURTHER UNDERSTAND that if I opt to leave the facility without having been searched, I may be subject to denial of entrance to the facility for a period of 90 days. A second refusal to be searched may result in permanent denial of access.

I ALSO UNDERSTAND that if I am searched and found to be in possession of contraband, I may be subject to permanent denial of access. I may also be requested to remain in the immediate area of contraband discovery pending the arrival of law enforcement.

POR LO PRESENTE, RECONOZCO QUE HE REVISADO la poliza / directiva de registros.

YO COMPRENDO QUE DE ACUERDO A LOS REQUISITOS DE DOC, yo puedo ser sometida/o a una "Busqueda Canina," "Busqueda de Recipientes," una "Busqueda de Armario," "Busqueda Electronica," una "Busqueda de Vehiculo," una "Busqueda Oportuna," o un "Despojo para Busqueda."

YO ADEMAS COMPRENDO que yo tengo la opcion de someterme a la busqueda pedida o de immediatamente dejar la facilidad correcional. Yo comprendo que si yo rehuso someterme a una busqueda que es autorizada adecuadamente, que yo sere escoltado desde la facilidad, y que las autoridades judiciales se notificaran de cualquier actividad delictiva sospechada.

YO ADEMAS COMPRENDO que si yo opto por salir de la facilidad sin haber sido buscado, yo puedo estar sujeto a la negacion de entrada a la facilidad por un periodo de 90 dias. Un segundo rechazo para ser buscado puede resultar en negacion permanente de acceso.

YO TAMBIEN COMPRENDO que si yo soy buscado y encontrado de estar en la posesion de contrabando, yo puedo estar sujeto a la negacion permanente de acceso. Yo puedo tambien ser pedido permanecer en el area immediata del descubrimiento de contrabando pendiente la llegada de la justicia local.

Signature of Applicant	Printed Name	Date / Fecha

Receiving Staff	Date

Distribution: Retained by Facility
DOC 03-060 E/S (Rev. 01/17/03) OCO/POL DOC 450.300 DOC 420.340

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; RCW 72.02; RCW 72.09.650; DOC 410.320 Bombs, Bomb Threats, and Suspicious Objects; DOC 420.250 Use of Restraints; DOC 420.330 Searches of Vehicles; DOC 420.360 Searches by Canines; DOC 420.375 Contraband and Evidence Handling; DOC 450.300 Visits for Prison Offenders; DOC 890.600 Bloodborne Pathogens Employee Protection

POLICY:

I. The Department requires searches of volunteers, contractors and vendors and their agents/employees, and other facility visitors on facility grounds. Searches will be conducted as needed to enhance the security and safety of staff, offenders, and the public by minimizing the introduction of contraband into Department facilities.

II. The Department may detain visitors who enter correctional facility grounds when it appears the visitor has committed or is attempting to commit a crime on facility grounds.

DIRECTIVE:

I. Searching Visitors

A. Notification

1. Notices will be clearly posted along facility perimeter boundaries and at all entrances to inform all persons that they are subject to search.

2. The person(s) to be searched must be informed of the type of search to be conducted and the consequences of refusing a search.

a. When a group has applied and been approved for a tour of a facility, the Superintendent may determine in advance whether tour group members will be searched and the type of search(es) to be conducted. This decision will be communicated to the public access staff and to the staff escorting the tour.

3. All facility visitors will be provided the opportunity to read this policy.

a. For tour groups, a copy of this policy will be provided to the tour sponsor.

4. Each facility visitor must sign DOC 21-575 Acknowledgment of Visitor Search Requirements the first time they enter a facility. The form will be retained by the facility and a copy may be given to the visitor upon request.

5. If a person refuses a search, s/he will be escorted from the facility and law enforcement may be notified of any suspected criminal activity. Persons refusing to be searched may be denied access to the facility for a period of 90 days. A second refusal may result in permanent denial of access.

B. Searches

1. Electronic Search

   a. Facility visitors may be subjected to a scan by a hand-held or stationary electronic detector.

2. Container Search

   a. Handbags, briefcases, or any other containers brought in by facility visitors will be searched. These searches may be conducted in a public area.

      1) The person will be present during such a search, unless ownership cannot be established and there is a compelling security reason for proceeding with the search. Items of unknown ownership should be handled as suspicious objects per DOC 410.320 Bombs, Bomb Threats, and Suspicious Objects.

      2) A container search may be conducted or supplemented by a canine search.

3. Pat Search

   a. Pat searches may be conducted in a public area by a correctional staff of the same gender as the person being searched. A pat search may include:

      1) Removal of the coat, hat, and shoes,

      2) A manual search of clothing and personal effects,

      3) Visual inspection of the nasal passages, hands, hair, ears, and mouth, and

      4) The removal of a hairpiece, hearing aid, and/or dentures. This portion of a pat search must take place in a private area.

b. The pat search of a child in diapers will be accomplished in a private area.

1) The diaper will be removed by the accompanying adult and replaced with a clean diaper that has been searched by staff.

2) A pat search will be conducted on the child and the adult, and all hand carried items will be searched.

4. Locker Search

a. Searches of state provided lockers may be conducted using master keys or combinations owned or controlled by the facility.

b. A locker search does not require the presence of the person using the locker.

c. A canine may be used to conduct or supplement a locker search at any time.

5. Canine Search

a. A canine search of facility visitors may occur per DOC 420.360 Searches by Canines.

b. When a canine has alerted on a person, a pat search of the person will be conducted. A vehicle search may also be conducted.

1) If contraband is not discovered, access to the facility may be permitted. Management strategy for dealing with any remaining suspicion in relation to the immediate visit includes:

a) Assigning staff to escort the person(s),

b) Seating the visitor and offender directly in front of visit room staff, and/or

c) Non-contact visiting.

c. If the canine has alerted on a person or there is specific intelligence information related to the visitor/offender, temporary suspension of the visit is appropriate pending further investigation.

1) Documentation to support the temporary suspension of the visitation will be submitted to the Superintendent the next business day.

d. If contraband is discovered, the contraband procedure portion of this policy applies.

6. Vehicle Search

a. Vehicle searches will be conducted in accordance with DOC 420.330 Searches of Vehicles.

7. Strip Search

a. Facility visitors will not be voluntarily or involuntarily strip searched without the specific, documented approval of the Assistant Secretary for Prisons.

1) Requests for a strip search will only be considered by the Assistant Secretary for Prisons in the most extreme and/or unusual circumstances. At a minimum, reasonable suspicion must be established before the strip search request is forwarded to the Assistant Secretary for Prisons.

2) Strip searches will be conducted by 2 correctional staff of the same gender as the person being searched.

C. Safety Procedure for Searches

1. In compliance with DOC 890.600 Bloodborne Pathogens Employee Protection, staff will wear protective gloves when searching a person, an article, or the surface of any item contaminated with blood or body fluids.

II. Contraband

A. Contraband found during searches will not be permitted inside the facility.

B. If contraband is discovered, the offending person will be denied access pending review by the Superintendent/designee. Any person found to be in possession of any form of contraband may be subject to permanent denial of access.

1. Contraband will be documented and disposed of per DOC 420.375 Contraband and Evidence Handling.

C. Local law enforcement will be notified of criminal activity if a facility visitor is found in possession of contraband that is an illegal item.

III. Detaining Visitors

A. The Shift Supervisor has the authority to detain, search, or remove facility visitors who:

1. Enter or remain within a facility or on the grounds without permission,

2. With probable cause, appear to have committed or are attempting to commit a crime, or

3. Possess contraband.

B. Staff observing the violation or having probable cause to believe that a crime has occurred or is about to occur will notify the Shift Supervisor as soon as possible. Staff will advise the Shift Supervisor of the following:

1. Name of person(s) involved,
2. Location of incident,
3. Nature of incident,
4. Number of offenders involved,
5. Number of staff involved,
6. Number of citizens/visitors involved,
7. Injuries, and
8. Weapons involved.

