



DEPARTMENT OF
ECOLOGY
State of Washington

RESPONSIVENESS SUMMARY

Shelton C Street Landfill

February 8 – April 6, 2016 Public Comment Period

Agreed Order

Prepared by
Washington State Department of Ecology
Southwest Regional Office
Toxics Cleanup Program
300 Desmond Drive
Olympia, Washington 98504-7775

September 2016

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Introduction

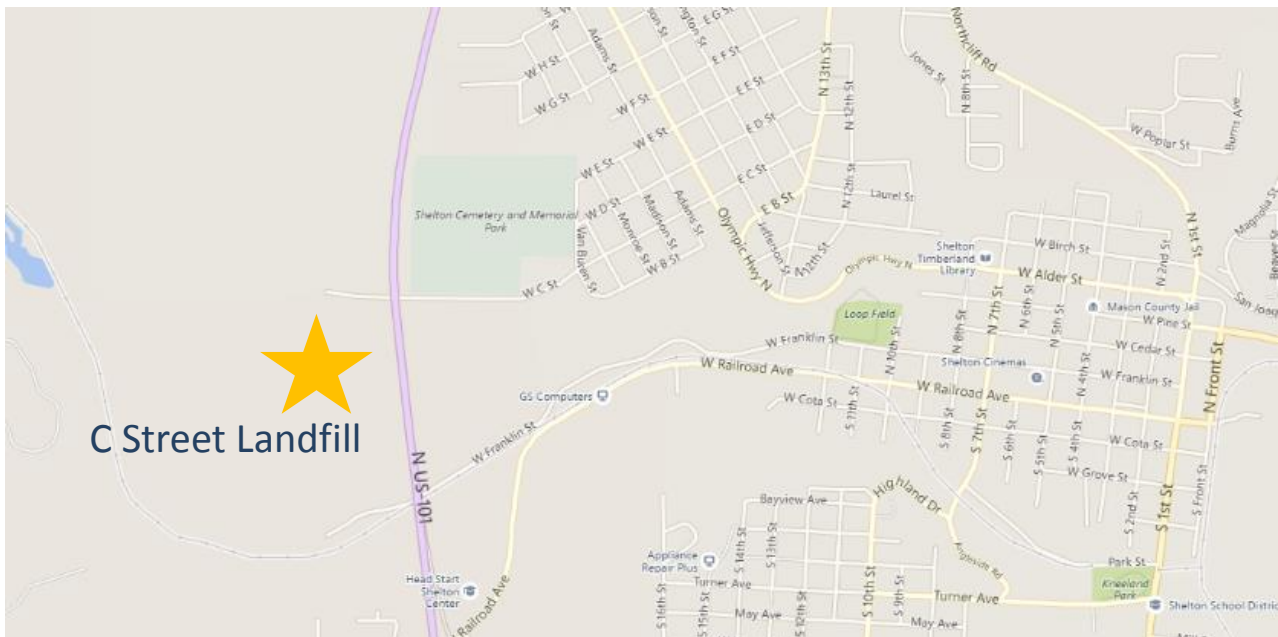
The Department of Ecology (Ecology) held a public comment period February 4 through April 6, 2016, on an Agreed Order for cleanup of the C Street Landfill site. The potentially liable party (PLP) signing the order is the City of Shelton. The following documents were available for public review and comment:

- **Agreed Order**—Requires the PLPs to:
 - Look for the types and extent of contamination on the site through a remedial investigation.
 - Explore cleanup options for the site through a feasibility study.
 - Propose cleanup actions for the site through a draft cleanup action plan.
- **Public Participation Plan** – Describes the tools Ecology will use to inform the public about, and gather input on, the cleanup.

Public comments and Ecology’s responses are summarized in this document.

Site Location

The 16.7 acre C Street Landfill site is located just west of downtown Shelton and U.S. Highway 101.



Format of the Responsiveness Summary

Ecology reviewed and responded to all of the comments we received. We received some comments and questions several times. In those cases, we have grouped and responded to them in the beginning of this responsiveness summary. Otherwise, comments are organized alphabetically by the commenter and individual responses follow.

Some comment letters we received were complex and contained multiple pages. In those cases, an attempt was made to organize the responses to align with specific comments in the letter.

To make the responsiveness summary more accessible and easily downloadable, attachments to comments longer than 5 pages are collected in a separate document, *Attachments to Responsiveness Summary*, available on Ecology's C Street website.

The rest of this responsiveness summary is organized into the following sections:

- Summary of Public Involvement
- List of Commenters
- Acronyms and Abbreviations
- Responses to Common Comments
- Responses to Individual Comments

Summary of Public Involvement

The Model Toxics Control Act (MTCA) mandates public involvement in the site cleanup process. Specifically, Ecology must inform stakeholders and nearby residents of milestone developments in cleanup by posting in Ecology's Site Register, mailing notification to nearby residents, and placing an ad in the most relevant local newspaper. The public comment period for the Agreed Order and Public Participation Plan ran February 4 through April 6, 2016. In addition, the public involvement process included a public meeting and presentations, a public hearing, a fact sheet, and other outreach materials.

Fact Sheets and Other Outreach

Ecology used the following notices to advertise the comment period:

- Fact sheet mailer – Sent to about 140 neighboring residents and stakeholders.
- Email announcement – Sent to about 110 interested residents and stakeholders.
- News release
- Website – <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2295>.
- Other – Post card mailer to announce a public hearing, notices on Ecology's Public Involvement Calendar and Site Register, legal ads in the Mason County Journal, and television and radio interviews.

Public Meetings and Presentations

Ecology hosted a public open house and presentation on February 9, 2016 at the Shelton Civic Center. About 65 people attended the event.

Ecology also hosted a public presentation and formal hearing on March 30, 2016 at the Mason County PUD3 building. About 30 people attended the event.

Contacts

Jason Landskron, Cleanup Project Manager
Washington Department of Ecology
PO Box 47775
Olympia WA 98504-7775
(360) 407-3688
Jason.Landskron@ecy.wa.gov

Megan MacClellan, Public Involvement Coordinator
Washington Department of Ecology
(360) 407-0067
Megan.MacClellan@ecy.wa.gov

List of Commenters

Name	Affiliation	Date
Annette Matriciano		9-Feb
Annette Matriciano		9-Feb
Annette Matriciano		5-Apr
Cherie Dionne		10-Feb
Conley Watson		8-Feb
Conley Watson		18-Feb
Conley Watson		30-Mar
Conley Watson		4-Apr
Constance Ibsen		30-Mar
Erica Marbet	Squaxin Island Tribe	10-Mar
Katherine Price		30-Mar
Kathy McDowell		9-Feb
Larry King		9-Feb
Meredith Crafton	Smith & Lowney	6-Apr
Patricia Vandehey		30-Mar
Robert Cheeseman		3-Mar
Terri Thompson		30-Mar
Terri Thompson		6-Apr
Unknown		22-Feb
Will Durham	Waste Action Project	9-Mar
Will Durham	Waste Action Project	30-Mar
Will Durham	Waste Action Project	4-Apr

Acronyms and Abbreviations

CAP	Cleanup action plan
COCs	Chemicals of concern
Ecology	Washington State Department of Ecology
EPA	United States Environmental Protection Agency
MTCA	Model Toxics Control Act
PAHs	Polycyclic aromatic hydrocarbons
PCBs	Polychlorinated biphenyls
PLPs	Potentially liable persons or parties
RI/FS	Remedial investigation and feasibility study
SAP	Sampling and Analysis Plan
WAC	Washington Administrative Code

Responses to Common Comments

Accuracy of Outreach Materials

Two commenters requested that outreach materials, including the website and fact sheet, be updated to include more information about the history of the C Street Landfill site.

Ecology Response:

Outreach documents such as fact sheets and web content are designed to be brief and, by nature, miss some details of site history.

That said, in response to comments, we have made it clear in Ecology files that the next C Street outreach documents should be updated to include, for example, clearer information about dates of landfill use.

Reliability of Cleanup Timeline

Several commenters expressed concern that the timeline presented in both February and March public meetings was unreliable given the length of time since an Agreed Order has been finalized for the nearby Goose Lake site.

Ecology Response:

The timeline for any cleanup project conducted under the [Model Toxics Cleanup Act](#) is developed with specific goals and standards, yet also includes some potential for flexibility. Item P on page 11 of the Agreed Order¹ shows a summary of the project schedule that any named PLP(s) who have signed the Agreed Order must follow. This schedule is valid except when an extension has been granted by Ecology after a written formal request. Extensions that exceed 90 days are only permissible under three circumstances, detailed in the Agreed Order in Section VIII, Part I.

The Agreed Order does not bind Ecology to any formal timeline to review deliverables prepared by the City. Ecology is committed to be as responsive as possible to expedite the regulatory review of documents. Ecology's Toxics Cleanup Program strives to review documents in timeframes that range between 30 and 90 days after receiving the document, depending on the scope of the deliverable.

For example, the long and complex draft remedial investigation (RI) report is expected to take longer to review than the brief Chemical of Potential Concern memorandum. In addition, document review time can take longer if Ecology or the PLP wish to schedule meetings to discuss potential changes. Often, multiple versions of a document can be drafted during this review period which can also add to the time it takes before a final document is agreed upon by both the PLP and Ecology.

¹ Available for review and download here: <https://fortress.wa.gov/ecy/publications/publications/9406.pdf>.

Other Potentially Liable Parties

Some commenters expressed concern that other entities may be liable for contamination at the C Street Landfill site. They inquired whether Ecology would name additional parties and how that would be handled since they are not signing this agreed order.

Ecology Response:

Ecology has the right and responsibility to name any person or entity a potential liable person as long as they meet the Model Toxics Control Act (MTCA) standard of liability as defined in RCW 70.105D.040. Ecology may name PLPs at any time during the investigation and cleanup process. Currently only the City of Shelton has been named a PLP because they own and operate the parcel encompassing the landfill.

During the process of naming the City as a PLP, Ecology requested that the City identify any other potential parties that may have contributed to the contamination. If Ecology is presented with credible evidence of potential liability, we will evaluate it. That said, our priority is cleaning up contaminated sites and therefore Ecology does not conduct thorough searches to identify all potential liable parties associated with a cleanup site.

In a letter dated January 8, 2015, the City identified the Simpson Timber Company, the Port of Shelton, and Rayonier Pulp and Paper as additional parties that Ecology should consider naming. Ecology is currently discussing whether these additional parties meet the criteria in the regulation cited above. The City can also independently file lawsuits against those parties, in order to recover costs spent on investigation and cleanup, if they believe those other parties significantly contributed to the contamination.

Fencing and Signage

Two commenters expressed concern that the Agreed Order should require fencing around the C Street Landfill site and signage to prevent access to and inform people about potential hazards associated with the site.

Ecology Response:

Maintaining fencing and gates is clearly a public concern. During the next phase of cleanup, while we develop the remedial investigation work plan, we will evaluate what types of access controls seem appropriate.

Comprehensiveness of Remedial Investigation

Several commenters requested assurance that all possible chemicals, given the specific historical uses of the C Street Landfill, be included in the remedial investigation. Particular attention was given to dioxins and water soluble chemicals that could migrate into the groundwater and potentially into Goldsborough Creek.

Commenters expressed concerns about the completeness of historical records Ecology might use to inform the remedial investigation of contaminants at the C Street site.

Ecology Response:

Dioxins have been highlighted in our outreach because we believed that the public was more interested in that chemical family based on correspondence with residents of Shelton over the last several years. However, both the soil and groundwater at the site will be sampled for a broad range of chemicals and metals, not only dioxins. Any contaminant found to exceed state cleanup levels will be cleaned up to be protective of human health and the environment.

While the City is responsible for developing and providing the list of chemicals of concern (COCs), it must be approved by Ecology before it is final. Whether or not a list of the chemicals of concern is acceptable is ultimately the judgement of the Cleanup Project Manager.

What Ecology looks for during the remedial investigation is based on the evidence on hand. The evidence we currently have creates a very broad scope of chemicals of concern. The fact that the site was used as a municipal landfill and a dump site for other types of refuse for decades leads us to test for the presence of several chemical families in addition to dioxins.

The remedial investigation will not be constrained to the property or parcel boundary of the C Street Landfill. Instead, it will define the size of the site based on the contamination we find. In the investigation, we will look at soil and groundwater, and even sediment and surface water (such as Goldsborough Creek) if our data lead us there.

MTCA defines a "Site" as any location where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located. So it is the extent of contamination that constitutes a site, not legal boundaries. The last part of that definition, "or otherwise come to be located," is important because it means that we will investigate, and remediate as necessary, all contamination generated from the landfill, even if the contamination extends beyond the property or parcel boundary.

Reliability of the City of Shelton as a Partner

Several commenters expressed concern about City of Shelton's willingness to follow through with the obligations presented in the Agreed Order.

