

MEMORANDUM  
DEPARTMENT OF ECOLOGY  
NORTHWEST REGIONAL OFFICE

**Date:** September 30, 2008 (revised May 31, 2011; July 25, 2011)  
**To:** Interested Public  
**From:** Hideo Fujita, Washington State Department of Ecology, NW Regional Office  
Hazardous Waste & Toxics Reduction Program

**Subject:** Responses to public comments on the drafts of the Model Toxics Control Act (MTCA) Consent Decree; Cleanup Action Plan; Focused Remedial Investigation/Feasibility Study; State Environmental Policy Act Checklist; and Restrictive (Environmental) Covenant for the B. S. B. Diversified Company, Inc. property located in Kent, Washington.

The Washington State Department of Ecology (Ecology) Public Comment Period for the following proposed documents was held from April 18, 2008 to May 19, 2008:

1. Draft Consent Decree for B. S. B. Diversified Company, Inc. (BSB).
2. Draft Cleanup Action Plan for BSB.
3. Draft BSB Focused Remedial Investigation /Feasibility Study (RI/FS).
4. Draft State Environmental Policy Act (SEPA) Checklist.
5. Draft Restrictive (Environmental) Covenant.

May 31, 2011 Revision Notes:

Ecology approved the BSB Shallow Aquifer Final remedy on July 14, 2008. Field construction work at the BSB property started August 26, 2009. This field work was stopped on September 30, 2009 when elevated Deep Aquifer groundwater contamination was detected during the dewatering activities during construction excavation work. BSB conducted a supplemental RI to determine the nature and extent of the Deep Aquifer contamination.

The supplemental RI report was completed April 29, 2011. This report concluded that the Parcel G Shallow Aquifer remedy was still the appropriate final remedy. Ecology approved the continuation of the BSB Shallow Aquifer remedy on May 6, 2011. Ecology received additional comments on May 12, 2011 from the Hexcel Corporation (Hexcel) on the BSB final Shallow Aquifer remedy.

July 25, 2011 Revision Notes:

On July 8, 2011 BSB updated Ecology on a design change to the final shallow aquifer remedy. The treated contaminated groundwater will no longer be discharged through a horizontal well system. The treated groundwater will be directly discharged to a King County Wastewater Treat Plant via City of Kent sewer conveyance lines. The July 25, 2011 revision to this Responsiveness Summary addresses the May 12, 2011 Hexcel comments.

This memorandum is organized into the following four sections:

- 1. The proposed actions of the public notice**
- 2. Summary of Ecology's Decisions**
- 3. Background**
- 4. Response to Comments** (revised July 25, 2011)
- 5. Focused RI/FS Approval**
- 6. SEPA Determination of Nonsignificance**

**1. The proposed actions of this public notice included the following:**

Draft BSB Consent Decree

Issuance of a Consent Decree for BSB located at 8202 South 200<sup>th</sup> Street, Kent, Washington (see Figure 1.) The Consent Decree is a legal agreement between BSB and Ecology to ensure an environmental cleanup meets the requirements of the Model Toxics Control Act (the state's cleanup law).



Figure 1. The B.S.B. Diversified Company, Inc. Location.

Draft Cleanup Action Plan for BSB

Public notice of the Cleanup Action Plan (CAP). The CAP is based on the focused Remedial Investigation and Feasibility Study and describes the cleanup chosen for the site.

Draft Focused Remedial Investigation/Feasibility Study, Interim Remedial Action for BSB

Approve the Focused RI/FS. The Focused Remedial Investigation characterizes the environmental conditions such that the Focused Feasibility Study can develop potential cleanup action alternatives for the property. The cleanup action alternative selected includes: installing a subsurface soil/bentonite wall around, and a cap over, all of the Property; and, gradient control across the wall by discharging groundwater from within the containment area to the sanitary sewer system using zero-valent-iron (ZVI) reactor vessels to pre-treat the discharge. The slurry wall will contain the contaminated groundwater, the cap will minimize surface water infiltration, and the ZVI reactor vessels will destroy contaminants in the groundwater that exits the containment cell by pre-treating it to standards prescribed for discharge to the sewer and the publicly owned treatment works, where it will undergo final treatment.

Draft State Environmental Policy Act Checklist

Public notice State Environmental Policy Act (SEPA) checklist, then issue a determination of nonsignificance. The purpose of the SEPA is to identify and evaluate whether there are probable significant adverse environmental impacts of environmental proposals.

Draft Restrictive (Environmental) Covenant

Public notice the Restrictive (Environmental) Covenant (RC). The RC is required because residual concentrations of vinyl chloride, cis 1,2 dichloroethene, and trichloroethene in excess of Model Toxics Control Act Cleanup Level(s) for soil and groundwater will remain on the property after the cleanup action.