C. The Shift Supervisor will provide direction to on scene staff and will send additional staff, if necessary.

1. If the violation occurs during visitation, the visit will be terminated and the offender will be removed from the visiting area.

D. The Shift Supervisor will immediately notify local law enforcement.

1. If law enforcement will respond:

a. The Shift Supervisor will direct that the person(s) be detained for law enforcement in a location previously designated by the Superintendent,

b. The person(s) will remain under constant observation until law enforcement arrives and assumes custody,

c. The person(s) will be afforded reasonable accommodations (i.e., restroom, water, etc.) while remaining under constant supervision,

d. The person(s) will be searched as described above,

e. Any contraband that is confiscated will be seized and documented per DOC 420.375 Contraband and Evidence Handling or the policy of the local law enforcement agency. The contraband will be released to the responding law enforcement officer, and

f. If the detainee becomes combative, becomes a threat to him/herself or to staff, or damages property, use of force is authorized ŧ, including restraints, to protect the safety of persons or the security of state property in accordance with DOC 420.250 Use of Restraints. The Shift Supervisor will be notified as soon as practical.

2. If law enforcement will not respond:

a. The person(s) will be searched as described above,

b. Any contraband that is confiscated will be seized and documented per DOC 420.375 Contraband and Evidence Handling and the policy of the local law enforcement agency. The contraband will be stored in a secure evidence locker and released to law enforcement,

c. The person(s) will be advised that the incident has been reported to law enforcement and they will be contacted by that particular agency later, and

d. The person(s) will be escorted to the facility entrance and allowed to leave.

IV. Monitoring and Training

A. All new correctional staff will receive training in effective/proper search techniques and methods of documentation. Training will include:

1. Methodology,
2. Liabilities, and
3. Policy review.

B. This training will be documented in the employee's training record.

C. Supervisors will monitor employee search techniques and provide training to correct any deficiencies.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Illegal Item, Reasonable Suspicion. Other words/terms appearing in this policy may also be defined in the glossary.

ATTACHMENTS:

None

DOC FORMS:

DOC 21-575 Acknowledgment of Visitor Search Requirements

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS	APPLICABILITY **PRISON**		
	REVISION DATE 9/27/07	PAGE NUMBER 2 of 3	NUMBER **DOC 400.030**
POLICY	TITLE **SECURITY GUIDELINES FOR WIRELESS PORTABLE TECHNOLOGY IN FACILITIES**		

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; DOC 280.100 Acceptable Use of Technology; DOC 280.250 Acquisition, Disposal and Licensing of Information Technology; DOC 280.310 Information Technology Security

POLICY:

I. The Department's guidelines for possession and use of wireless portable technology on Prison facility grounds will be followed to maintain order and security, and prevent the introduction of contraband into facilities. The Department will not be liable for loss or damage to any personal items.

DIRECTIVE:

I. Acquisition

A. Wireless portable technology (e.g. cellular telephones, pagers, cameras, video equipment, personal digital assistants (PDA), Palm Pilots, laptop computers, walkie-talkies, etc.) will be acquired per DOC 280.250 Acquisition, Disposal and Licensing of Information Technology.

II. State Issue

A. The Superintendent will designate an individual to maintain tracking of wireless technology in accordance with DOC 280.100 Acceptable Use of Technology.

B. Information pertaining to wireless portable technology will be kept on file with the issuing facility/department to allow for disabling, if necessary.

C. Staff are responsible for returning state issued equipment to the Superintendent/ designee when the equipment is not functioning properly or is no longer needed.

1. Administrative Services staff issued wireless technology through their chain of command will coordinate the return of these devices with the Superintendent/designee.

III. Authorization Within Facilities

A. Prior written approval must be granted by the Superintendent/designee for:

1. Wireless Portable Technology not issued by the Department to be permitted within the secure perimeter of any Prison facility.

2. Cellular telephones, personal or state, to be permitted within the secure perimeter of Level III or higher facilities.

B. DOC 21-573 Wireless Portable Technology Security Exemption Request will be submitted to the Superintendent to request approval.

1. Upon approval, staff must carry a signed copy of DOC 21-573 Wireless Portable Technology Security Exemption Request with the device authorized within the secure perimeter of their facility.

C. Non-facility Department staff may enter Level II facilities with state issued wireless portable technology. This equipment must be logged in at the external facility checkpoint and logged out upon departure. Individuals bringing items into a facility will be responsible for ensuring they depart the facility with approved items/equipment.

D. Personal communication devices will not be connected to the Department network in any manner, per DOC 280.310 Information Technology Security.

E. If any wireless portable technology is lost, the Shift Commander will be notified immediately and the provider will be notified to disable the device.

1. Administrative Services staff will immediately notify the Shift Commander to maintain facility security, then notify their chain of command.

IV. Contract Staff Use of Personal or Company Owned Computers or Software

A. Use of non-Department cellular telephones, pagers, laptop, and/or software applications must be formally authorized in the contract.

B. To be cleared through control points, contract staff must carry an approved DOC 21-573 Wireless Portable Technology Security Exemption Request to transport a personally owned computer, software, or wireless portable technology to/from their workstation.

DEFINITIONS:

Words/terms appearing in this policy may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

None

DOC FORMS:

DOC 21-573 Wireless Portable Technology Security Exemption Request

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

WIRELESS DEVICE SECURITY EXEMPTION REQUEST

REQUESTOR'S NAME	PHONE NUMBER
SUPERVISOR	PHONE NUMBER

I have reviewed DOC 400.030 Security Guidelines for Wireless Devices in Facilities.
Request to bring the following item(s) on prison facility grounds. **Check all that apply:**

☐ CELLULAR TELEPHONE ☐ PALM PILOT (PDA)

☐ PAGER ☐ LAPTOP COMPUTER

☐ DISCS, CD ROM, DVD ☐ OTHER MEDIA DEVICE _____

Justification / Duration of request:

Requestor Signature	SERVICE PROVIDER NAME AND PHONE NUMBER
CELL PHONE / PAGER NUMBER	DATE OF REQUEST

CAPTAIN APPROVAL: ☐ YES ☐ NO DATE

If **NO**, state reason(s)

SUPERINTENDENT APPROVAL: ☐ YES ☐ NO DATE

If **NO**, state reason(s)

Additional conditions for use:

Distribution: **Original**-Superintendent File **Copy** -Staff Member, Shift Commander, Public Access File

The contents of this document may be eligible for public disclosure. Social Security Numbers are considered confidential information and will be redacted in the event of such a request. This form is governed by Executive Order 00-03, RCW 42.17, and RCW 40.14.

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS	APPLICABILITY **STAFF**		
	REVISION DATE **08/26/08**	PAGE NUMBER **1 of 6**	NUMBER **WSP 150.150**
Washington State Penitentiary **OPERATIONAL MEMORANDUM**	TITLE **FACILITY VISITS AND TOURS**		

REVIEW/REVISION HISTORY:

Effective:	08/12/02	WSP 150.150	Facility Tours
Revised:	01/03/05	WSP 150.150	Facility Tours
Revised:	05/01/06	WSP 150.150	Facility Visits and Tours
Revised:	05/02/07	WSP 150.150	Facility Visits and Tours
Revised:	08/26/08	WSP 150.150	Facility Visits and Tours

SUMMARY OF REVISION/REVIEW:

Added Facility Clearance Procedures as an attachment. Minor changes throughout. Read Carefully.

APPROVED:

STEPHEN D. SINCLAIR, Superintendent
Washington State Penitentiary

8/26/08
Date Signed

REFERENCES:

DOC 150.150 Visits and Tours of Department Facilities and Offices; DOC 150.100 Public Information and Media Relations; DOC 290.400 Fundraising to Support Charities; DOC 400.100 Reporting of Incidents and Significant Events; DOC 420.340 Searches of Facility Visitors; WSP 150.100 Public and Media Relations.