Ecology Response:

Once the City of Shelton and Ecology have signed the Agreed Order, the City is legally bound to carry out its obligations described within. The City has been a willing partner in the C Street Landfill cleanup, and we expect that to continue. However, if the City does not fulfill their obligations, Ecology may pursue two actions described in the Enforcement chapter of the Agreed Order. First, Ecology may complete the work on its own and recover any accrued costs from the City. Second, the Attorney General may fine the City up to \$25,000 per day for each day it refuses to comply with the order.

It has been Ecology's experience that working cooperatively with PLPs to resolve issues of compliance is the most efficient and cost-effective solution. However, if compliance cannot be achieved, Ecology is prepared to exhaust all legal means to ensure that the tasks in the order are

completed and that the work completed is protective of human health and the environment as described in MTCA.

Responses to Individual Comments

Annette Matriciano, Feb 9

Shelton C Street Landfill Public Comment Form



This form is for commenting on the Agreed Order for the Shelton C Street Landfill.

You can submit comments tonight or mail them to Jason Landskron, Cleanup Project Manager at P.O. Box 47775, Olympia, WA 98504-7775 by **March 9th, 2016**.

Send e-mail comments to Jason.Landskron@ecy.wa.gov.

NAME: Annette Matriciano

If you would like to receive Ecology's formal response directly, please list your email or postal address: 301 E. Wallace Kneeland Blvd
STE 224-140
Shelton, WA 98584

COMMENTS

(Please use back side of this form if you need more room)

It seems SO OBVIOUS that Simpson has a level of responsibility as to Hatt Levels of Dioxin.

Who & how is investigating Simpson's level of legal responsibility vs the city of Shelton regarding the clean up of C-Street Landfill ~~responsibilities~~?

Ecology Response:

Thank you for your comment. Please see the section above titled “Other Potentially Liable Parties” on page 11 for Ecology’s response.

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NAME: Annette Matriciano

If you would like to receive Ecology's formal response directly, please list your email or postal address: 301 E Wallace Kneeland Blvd
STE 224-140
Shelton, WA 98584

COMMENTS

(Please use back side of this form if you need more room)

"Forest fires create dioxins".
WHY are there EPA standards for things like woodstoves yet after an area is logged - huge, almost 2 story piles of debris are stacked & set on fire - these stacks burn for DAYS, even while it's pouring RAIN.
Why is this allowed?
What "fuel" is used that would keep these stacks blazing during heavy rains for days?
Someone logged @ 3 acres 1/2 mile away from my property - the stacks burned for days and I literally could not go outside or open my windows. Local, county & state-wide cover

Dioxin levels are greatly increased & air-borne dioxin spread for miles & infects the soil, as Jason described in tonight's meeting (2-9-16).

Ecology Response:

The ash dumped into the C Street landfill was very high in dioxins because it came from wood soaked in salty seawater. When logs were rafted in the bay, the seawater added large amounts of chlorine to the wood. Dioxins are created anytime materials are burned in the presence of chlorine, so when the wood from those logs was burned, it created vastly higher concentrations of dioxins than what might come from forest fires or the burning of slash piles in commercial forests since wood does not naturally contain large amounts of chlorine.

Another reason that the ash from the Simpson Mill is cause for concern is that these fires were burning consistently, generating enormous quantities of ash, even compared to what might be seen in logged areas.

In Washington, the Department of Natural Resources (DNR) manages commercial timber harvest and will have more information about how burning is managed on timberlands in Mason County. You can ask for a "forest practices forester" at the DNR's South Puget Sound office: (360) 825-1631.

Annette Matrisciano, April 6

Landskron, Jason (ECY)

From: Annette Matrisciano <mermaidraptures@gmail.com>
Sent: Tuesday, April 05, 2016 8:31 PM
To: Landskron, Jason (ECY)
Subject: My comment re. Agreed Order #12929 concerning the Shelton C Street Landfill

My name is Annette Matrisciano. I am a Shelton resident. I attended the February 9th and the March 30th public hearings.

My comments are as follows:

The history of the landfill is a great cause for concern regarding public health. While Dioxin seems to be the major toxin that is generally discussed, I agree with some of the other attendees at the March 30 meeting that other toxins, such as heavy metals and as yet other unknown contamination, may also be in the C Street Landfill.

As I recall, there are two aquifers that could possibly be affected by leaching contaminants from the C Street Landfill and Goose Lake. As water continues to be a dwindling resource with precious sources of drinkable water being used in follies like fracking, it is imperative that aquifers are protected from further contamination and waste.

Several other attendees who have been following the landfill history raised concerns that the city would not fulfill its duty to adequately research, fully disclose and effectively cleanup regarding the *Agreed Order*.

I appreciated your comments, Jason, and other members of Ecology, who said they are committed to seeing that the C Street Landfill studies and cleanup are done carefully, correctly, and conscientiously, according to the state's Model Toxins Control Act.

Thank you for your dedication to the important work you do.

Sincerely,
Annette Matrisciano

Ecology Response:

Thank you for your comment. Others submitted similar comments and we have responded to them in the "Responses to Common Comments" section above. Please see "Comprehensiveness of Remedial Investigation" on page 10 regarding your comments about groundwater and dioxins, and regarding your concern about the City fulfilling its obligations under the Agreed Order, please see "Reliability of the City of Shelton as a Partner" on page 9.

Cherie Dionne, February 10

From: Cherie Dionne [cheriedionne@gmail.com]
Sent: Wednesday, February 10, 2016 11:45 AM
To: MacClellan, Megan (ECY)
Subject: C Street Landfill

To whom it concerns,

I attended the Public Open House in Shelton last night and wanted to forward information on cleaning up toxic waste with mushrooms.

Paul Stamets is the founder of "Fungi Perfecti" in Kamilche Washington and is a valuable resource in this field. I have included a link on the subject, if you google "Dioxin Cleanup With Mushrooms" You will find a plethora of information on the subject.

Good luck with this project on the C Street Landfill.

Sincerely,
Cherie' Dionne West

1 Best Mycorestoration Practices for Habitat Restoration of ...

archives.evergreen.edu/mastertheses/.../Stamets_L-MEStthesis2012.pdf
(PAH's), polychlorinated biphenyls (PCB's), chlorophenols, *dioxins*, DDT, ... region to facilitate widespread pollution *clean up*. ... Figure 6: *Mushroom* Species' concentrations of Heavy Metals... A special thanks to *Fungi Perfecti* LLC.

Ecology Response:

Thank you for this information. We have added it to the records for this site. The Feasibility Study will evaluate different alternatives for cleanup. The first step, however, is to complete a remedial investigation which will tell us the nature and extent of contamination for the site.

Conley Watson, February 8

RECEIVED

MR JASON LANDSKON

FEB 08 2016

WA State Department
of Ecology (SWRO)

SIR; JUST WHAT'S YOUR PLAN TO GET
RID OF ALL THAT POLLUTION? DO YOU
PLAN TO BURN? OR MAYBE DIG A HOLE
AND BURY IT? OR PERHAPS HIDE IT
UNDER WATER? LIKE THE OCEAN, LAKE,
RIVER OR ANY BODY OF WATER?

THIS SAME QUESTION MIGHT HAVE YOU
ANSWER OR IDEAS RELATING TO THE
"GOOSE LAKE AREA"?

THANK YOU FOR ALLOWING COMMENTS ON
TOXIC "C" STREET LANDFILL 6:30 PM ON
FEB. 9 AT SHELTON C. CENTER.

I PLAN TO BE THERE

M/A C. WATSON



Ecology Response:

Thank you for your questions about how we will remove contamination from the C Street Landfill. This will be covered in detail in the Cleanup Action Plan, which you will be invited to review and comment on when it is drafted.

Before we can make a plan for cleanup, we need to know what types of contamination are on the site, and how much contamination there is.

Ecology's first priority for the C Street cleanup site is to learn about the contamination on site through a remedial investigation. Once that is complete, we will conduct a feasibility study to look at the different cleanup options we can choose from. Both of those inform our Cleanup Action Plan. The cleanup action plan, finally, will describe the techniques we decide to use for the C Street cleanup.

The graphic below shows the stages of cleanup once this Agreed Order is final. Your comments will be invited again on the remedial investigation, feasibility study, and cleanup action plan when they are ready for public review.



RECEIVED

FEB 18 2016

WA State Department
of Ecology (SWRO)

LAST CODE CHANGE 5-24-2015 ON FIRE, CAN READ
IN LIBRARY, PLUS ELECT, PLUMBING, FIRE MARSHAL

ABOVE WAS READ TO COUNTY COMMISSIONERS AND
ALL 3 OK IT. NOT SURE IF SHELTON HAS AS YET.

NOW ON BIOMASS - PART OF NEW CODE COVERS THAT
AND THE USE OF BIOMASS BY PET I + 3RD NEIT^H USE

I FOUND IN LOCAL AND READ ALL 3 PLUS OSHA.

ARTICLE 504

TAKEN FROM 2015 CODE BOOK, SPI PLANS TO USE
IN BIOLOGICAL ROOM FOR FUGL, THEN THERE'S ASH?

MICHAEL LANDSKRON

WOULD YOU PLEASE GIVE THIS INFO. TO THE
CORRECT PERSON THANK YOU

MICHAEL C. WATSON

"CARLEY CHOLSKI" % of PERMIT NO: ST 6216 - LOCAL PAPER

MY COMMENT ON TAKING H2O FROM TREATMENT PLANT TO RECHARGE
GROUNDWATER IS BAD IDEA, PERMIT OR NO PERMIT - THINKING ABOUT SHOPPING IN

OLYMPIA, IF PERMIT IS OK'D - PAPER IS LOCAL JOURNAL UNDER

"PUBLIC NOTICE" pg B-14 - PRINT ONE TIME ON 2-11-2016

YUCK FACTOR

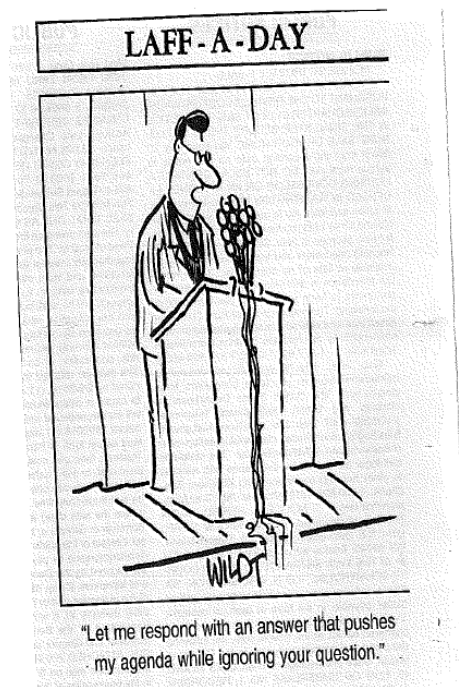
ORANGE COUNTY CALIF. USE ON LAWN, GOLF COURSES

SAN DIEGO - ONE PERSON SAID "END OF THE WORLD" - "NOT EVEN FOR MY CAT"

OVER

MEETING I WAS AT - IT WAS SAID BY
Mrs. Lydia C. Wagner AND
MR. Kyle Dorsey

THAT THERE WAS "PCB'S" IN GOOSE LAKE, JUST HOW
MUCH WAS IN QUESTION - PLUS OTHER THINGS.



Mason County PUD No. 3 2014 Utility Fuel Mix Report Revised

Legislation passed in 2000 directed electric utilities in Washington to report their fuel mix to customers each year.

The 2013 fuel mix for PUD 3** (reported in 2014, Revised) listed as a percentage of the total is:

SOURCE	PERCENTAGE
Biomass	0%
Coal	2%
Cogeneration	0%
Geothermal	0%
Hydroelectric	86%
Landfill Gases	0%
Natural Gas	1%
Nuclear	10%
Other	0%
Petroleum	0%
Solar	0%
Waste	0%
Wind	1%
TOTAL	100%

**SOURCE: Washington State 2014 Fuel Mix Disclosure Report, Washington State Department of Commerce, Olympia, WA



Mason County PUD 3
PO Box 2148
Shelton, WA

Shelton: 360-426-8255
Elma: 360-861-4247
Belfair: 360-275-2833

www.masonpud3.org

www.twitter.com/pud3

CLEAN, RENEWABLE ENERGY EVERY DAY

Carbon Free Electricity Mason County Ranks High

The latest report from Washington State says 97 percent of Mason PUD 3's electricity comes from sources that do not emit carbon. That's a big deal, especially in today's debate over how to control the amount of carbon dioxide coming from cars, industry and power plants.

For Mason PUD 3 customers, 86 percent of your electricity comes from hydropower; ten percent from nuclear energy; and one percent from wind turbines. Only three percent comes from fossil fuels, meaning coal and natural gas. Information for the report comes from the Washington State Department of Commerce's "Utility Fuel Mix Report for 2014, Revised."