**2. Summary of the results of the Public Notice and Ecology’s Decisions**

Draft Consent Decree: Received no comments during the Public Notice Period

Draft Cleanup Action Plan: Received comments, see section 4, Response to Comments

Draft SEPA checklist: Determination of nonsignificance

Draft Focused Remedial Investigation and Focused Feasibility Study: Approved

Draft Restrictive (Environmental) Covenant: Received no comments during the Public Notice

### 3. Background

The BSB 4.2-acre property is currently a fenced, vacant lot that slopes gently to the north (see Figure 2. B.S.B. Diversified Company, Inc.). The area surrounding the property is topographically flat and is zoned "Limited Industrial." The property is bounded on the north by South 200<sup>th</sup> Street and the Hexcel industrial facility. Commercial and industrial park properties are located to the west and south of the property, and the Carr industrial facility is immediately to the east of the property.

A metal finishing and electroplating plant and a composites plant formerly operated on the BSB and neighboring Hexcel properties. During this time, these properties (Parcels A-G) were under common ownership. Parcel G, currently owned by BSB, housed impoundments, lagoons, container storage, and similar units for managing waste, including hazardous waste, through storage and disposal. The wastes contained in some of these units included chlorinated compounds.

Beginning in the early 1980s, waste management activities and associated releases of hazardous substances were investigated and cleanup actions initiated under the federal Resource Conservation and Recovery Act (RCRA). These initial RCRA cleanup actions addressed the metal-related waste and contamination, as well as the primary volatile organic compound (VOC) source area in unsaturated soil, and included the excavation and/or stabilization of metal plating sludges and soils associated with the waste management lagoons, as well as excavation of soils in a former drum handling area that were contaminated with VOCs

By 1988, the storage and disposal units had been closed. Concentrations of chlorinated compounds remain in the subsurface soils and groundwater. Groundwater beneath Parcels A-G is contaminated with chlorinated compounds, including TCE, Vinyl Chloride, and cis-1,2-DCE.

BSB, pursuant to its Post Closure Permit (see below) and a private agreement with Hexcel, installed a groundwater pump-and-treat system designed to 1) capture contaminated groundwater to prevent it from migrating across South 200th Street from Parcel G, 2) capture contaminated groundwater to prevent it from migrating across 84th Avenue from Parcels A-E, now owned by Hexcel, and 3) monitor groundwater conditions at various points. Recovery wells included in this system are located on the BSB and Hexcel properties. On-site treatment under this system terminated in 1995. The system currently pumps groundwater for discharge to and treatment at a King County publicly owned treatment works.

The remaining primary environmental concern at the BSB property is VOCs in groundwater. The Focused Remedial Investigation (RI) includes detailed descriptions of the previous investigations and historical cleanup actions and the Focused Feasibility Study (FS) developed potential cleanup action alternatives for VOCs in groundwater. The RI/FS was prepared to be consistent with the Model Toxics Control Act (WAC 173-340) and provides the necessary documentation for the Washington State Department of Ecology to select the most appropriate cleanup action alternative.

Parcels A through G (originally commonly owned) were operated as a dangerous waste management facility on or after November 19, 1980 (the date facilities became subject to permitting requirements under RCRA, including authorized state regulations promulgated in Chapter 173-303 WAC).

Ecology and EPA jointly issued Post Closure Permit WAD 076655182 (Post Closure Permit) to Hytek (later BSB) under authority of the Washington Hazardous Waste Management Act, Chapter 70.105 RCW, and RCRA. The Post Closure Permit identified the permitted facility as Parcels G and E, with recognition that Parcel E was subject to a pending transfer to Heath Tecna (later Hexcel).

The original Post Closure Permit was issued for an initial ten-year term commencing December 22, 1988. On March 3, 1999, Ecology and EPA issued a letter, still in effect, in which the agencies stated: "The B.S.B. Diversified Post Closure Permit issued jointly by the Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) shall continue in force beyond the expiration date until which time the Post Closure Permit is re-issued."

The Post Closure Permit did not name Heath Tecna and did not define the permitted facility to include Parcels A, B, C, D and F based upon the agencies' acceptance of the private agreement between BSB and Heath Tecna (later Hexcel). A Post Closure Permit assigned groundwater corrective action and monitoring requirements to Parcels A-G, designated a point of compliance at the downgradient property boundary of Parcel G, and required the achievement of concentration limits in groundwater along 84th Avenue South.

There is presently no treatment, storage, or disposal of any dangerous waste at BSB. BSB is conducting corrective actions to correct or clean up past contamination from dangerous wastes.

State dangerous waste regulations require a facility to have a permit until all activities, including corrective actions and final closure, are completed. The corrective action provisions of the original Post Closure Permit remained in effect until replaced by the corrective action provisions of the new Dangerous Waste Corrective Action Permit issued by Ecology on November 10, 2005 (WAD 076655182).