OPERATIONAL MEMORANDUM:

I. The Washington State Penitentiary (WSP) may allow individuals and groups to visit or tour the facility. Tours of the facility will be limited to law enforcement representatives, judicial officers/representatives, and college groups directly involved in a criminal justice/corrections class or program unless authorized by the Superintendent/designee. General public tours will not be authorized.

II. This Operational Memorandum does not pertain to inmate personal visits.

III. The Public Information/Legal Liaison Office (PIO/LLO) will coordinate facility tours.

IV. Personal tours for staff family/friends will generally be limited to the facility open house. However, an Associate Superintendent may authorize an individual tour for a staff member's family/friends. The requirements Facility Clearance Procedures (Attachment 3) will be followed. The staff member may be expected to conduct the tour during their non-working hours.

PROCEDURE:

I. General Information

A. During normal business hours, unannounced visits (e.g., health inspectors, fire department, Labor and Industries, etc.) will be referred to the Superintendent/ designee and assigned to the appropriate staff person. The Duty Officer will be contacted during non-business hours.

B. All facility initiated requests to city, county, state or federal elected and/or appointed officials for speaking engagements and/or to tour the Penitentiary must come through the Office of the Secretary.

C. Visits involving state or federal elected and/or appointed officials will be coordinated through the chain of command up to the Office of the Secretary, as appropriate.

D. News media access will be handled in accordance with WSP 150.100 Public and Media Relations.

E. Businesses or charities wishing to solicit at WSP will be handled per DOC 290.400 Fundraising to Support Charities.

F. Persons under the age of 18 will not be allowed to enter the secure perimeter of the facility.

G. Minors are not authorized in the offices or administrative section of the facility except for:

1. High school students who work for the Department through an Intern or Work Study Program.

2. Mentoring (when approved by the Superintendent).

3. Staff's children, grandchildren, or other approved individuals for special events, such as Take your Daughter or Son to Work Day.

4. Staff's relatives or friends for a brief duration, for instances such as meeting for lunch, stopping by to connect after school or work, or special events.

II. Approval Process

A. Visit/tour requests must be pre-arranged and pre-approved.

B. The individual/group requesting a tour must submit a written request to the PIO/LLO/designee at least 3 weeks prior to the planned tour. The request must include the purpose of the visit.

C. When a request has been received and the tour approved, the PIO/LLO/designee will send the requestor the following:

1. Clothing Standards for Tour Participants (Attachment 1);

2. Confirmation letter (Attachment 2); and,

3. Facility Clearance form.

D. At least 2 weeks in advance of the scheduled tour, the requestor must submit a Facility Clearance form for each tour participant. No other type of list or form will be accepted.

III. Background Checks

A. A National Crime Information Center (NCIC)/Washington Crime Information Center (WACIC) check will be conducted on all members of groups/tours involved in access to any area of the facility in accordance Facility Clearance Procedures (Attachment 3).

1. A facility Captain may approve a person to enter facility grounds outside the secure perimeter without a background check.

B. NCIC/WACIC checks will not be required for visitors from the following agencies:

2. Commissioned law enforcement officers
3. Immigration and Customs Enforcement (ICE);
4. Attorney General;
5. Fire and ambulance personnel;
6. Consulate staff;
7. Department employees;
8. Indeterminate Sentence Review Board (ISRB);
9. Elected officials and their staff;
10. Other government agency employees provided they have current/validated status (i.e. Labor and Industries, Department of Health, etc.); and
11. Other individuals as deemed appropriate by the Superintendent/designee.

IV. Searches

A. When a group has applied and been approved for a tour, a copy of DOC 420.340 Searching and Detaining Facility Visitors will be provided to the tour sponsor.

B. All visitors are subject to search in accordance with DOC 420.340 Searching and Detaining Facility Visitors. A visitor has the option of refusing to be searched. Refusal to be searched will result in the visitor being denied access to the facility.

1. The Superintendent may determine in advance whether tour group members will be searched. This decision will be communicated to Public

Access staff and the escorting staff members through the LLO/PIO's Office.

2. Tour participants are not required to sign DOC 03-060 Acknowledgement of Visitor Search Requirements, unless an actual search will take place.

C. Tour group members may be required to clear metal detectors throughout the facility.

D. Tour group members may not bring personal property other than their picture identification. All other property must be left in their vehicles or locked in a locker prior to the tour. Approval for any carry in items will be considered on a case by case basis. These items are subject to search.

V. Tour Guidelines

A. Each visitor must provide current photo identification.

B. To the extent possible, the tour will be conducted in a manner that does not disrupt the regular activities of the areas being toured.

C. Tour groups will be limited to a total of 20 individuals.

1. Groups consisting of 10 people or less may have a single staff tour guide.

2. Groups consisting of 10 or more individuals must have 2 staff tour guides.

3. The staff person(s) assigned to conduct the tour must remain with the group at all times.

4. Normally, the tour group will visit a living unit, recreation area and correctional industries area.

D. Due to the increased number of tour requests from colleges/universities and limited staff resources, only one such tour per week will be scheduled on a first come, first served basis. College/university tours will be conducted on the following days/times:

1. Monday – 1:00 p.m. to 2:30 p.m.

2. Wednesday – 9:00 a.m. to 10:30 a.m.

3. Thursday – 9:00 a.m. to 10:30 a.m.

E. The housing unit to be visited will be notified of the scheduled tour. It will be the responsibility of the Unit Manager/designee to provide the inmates with advance notice of the tour.

F. The Superintendent may authorize exceptions to the tour group requirements.

DEFINITIONS:

Words/terms appearing in this operational memorandum may be defined in the glossary section of the Policy Manual.

ATTACHMENTS:

Clothing Standards for Tour Participants (Attachment 1)
Confirmation Letter (sample) (Attachment 2)
Facility Clearance Procedures (Attachment 3)

FORMS:

DOC 03-060 Acknowledgement of Visitor Search Requirements
WSP 21-420 WSP Facility Clearance Form
WSP 21-421 WSP Facility Clearance Memo

WASHINGTON STATE PENITENTIARY
CLOTHING STANDARDS FOR TOUR PARTICIPANTS

The following clothing items are prohibited when participating in a tour:

1. Items with holes, rips, tears, quilted, or with drawstrings.

2. Low cut (exposing undergarment, cleavage, back, stomach) or shirt/blouses with full zippers.

3. Sheer, transparent or mesh fabrics (other than hosiery) that is see-through or that exposes undergarments through the fabric.

4. Tight fitting clothing (i.e., spandex, lycra or other rubberized or elasticized garments). We must be able to search your pockets comfortably.

5. Clothing that refers to obscenity, alcohol, drugs, prison, gangs or sex in any form.

6. Culottes, shorts, cut-offs, halter tops, tank tops, oversized or sleeveless blouses or shirts.

7. Cargo, stir-up, jogging, baggy, overly long, deep pocketed pants or any pants with elastic closures at the bottom of the leg. All pockets must be easily searched.

8. Thongs or shower shoes.

9. Dresses or skirts with hemlines higher than the bottom of the knee.

10. Wrap around clothing with full length openings or skirts too tight to allow officers to easily search the inner leg. No button down skirts or dresses.

11. Camouflage or fatigue clothing.

12. Bibbed attire or jumpers.

13. Money belts or belts with compartments.

14. Excessive jewelry or non-searchable jewelry styles. (No more than 2 rings on each hand, 2 necklaces, 2 bracelets, one watch and 2 pair of earrings.) No lockets or pins. No non-prescription sunglasses.