For a complete listing of the PUD's sources of electricity, please see the Department of Commerce fuel mix report on the back of this document. For more information visit the PUD website or call one of our offices.

*Many other states and the federal government allow hydroelectricity to be used in meeting renewable energy mandates. However, it is not considered a qualifying renewable resource under Washington State law.



www.masonpud3.org

www.twitter.com/pud3

Ecology Response:

Thank you for your comments about fire code and biomass. Consider contacting Chuck Matthews at Ecology's Southwest Regional Office. Mr. Matthews is an Ecology staff member who works on biomass issues and may be able to help. He can be reached at (360) 407-6383.

Conley Watson, March 30

Transcription from Public Hearing, held March 30, 2016.

Conley Watson (CW), and Hearings Officer Angie Fritz (AF)

OK. How many samples do you do in a day, and do you take them with gloves, mask, and etc. to protect yourself? Do you take them to your lab to be analyzed? When it's harmful, do you autoclave, incinerate, or what do you do with the ash or the hazardous material?

If you're incinerate [sic], then you have the filter capturing particles smaller than 2.5? Is the material you discover anything like the PCBs, or is it unknown? Is your next project Goose Lake, Oakland Bay, and... [indistinct] ...which was in 1982 when you first examined that place and that was under President Nixon and I didn't know if it was radioactive, smog... [indistinct] ...Atomic International. Where I worked is I did radioactive at atomic international at Canoga park, I did Wadsworth hospital in US Cemetery, the military, removed PCBs and asbestos and I've worked in that and with water, [indistinct], electrical conduit, and that's it. I would like to hear from Jason.

Ecology Response:

Thank you for attending the hearing and submitting a comment there. Because this and the written comment you submitted in early April are similar, we have responded to them both together below.

Conley Watson, April 4

Note: To make this document downloadable and more accessible, attachments of over five pages were collected into a separate document. That document, *Attachments to Responsiveness Summary*, is available for review on Ecology's C Street Landfill website: <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2295>.

RECEIVED

APR 04 2016
WA State Department
of Ecology (SWRO)

JASON LANDSKRON & MEGAN MAC CLELLAN

THE WORDS MIGHT BE DIFFERENT BUT I
ASSURE YOU BOTH ARE ALL THE THOUGHTS THE SAME.

QUESTION #1 HOW MANY SAMPLES DO YOU TAKE
OR DO A DAY - I'M SURE YOU WEAR GLOVES, MASK ETC.

QUESTION #2 DO YOU TAKE TO YOUR LAB TO
ANALYSIS, THEM, IF HAZARDOUS DO YOU AUTOCLAVE,
INCINERATE OR WHAT DO YOU DO WITH ASH? OR
HAZARD MATERIAL? IF YOU INCINERATE DOES YOUR
INCINERATOR HAVE A FILTER CAPTURING PARTICLES
SMALLER THAN 2.5?

QUESTION #3 IS THE MATERIAL YOU DISCOVER
ANYTHING LIKE PCBs? OR UNKNOWN?

FACTS KNOWN

1982 - 34 YEARS AGO - CITY DUMP KNOWN, PLUS PRESIDENT NIXON
CREATED EPA. BETWEEN YEARS 1969 - 1973 OR 74

WHAT I HAVE WORKED WITH

ATOMIC INTERNATIONAL, CANOGA PARK. RADIOACTIVE, WHEN
IT WAS ADDED TO BECOME LARGER

NEXT, MADSWORTH HOSPITAL & CEMETERY MILITARY,
REMOVE PCBs TRANSFORMERS PLUS NEW DRY TYPE,
NEW ELECT. SERVICE.

ASBESTOS - ELECT, UNDER GROUND, VENT, WATER, BRAKE
LININGS,

THANK YOU FOR THE ABILITY TO RECORD MY
QUESTIONS. THE YOUNG LADY WHO DID THIS WAS VERY EASY
ON MY EYES. THANKY YOU - MR CONLEY WATSON

Ecology Response:

Thank you again for your information and comments.

Question 1

How many samples we take and how often will be determined by two forthcoming plans: the Remedial Investigation Work Plan, and the Sampling and Analysis Plan (SAP). Those plans will also cover the appropriate level of protective equipment that workers will have to wear to protect themselves while on site. The combined work plan and SAP documents are the second deliverable the City of Shelton is required to provide to Ecology according to the Agreed Order. It will be made available to the public after it is finalized and approved by Ecology.

Question 2

All samples taken for analysis that leave the C Street site will be disposed of at an approved facility per Washington State Dangerous Waste Regulations (Chapter 173-303 WAC) and federal regulation 40 CFR Part 261. These approved facilities operate in a similar way to landfills, but are engineered to more rigorous, protective standards and are heavily monitored and regulated.

Question 3

As discussed at the public meetings, Ecology is not certain about what we will find at the C Street cleanup site. During the remedial investigation, we will look for a wide range of potential contaminants. PCBs will be an analyte group of interest that could be sampled for at the C Street Landfill. For more detail, refer back to the "Comprehensiveness of Remedial Investigation" section provided on page 10.

Regarding your question about Ecology's next cleanup projects, Goose Lake remains an active site, and Ecology is currently exploring potential work in Oakland Bay, but there are no formal plans for work in Oakland Bay at present.

Conley Watson, April 4

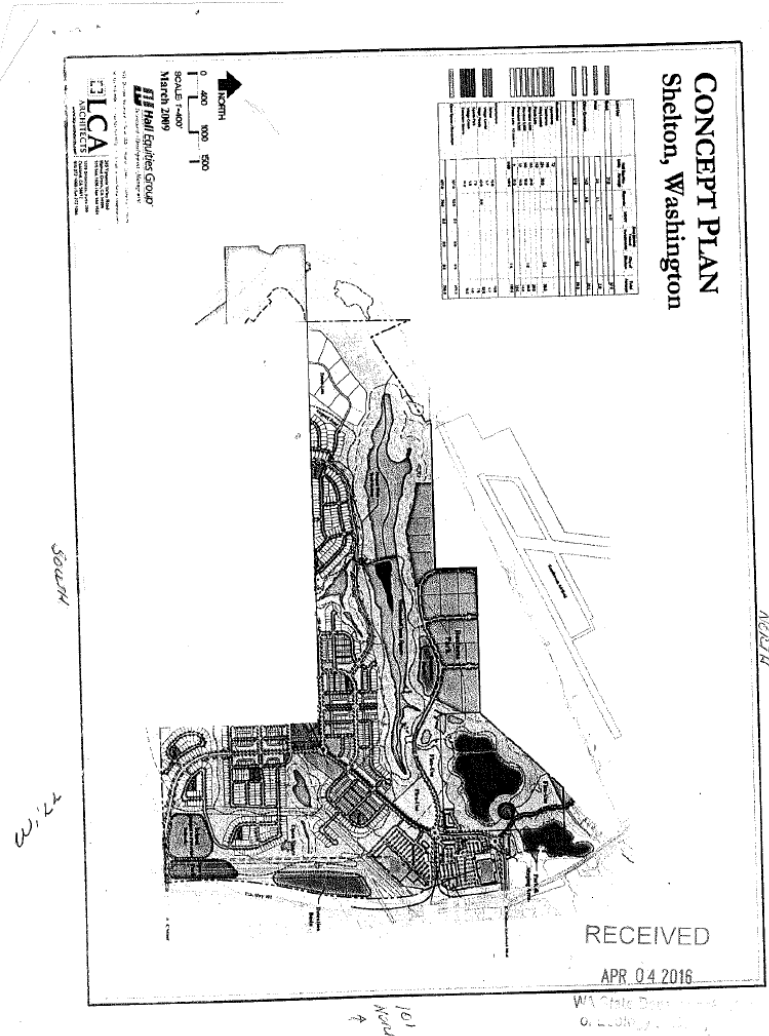
JASON AND MEGAN

WHAT HAS EVERYONE'S ATTENTION

Conley.Watson@ec.wa.gov

NOTE WHERE SCHOOL SETS, AT END OF "C" STREET DUMP
PLUS GOOSE LAKE AT NORTH END, PLUS SCHOOL OR
NOT ME, OVER DUMP SITE.

RECEIVED
APR 04 2016
WA State Department
of Ecology
Herrington (SWFO)



Ecology Response:

Thank you for including the development plans for Shelton Hills. As you mentioned, Goose Lake, a separate cleanup site Ecology is working on, is inside the proposed development. Because of the proximity of both of these sites, Ecology has paid close attention to Shelton Hills development plans.

Constance Ibsen, March 30

Transcription from Public Hearing, held March 30, 2016.

Constance Ibsen (CI), and Hearings Officer Lydia Wagner (LW)

Note: Twenty-one pages of attachments are associated with this comment. To make this document downloadable and more accessible, attachments of over five pages were collected into a separate document. That document, *Attachments to Responsiveness Summary*, is available for review on Ecology's C Street Landfill website: <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2295>.

Comment 1

CI: Ok, so what I would like to do is I'm gonna take the Agreed Order itself and on page four of twenty four item I, I would like to suggest a correction. It says between 1951 and 1981 the landfill was used for the dumping of sludge. It needs to be changed to 1986. We have that in the record and Ecology has that information in the record from their own employees that that was going on. And furthermore, the city in its response to the complaint that was filed in federal court, uh, number 27 on page 4 and number 28 on page 5 admits to 1986. So, I'm gonna leave that with you so you can look at that. Um, because right now we've been talking everything about oh it all stopped in 1981. We know the dump did not close in 1974 and we know that stuff was still being put up there after 1981.

Comment 2

Um, so then, so that's page 4 and 5 of your document and then I didn't know where to put this in but on page 6, item E, it talks about an interim action is a remedial action that technically is necessary to reduce the threat to human health. Um, I would like this parcel to go on the title for the parcel with the auditor's office, county auditor's office and that the parcels abutting this be also have a notice to that title. Or at least in the county's planning tidemark database. I mean, if it's true, even though due diligence was done by the Shelton Hills developer that they did not know that this C Street dump abutted their property, that's a problem and it could be a problem for other properties also. It's the same thing for when um, the sand, um the gravel company expanded, they did not know that this parcel was a former landfill. They did not know that they abutted so I would like that also I would there's many documents that show even if it is 1988, like why isn't it fenced?

- Comment 3 Why isn't it fenced? EPA says it should be fenced. Uh, the local health department, why isn't it fenced? So I would like to have some kind of perimeter um, security and some warning signs around that as we start this long process toward cleaning up.
- Comment 4 Um, I've also attached some articles from that landfill um, from the book about Shelton in ten years, that hint to um, the Port, but Certified Aerospace and the hardware store that burned down in 1981 so that you can have that.
- Comment 5 Um, number, uh, K on page 10, it says: if at any time after the first [indistinct] of comments on the draft, ecology determines that insufficient progress is being made and the preparation of the deliverables required by the section, ecology may complete and issue the final deliverable. I love this...I really commend that this is included in the Agreed Order [timer alarm going off]. I lack confidence that the city will keep on this without pressure and it may just be easier to do the work yourselves.
- Comment 6 And um, and, number, page, 16 number 4 it says: When requested by ecology, arrange or continue information repositories, I would like it to just say "arrange" and not "at ecology's request." Just do it, have all the materials be at the city and the library and Ecology southwest. And I love C on 19 which says: However, neither increased cost of performance of this order nor changed economic circumstances shall be considered beyond the reasonable control of the city. Thank you very much for including that. I'm done! And here are these documents. I will send in written comment.
- LW: Ok.

Ecology Response:

Comment 1

On July 8, 1986 an inspector for Ecology submitted a letter to the Mason County Health Department summarizing his observations for a site inspection of C Street landfill. The inspection noted that the “Shelton dump is not closed and is still being used for disposal,” and that, “sewage treatment plant sludge has occurred recently.”

This letter is the only indication Ecology has that sludge was dumped at C Street after 1981. Aside from the anecdotes provided in the letter, we do not have supporting evidence of continued dumping at C Street. On the other hand, we do have multiple sources of evidence that sludge dumping was stopped at C Street and moved to the county landfill in 1981.

After serious consideration, we decided not to amend the AO because of two reasons: The fact that the inspector’s letter was not substantiated with other evidence and because ultimately, the date that dumping stopped at the landfill does not have practical bearing on how the cleanup will move forward.

While Ecology recognizes the value of accurate records, this letter does not impact the design of the remedial investigation.

Comment 2

Currently the Mason County Tax Assessor identifies the C Street Landfill (parcel# 42024-21-60430) as the “old city landfill” on their website.² Any property search done on the property or surrounding properties should quickly identify this fact. Also, the C Street Landfill is listed on Ecology’s hazardous sites list and database. Most property transactions will query Ecology’s database.

