



DEPARTMENT OF
ECOLOGY
State of Washington

Response to Comments

**Draft Cleanup Action Plan, Agreed Order,
State Environmental Policy Documents, and
Amended Public Participation Plan for the
Washington Department of Corrections
Washington State Penitentiary**

Facility Site ID: 779

Cleanup Site ID: 4971

Public comment period held:

April 14 – May 16, 2016

Summary of a public comment period and responses to comments

Publication and Contact Information

This document is available on the Washington State Department of Ecology's website at <https://fortress.wa.gov/ecy/gsp/CleanupSiteDocuments.aspx?csid=4971>.

Contacts

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To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 509-329-3546 or visit www.ecy.wa.gov/accessibility.html. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

Toxics Cleanup in Washington State

Accidental spills of dangerous materials and past business practices have contaminated land and water throughout the state. The Washington State Department of Ecology (Ecology) Toxics Cleanup Program works to remedy these situations, which range from cleaning up contamination from leaking underground storage tanks, to large, complex projects requiring engineered solutions.

Contaminated sites in Washington State are cleaned up under the Model Toxics Control Act (MTCA, [Chapter 173-340 Washington Administrative Code](#)), a citizen-mandated law passed in 1989. This law sets standards to ensure toxics cleanup protects human health and the environment and includes opportunities for public input.

Comment Period Summary

Ecology held a 30-day public comment period April 14 through May 16, 2016, for the Washington Department of Corrections (WA DOC) Washington State Penitentiary (Site). During this time, the following draft documents were available for public comment:

- [Agreed Order and Cleanup Action Plan](#)
- [State Environmental Policy Act \(SEPA\) checklist and determination of non-significance \(DNS\)](#)
- [Amended Public Participation Plan](#)

The Agreed Order legally documents that WA DOC will carry out the remedy Ecology selected in the Cleanup Action Plan, which describes how site contamination will be addressed. SEPA requires government agencies to consider the potential environmental impacts of a cleanup before it starts. A DNS means the proposed actions are unlikely to cause a significant adverse impact on the environment. The Public Participation Plan outlines how and when Ecology will inform and engage the public in the cleanup process.

Ecology appreciates the concerns raised in the two comments received, which we address in the Response to Comments section that begins on page 2. After considering the comments, the documents are being finalized without further changes.

Site Background

The Site is located at 1313 N. 13th Avenue, Walla Walla, in Walla Walla County, Washington. The 540-acre penitentiary property opened as a prison in 1887. Various

manufacturing and facility support activities have taken place since then, including 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 products and chemicals. In some cases, hazardous substances were not disposed of properly, leading to environmental contamination.

Ecology is working with WA DOC to clean up volatile organic compounds and metals in soil and groundwater that are located in and around the now closed, eight-acre penitentiary landfill and a former dry cleaning facility. Current waste disposal practices at the prison comply with state regulations.

Index of Comments Received

1. Mr. and Mrs. Richard McCann on April 16, 2016
2. Holly Kroeger on April 25, 2016

Response to Comments

Comments are summarized and responded to below. Please see Appendix A on page 4 for exact copies of the comments as received.

1. Mr. and Mrs. Richard McCann

Comment summary: The letter outlines concerns that the selected remedy represents a temporary solution, and that contaminated soil should be completely removed from the site. The letter also mentions the cost related to ongoing monitoring and the impact to future development if all contaminated soil is not removed.

Response: Ecology generally recognizes that completely removing landfilled material is not feasible. The U.S. Environmental Protection Agency and Ecology use the “presumptive remedy” concept for landfills. This concept means that, for certain types of sites, certain technologies are most appropriate for cleanup. For landfills, capping them in place is considered a presumptive remedy. Given the high volume and uncertain nature of landfilled materials, it is typically unsafe for both on-site workers and off-site populations to dig into them. This risk far outweighs any risks that could come from leaving the waste in place.

Based on our investigations, Ecology determined that the biggest risk from the landfill is the fact that it is uncovered and uncontrolled. Contaminant concentrations in groundwater are below all appropriate health-based standards. Covering the landfill will eliminate the risks from windborne transport of contaminated soil and prevent wildlife from contacting waste. Covering the area near the former dry cleaning facility will prevent precipitation from infiltrating through contaminated soil and prevent direct contact by humans and wildlife.

The costs of ongoing monitoring are quite small compared to the costs of digging up, hauling, and disposing of all the contaminated soil. Current groundwater contaminant concentrations are all below appropriate health-based standards and, once four consecutive monitoring events show contamination remains below these standards, then monitoring will end. Future development potential in this area is limited due to the presence of the penitentiary. Most activities in this area are prohibited. However, the opportunity for limited development, such as parking, is possible, as long as WA DOC works with Ecology to ensure that contaminated soil is still covered and protected.

2. Holly Kroeger

Comment summary: The letter states that the work is not necessary and is an inappropriate use of taxpayer dollars. Additionally, the commenter states that the contaminated soil presents little health risk to people or wildlife due to its location.

Response: Ecology follows the MTCA rule when overseeing contaminated site cleanup. At sites where a release to the environment is documented, Ecology is responsible for ensuring that human health and the environment are protected. We use scientifically accepted, health-based standards for people and wildlife receptors. When contaminants exceed these standards and an exposure pathway exists, then we must take appropriate action.

At the penitentiary, Ecology confirmed that contaminant concentrations in the landfill and around the former dry cleaning facility posed a health risk to receptors. The contamination in shallow soil creates clear human exposure pathways. At the landfill, it is direct contact and wind transport, and at the dry cleaning area, it is direct contact. Despite the rural nature of the site, it is directly proximal to people: employees of the facility and offenders within it. There is also soil contamination in the landfill that exceeds safe levels for wildlife, primarily to burrowing animals. The proposed cleanup actions will prevent these exposures at a reasonable cost to taxpayers.

Appendix A: Comments as Received

Comment 1: Mr. and Mrs. Richard McCann

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Department of Ecology
Eastern Washington Office

1011 S.E. Broadway
College Place, WA 99324
16 April 2016

Sandra Treccani, Ecology Site Manager
4601 N. Monroe St.
Spokane, WA 99205

Dear Ms. Treceanni:

We read with great interest the information sent us regarding the Toxics Cleanup Program at the Washington State Department of Corrections Washington State Penitentiary (Facility Site 779, Cleanup Site 4971), and would like to add our comments.

We feel that none of the proposed cleanup alternatives is a good solution. None addresses the problem that exists: the contaminated soils at the sites.

We feel that all contaminated soil should be removed, and disposed of in accordance with current laws. Although this solution would be costly, it is permanent - not a Band-aid. The cost of cleanup will be borne by the taxpayers anyway; it may as well be done correctly. This also eliminates continuing monitoring of the site, and prepares it for future development.

Sincerely,



Mr. and Mrs. Richard McCann

Comment 2: Holly Kroeger

Treccani, Sandra (ECY)

From: Holly Kroeger <h.l.kroeger@gmail.com>
Sent: Monday, April 25, 2016 8:06 PM
To: Treccani, Sandra (ECY)
Subject: Facility Site Cleanup

I am writing to comment on Facility Site ID: 779, Cleanup Site ID:4971

I am in favor of Alternative 1 - Monitoring Contaminants or Alternative 3 - Take no action. Anything more would be undue hardship on both the taxpayer and our current state governments budget. I hope you will take my concern seriously as I feel we waste a lot of money on things such as this. The area in question is rural and has little to no population that would suffer ill effects. There is not much wildlife of consequence in this area either.

Thank you,
Holly Kroeger