15. Shirts or blouses that are longer than hip length must be tucked into pants/skirt. Shirts and blouses must be long enough to ensure no skin is exposed with arms raised.

16. Headgear or excessive hair ornamentation (unless medically required and written verification is provided, or part of a religious practice).

17. Any item considered to be a threat to the security and safety of inmates, visitors or staff as determined by the Superintendent/designee.

STATE OF WASHINGTON

DEPARTMENT OF CORRECTIONS

WASHINGTON STATE PENITENTIARY

1313 N. 13th Avenue – Walla Walla, Washington 99362

DATE:

TO:

FROM:

SUBJECT:

Attached is a Facility Clearance form for access to the Penitentiary. Each tour participant *must* completely and legibly fill out the marked portion of the clearance form. It is imperative that the full legal name of the tour participant is given as it appears on their birth certificate (e.g., Robert, not Bob; Catherine, not Cathy) including the persons full middle name – not just an initial. I also need any other last name used (e.g., maiden name, previous married name, etc.). Please feel free to make copies as needed. DO NOT submit any other type of form or list of tour participants. The clearance forms can either be faxed or mailed back to me. They must be received by to facilitate timely background checks. No additional names may be added to the tour after .

Occasionally, a person is denied access to the Penitentiary based on the background check. The Captain approves/denies access based on some of the following reasons:

Conviction of a felony;
Conviction of a gross misdemeanor (depending on what, how long ago and how many);
On probation/community supervision;
Current warrant for arrest (even a missed traffic court date);
Having been an inmate visitor;
A pattern of disregard for the law (e.g., repeated DUI's);
Providing false information on the clearance form.

If one of the tour participants is denied access, you will be notified by telephone. Specific information for the reason of the denial is considered confidential and will not be revealed.

I have your tour scheduled for from to . Tour participants ***must have a current photo identification*** which will be exchanged for a guest badge. Wallets are not permitted. Park in the visitor's parking lot and ensure the vehicle is locked. Keys will be secured in a locker prior to the tour.

Attached are the Clothing Standards for Tour Participants. Tour participants must comply with this standard. Comfortable shoes are recommended due to the amount of walking involved.

FACILITY CLEARANCE PROCEDURES

The secure perimeter is defined as any point beyond the Security Booth, Public Access tunnel, 3 Tower Gate, Minor Control, and inside the Minimum Security Unit.

All potential employees will have a facility clearance completed prior to employment. This will be the responsibility of the hiring supervisor or manager.

I. Controllers

A. The following positions will serve as NCIC Controllers for the facility:

1. Public Access Sergeants (inmate visitors).
2. Administrative Program Manager (tours, official visitors, media).
3. Capital Projects Administrative Secretary (expansion).
4. Correctional Industries Administrative Secretary (vendors and company representatives).
5. Engineers Administrative Secretary (vendors and company representatives).
6. Volunteer Coordinator (volunteers).
7. Human Resources (potential employees).
8. Correctional Records Managers (all others).

II. Background Checks

A. In order to have an individual cleared for entrance into the facility, a WSP 21-420 WSP Facility Clearance Form will be completed and sent to the appropriate Controller.

1. Whenever possible, the Facility Clearance Form will be sent to the Controller 72 hours in advance of the scheduled visit.

2. A WSP 21-421 WSP Facility Clearance Memo should be submitted with the clearance form(s) when appropriate.

B. The Controller will date stamp the form, review it for completeness and assign an Operator to run the background check.

C. The Operator will review their NCIC III Log to determine if the applicant has been previously cleared.

1. If the applicant has been cleared within the past 90 days, the clearance date will be noted on the new clearance memo forwarded to the Captain for signature.

2. If the applicant has *not* been cleared within the past 90 days, the Operator will:

a. Check the Public Access System (PAS) using only the last name in the visitor find field;

1) If a list of names is retrieved, the list will be screened for a possible match. A match will be noted on the WSP 21-420 WSP Facility Clearance Form.

b. Conduct a WASIS/WACIC/NCIC III check;

c. Determine if there are any misdemeanor or felony conviction(s), an outstanding warrant(s) or if the check is clear. If the applicant has an outstanding warrant (hit), the Operator will notify the Intelligence and Investigations Office; and,

d. Enter the applicant's information on the NCIC III Log.

D. Once the background check is completed, the Operator will forward the clearance form(s), background check(s) and clearance memo to the appropriate Captain for approval/denial and signature.

E. The Captain will approve/deny the clearance.

1. If approved, the clearance packet will be returned to the Operator.

2. Denials will be routed through the chain of command when an override is requested.

3. The Superintendent will review and sign any background check that reveals a Felony Conviction.

F. The Clearance Form and background check information will not be maintained and must be destroyed by the Operator after approval/denial.

G. Copies of the signed clearance memo will be distributed by the requestor as indicated on the memo.

III. Guest Badge and Escort Procedures

A. A guest badge will be issued to any official visitor who enters the secure perimeter of WSP.

B. Official visitors will be escorted by a staff member at all times unless other arrangements have been approved by the Superintendent.

WASHINGTON STATE PENITENTIARY

FACILITY CLEARANCE

Date: _____

Requested By: _____ **Department:** _____

Date of Access: _____ **Location of Access:** _____

Purpose/Justification: _____

THIS SECTION MUST BE COMPLETED			
NAME: (Last) (First) (Middle)			
MAIDEN NAME, ALIAS OR NICKNAME(S):			
SEX: M ☐ F ☐	SSN:	DOB: (Month/Day/Year)	
Hair Color:	Eye Color:	Height:	Weight:
Race:	Drivers License #:	State of Issue:	State/Country of Birth:
Do you have a criminal history? Yes ☐ No ☐ Convicted felon: Yes ☐ No ☐ Other:		Do you have any friends or family members who are incarcerated? Yes ☐ No ☐ If yes, who and where?	

NCIC		PAS CHECK		
☐ Clear	☐ Misdemeanor charges/convictions	MI	☐ Clear	☐ Visitor
☐ Warrant	☐ Restraining/no contact order	MSC	☐ Clear	☐ Visitor
☐ Criminal History	☐ Felony charges/convictions	IMU	☐ Clear	☐ Visitor
		MSU	☐ Clear	☐ Visitor

Operator _____ Badge/Position # _____ Date _____

Approvals are good for 90 days from the date of signature

☐ Approved ☐ Denied Captain Date

Denials shall be routed through the chain of command if an override is requested.

☐ Approved ☐ Denied Associate Superintendent _____ Date _____

☐ Approved ☐ Denied Superintendent _____ Date _____

Your social security number is required if you wish to be employed or granted access to this facility. Information received may be shared with other law enforcement agencies when appropriate.

WASHINGTON STATE PENITENTIARY

DATE:

TO:
Correctional Captain

FROM:

SUBJECT: FACILITY CLEARANCE

A security check (PAS and NCIC/WACIC) has been completed and clearance is granted for the following person (attach additional sheets as necessary):

Date of NCIC clearance:

Date(s) of access: Time (if applicable)

Reason for Access:

Location(s) of Access: ☐ East Complex ☐ MI Attorney Visit Room Only
☐ West Complex ☐ MSU ☐ IMU – North ☐ IMU - South

The following staff will provide escort:

Comments:

_____
Captain Signature Date

c: Operator
Appropriate Control Points:
East Complex – Main Gate; Public Access; Security Booth; Master Control, Shift Lieutenant
MSU – Sergeant

West Complex – Pubic Access; Minor Control; 3 Tower Gate, Shift Lieutenant
IMU South – Unit Sergeant
IMU North – Unit Sergeant

STATE OF WASHINGTON
DEPARTMENT OF CORRECTIONS

DENIAL OF DISCLOSURE OF PUBLIC RECORDS

09/04/08
DATE

PERSON REQUESTING DISCLOSURE	ADDRESS
1. TO:	

2. YOUR REQUEST FOR DISCLOSURE OF THE RECORDS IDENTIFIED BELOW HAS BEEN DENIED TO THE EXTENT AND FOR THE REASON(S) SET FORTH BELOW.