Further adjustments to the parcel identification or land title may be made once the investigation and cleanup are complete. For example, most, if not all, landfills require an environmental covenant placed on the title after the landfill is closed. The purpose of the covenant is to prevent current and future land owners from disturbing the remediation, such as the landfill cap/cover, and exposing themselves to the contaminated material beneath. Depending on the contamination encountered or remedy selected at C Street, a similar covenant may be required.

Comment 3

Since many commenters focused on the same topic, we addressed it in the “Responses to Common Comments” section above. Please see Ecology’s response to “Fencing and Signage” on page 10.

Comment 4

Thank you for the materials.

Comment 5

Thank you for your comment.

² http://www.co.mason.wa.us/astr/ts_redirect.php?parcelnumber=42024-21-60430

Comment 6

While the comment period for this Agreed Order was active, Ecology maintained repositories at the Shelton Library, Shelton Civic Center, and at the Ecology building in Lacey. These locations are detailed on Ecology's C Street website and the fact sheets that were distributed via post and email. We request that staff at repository locations make the relevant documents available for the duration of the comment period only.

Outside of comment periods, site-related documents are available through the C Street Landfill website, and may be viewed in hard copy at Ecology's Southwest Regional Office by making an appointment with Susie Baxter at (360) 407-6365 or PublicDisclosureSWRO@ecy.wa.gov.

Comment periods, and associated establishment of repositories, will be held for the remedial investigation, feasibility study, and cleanup action plan as well. All deliverables identified in the Agreed Order will be available for download through the Ecology website for the C Street Landfill.³

³ <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2295>

Erica Marbet, March 10

From: Erica Marbet [mailto:emarbet@squaxin.us]
Sent: Thursday, March 10, 2016 11:11 AM
To: MacClellan, Megan (ECY)
Subject: RE: C-Street Landfill

Hi Megan,
A clarification to my comments below: When I say all aspects, I mean design and implementation of the remedial investigation, in the form of deliverables. I do not need to see every communication on the project.
Thanks,
Erica

From: Erica Marbet
Sent: Tuesday, March 08, 2016 3:38 PM
To: 'MacClellan, Megan (ECY)' <mamac461@ECY.WA.GOV>
Subject: C-Street Landfill

Hello Megan,
Thank for your efforts and communication regarding the C-Street Landfill in Shelton. Although we heard much discussion about dioxin at C-Street, we are as concerned about water soluble pollutants that move offsite through groundwater. Miles Sand and Gravel pit cuts a right angle on the west and south borders of the landfill and may be intercepting groundwater and rerouting it to surface water. Goldsborough Creek is less than ½ mile from the landfill. Please remain in contact with us regarding all aspects of the remedial investigation at the site.
Sincerely,
Erica Marbet

Ecology Response:

Thank you for your comment. In response, we will contact you directly to negotiate a government-to-government review schedule.

Katherine Price, March 30

Shelton C Street Landfill Public Comment Form



This form is for commenting on the Agreed Order for the Shelton C Street Landfill.

You can submit comments tonight or mail them to Jason Landskron, Cleanup Project Manager at P.O. Box 47775, Olympia, WA 98504-7775 by ~~March 9th, 2016~~ April 6, 2016.

Send e-mail comments to Jason.Landskron@ecy.wa.gov.

NAME:

Katherine A. Price

If you would like to receive Ecology's formal response directly, please list your email or postal address:

kaflaw60@gmail.com

COMMENTS

(Please use back side of this form if you need more room)

Why is this agreed order anymore believable than the April 25, 2001, Agreed Order regarding Goose Lake? Work at Goose Lake has not begun, nearly 15 years after the order, so timelines in agreed orders have no meaning. In fact, the order is meaningless when it is not enforced.

Kath A Price
3-30-2016

Book:

The first century
SHELTON (Washington)
plus ten

By: Thomas and Perry
1996 edition

ISBN: 0-9356931-7-3

Library of Congress Catalog
Card Number: 96-076207
(contact Terri Thompson)

Ecology Response:

Thank you for your comment about the timeline for the C Street Landfill cleanup. Since many commenters focused on the same topic, we addressed it in the "Responses to Common Comments" section above. Please see Ecology's response to "Reliability of Cleanup Timeline" on page 9.

Kathy McDowell, February 9

Shelton C Street Landfill Public Comment Form



This form is for commenting on the Agreed Order for the Shelton C Street Landfill.
You can submit comments tonight or mail them to Jason Landskron, Cleanup Project Manager at
P.O. Box 47775, Olympia, WA 98504-7775 by **March 9th, 2016**.
Send e-mail comments to Jason.Landskron@ecy.wa.gov.

NAME: Kathy McDowell

If you would like to receive Ecology's formal response directly, please list your email or
postal address: kathleenmcdowell@hctc.com

COMMENTS

(Please use back side of this form if you need more room)

Could it possibly be checked & tested
the ground under the water ~~of~~ the
water in Goldsborough Creek. Just to put
the citizens at ease.

Ecology Response:

Thank you for your comment about testing sediment in Goldsborough Creek for contamination. Since several commenters focused on the same topic, we addressed it in the "Responses to Common Comments" section above. Please see Ecology's response to "Comprehensiveness of Remedial Investigation" on page 10.

Larry King, February 9

Shelton C Street Landfill Public Comment Form



This form is for commenting on the Agreed Order for the Shelton C Street Landfill.

You can submit comments tonight or mail them to Jason Landskron, Cleanup Project Manager at P.O. Box 47775, Olympia, WA 98504-7775 by **March 9th, 2016**.

Send e-mail comments to Jason.Landskron@ecy.wa.gov.

NAME: LARRY KING

If you would like to receive Ecology's formal response directly, please list your email or postal address: LARRYKING@AOL.COM

COMMENTS
(Please use back side of this form if you need more room)

WHAT IS THE DISTANCE FROM THE "C" STREET
DUMP TO THE PROPOSED SHELTON HILLS DEVELOPMENT?

Ecology Response:

Thank you for your question. The northern most edge of the C Street Landfill property would be across the street from the proposed Shelton Hills Development.

Ldr_1965@yahoo.com, February 22

Landskron, Jason (ECY)

From: ldr_1965@yahoo.com
Sent: Monday, February 22, 2016 10:12 PM
To: Landskron, Jason (ECY)
Subject: C. St clean up extra toxins in shelton.

Please verify plastic experimentation. Production at both pulp kills. Co crest penetration. Toxins on their sights both kills past and current last mill operation of all 3 work environments that have trails leading to match possible dumping grounds matches for the engineers for raynier technology scientist were using cheese locations possibly for experimental labs for the scientist employed by them and projects they may have flushed down with ashes.? Closed doors and experimental labs. Should only be in governmental. Areas far away from cities and families. Please investigate types of toxins that make plastics in question to their capabilities.to do so. Vermening ground floors soaking up threw cement basements their and near by .is concerns for children and animals that play and crawl of floorshand to mouth injestation. Threw saliva and chemicals to make or break down things in this said also.states expermental lab developments. Are their records of lab experiments done in these buildings .of prior kills used for other uses mixed uses. Mixed chemicals. Mixed messes for animals may grounds to have otopseics of mutoyted. Animals and undeveloped children still born in a radious traveled extra. That they may have been subjected too two two many. Please print the hearing for oral comment if doing on web tv. So people could prepair to attend. Thank you less tend to 360.286.5141. P.o.box 272 helton wa 98584.

Sent from my LG G4, an AT&T 4G LTE smartphone

Ecology Response:

Thank you for your comment. It sounds like you are concerned about waste from experiments being dumped at the C Street site and the impacts that toxins at the landfill might have on people and animals.

The remedial investigation will look at a broad spectrum of different contaminants based on the site's history and our knowledge of chemicals common to historic landfills.

Patricia Vandehey, March 30

Comments for March 30, 2016 Public Hearing 'C' Street Landfill
AGREED ORDER NO. DE 12929

Introduction

“The Order requires the City to perform a remedial investigation and feasibility study (RI and FS), and submit a draft cleanup action plan to Ecology for the Shelton C Street Site”

Comment 1

The City of Shelton and Department has known of the toxic contamination of the C Street Landfill from several in depth reports, namely, 2008 Herrera Study of Oakland Bay and all surrounding area; The CH2mHill 1986 comprehensive report, the Shelton Hills Development Environmental Reports, and comments from the public and requests for a complete cleanup. Why hasn't anything been done, when the in-depth 1986 Study (that's 30 years ago) was done?

Comment 2

Summary of Schedule: Time comes out to 21/2 years, for investigative work.

When does the actual cleanup start?

How long will that take?

Will testing include?

Water depth and testing of surface and groundwater for Dioxin 2,3,7,8TCDD, and the other dangerous chemicals? Which ones?

Soil testing as for water? MCL for Dioxin in soil is 3-11ppt.

Comment 3

On Page 15, (F) Public Participation; “A Public Participation Plan is required for the site. Ecology shall review any existing Public Participation Plan to determine its continued appropriateness and whether it requires amendment, or if no plan exists, Ecology shall develop a Public Participation Plan alone or in conjunction with the city.” A PUBLIC PARTICIPATION PLAN NEEDS TO INCLUDE PUBLIC IMPUT. IT IS OUR RIGHT. Why isn't the public included?

Comment 4

THE PUBLIC DOES NOT WANT THIS AGREED ORDER TO BE HANDLED AS THE ONE FOR GOOSE LAKE WHICH WAS SIGNED APRIL 2001, HAS NEVER BEEN EXECUTED. HOW CAN THE PUBLIC BE ASSURED THAT THE SAME THING WON'T HAPPEN TO THIS LANDFILL?

Comment 5

Page 15” AS appropriate, Ecology will edit, finalize and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.”

Why should Ecology be editing 'fact sheets'?? THE PUBLIC HAS A RIGHT TO KNOW.

The State Attorney Office”Citizens can control their government only if they remain informed about the decisions their government officials are making.”

“The People of this state do not yield their sovereignty to the agencies that serve them.”

“The People , in delegating authority , do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.”

“The people insist on remaining informed so that they may maintain control over the instruments that they have created.”

Comment 6

There must be specified times for up date meetings to keep the public current of progress. When will these meetings take place?

Comment 7

Page 19. (J) What are considered minor changes to the work to be performed without formally amending this Order? It does not say if the Public will be advised of, 'substantial changes'. When will the Public be advised?

Comment 8

Page 21. (L) Why is this statement in the AGREED ORDER: “By entering into this Order, the City does not admit to any liability for the site.”

Who else is liable if not the City?

Comment 9

This Agreed Order has been signed by Dave O'leary who is leaving in June, does this affect the validity of the agreement?

Comment 10

Page 16. “At a minimum, copies of all public notices, fact sheets, and documents relating to public comment periods shall be promptly placed in these repositories.” (Shelton Library, Shelton Civic Center, Ecology's Southwest Regional Office) Will notices be given that these documents are there?

Comment 11

Page 19, (J) Amendment of Order. There is no information as to the Public being informed of any request for either,”The project coordinators may verbally agree to 'MINOR' CHANGES TO THE WORK TO BE PERFORMED WITHOUT FORMALLY AMENDING THIS ORDER'. “...SUBSTANTIAL CHANGES TO THE WORK TO BE PERFORMED SHALL REQUIRE AMENDMENT OF THIS ORDER.” THE PUBLIC NEEDS TO BE INFORMED OF ANY CHANGES, EITHER MINOR OR SUBSTANTIAL. THE PUBLIC HAS THE RIGHT TO KNOW WHAT TESTS ARE TO BE DONE, AND THE RESULTS OF SAID TESTS. When will the Public be informed?

Comment 12

Page 22: Do any of these Laws prohibit Ecology from completing the necessary testing of all the contaminants that have been dumped on this site? What is the reason for quoting all these RCWS?

The Public expects complete and in depth studies to target and cleanup this very contaminated area and be kept updated on all aspect of the study and cleanup. Patricia Vandehey, Shelton, pbandehey@yahoo.com

Ecology Response:

Thank you for your comments and questions. For the sake of organization and clarity, specific comments have been labeled and the following responses correspond.

Comment 1

The C Street Landfill was listed on Ecology's Confirmed and Suspected Sites List (which is a compilation of potentially contaminated properties across the state) after the EPA's 1986 study was completed. Ecology did not address this site for many years for two reasons. At the time of the EPA study that you refer to, the EPA did not consider the amount of dioxin they found at C Street a significant risk, especially given the fact that people did not live on the site. Secondly, C Street was listed with thousands of other contaminated sites, many of which took priority.

Recently, the EPA reassessed the toxicity of dioxins and cleanup levels Ecology uses became more protective of human health. Public interest, in addition to these changes, motivated Ecology to conduct a Site Hazard Assessment, then move forward with the formal cleanup process.