#### **4. Response to Comments**

Comments were received from the following four companies:

Kent Industrial Associates (see attachment: 01\_Kent\_Industrial\_Associates.pdf)

Nelson Trucking (see attachment: 02\_Nelson\_Trucking.pdf)

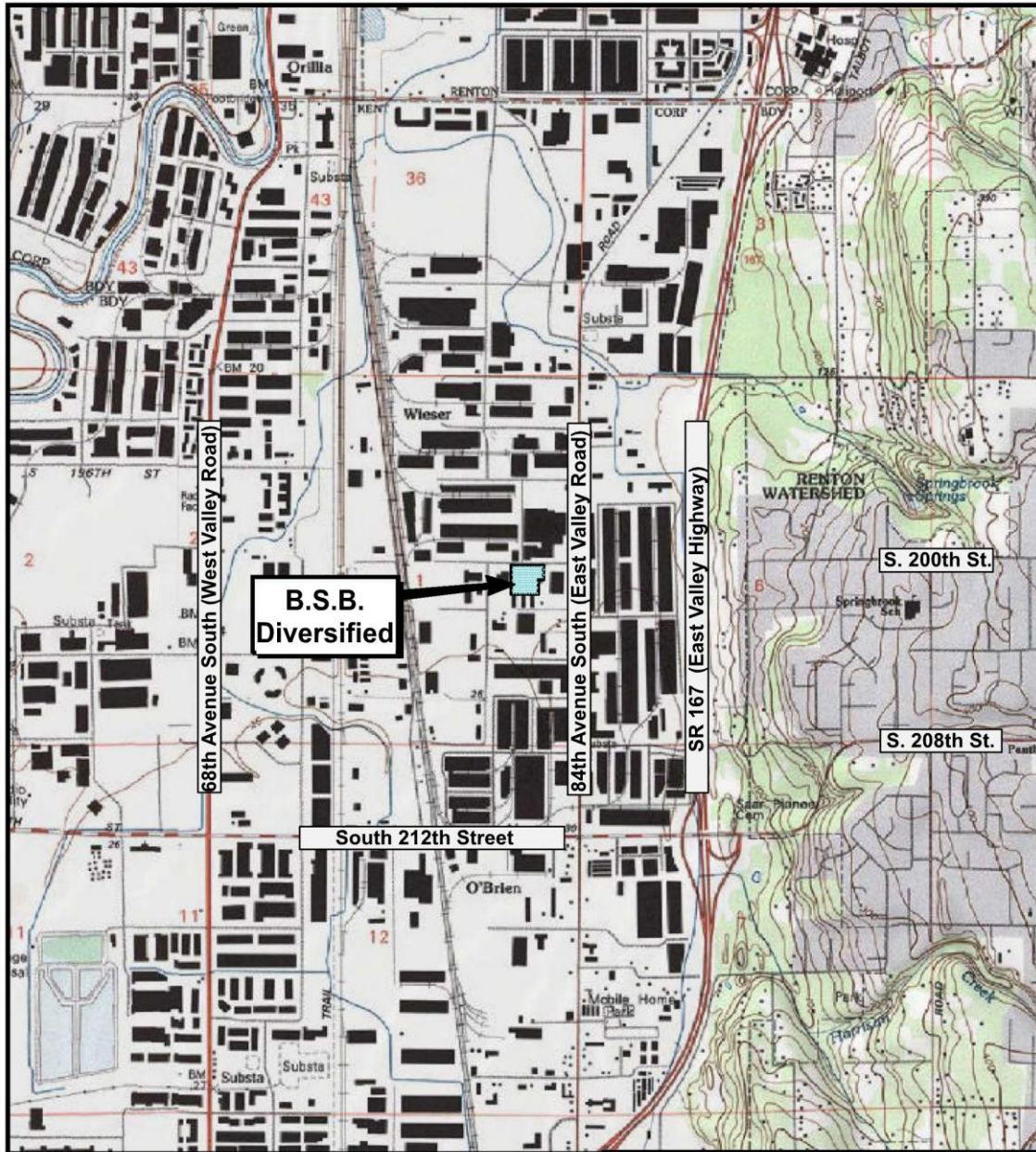
Rottler Manufacturing (see attachment: 03\_Rottler\_Manufacturing.pdf)

Hexcel Corporation (see attachments: 04a\_Hexcel\_Corp.pdf, revised July 12, 2011)

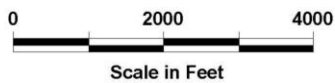
#### **5. Focused RI/FS Approval** (see attachment: 05\_SEPA\_BSB\_DNS.pdf)

#### **6. SEPA Determination of Nonsignificance** (see attachment: 06\_BSB\_FRI-FFS\_approval.pdf)





**Figure 2.**  
**B.S.B. Diversified Company, Inc.**  
 8202 South 200th Street  
 Kent, WA 98032



U.S.G.S. Topo Map - Renton, WA, 7.5-minute quadrangle.1949 revised 1994.



**PES Environmental, Inc.**  
 Engineering & Environmental Services

Site Location Map  
 BSB Property  
 Kent, Washington

827.001.06.002	82700106_1204_fig 1		12/04
JOB NUMBER	DRAWING NUMBER	REVIEWED BY	DATE

**Figure 2 B.S.B. Diversified Company, Inc.**