DOC 420.500/Revision Date 11/29/07

Specific security information and process that must be protected to ensure the safety and security of a department facility, staff and offenders have been redacted per the following cite(s) from the pages outlined below.

RCW 42.56.420(2) - Those portions of records containing specific and unique vulnerability assessments or specific and unique emergency and escape response plans at a city, county, or state adult or juvenile correctional facility, the public disclosure of which would have a substantial likelihood of threatening the security of a city, county, or state adult or juvenile correctional facility or any individual's safety".

RCW 42.56.240(1) - Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy".

Policy Page(s) - 3, 4, 5, 6
Attachment 2 Page(s) - 1, 2

NAME	TITLE
3. DECIDED BY: Denise Vaughan	Public Disclosure Manager

4. YOU MAY APPEAL THIS DECISION TO Agency Appeals Officer
BY COMPLETING THE APPEAL SECTION OF THIS FORM, AND MAILING THIS ENTIRE FORM, AND ANY ATTACHMENTS THERETO, TO THE ADDRESS SHOWN ON LINE 5.

5. TO:	TITLE: Agency Appeals Officer	ADDRESS Department of Corrections Public Disclosure Appeal Officer PO Box 41114 Olympia, WA 98604-1114

The contents of this document may be eligible for public disclosure.
Social Security Numbers are considered confidential information and will be redacted in the event of such a request.
This form is governed by Executive Order 00-03, RCW 42.56, and RCW 40.14.

6. APPEAL

I APPEAL THE ABOVE DECISION DENYING DISCLOSURE. IT IS INCORRECT BECAUSE:

7. SIGNATURE OF PERSON MAKING APPEAL DATE

INSTRUCTIONS FOR COMPLETING
DOC FORM 05-067 – DENIAL OF DISCLOSURE OF PUBLIC RECORDS

Date Person completing the form will insert the date of the decision of denial in the upper right hand corner in the line provided.

Line 1 Type name and address of the person who requested the disclosure.

Line 2 If the request is denied, in whole or in part:

a. Identify the specific record(s) that will not be disclosed, and

b. Indicate whether the entire record or only part of the record will not be disclosed.

c. Cite the specific statute(s) which exempts or prohibits disclosure, and explain how that statute(s) applies to the record(s) in question.

Line 3 Type in the name of the person denying disclosure and the title of that person, i.e., Records Review Officer or Public Disclosure Coordinator.

Line 4 Type in the title of the person to whom the decision may be appealed. If decided by a Records Review Officer, the appeal is to a Command Review Officer. If decided by a Public Disclosure Coordinator, the appeal is to the Public Disclosure Administrator.

Line 5 Type in the title of the person who would decide the appeal. This will be the same title as appears in Line 4.

Line 6 The person making the appeal will complete Line 6.

Line 7 The person making the appeal will sign here and insert the date of the appeal.

STATE OF WASHINGTON DEPARTMENT OF CORRECTIONS	APPLICABILITY PRISON		
RESTRICTED POLICY	REVISION DATE 11/29/07	PAGE NUMBER 1 of 7	NUMBER DOC 420.500
	TITLE TOOL CONTROL		

REVIEW/REVISION HISTORY:

Effective: 12/27/00
Revised: 11/21/01
Revised: 8/21/06
Revised: 11/29/07

SUMMARY OF REVISION/REVIEW:

II.A.4. - Added to include the Marine Department and shipyard at McNeil Island
II.D. - Added information regarding determining which items are considered tools
III.A.1.a) - Added to indicate markings required for ladders
II.E. - Added to reference DOC 650.055 Needles, Syringes and Hazardous medical and Dental Instruments

APPROVED:

H.W. Clarke

HAROLD W. CLARKE, Secretary
Department of Corrections

10/19/07
Date Signed

Redacted

REFERENCES:

DOC 100.100 is hereby incorporated into this policy; ACA 4-4196; DOC 650.055 Needles, Syringes and Hazardous Medical and Dental Instruments

POLICY:

I. The Department will provide for the safety and security of staff, offenders, and visitors by establishing methods of accountability for the control and use of tools, to include culinary, within the confines of a facility or under the supervision of facility staff. [4-4196]

DIRECTIVE:

I. Responsible Staff

A. The Superintendent will designate a Tool Control Manager, the rank of Captain/ Correctional Program Manager (CPM) or above, responsible for tool control management.

B. The Tool Control Manager may designate a Tool Control Officer(s) responsible for inspection, inventory, and maintenance of tools.

II. Storage and Identification

A. All tools will be stored according to the Tool Control Matrix (Attachment 2). [4-4196]

1. Class A tools are identified in Class A Tool List (Attachment 1). Class A tools will be maintained on tool drawer cut outs or on shadow boards. Class A tools that are too large for a shadow board/cut out will be marked and secured in a designated area.

2. All tools not identified as Class A tools are Class B tools. Class B tools will either be stored on a shadow board or tool drawer cut out, or racked/ organized to be easily visible and inventoried.

3. Shadow boards may not have multiple tools in one spot; however, multiple shadow boards may be used.

4. Racking (i.e., storing multiple, like items together) of tools can only be done with large tools, such as Department of Natural Resources (DNR) tools, grounds tools (e.g., rakes, shovels, polaskis, axes, combies, edgers, etc.), and large or bulky items (e.g., scaffolding, ropes, etc.) in the Marine Department and shipyard at McNeil Island. Racks can be wooden or metal, wall-mounted or free-standing on floor.

B. The Tool Control Manager must approve areas where tools may be stored.

C. The Tool Control Manager will determine storage, supervision, transport, and checkout requirements for removable parts of stationary machinery that are Class A or Class B tools.

D. The Tool Control Manager will determine which items should be considered a tool, based on facility security needs.

E. The management of medical/dental instruments is covered in DOC 650.055 Needles, Syringes and Hazardous Medical and Dental Instruments.

III. Marking

A. Class A and B tools will be etched with a facility and location code.

1. Class A tools will also be color coded red, except where health restrictions prohibit painting.

a) All ladders that are not painted red by the manufacturer will be identified with either a red zip tie or by painting a small yet easily identifiable area red.

B. Each facility will have a list identifying tool codes for work area designations.

IV. Inventory

A. The Tool Control Officer(s) will maintain a perpetual master inventory on DOC 21-515 Tool Control Inventory or electronic version. Electronic versions will be printed out on a [redacted] basis.

B. Work supervisors will maintain a sub-inventory of all tools assigned to individual areas on DOC 21-515 Tool Control Inventory or electronic version. Sub-inventories will be maintained in all storage areas (e.g., tool cribs, tool cabinets, toolboxes, tool drawers, etc.).

1. The area work supervisors will also be responsible for the perpetual accountability of consumable inventory items (e.g., blades for exacto knives, box cutters, window scrapers, hacksaws, chop saws, and drill bits) within their work area.

2. A local process will be established for accountability that addresses exchange, issuance, and the return of all broken/worn out items.

C. Signed and dated copies of all sub-inventories will be forwarded to the Tool Control Officer on the last working day of [redacted]

D. The Tool Control Officer will:

1. Use DOC 21-517 Lost Tool Report and DOC 21-518 Tool Add/Drop to reconcile the current quarter's sub-inventories with the master inventory,
2. Report any discrepancies to the Tool Control Manager and Superintendent/designee, and
3. Initiate an investigation of any and all discrepancies and forward a copy of the results to the Tool Control Manager and Superintendent/designee.

V. Issuing/Checking Out Tools

A. The Tool Control Manager may authorize offenders to work inside a tool crib.

1. Doors to the tool crib must be secured to restrict access when an offender is inside the tool crib.
2. The offender assigned to the tool crib is responsible for accurate logging of all tools, chit placement, and unaccounted for tools.