It has taken many years to arrive at active cleanup for C Street, and now that the process has begun, it will likely remain slower than many people involved would like.

Comment 2

We discussed the timeline questions that many have in the general responses above on page 9. That provides more detail on the timeline for C Street in particular. Similarly, many asked questions about what contaminants we will be testing for during the remedial investigation. That response is above as well on page 10.

Comment 3

The Public Participation Plan was available for review during both public meetings and on Ecology's C Street website. However, it was not explicitly announced on the fact sheet, which often functions as Ecology's most effective outreach tool. That was a mistake, and the template for C Street's fact sheets has been updated to include the Public Participation Plan in the next comment period for the remedial investigation.

Comment 4

The cleanup at Goose Lake is taking a long time, yet it is still active and ongoing.

Comment 5

The law that guides Ecology's cleanup work requires Ecology to send notification to stakeholders and nearby residents of cleanup sites. We observe this requirement by writing fact sheets, which are intended to provide basic, brief information about cleanup sites to a broad audience.

Summarizing complex information is always a challenge, and we invite suggestions for changes in the future. We hope you will contact Megan MacClellan, the Public Involvement Coordinator directly if you have suggestions for changes to fact sheet or web content. She can be reached at (360) 407-0067, or by email at Megan.MacClellan@ecy.wa.gov.

Comment 6

Due to the level of interest in this cleanup project, we will hold comment periods when each of the following documents are drafted and ready for public review:

- *Remedial investigation*
- *Feasibility Study*
- *Cleanup Action Plan*

The tradeoff of this review schedule is that each comment period will extend the timeframe of the cleanup process. Unfortunately, we do not know when these public comment periods will happen at this stage. The information about the timeline in the general responses on page 9 above is the best indicator of specifically when these meetings will occur.

Comment 7

Both WAC 173-340-530(8)(b) and Section VIII, Part J of the Agreed Order define the need for public involvement when an order sees “substantial changes.”

Ultimately, what constitutes substantial change and the decision is based on professional judgement of the cleanup coordination team. Typically, changes such as spelling or grammar, finding of facts, or order of tasks are often considered unsubstantial. In other cases, adding or removing specific requirements of an Agreed Order or naming new PLPs can be considered substantive. In either case, both Ecology and the PLP must be in agreement, in writing, before any changes to the order can be made.

Comment 8

Ecology does not have the legal authority to establish liability. Rather, we can only name Potential Liable Parties (PLPs). Only a judge in a court of law can assign liability. The city is entering into this agreement voluntarily, and does not have to admit liability. However, once the order is signed, the City is legally bound to see it through.

Comment 9

The City of Shelton is entering into this agreement, not Mr. O’Leary personally, and the AO will be valid until the order is satisfied. Shelton’s City Administrator is signing the order from his position of authority on behalf of the City much like Rebecca Lawson is signing the order on behalf of Ecology.

Comment 10

Cleanup documents relevant to comment periods will be available at repositories listed on the fact sheet, website, and Agreed Order during the comment period. Outside of comment periods, site documents are available to view or download on, Ecology’s C Street Landfill website. Site documents are also available in hard copy at Ecology’s Southwest Regional Office in Lacey; review can be arranged by contacting Susie Baxter at PublicDisclosureSWRO@ecy.wa.gov or (360) 407-6365.

Comment 11

Soil and groundwater at the C Street Landfill will be tested for contaminants during the remedial investigation. The remedial investigation report will be made available for public review and comment before it is finalized.

Comment 12

None of the RCWs listed in the Agreed Order prohibit Ecology from completing necessary testing on the C Street cleanup site. In order to expedite cleanups under an Ecology issued Agreed Order, the MTCA law dictates in RCW 70.105D.090 that certain requirements, such as certain permits or authorizations, are exempt from having to occur.

However, while the PLP may be exempt from filing a certain permit (for example) to do their Ecology mandated cleanup action, they are still required to be in compliance with all the substantive provisions of that permit they are now exempt from. In other words, they still have to be in compliance with all those RCWs, they just don't have to spend the time to fill out the permitting or approval paperwork. Ecology ensures that those requirements are met.

Robert Cheeseman, March 6

To: Jason Landskron

Cleanup Project Manager, Washington Dept. of Ecology
Box 47775, Olympia, WA 98504-7775

From: Robert Cheeseman, B.S. Wildlife Biology, earth science educator- retired
11 Donder Road, Shelton, WA 98584

Re: Shelton Hills/Goose Lake Proposed Development

Dear Mr. Landskron;

After reading the February 25th issue of Mason County Journal highlighting the proposed community development I feel an anxiety that I have known before. The almost 50 acres is between Goldsborough Creek to the south and the fairgrounds to the north including Goose Lake and the former Shelton Hills dump sites almost totally impacting the area aforementioned.

The anxiety I feel I have felt before. For almost as many years as different entities were dumping materials on the 50 acres in question, just west and adjacent to Hwy 101, the City of Glenwood, businesses, farms, and the general public dumped everything that was considered unwanted including general trash, old batteries and chemicals now proven carcinogenic into the local landfill site within a mile of an 8 mile long lake. This was a time before Silent Spring, sanitary landfills, and the environment became a religion.

Someone came up with the idea of creating a housing development adjacent to the landfill at which 1000s of vehicle batteries were deposited. To use the area because of the tons of hazardous material beneath the landfill, the developers of the housing area knew if they were going to draw homeowners to lots created they would make something that would be attractive- a lake. To circumvent any cleanup of hazardous material the developers sealed the lake so no hazardous materials would impact the quality of the lake.

I mention this site because it is now about 50 years later and I would start believing in unicorns if someone would prove to me that anyone recuperated their investment in that land scheme. The difference between the Glenwood site and Shelton Hills is that the Glenwood landfill had a high hazard potential on land with a small footprint. The Shelton Hills starts out with an area that one would think would qualify as a EPA Superfund site due to its size. Agent Orange which is dioxin according to the Aspen Institute once buried has a half-life up to 100 years. And you want to swim in Goose Lake? And you say you are going to clean it up? Absurd. I personally wouldn't try to grow anything in a garden plot in this area- People are still getting sick from dioxin in Vietnam. And regarding this site- dioxin is only one of the known hazards. Oh- it's not that I don't trust anyone when \$ is concerned- I don't trust anyone when free \$ is concerned at the taxpayers expense.

The best thing one can do to this site is- leave it alone. There is so much land immediately east of 101 I do not understand why it isn't developed-

Cc: Shelton- Mason County Journal

Ecology Response:

Thank you for your comments about the C Street Landfill.

The Model Toxics Control Act (MTCA) law dictates Ecology's actions in the case of the C Street Landfill. It was written from the beginning to be completely science-based and continually evolves as we learn more about different contaminants and cleanup methods. It is also one of the most stringent environmental cleanup laws in the country. Currently, we have very little information about the C Street Landfill, hence the necessity of a thorough remedial investigation. We will do what is necessary to determine the nature and extent of contamination and mitigate any risks to human health and the environment as a result of the historical landfill activities.

While it may seem best to "leave it alone," state law requires that suspected contamination be defined, monitored, and mitigated to ensure the protection of human health and the environment. This Agreed Order to perform a remedial investigation, feasibility study, and cleanup action plan is the first step to do that.

Meredith Crafton, April 6

SMITH & LOWNEY, P.L.L.C.

2317 EAST JOHN STREET
SEATTLE, WASHINGTON 98112
(206) 860-2883, FAX (206) 860-4187

April 6, 2016

Via Email

Jason Landskron,
Cleanup Project Manager
WA Department of Ecology
P.O. Box 47775
Olympia, WA 98504-7775
Phone: (360) 407-6388
Jason.Landskron@ecy.wa.gov

Re: Public Comments Regarding the Matter of Remedial Action by: City of Shelton, Shelton C Street Landfill, Facility Site No. 1186, Cleanup Site No. 2295

Dear Mr. Landskron,

These comments are submitted on behalf of Waste Action Project, PO Box 9281, Covington, WA 98042, (206) 849-5927. Waste Action Project is a non-profit, public interest, environmental advocacy organization dedicated to protecting and preserving the environment of Washington State, especially the quality of its waters. As you know, Waste Action Project and its members are very concerned about the closure and cleanup of the Shelton C Street Landfill because of the decades of unregulated dumping and burning of residential and industrial waste including hazardous waste at the site as well as the potential for nearby development. Waste Action Project appreciates Ecology's efforts to ensure the assessment and cleanup of the C Street Landfill under the State Model Toxics and Control Act.

Proposed Agreed Order No. DE 12929 between Washington State Department of Ecology (Ecology) and City of Shelton for the Shelton C Street Landfill site is a long overdue first step towards to the cleanup of the C Street Landfill toxic waste site. Waste Action project is most concerned about three aspects of this process: 1. The assessment of actual site boundaries along with a historically accurate assessment of what was disposed of at the C Street Landfill and when; 2. A thorough assessment of the contaminants remaining and possibly leaching from the site including in the soil, groundwater, nearby surface water, and gases; 3. Enforceable timelines that include a transparent and comprehensive public involvement process to ensure the complete and expeditious assessment and cleanup of the site.

COMMENTS BY SECTION OF PROPOSED AGREED ORDER NO. DE 12929

Section V. FINDINGS OF FACT

1. Waste Action Project appreciates Ecology's acknowledgment in section V.A. that the delineation of the C Street Landfill site boundary is yet to be determined, and would like Ecology and the City to commit to not only assess the boundary of the dump, but also the spread of contamination.

2. The timeline of waste and sludge dumping at the Site in the proposed Agreed Order is inaccurate based on records from Ecology and the Mason County Health Department. A July 2, 1986 inspection report from Brett Betts at the Department of Ecology states that the access gate was open and the site had been recently used for dumping apparently by the City of Shelton Sewage Treatment Plant. Mr. Betts' July 8, 1986 letter summarizing his inspection stated that the facility was in operation without a permit. Please correct Sections V.I. and V.J. to acknowledge that the landfill was used at least until late 1986 and was never closed. Also, a 1986 draft of the Brown and Caldwell report available in documents from Ecology states that "covering of sludge was not complete and the sludges currently remain accessible..."

Section VII. WORK TO BE PERFORMED

1. Waste Action Project would like to ensure that the list of chemicals of potential concern mentioned in Section VII.A. is thorough and takes into consideration not just dioxin contaminated waste but also the abundance of other toxic chemicals known to have been disposed of at the C Street Landfill including but not limited to furans, solvents, PCBs, acetone, petroleum products, tributyltin, pesticides, semi-volatile organic compounds (SVOCs), wood waste (resin acids, guaiacols, ammonia, and sulfides), and metals (aluminum, arsenic, cadmium, chromium, copper, lead, mercury and zinc).¹

2. The City of Shelton has avoided liability and accountability for assessing and cleaning up this site for far too long. Waste Action Projects asks that Ecology be prepared to enforce its deadlines and take over the project if necessary as noted in Section VII.K.

3. Waste Action Project wants to ensure that public involvement and comment periods take place at each stage as noted in the Draft C Street Public Participation Plan and noted in the Agreed Order. Waste Action Project requests that Ecology make and maintain a calendar of the timeline for public review and comments on each report or plan throughout the entire process.

Section VIII. TERMS AND CONDITIONS

1. Waste Action Project requests that the results of all sampling, laboratory results, and/or test results generated by the City of Shelton or on its behalf be available to Ecology and the public. Ecology should require information repositories. Amend section VIII.F.4. to state "Arrange and/or continue information repositories to be located at the following locations..."

2. Section VII.N.1 notes that all actions carried out by the City pursuant to the Order shall be done in accordance with all applicable federal, state and local requirements. What has

¹ See Herrera Environmental Consultants, Inc., Summary of Existing Information and Identification of Data Gaps Technical Memorandum—Oakland Bay, May 8, 2008, Section 2.3. Constituents of Potential Concern (COPCs) in Marine Sediments. Full report available at: http://www.ecy.wa.gov/programs/tcp/sites_brochure/oaklandBay/dataGapsReport/FinalSummaryOfExistingInformationAndDataGaps_5-8-08.pdf.

Ecology and the City done to make a determination of the Applicable or Relevant and Appropriate Requirements (ARAR) for cleanup standards as required under WAC 173-340-710?

3. Waste Action Project would like Ecology and the City to acknowledge that the City may have separate and additional closure obligations under state and federal regulations enacted under the Solid Waste Disposal Act (SWDA), amended as the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et. seq., (RCRA) that are not addressed but may be affected by actions required by this order and State's MTCA cleanup process. While the status of closure of the C Street Landfill is not relevant to this MTCA Cleanup, as Jason Landskron stated during the March 30, 2016 public meeting, RCRA regulations and standards, including state cleanup standards, are certainly applicable or relevant and appropriate requirements.

Thank you for your work on this project and for your consideration of these comments.