B. The work supervisor will ensure that all tools are accounted for [redacted] and any time the offender assigned to the tool crib leaves it.

C. DOC 21-514 Work Shop Designation Tool Control – Check Out Sheet must be used to track tool issue and will be filed daily in each work area and maintained per the Records Retention Schedule.

D. Each work supervisor will monitor tool issue and use throughout the day, as identified in the Tool Control Matrix (Attachment 2) under Supervision Requirements.

E. Tools will be transported per the Tool Control Matrix (Attachment 2).

VI. Tool Accountability

A. Each employee responsible for the tools in his/her area will be required to sign DOC 21-516 Daily Tool Accountability, verifying that all tools are accounted for [redacted] The signed form will be filed in each area and maintained per the Records Retention Schedule.

B. The Tool Control Officer will make unscheduled checks of toolboxes, tool cribs, tool cabinets, and other tool storage areas at least once [redacted] to ensure

inventories are accurate and DOC 21-516 Daily Tool Accountability has been completed and signed.

1. Discrepancies noted during unscheduled tool inventory checks will be investigated immediately by the Tool Control Officer and reported to the employee responsible for tools in that area.

2. A report will be submitted to the Tool Control Manager and Superintendent/designee with the results of the investigation.

C. The Tool Control Officer will submit [redacted] report to the Tool Control Manager that contains:

1. Documentation of unscheduled checks of tools storage areas,
2. Adds/drops,
3. Recommendations for additions/deletions to inventories, which includes recommendations for removal of excess tools, and
4. Discrepancies and corrective action initiated.

VII. Unaccounted for Tools

A. When a staff discovers a tool is missing, s/he will immediately:

1. [redacted]
2.
3.
4.
5.

B. The Shift Commander will:

1. [redacted]
2.
3.
4.
5.
6.
7.
8.

C. If the missing tool is not located:

1. The Shift Commander will notify all unit/area supervisors.
2. The work supervisor will submit DOC 21-517 Lost Tool Report to the Tool Control Officer.
3. [redacted]
4. The Shift Commander or Tool Control Manager will ensure appropriate corrective action is initiated.

D. If the tool is recovered:

1. Staff will notify the Shift Commander,
2. The Shift Commander will notify all unit/area supervisors,
3. The Shift Commander will ensure appropriate corrective action is taken, and
4. The Tool Control Officer will submit a report to the Tool Control Manager, summarizing the tool recovery and corrective action taken to minimize the risk of reoccurrence.

VIII. Disposal/Replacement of Tools

A. All new or replacement tools will come in through a central location and be marked and coded prior to being issued.

1. The Tool Control Officer will document the tool on the master DOC 21-515 Tool Control Inventory or electronic version and update sub-inventories at the time of issuance. Electronic versions must be backed up with a paper version.

B. Employees responsible for tools in their area will notify the Tool Control Manager whenever new, upgraded, or significantly different tools are requested. The Tool Control Manager will notify the Tool Control Officer of approved tools.

C. The Tool Control Officer will adjust all inventories and complete DOC 21-518 Tool Add/Drop.

D. The Tool Control Officer will ensure that all broken, worn out, or excess tools are immediately removed from the facility and disposed of properly.

IX. Reassignment

A. When tools are reassigned from one work area to another:

1. The work supervisor dropping the tool from his/her inventory will initiate DOC 21-518 Tool Add/Drop and submit the tools to the Tool Control Officer.

2. The Tool Control Officer will:

   a. Re-etch the tool with the new location code,
   b. Issue the tool to the new location,
   c. Complete DOC 21-518 Tool Add/Drop, adding the tool to the new location, and
   d. Adjust all affected inventories.

X. Personally Owned Tools

A. Personally owned tools are not authorized inside a total confinement facility. All tools required by staff to perform their duties will be provided by the facility.

B. The Tool Control Manager during normal working hours, or the Shift Commander during evenings/weekend/holidays, may authorize contractors and/or specialized technicians to use their own tools.

1. Contractors will complete DOC 21-877 Tool Control Inventory for Contractors to provide an inventory for all tools.

2. Facility staff will check tools against this inventory when the contractor enters and leaves the facility.

DEFINITIONS:

The following words/terms are important to this policy and are defined in the glossary section of the Policy Manual: Class A Tools; Class B Tools; Shadow Board; Tool Crib. Other words/terms appearing in this policy may be defined in the glossary.

ATTACHMENTS:

Class A Tool List (Attachment 1)
Tool Control Matrix (Attachment 2) [4-4196]

DOC FORMS:

DOC 21-514 Work Shop Designation Tool Control – Check Out Sheet
DOC 21-515 Tool Control Inventory
DOC 21-516 Daily Tool Accountability
DOC 21-517 Lost Tool Report
DOC 21-518 Tool Add/Drop
DOC 21-877 Tool Control Inventory for Contractors

CLASS A TOOL LIST

Air Hammer Bits
Any Powder Actuated Fastening Tool
Awl
Axe, single bit and double bit
Band Saw, portable
Blades, all metal cutting, including hacksaw, sawzall
Bolt Cutters
Buffalo Chopper, 3" and 6" blades
Cable and Chain come along
Cable Cutter
Chain Hoists
Chain Saw and Blades
Chains, all
Cleavers, all
Compressed gases over 1 lb.
Core Drilling Machines with Bits
Crimpers, over 12"
Cutter, Maimin
Cutter, Wolf Pacer
Cutters, w/removable blades
Cutters, Wire (capable of cutting 9 gauge fence wire)
Dremel Tools, cord and cordless
Electric Grinder, disc portable
Electric Hammer Drill
Electric Jack Hammers
Fencing Pliers, all
Files, metal cutting type
Gun, Air/Electric Nail
Gun, Air/Electric Staple
Hacksaws
Hammer, Sledge, 4 lbs and over
Hatchet, single and double bit
Hydraulic tools, all portable
Ice Pick
Jacks, all
Knives, all except putty knives
Ladders, 6' and over
Metal concrete cutting bits, over ½" diameter
Pick, Dirt
Pigtails, electrical for grinders

Pipe Wrench, 18" and over
Pitchfork
Polaski
Portable gas Cut Off Saw
Pry Bars, 12" (i.e. wrecking, crow, Pinch)
Puller, Manhole Cover
Ropes
Scaffolding
Screwdriver, all security types
Screwdrivers, over 14"
Serving Fork, 14"
Sharpening Steel
Sickle
Splitting Mauls
Straight Razors

TOOL CONTROL MATRIX

Storage

Level	Class A	Class B
Level 5 – Max	Central tool crib [redacted] Shadow board/tool drawer cutouts/racked [redacted]	Central tool crib [redacted] Shadow board/tool drawer cutouts/racked [redacted]
Level 4 – Close	Tool room or cage [redacted] Shadow board/tool drawer cutouts/racked [redacted]	Tool room/cage/box [redacted] Shadow board/tool drawer cutouts/racked [redacted]
Level 3 – Med	Tool room or cage [redacted] Shadow board/tool drawer cutouts/racked [redacted]	Tool room/cage/box [redacted] Shadow board/tool drawer cutouts/racked [redacted]
Level 2 – Min	Tool room or cage [redacted] Shadow board/tool drawer cutouts/racked [redacted]	Tool room/cage/box [redacted] Shadow board/tool drawer cutouts/racked [redacted]
DNR	Building or vehicle [redacted] Shadow in building only [redacted]	Building or vehicle [redacted] Shadow in building only [redacted]
Off-Site	Tool room or vehicle [redacted] Shadow in building only [redacted]	Tool room or vehicle [redacted] Shadow in building only [redacted]

Supervision Requirements

Level	Class A	Class B
Level 5 – Max	Direct supervision	Direct supervision
Level 4 – Close	Direct supervision	Frequent supervision
Level 3 – Med	Direct supervision	Frequent supervision
Level 2 – Min	Spot check	Spot check
DNR	Spot check	Spot check
Off-Site	Spot check	Spot check

Direct Supervision – The Work Supervisor has direct line of sight or the offender crew is within a visually open shop or a building with restricted access.

Frequent Supervision – The Work Supervisor visually checks the offender(s) using the tool(s) [redacted]

Spot checks – The Work Supervisor visually checks the offender(s) using the tool(s) [redacted]

TOOL CONTROL MATRIX

Issue/Checkout

Level	Class A	Class B
Level 5 – Max	Staff issues to offender	Staff issues to offender
Level 4 – Close	Staff issues to offender	Offender issues to offender
Level 3 – Med	Staff issues to offender	Offender issues to offender
Level 2 – Min	Staff issues to offender	Offender issues to offender
Level 1 – WR	Staff issues to offender	Offender issues to offender
DNR	Staff issues to offender	Offender issues to offender
Off-Site	Staff issues to offender	Offender issues to offender

Transportation of Tools

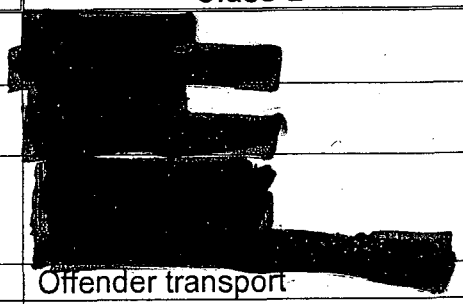
Level	Class A	Class B
Level 5 – Max		
Level 4 – Close		
Level 3 – Med		
Level 2 – Min	Offender transport	Offender transport
DNR	Offender transport	Offender transport
Off-Site	Offender transport	Offender transport

EXHIBIT E

ENVIRONMENTAL COVENANT

After Recording Return
Original Signed Covenant to:
Sandra Treccani
Toxics Cleanup Program
Department of Ecology
4601 N Monroe
Spokane, WA 99205

Environmental Covenant

Grantor: **[**NAME OF THE LANDOWNER OR OTHER GRANTOR**]**
Grantee: State of Washington, Department of Ecology (hereafter "Ecology")
Brief Legal Description: **[**BRIEF LEGAL DESCRIPTION**]**
Tax Parcel Nos.: **[**INSERT TAX PARCEL NUMBERS**]**

RECITALS

a. This document is an environmental (restrictive) covenant (hereafter "Covenant") executed pursuant to the Model Toxics Control Act ("MTCA"), chapter 70.105D RCW, and Uniform Environmental Covenants Act ("UECA"), chapter 64.70 RCW.

b. The Property that is the subject of this Covenant is part or all of a site commonly known as WA DOC Washington State Penitentiary, FSID 779. The Property is legally described in Exhibit A, and illustrated in Exhibit B, both of which are attached (hereafter "Property"). If there are differences between these two Exhibits, the legal description in Exhibit A shall prevail.

c. The Property is the subject of remedial action conducted under MTCA. This Covenant is required because residual contamination remains on the Property after completion of remedial actions. Specifically, the following principal contaminants remain on the Property:

Medium	Principal Contaminants Present
Soil	Chromium, lead, tetrachloroethene, benzo(a)pyrene
Groundwater	Nitrate, chromium, manganese, tetrachloroethene

d. It is the purpose of this Covenant to restrict certain activities and uses of the Property to protect human health and the environment and the integrity of remedial actions conducted at the site. Records describing the extent of residual contamination and remedial actions conducted are available through Ecology.

e. This Covenant grants Ecology certain rights under UECA and as specified in this Covenant. As a Holder of this Covenant under UECA, Ecology has an interest in real property, however, this is not an ownership interest which equates to liability under MTCA or the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601 *et*

seq. The rights of Ecology as an "agency" under UECA, other than its' right as a holder, are not an interest in real property.

COVENANT

[NAME OF LANDOWNER OR OTHER GRANTOR**]**, as Grantor and [FEE SIMPLE, EASEMENT OR OTHER**]** owner of the Property hereby grants to the Washington State Department of Ecology, and its successors and assignees, the following covenants. Furthermore, it is the intent of the Grantor that such covenants shall supersede any prior interests the GRANTOR has in the property and run with the land and be binding on all current and future owners of any portion of, or interest in, the Property.

Section 1. General Restrictions and Requirements.

The following general restrictions and requirements shall apply to the Property:

a. Interference with Remedial Action. The Grantor shall not engage in any activity on the Property that may impact or interfere with the remedial action and any operation, maintenance, inspection or monitoring of that remedial action without prior written approval from Ecology.

b. Protection of Human Health and the Environment. The Grantor shall not engage in any activity on the Property that may threaten continued protection of human health or the environment without prior written approval from Ecology. This includes, but is not limited to, any activity that results in the release of residual contamination that was contained as a part of the remedial action or that exacerbates or creates a new exposure to residual contamination remaining on the Property.

c. Continued Compliance Required. Grantor shall not convey any interest in any portion of the Property without providing for the continued adequate and complete operation, maintenance and monitoring of remedial actions and continued compliance with this Covenant.

d. Leases. Grantor shall restrict any lease for any portion of the Property to uses and activities consistent with this Covenant and notify all lessees of the restrictions on the use of the Property.

e. Preservation of Reference Monuments. Grantor shall make a good faith effort to preserve any reference monuments and boundary markers used to define the areal extent of coverage of this Covenant. Should a monument or marker be damaged or destroyed, Grantor shall have it replaced by a licensed professional surveyor within 30 days of discovery of the damage or destruction.

Section 2. Specific Prohibitions and Requirements.

In addition to the general restrictions in Section 1 of this Covenant, the following additional specific restrictions and requirements shall apply to the Property.

a. Land Use. The remedial action for the Property is based on a cleanup designed for industrial property. As such, the Property shall be used in perpetuity only for industrial uses, as that term is defined in the rules promulgated under Chapter 70.105D RCW. Prohibited uses on the Property include but are not limited to residential uses, childcare facilities, K-12 public or private schools, parks, grazing of animals, growing of food crops, and non-industrial commercial uses.

b. Containment of Soil/Waste Materials. The remedial action for the Property is based on containing contaminated soil under a two caps: the first consisting of 0.7 acres of geotextile barrier overlain by 12 inches of compacted crushed rock, and the second consisting of 0.1 acres of 2.5 inch thick asphalt and located as illustrated in Exhibit B/C. The primary purpose of these caps is

to minimize the potential for contact with contaminated soil and minimize leaching of contaminants to groundwater. As such, the following restrictions shall apply within the area illustrated in Exhibit B/C:

Any activity on the Property that will compromise the integrity of the cap including: drilling; digging; piercing the cap with sampling device, post, stake or similar device; grading; excavation; installation of underground utilities; removal of the cap; or, application of loads in excess of the cap load bearing capacity, is prohibited without prior written approval by Ecology. The Grantor shall report to Ecology within forty-eight (48) hours of the discovery of any damage to the cap. Unless an alternative plan has been approved by Ecology in writing, the Grantor shall promptly repair the damage and submit a report documenting this work to Ecology within thirty (30) days of completing the repairs.

c. Stormwater facilities. To minimize the potential for mobilization of contaminants remaining in the soil on the Property, no stormwater infiltration facilities or ponds shall be constructed within the area of the Property illustrated in Exhibit B/C. All stormwater catch basins, conveyance systems, and other appurtenances located within this area shall be of water-tight construction.

d. Groundwater use. The groundwater beneath the Property remains contaminated and shall not be extracted for any purpose other than temporary construction dewatering, investigation, monitoring or remediation. Drilling of a well for any water supply purpose is strictly prohibited. Groundwater extracted from the Property for any purpose shall be considered potentially contaminated and any discharge of this water shall be done in accordance with state and federal law.

f. Monitoring. Several groundwater monitoring wells are located on the Property to monitor the performance of the remedial action. The Grantor shall maintain clear access to these devices and protect them from damage. The Grantor shall report to Ecology within forty-eight (48) hours of the discovery of any damage to any monitoring device. Unless Ecology approves of an alternative plan in writing, the Grantor shall promptly repair the damage and submit a report documenting this work to Ecology within thirty (30) days of completing the repairs.