Sincerely,
SMITH & LOWNEY, PLLC

By: 
Meredith Crafton, (206) 805-0858

Ecology Response:

Section V. Findings of Fact Comment 1

The remedial investigation will define the nature and extent of contamination on the Site, regardless of property or parcel boundaries.

Comment 2

The 1986 Ecology inspection letter noted that the "Shelton dump is not closed and is still being used for disposal," and that "sewage treatment plant sludge has occurred recently." Ecology also has records indicating that municipal garbage disposal ceased January 31, 1974 and that wastewater treatment plant sludge dumping ceased in 1981 by request of the Mason County Health Department.

Our records show that, beginning February 1, 1974 all municipal garbage was routed to the Mason County Landfill. Wastewater treatment plant sludge was routed to the Mason County and Dayton Landfills after 1981. During the same timeframe of the inspection report (which is based on unsubstantiated observation), we have records from 81-86 that sludge was routed to the Mason County Landfill and Dayton Landfill.

As the 1986 inspection letter does not contribute any information not previously known or covered within other referenced documents, it will not be added to the Finding of Fact Section of the Order. The purpose of the Finding of Fact is not to be a detailed chronology of all events or documents that have occurred at a Site. It is meant to serve as a means to establish timeline and credible evidence of the events which may have caused a release of contamination and inform the

upcoming Remedial Investigation and Feasibility Study. The Remedial Investigation will provide a more detailed site history.

Ecology has reviewed the 1986 Brown and Caldwell draft report and noted that the municipal waste portion of the landfill appeared to have received at 2-foot thick soil cap per the closure regulations at the time (WAC 173-301) but that capping the sludge disposal area(s) was not completed. The remedial investigation will confirm both of these statements.

Section VII. Work to be Performed

Comment 1

Since many commenters focused on the same topic, we addressed it in the “Responses to Common Comments” section above. Please see Ecology’s response to “Comprehensiveness of Remedial Investigation” on page 10.

Comment 2

It has been Ecology’s experience that working cooperatively with PLPs leads to the most efficient and cost effective cleanups. However, Ecology does reserve the right to complete any action or deliverable identified in the Agreed Order if it is determined by Ecology that insufficient progress is being made.

Comment 3

Due to the level of interest in this cleanup project, we will hold comment periods when each of the following documents are drafted and ready for public review:

- *Remedial investigation*
- *Feasibility Study*
- *Cleanup Action Plan*

The tradeoff of this review schedule is that each comment period will extend the timeframe of the cleanup process. Unfortunately, we do not know when these public comment periods will happen at this stage. The information about the timeline in the general responses on page 9 above is the best indicator of specifically when these meetings will occur.

Section VIII. Terms and Conditions

Comment 1

The Agreed Order requires that all data generated during the course of the remedial investigation be submitted to Ecology’s Environmental Information Management (EIM) database within 30 days of data collection and validation. Ecology’s EIM database can be accessed at <http://www.ecy.wa.gov/eim/>. Copies of the laboratory reports will be included in the draft Remedial Investigation Report as well.

During public comment periods, documents can be reviewed at these repositories:

- *The Shelton Timberland Library*
- *The Shelton Civic Center*
- *Ecology’s Southwest Regional Office in Lacey*

These documents are always available at Ecology's Southwest Regional Office by appointment. To make an appointment, contact Susie Baxter at (360)407-6365 or by email at PublicDisclosureSWRO@ecy.wa.gov. In addition, all deliverables identified in the Agreed Order will be publically available from Ecology's online document repository located at <https://fortress.wa.gov/ecy/gsp/CleanupSiteDocuments.aspx?csid=2295>.

Comment 2

We typically identify Applicable or Relevant and Appropriate Requirements (ARARs) during the Feasibility Study (FS), based upon information uncovered during the remedial investigation (RI). The Agreed Order requires the City to conduct RI/FS field work and prepare a RI/FS Report for Ecology review and approval.

As with all formal cleanup sites, Ecology will ensure proper inclusion of ARARs through the RI/FS Report review and approval process and during subsequent development of the Cleanup Action Plan.

Comment 3

The investigation and remediation of the Site is proceeding pursuant to MTCA and, as such, will follow the MTCA process, including the identification of ARARs. Through this process, Ecology anticipates that ARARs relevant to landfill cleanups will be identified, including closure requirements.

At a minimum, Ecology's MTCA regulations require solid waste landfill cleanups to include the substantive closure requirements set out in Chapter 173-304 WAC per WAC 173-340-710(7)(c). However, at the earliest, the full suite of ARARs applicable at the Site will not be determined until the remedial investigation has been completed.

Terri Thompson, April 6

Note: To make this document downloadable and more accessible, attachments of over five pages were collected into a separate document. That document, *Attachments to Responsiveness Summary*, is available for review on Ecology's C Street Landfill website: <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2295>.

April 6, 2016

Re: Public comment...Agreed Order...C Street Landfill..Facility No. 1186
To Jason Landskron - Dept of Ecology and or other appropriate person

Dr. Mr. Landskron,

I am writing this as briefly as possible today. I will highlight my main comments, or concerns .

Comment 1

I have grave concerns about the real importance of public comments on this Agreed Order. In a recent email correspondence between the City of Shelton and Ecology...the City asked the Dept. of Ecology how much change would they expect from this Public Comment period. Ecology stated they did not expect any changes to the draft Agreed Order. I am hoping that this participation will not be ignored or in vain.

Comment 2

* I am requesting that the complete CD that you (Jason Landskron) have access to, given originally from me, to Cris Mathews and Kirsten Alvarez in the fall of 2013 will be added to the comments for this Agreed Order public comments. Please study the documents again... review, information/history used, and any facts such as dates listed in the draft Agreed Order, added. All documents were real documents gathered from MC/ City of Shelton and the Dept. of Ecology. (i.e...Such as the landfill still being used in 1986...Ecology's Brett Betts letter) Please edit Ecology's website for misinformation. The powerpoint says that the city used the landfill in 1950s and the 1970s. That is incorrect...the city used the landfill with Rayonier from the 1931 until 1949 when the City of Shelton solely used it. The power point also says that the disposal of municipal waste stopped in the 1970s. That is also incorrect based off of observations from even Ecology itself. After 1970...It continued at least until 1986 or 1987. After general garbage truck collection was ceased...Millions of gallons of Shelton City Sewage sludge mixed with Simpson Timber baghouse ash was disposed of until it was over 4 feet deep (a real health hazard). The power point also says that based on standards in place at the time , a 1986 report (EPA) concluded work determined dioxin risk low. What the report actually stated, " Does this Pose A Problem to the Public- Of the areas investigated, only the old city Shelton landfill remains a concern.....it is expected, however, that exposure at the city landfill will be much less than that in a residential area where people are exposed on a daily basis over their entire lifetimes." Obviously they did not see a huge development , nor elements school being built abutting the landfill in the future. This info was ignored by the City commission in their attempt to steam roll the development into the area, ignoring the cost to citizen and critical areas health and well being. See attached Public Information request info from MC Dept of Health regarding their information regarding the Shelton C-Street Landfill. (A- Attachments)

Comment 3

Comment 4

* The original instructions for the dioxin study was for sample to be taken six feet deep on location where to sludge ash was dumped. Instead, the actual tests were taken 3 inches deep with a tulip planter...100 feet from the actual site of application. Still at that...they found a high dioxin reading. This document is in the original CD.

Comment 5

* The Shelton C-Street Landfill was never formally closed and all documents need to stop saying that it was. - No need to develop Ecology talking point to the public. Some of the

talking points are moot to those citizens that personally experienced the landfill, or that have actually read and understand all documents and data associated with it. (B attachment)

- Comment 6 * **There needs to be a comprehensive list of possible landfill contaminates...not just those broad enough typical of an average landfill during the early 1930's and the 1970's, yet those specific to the complexity of possibilities for the industrial busses specifically using it. - Rayonier had the deed for the landfill and allowed the city to use it to dump municipal waste until 1949. Se deed in the original CD. Please use the book The First Century Shelton Plus Ten by Berwyn Thomas- Mason County Historical Society to read about the many products and chemicals used during Rayonier's history of using the site...Examples, included the sulphide wastes from pulping, chemicals used to make cellophane, cellulose acetate, nitrocellulose for explosives, etc. Also, add the reference newspaper articles that I added to this which includes adding a large amount of rat poison. Also , Cris Mathews (Ecology) shared that he is more concerned with the formed carcinogens because of the low temperature burning on location. (C Attachments)**
- Comment 7 * **Enforceable timeline on this Agreed Order- Due to our experience with two other seemingly useless Agreed Orders- Goose Lake and Webb Hill North Ranch (No dates that are actually dates of compliance with penalties and real actions... so movement really happens). The C-Street Landfill Agreed Order needs to be clear about expectations, have real deadlines and imposed penalties.**
- Comment 8 * **In the case of any future development, near or abutting the Shelton C-Street Landfill, WAC 365-195-920 needs to be enforced until all investigative testings are completed and everything is deemed harmless to the CARA, Goldsborough Creek and the neighboring people.- The Shelton Hills developers presently plan on building an elementary school, plus constructing a huge residential area near the landfill and no real testing or evaluation has presently been done. A simple water test has not even happened nor the real measurement to groundwater....there is a real lack or incomplete scientific information relating to the city's or county's critical areas possibly leading to harm of these area or their functions...."A precautionary or a no risk approach," in which development and land use activities are strictly limited until the uncertainty is sufficiently resolved and....- All development near the facility should be curtailed until further notice. (D Attachment)**
- Comment 9 * **Even though Ecology's Rebecca Lawson emphasized the SHA ranking of a three is not a significant change from the original one it was first given....Please add to the Agreed Order a new SHA ranking after completing the real scientific tests on location so the real scientific data, not hear say or using other consultants work., is used for the evaluation. From my environmental group's study of the CARAs in the area, no real testing has occurred in that area...depth to groundwater has never been measured, real sampling for run off ...nor water tests. The real hazards of the area are presently unknown since real scientific tests have not been completed. Kirsten Alvarez told me that the landfill score ranked worse case scenario in all the areas except she believed that the vegetative cover was enough to bring it from a one to a three. Guess the threat to the groundwater or stream doesn't mater...only the vines might be deterring those walking around up there. Ironically it was after her visit in the late fall/ and spring that she gave it a one....many of the pants would have been devoid of leaves..such as those of berry vines. When she re scored the SHA in June, she changed the ranking from a one to a 3...which is less timely to get clean-up. (E Attachments)**

Comment 10

*** In the Agreed Order- please add that no more debris shall be added to the landfill such as asked for in the OSG O'Neil Service Group Technical Memorandum. They ask to add the sediment from Goose Lake cleanup. It also needs to make sure while the process of future clean up happens...there are precautions- No sale of property, no development abutting the landfill, gates, fences and warning signs. Please have the property surveyed as soon as possible since it is likely part of the landfill is being mined. They are missing at least one corner marker. This is a community concern and a concern to Miles Mining operation. Leaches may also be affecting them.**

I apologize for the probable editing mistakes in this document. My health situation right now is affecting my eyes. You may contact me if you have more questions.

Sincerely, Terri Thompson

Ecology Response:

Thank you for your comments and questions. For the sake of organization and clarity, specific comments have been labeled and the following responses correspond.

Comment 1

Thank you for your comments and research.

Comment 2

The CD and all additional documents you provided Ecology in 2013 were placed into Ecology's site file for the C Street Landfill. They were reviewed by Ecology and made available for public review shortly after we received them. Thank you for all your hard work in tracking down and collating this information; it has been incredibly valuable in researching the site history and preparing this draft Agreed Order.

The finding of facts in the Agreed Order is Ecology's formal interpretation of site history, much of which was based on information provided on the CD you referenced. The intention of this site history is not to serve as an exhaustive timeline, but to assign liability for cleanup and to inform the remedial investigation. In that spirit, the records you provided on CD have been reviewed and will be available for public review, but will not change the language of the draft Agreed Order.

Additional information about site history will be considered in developing the remedial investigation work plan and the investigation itself. For example, Ecology acknowledges the potential for illegal dumping of garbage or other materials throughout much of the time since the landfill was apparently closed in 1974, and that signage and access restrictions to the property have been lax to non-existent. The City of Shelton has stated that the landfill parcel was used for the disposal of road sweepings and vegetated debris during the 1970's and 1980's.

Even though there is uncertainty in the record on whether the landfill was ever closed, or when wastewater treatment plant sludge application actually ceased, the draft Agreed Order requires that the City investigate the landfill as a suspected contaminated release site under the MTCA regulation. A remedial investigation will occur regardless of the landfill's perceived status and will determine the nature and extent of contamination released.

The intent of Ecology's C Street website is to provide a brief, basic background to the cleanup site, and provide a portal to access other related documents. While the web content will not become a comprehensive resource, it has been updated to better reflect basic site history.

Comment 3

The remedial investigation being proposed in the Agreed Order will be much more extensive than the 1986 EPA work, regardless of the EPA's perceived dioxin cancer risk in 1986. The remedial investigation will reassess risks not only for dioxin but many more chemicals as well, including metals. This information will inform the Feasibility Study in coming up with cleanup strategies that are protective of human health and the environment.

Comment 4

The limited information collected during EPA's dioxin study was not meant to completely characterize the C Street Landfill site. The remedial investigation being proposed will thoroughly investigate dioxin and other contaminants at multiple depths in soil and in groundwater.

Comment 5

It is important to be clear that any remediation that occurs at the C Street Landfill will meet or exceed landfill closure requirements and the site can be considered officially closed once the remediation is complete. The landfill's previous closure status will not affect the outcome or results of the remedial investigation, Feasibility Study, or Cleanup Action Plan.

It is clear from the documentation that the landfill was "closed" to receiving any municipal garbage on January 31, 1974 per a March 26, 1974 joint resolution of the Mason County Board of County Commissioners and the Shelton City Commission. A follow-up May 1975 Land Disposal Site Modification Report by Ecology designates that the "Site has been eliminated" or effectively closed, likely by the meeting WAC 173-301-611 rule regarding abandoned disposal sites.

Records also indicate that wastewater treatment plant sludge was deposited at the landfill through at least 1981. These records do not negate the decision made by Ecology in the above referenced 1975 report.

Comment 6

Since many commenters focused on the same topic, we addressed it in the "Responses to Common Comments" section above. Please see Ecology's response to "Comprehensiveness of Remedial Investigation" on page 10.

Comment 7

Since many commenters focused on the same topic, we addressed it in the "Responses to Common Comments" section above. Please see Ecology's response to "Reliability of Cleanup Timeline" on page 9.

Comment 8

WAC 365-195-920 “Criteria for addressing inadequate scientific information” is a sub-rule listed in the Washington State Growth Management Act. This rule addresses scientific uncertainty in relation to a county’s or city’s critical areas as a result of rezoning or development.

This regulation would have been considered and addressed during the environmental impact statement (EIS) phase of a development project, such as the Shelton Hills Mixed-Use Development Project. The Final EIS for the Shelton Hills Mixed-Use Development Project was issued on January 30, 2014.

Comment 9

Site hazard assessments (SHAs) are conducted to help prioritize which new cleanup sites we begin working on. The SHA is designed to provide relatively quick, preliminary sense of the nature of a site. They are often completed with little data available and therefore rely on conservative assumptions to generate a ranking.

Ecology used the information from the SHA and is currently working on the C Street Landfill. Since the SHA has served its purpose, Ecology will focus on completing the remedial investigation, which, unlike an SHA, is designed to provide a comprehensive understanding of the degree and nature of contamination at the C Street Landfill, rather than investing more time into the SHA. As stated during the public meeting and public hearing, the SHA ranking process is behind us and we are moving forward with the remedial investigation.

Comment 10

As long as the Agreed Order is active, no material or debris may legally be placed on or removed from the site without permission from Ecology. Further, as the landfill is no longer active or permitted, it would be a violation for the City or any other person or entity to deposit materials on the property without a permit.

A property survey will likely be done during the remedial investigation as the various wells, soil borings, and sample locations will need to be accurately located and tied to a benchmark.

Terri Thompson, March 30

Transcription from Public Hearing, held March 30, 2016.

Ok, next one then is Ms. Terri Thompson

[indistinct speech]

LW: And I won't start the timer until after you've said your name.

TT: Ok, can I just hang this up for one second?

LW: Sure

TT: It's not much. Sometimes I do other things like strings.

LW: Is it your cliff notes?

TT: Ah, no not really. It's really bad, but, it's not a very good drawing or anything.

LW: Ok, name, address and sit down please. Remember you're speaking to Ecology. Your name address, affiliation if you have one, then take a pause and I will start the timer.

TT: Ok. MY name is Terri Thompson. I live at [redacted]. And I originally started being with Aquifer 101 and kind of am being independent right now.

LW: I'm going to start the timer. So, four minutes and then when it goes off you'll have one more.

TT: Ok, I think that one of the things that I wanted to be here tonight is to say that my actual written response to the Agreed Order is going to be in writing and um it will have attachments etc., but I wanted to introduce myself tonight to Ecology for one thing. I wasn't at the other meeting, I've had some health issues going on and so with that I will kind of talk about how that happened.

I went to the original meeting and I kind of did a little bit of this earlier but it's just like I wanted to say how this happened and so my when I found out from our health department (which was the um, uh, what do you call it, the person that would be accountable for a landfill is our local health department), I asked them as the number one place for a public information request and they told me they had nothing. So I researched that and found out that landfills by county health departments are supposed to be kept forever, or at least until a landfill closes. So at that point I went, I'm gonna find out all about this then. And so I put out my request to all the county, the city, um, and Ecology.

And spent a lot of time, I went, uh, Chris called me personally, cause he was (Chris Matthews, with them), he was very upset because Ecology only had two letters. They were certified letters, one to the city one to the county, I talked about that. But he did say there is a box in the archives. So I spent multiple days there, I copied off the whole box, then got a very small amount of stuff from, um, uh, the county. And, but the city had another box and I copied off everything from them. My process is, and I highly recommend it, and if anyone here in this room or that's listening to this at all if it gets on air before the published, uh the comment time is over, um, you may contact me and I have three big three inch binders to look through

public comment private emails, uh, any kind of stuff. I put them in chronological order and it's the only way that I can paint the picture of exactly how things are happening because it's not how they come. Um, they come all mixed up and it's hard to tell what's going on until you get them in order. So, uh, I made copies, we made discs, it cost me a hundred fifty bucks to make my notebook into a disc. It's all come out of my own pocket, not the thousands of dollars that consultants get for telling them the same information.

Um, and at this point what happens is I tried to get city doing the right thing. I gave them my information I gave them a disc, I gave you guys a disc and so at this point we're two and a half years in and this was like, um, when we had that meeting, Chris came up to me that fast because he was so excited. He had just found out that day that they had received a form from GeoEngineers on April 3rd that they were going to be able to do the work for the 126 thousand dollars, or 25 I couldn't find it today so but it was right in that range. So at that time, if they would've hired them to do the SHA and get all the will, the drilling done and the testing done, it would've cost a hundred and twenty six thousand dollars for all of it, and it was going to be completed within two to four weeks is what Chris guesstimated, so, but, we're talking about 2014. It would, they would have been that far along. But instead Rebecca and another person for they said reasons of amount of money,

LW: One more minute

TT: Ok, anyway, um, the now we're at offering them a grant, Ecology, it public monies for a two hundred fifteen thousand and the city's going to pay a certain percentage, I think it's fifteen or twenty
Rebecca Lawson (from audience): twenty five

TT: Twenty five and if they make it into like a dog park reuse it, then it's ten percent. So and this is going to be completed by maybe three years, five years, ten years, I mean I'm looking at the Agreed Orders at goose lake and that's how hopeful I am. So this is what I see, we would have been stepped up like three years had we had moved and with half the, half the cost. I can't figure out why this happened because the expenses are so much more here for our state dollars. I mean it's all coming out of all of our pockets anyway. It's like whether it's the city money the city's money is coming out of the public pocket and so's the county. I'm just saying that's a lot of difference just right there of a waste of money and we would have known years earlier. And, that's I'm sure not all that I had to say but... (laughs).

LW: You still have time to put it in writing

TT: I know, I will. Thank you.

LW: Thank you.

Ecology Response:

Thank you again for all your work in tracking down information on the C Street Landfill. Your comments have been entered into the site record.

Please also see Ecology's response to your previous question about the site hazard assessment (SHA) above.

In 2014, in response to public interest and in recognition of the fact that a formal investigation could take years to prepare, Ecology requested cost estimates from consulting companies to construct three wells to sample groundwater for dioxins. The purpose of the work was to quickly

and cost-effectively get some data from the site which could be used to generate more site-specific information outside of the typical SHA process.

When preparing the scope of work, Ecology underestimated the cost that this preliminary field investigation would be. When the bids were received in April 2014 showing the work to cost approximately \$126,000, Ecology realized that there was not enough money in the budget to cover the work. As a result, the field work could not be completed.

It is important to note the proposed preliminary field work was not meant to substitute for the remedial investigation in the Agreed Order. Had Ecology moved forward with it in 2014, the upcoming remedial investigation would still be necessary. It was only meant to give Ecology and the community early information about site conditions.

Will Durham, March 9

Note: To make this document downloadable and more accessible, attachments of over five pages were collected into a separate document. That document, *Attachments to Responsiveness Summary*, is available for review on Ecology's C Street Landfill website:

<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2295>.

**Shelton C-Street Landfill: Agreed Order: Facility Site ID 1186
Cleanup Site ID 2295**

Questions, Comments and Caveats by Will Durham
of Waste Action Project for "Open House" Public Discussions

Jason Landskron
Cleanup Project Manager for the Shelton City Dump
WA Dept of Ecology
P.O. Box 47775
Olympia, WA 98504-7775

RECEIVED

MAR 09 2016

WA State Department
of Ecology (SWRO)

A Little Background

Hello:

My comments fall into several categories:

- ** Instructive observations.
- ** How to tell the public the story correctly.
- ** Structuring and demanding a real investigation--
not a superficial white-wash, or token interim measures
that "should be safe," but maybe won't be.
- **Attached: four-page list of inorganics, organics, metals
and fuels that are appropriate for public discussion --more
than 80 items in all.

I have read most of the historical documents on the dump --
its unregulated operations, the toxics dumped there, the quasi-closures,
the Consent Order, 9/26/86 between Simpson Timber Company and
the EPA, the resulting dioxin study of the old boilers and dump sites by
CH2M Hill, the March 2015 OSG O'Neill Srvc Grp Report, etc. and the
associated threats to human health. And more from the Washington State
Archives, the Mason County Historical Society, including remembrances
of Shelton residents stretching back three or four decades, or most of
half a century.

Comment 1

In 1986, CH2M Hill employed, as one of its discounting measures
of possible health threat, the assertion that no one lived immediately
nearby, and that with proper fencing and ground cover harm would be
miniscule. Today, 30 years later, a developer plans a school to abut the
landfill to the north with residential housing all around. I'm told that
teenagers occasionally cross the C-Street overpass at night with blankets

**Shelton C-Street Landfill: Agreed Order: Facility Site ID 1186
Cleanup Site ID 2295**

looking for comfortable places to enjoy outdoor sex. Despite a locked single-bar gate, kids on mountain bikes and dirt bikes are still free to steer around the gate to enter the 16.7-acre property.

With a new school next door, adventuresome young boys will jump at the opportunity (and over most gates and fences) to explore a “forbidden” locale. Astonishingly, when I reviewed this unwelcome probability with the Shelton Hills developer’s representative, a Mr. Farrell, he did not respond, except to say, his company was unaware of the dump, but that something could be worked out. I reminded him that Mandatory Real Estate Disclosure laws would require disclosure to all home buyers, commercial property lessees, and to anyone investing or partnering into the 800-acre project.

Astonishingly, Mason County Commissioner Randy Neatherlin, who is also a WA-licensed Realtor, standing nearby listening, piped in jovially, “But that’s in California. This is Washington, Mason County. We don’t do that stuff here.”

Comment 2

Various versions of this nonchalance toward environmental laws I’ve encountered or witnessed from Mayor Cronce, City Manager O’Leary, City Commissioner Tracy Moore; Steve Goins, Community and Economic Development Director; and Rebecca Lawson, Department of Ecology, Southwest Region. The gamut of irresponsible behavior covers a wide range. Appears to be some powerful legislator pulling strings in the background at times. On the environment, the attitude is “downplay,” “re-craft the story,” play the game: “now we have the grant money, now we don’t,” and above all stall, stall, stall until citizens either get bored or frustrated, and just give up.

Democracy is not alive and well in Mason County. It is moribund.

Last paragraph, page 64 of CH2M Hill report: “The potential exposure at the City (Shelton) landfill cannot be quantified because the nature and frequency of any exposure is unknown.”

Comment 3

p 2

**Shelton C-Street Landfill: Agreed Order: Facility Site ID 1186
Cleanup Site ID 2295**

CH2M Hill downplays environmental risk by stating the area contaminated at the 16.7 acre site represents only a small portion of the site. This statement borders on the ridiculous, since the site operated with no regulation and quasi-closures for half a century. The CH2M Hill authors ignored the 1981 hardware store fire on Railroad Avenue, when all the charred timbers, solvents, paints, pesticides, fertilizers, etc. were scooped up and trucked to the dump. Over decades, no limitation was put on public dumping of used oils and lubricants from homes and businesses, old cars and batteries, unused rodenticides (consisting of arsenic or worse), and discarding cleaning agents of every sort from all businesses. Heavy metals, another probability: cadmium, hexavalent chromium, lead and mercury.