Section 3. Access.

a. The Grantor shall maintain clear access to all remedial action components necessary to construct, operate, inspect, monitor and maintain the remedial action.

b. The Grantor freely and voluntarily grants Ecology and its authorized representatives, upon reasonable notice, the right to enter the Property at reasonable times to evaluate the effectiveness of this Covenant and associated remedial actions, and enforce compliance with this Covenant and those actions, including the right to take samples, inspect any remedial actions conducted on the Property, and to inspect related records.

c. No right of access or use by a third party to any portion of the Property is conveyed by this instrument.

Section 4. Notice Requirements.

a. Conveyance of Any Interest. The Grantor, when conveying any interest within the area of the Property described and illustrated in Exhibit B/C, including but not limited to title, easement, leases, and security or other interests, must:

i. Provide written notice to Ecology of the intended conveyance at least thirty (30) days in advance of the conveyance.

ii. Include in the conveying document a notice in substantially the following form, as well as a complete copy of this Covenant:

NOTICE: THIS PROPERTY IS SUBJECT TO AN ENVIRONMENTAL COVENANT GRANTED TO THE WASHINGTON STATE DEPARTMENT OF ECOLOGY ON [DATE] AND RECORDED WITH THE WALLA WALLA COUNTY AUDITOR UNDER RECORDING NUMBER [RECORDING NUMBER]. USES AND ACTIVITIES ON THIS PROPERTY MUST COMPLY WITH THAT COVENANT, A COMPLETE COPY OF WHICH IS ATTACHED TO THIS DOCUMENT.

iii. Unless otherwise agreed to in writing by Ecology, provide Ecology with a complete copy of the executed document within thirty (30) days of the date of execution of such document.

b. Reporting Violations. Should the Grantor become aware of any violation of this Covenant, Grantor shall promptly report such violation in writing to Ecology.

c. Emergencies. For any emergency or significant change in site conditions due to Acts of Nature (for example, flood or fire) resulting in a violation of this Covenant, the Grantor is authorized to respond to such an event in accordance with state and federal law. The Grantor must notify Ecology in writing of the event and response actions planned or taken as soon as practical but no later than within 24 hours of the discovery of the event.

d. Notification procedure. Any required written notice, approval, reporting or other communication shall be personally delivered or sent by first class mail to the following persons. Any change in this contact information shall be submitted in writing to all parties to this Covenant. Upon mutual agreement of the parties to this Covenant, an alternative to personal delivery or first class mail, such as e-mail or other electronic means, may be used for these communications.

[insert contact name, address, phone number and e-mail for Grantor]	Environmental Covenants Coordinator Washington State Department of Ecology Toxics Cleanup Program P.O. Box 47600 Olympia, WA 98504 – 7600 (360) 407-6000 ToxicsCleanupProgramHQ@ecy.wa.gov

Section 5. Modification or Termination.

a. Grantor must provide written notice and obtain approval from Ecology at least sixty (60) days in advance of any proposed activity or use of the Property in a manner that is inconsistent with this Covenant. For any proposal that is inconsistent with this Covenant and permanently modifies an activity or use restriction at the site:

i. Ecology must issue a public notice and provide an opportunity for the public to comment on the proposal; and

ii. If Ecology approves of the proposal, the Covenant must be amended to reflect the change before the activity or use can proceed.

b. If the conditions at the site requiring a Covenant have changed or no longer exist, then the Grantor may submit a request to Ecology that this Covenant be amended or terminated. Any amendment or termination of this Covenant must follow the procedures in MTCA and UECA and any rules promulgated under these chapters.

c. By signing this agreement, per RCW 64.70.100, the original signatories to this agreement, other than Ecology, agree to waive all rights to sign amendments to and termination of this Covenant.

Section 6. Enforcement and Construction.

a. This Covenant is being freely and voluntarily granted by the Grantor.

b. Within ten (10) days of execution of this Covenant, Grantor shall provide Ecology with an original signed Covenant and proof of recording and a copy of the Covenant and proof of recording to others required by RCW 64.70.070.

c. Ecology shall be entitled to enforce the terms of this Covenant by resort to specific performance or legal process. All remedies available in this Covenant shall be in addition to any and all remedies at law or in equity, including MTCA and UECA. Enforcement of the terms of this Covenant shall be at the discretion of Ecology, and any forbearance, delay or omission to exercise its rights under this Covenant in the event of a breach of any term of this Covenant is not a waiver by Ecology of that term or of any subsequent breach of that term, or any other term in this Covenant, or of any rights of Ecology under this Covenant.

d. The Grantor shall be responsible for all costs associated with implementation of this Covenant. Furthermore, the Grantor, upon request by Ecology, shall be obligated to pay for Ecology's costs to process a request for any modification or termination of this Covenant and any approval required by this Covenant.

e. This Covenant shall be liberally construed to meet the intent of MTCA and UECA.

f. The provisions of this Covenant shall be severable. If any provision in this Covenant or its application to any person or circumstance is held invalid, the remainder of this Covenant or its application to any person or circumstance is not affected and shall continue in full force and effect as though such void provision had not been contained herein.

g. A heading used at the beginning of any section or paragraph or exhibit of this Covenant may be used to aid in the interpretation of that section or paragraph or exhibit but does not override the specific requirements in that section or paragraph.

The undersigned Grantor warrants he/she holds the title to the Property and has authority to execute this Covenant.

EXECUTED this _____ day of _____, 20___.

_____ [SIGNATURE] _____

by: _____ [PRINTED NAME] _____

Title: _____

STATE ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** is the _____ of the state agency that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that **he/she** was authorized to execute said instrument for said state agency.

_____
Notary Public in and for the State of Washington

Residing at _____

My appointment expires _____

The Department of Ecology**,** hereby accepts the status as GRANTEE and HOLDER of the above Environmental Covenant.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

_____ [SIGNATURE] _____

by: _____ [PRINTED NAME] _____

Title: _____

Dated: _____

STATE ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** is the _____ of the state agency that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed, for the uses and purposes therein mentioned, and on oath stated that **he/she** was authorized to execute said instrument for said state agency.

_____
Notary Public in and for the State of Washington

Residing at _____

My appointment expires _____

Exhibit A

LEGAL DESCRIPTION

Exhibit B

PROPERTY MAP

Exhibit C

MAP ILLUSTRATING LOCATION OF RESTRICTIONS

INDIVIDUAL ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** is the individual described herein and who executed the within and foregoing instrument and signed the same at **his/her** free and voluntary act and deed for the uses and purposes therein mentioned.

_____
Notary Public in and for the State of Washington
Residing at _____
My appointment expires _____

CORPORATE ACKNOWLEDGMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** is the _____ of the corporation that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that **he/she** was authorized to execute said instrument for said corporation.

_____
Notary Public in and for the State of Washington
Residing at _____
My appointment expires _____

REPRESENTATIVE ACKNOWLEDGEMENT

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** signed this instrument, on oath stated that **he/she** was authorized to execute this instrument, and acknowledged it as the _____ [TYPE OF AUTHORITY] of _____ [NAME OF PARTY BEING REPRESENTED] to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

_____
Notary Public in and for the State of Washington
Residing at _____
My appointment expires _____