The CH2M Hill report was based on a few soil samples no deeper than six inches with a gardener's tulip flower scoop. The public had access to all the acreage for decades of unlimited, free dumping -- the 1930's, '40's, '50's, '60's, '70's, '80's, '90's -- even after the County Dump opened because the old City Dump was free, closer, more convenient, and not monitored. The single-bar gate was usually either closed with no lock, or if locked, the padlock could be cut off (and was cut off repeatedly) for a quick night-time dump. Adds up to an endless stream of unknown toxins.

**A History of Economic Survivalism
in an Old Timber Town**

Comment 4

Translated means: The Spotted Owl is the enemy. Tree-huggers are our enemies. Any environmental concern in the way of economic development must be suppressed, diluted, mocked, politely dismissed, re-characterized as "silly busy-bodies who should mind their own business," etc. These so-called alert citizen activists are a pain in the ass, and must be thwarted in any way possible. We need jobs.

(By the way, Mark Hall, CEO, of Hall Equities, Group, Walnut Creek, CA, took control of all 800 acres comprising the Shelton Hills Project for

p3

**Shelton C-Street Landfill: Agreed Order: Facility Site ID 1186
Cleanup Site ID 2295**

Comment 5 his payment of \$10.00 to ISKUM IX, a Ronde Tribe retirement fund, into which Oregon casino money flowed. If interested, I can tell you more privately.) But think about it: Hall Equities can wait forever at almost zero holding cost for taxpayers to solve all environmental and infrastructure issues so Shelton can grow and produce jobs. But the Developer has stepped back, reneging on his promise to pay his fair share of environmental costs. He waits patiently while all the Economic Development cheerleaders figure out ways to pay for all the costs the Developer should absorb. Who gets paid for setting this deal up? How is he/she paid? It goes on and on.

Comment 6 You see why members of Waste Action Project are cynical. I have only lived here five years. Some members have grown up and raised their children in Mason County. Recently, two of three Shelton City Commissioners voted to accept an EPA grant to locate, study and define toxic threats to human health in Shelton. The vote should have been to take the money. City Manager O'Leary overruled, saying he did not want their money, effectively meaning, "better not to know." That is the standard mantra here.

**"Background" of the Dump is Grossly Misleading
as Described on page 2 of DOE's Open House
Publication 16-09-141 for February 9, 2015**

Comment 7 Backgrounding the toxic issues in these narrow terms is totally misleading the public as to what Waste Action's Lawsuit is all about, and already an attempt in the first public discussion to diffuse public concern, to re-characterize, to hide the extent of the probable contamination. Uncontrolled dumping of every sort occurred for more than half a century. The so-called "background" in the public notice for the February 9 DOE Open House, appears to have been lifted from the CH2M Hill 1986 report that focuses primarily on sludge/dioxin dumping.

To state to the attendees in the notice of the Feb 9 meeting that "... from 1950 to 1974 dumping at the site was limited to waste such as road sweepings, pruning debris.... **is an absolute falsehood.** This is not true,

p4

**Shelton C-Street Landfill: Agreed Order: Facility Site ID 1186
Cleanup Site ID 2295**

and appears to be a purposeful downplaying to the attendees of the true history of the dump and its total absence of anything called "management or control."

Comment 8

Once you narrow the problem to just a few items of concern, then you only have to take a quick look, control costs with a cosmetic or interim solution, and forget about the real potential of what might be discovered over 16.7 acres reflecting the true toxic potential of the dump as its unregulated history suggests.

The foregoing comments are mine based on my experiences living in Shelton on Hammersley Inlet for five years. Other members of Waste Action Project can offer further details. I am sending a copy of these comments to our Seattle law firm.

Attached is a four-page list of inorganics, organics, heavy metals, fuels and solvents that should be reviewed in our next Open House on the City Dump Toxics. I am extremely interested in how your concern for investigation plays out along this list. I plan to take notes, or to record your comments, for a discussion I plan to have with a lab I know and trust.

Will Durham, February 24, 2016

Mailed to Jason Landskron, registered mail March 2, 2016/Email 2/24/16
Dept of Ecology, Project Manager
Clean-up of C-Street Shelton City Dump
300 Desmond Dr. SE
Lacey, WA 98503

Faxed to Smith & Lowney PLLC Law Firm: Emailed on 2/24/16
2317 E. John St.
Seattle, WA 98112
Attachment: Four-page list of chemicals, solvents, fuels, heavy metals

Copies to Greg Wingard in Seattle, CEO, Waste Action Project 2/24/16

Ecology Response:

Thank you for your comments and questions. For the sake of organization and clarity, specific comments have been labeled and the following responses correspond.

Comment 1

Since we received several comments about accessibility of the C Street Landfill site, we addressed it in the “Responses to Common Comments” section above. Please see Ecology’s response to “Fencing and Signage” on page 10.

Comment 2

Ecology’s work is dictated by the legal statutes of the Model Toxics Control Act, which we are committed to following. The cleanup process is designed to be effective rather than quick, and grant funding can be fickle. As a public agency, Ecology’s funding is decided by the legislature and, depending on economic environment, can be increased or cut dramatically. Many of Ecology’s remedial action grants were recently cut in response to such legislative decisions.

Comment 3

The CH2M Hill report you referenced is included in Ecology’s site files and was considered in developing the site history. However, the data presented in the report will not contribute to Ecology’s remedial investigation. Please see the “Comprehensiveness of Remedial Investigation” section above on page 10.

Comment 4

Any work provided by the City of Shelton, through their hired consultants, will be extensively reviewed by Ecology and is subject to legal and professional standards as per the Model Toxics Control Act.

Comment 5

Thank you for your comment.

Comment 6

Thank you for your comment.

Comment 7

Since we received several comments about Ecology’s outreach materials, we addressed the topic in the “Responses to Common Comments” section above. Please see Ecology’s response to “Accuracy of Outreach Materials” on page 9.

Comment 8

Since many commenters focused on the same topic, we addressed it in the “Responses to Common Comments” section above. Please see Ecology’s response to “Comprehensiveness of Remedial Investigation” on page 10. That response describes how we will develop the list of contaminants of concern.

Will Durham, March 30

Transcription from Public Hearing, held March 30, 2016.

Will Durham (WD) and Hearings Officer Lydia Wagner (LW)

WD: Ok, my name's Will Durham. 2406 Walker Park Road, Shelton 98504, and I'm a member of waste action project.

LW: Ok, and I'm going to start the timer.

WD: Ok.

LW: It's all yours.

WD: I think I left my, uh, list of chemicals in uh my car but I did submit it that list of chemicals to Jason. Uh, I'm, I use an analytical laboratory in Oregon and uh, when they look at uh, uh dump sites, they have a list of uh, of heavy metals and organic and inorganic compounds that are, uh, chemicals of potential concern. And we've talked a lot about dioxins but I would like some rationale given to um, how we can exclude all these different chemicals as being chemicals of concern, um, early in the process. So, I can re-submit that list, but Jason has a copy of that list and I would appreciate any comments, uh, at the end of this meeting, um, as to why we would exclude heavy metals, if you're going to test for them. And, again, the only test that's ever been done, was done with a little tulip flower scoop and um, a backhoe around the perimeter of the property. Uh, this is economical but it's certainly not thorough.

And again I've um, in relation to my previous comment, if you don't start with a, uh, a thorough method, um, to structure the entire investigation, the investigation has the potential to be faulty. And I cannot for the life of me understand, um, how Ecology can even assume that uh the city would be accurate in any of its comments on these chemicals. Again I have a list of uh, about a hundred different chemicals and metals. All of which could, with all the burning that goes on, that has gone on, on and off site, mercury is a hospital's, mercury is a byproduct of hospital sludge. A lot of the mercury that goes in to sludge, uh, from hospitals, ends up, I think ended up in the landfill. So, these things worry me greatly, and um, I'm still not convinced about the procedure and how that's going to, uh, be structured, so that's a summary of my, uh, comment. I just wanted to make that point. I think I have a list of the chemicals in my car. [indistinct voices]

LW: Thank you.

LW: Anyone else? You still have time. Ok, then I will proceed with the rest of my formal comments that need to go on to the record. I have no other names of people wanting to comment.

WD: Here's the list.

LW: Oh, thank you.

Ecology Response:

Thank you for your comment about the timeline for the C Street Landfill cleanup. Since many commenters focused on the same topic, we addressed it in the “Responses to Common Comments” section above. Please see Ecology’s response to “Comprehensiveness of Remedial Investigation” on page 10.

Will Durham, April 4

April 4, 2016 Further comments on proposed C-Street Dump Investigation, Clean-Up

Jason Landskron, Manager
C-Street Shelton Dump Clean-Up
Dept of Ecology
300 Desmond Drive S.E.
Lacey, WA 98503

RECEIVED

APR 05 2016

WA State Department
of Ecology (SWRO)

Encl: The First Century, Shelton (Book)

Subj: Additions to my comments during March 30 Public
Hearing on the C-Street Dump

Dear Mr. Landskron:

Since Mrs Thompson had made reference to this official History of Shelton, I felt you should have a copy for your reference. It depicts how this old timber town has evolved -- the problems, lumber production, and its associated environmental problems.

Comment 1

Pat Vandehey, an acquaintance, fears 2-3-7-8 TCDD, as we all do, and most folks understand your explanations about its characteristics of clinging to soil particles, quickly settling in watery environments, etc. But such a targeting of worry creates the possibility that an investigation might be limited to the first dozen feet of soil or so. To argue that an investigation is complete and definitive after working only close to the surface totally ignores the most toxic and intense years of dumping and incineration -- Rayonier Lab wastes, hardware store fire, old cars and their oils and batteries, heavy metals in toxic sludge, household paints, pesticides, batteries; and the list has no end, really, in those years. I believe the sulfite liquor from paper and rayon production increased methylated mercury.

On-site and off-site relatively low-temp burning of all these dump materials created more toxic compounds.

Comment 2

By lowering the Clean-Up Priority from a 1 to a 3 because of blackberry bush cover is a logical method to keep most people and pets away from surface contaminants, but once again totally ignores toxins at depth, perhaps 100 feet down. But what about kids who eat the blackberries? By the way, as we all know, the Cascadian Seaquake Fault lies offshore and is imminent to let go.

Experts predict the most catastrophic quake ever. Could these reservoirs of toxins rupture and allow their contents to seep into our huge aquifers, some of the largest in the state, which are refilled from the Olympic Mountains runoff? No electricity for up to two weeks, the planners say. We will have enough problems without infected aquifers. The entire population of Mason County on trucked-in water for two weeks or worse yet, a main aquifer infected until \$10's of millions of dollars are spent to clean the aquifer. Overall costs would skyrocket enough without this problem. A "9" Richter scale or better earth/seaquake could easily inflict damages of one billion dollars or more. Would there be any money left for a major aquifer clean-up?

The Importance of A Full Science-Based Analysis of the C-Street Dump Versus "Political Accommodation/Financial Lobbying"

Comment 3

Ms. Lawson has repeatedly cited budgetary constraints for not being able to probe the site at depth. Hmmm, I doubt this is the only reason. The Timber Barons and builders, Indian casino investment money, and most current Mason County, Shelton City elected officials, and State legislators, including senior Senator Tim Sheldon have all in various forums or by their votes showed great desire not to know more, to ignore, or to either minimize any and all threats from known legacy toxic waste sites, or at the very least redirect environmental spending to economic development. In just the past five years of living in Shelton, my awareness has grown, leaving me dumbfounded at these various mindsets. My 25-year-experienced financial antennae are up and quivering. I also have experience as an investigative journalist--MSJ, Northwestern U., Evanston, Illinois, 1974.

Comment 4

Since, amazingly, Tim Sheldon is both a Mason County Supervisor AND a State Senator, he would be the mouthpiece to inform Maia Bellon that she needs to cooperate to down-rank environmental problems in Mason County to allow his friends in Economic Development to hustle their deals together with the "Planned Action Ordinance" -- sanctioned quick approvals, bypassing the true protective intent of Washington's environmental laws. After all, his first job after college was Director of Economic Development in Shelton/Mason County for 15 years. With his MBA background, he became advisor to the Squaxins and other Indian tribes on investing casino daily cash-flow which now runs in the millions.

(Mason County is the last of Washington counties to allow a state legislator to also serve as a County Commissioner. No other public official in the legislature wields such pervasive power.) Sheldon claims to be Democrat, but votes with Republicans over and over “to be more effective, and get things done,” according to his mantra. I observe that Mason County Commissioner, Randy Neatherlin, a licensed WA. real estate broker and Mason County Commissioner, stated to me that we just don’t do all that California Real Estate Disclosure stuff here (location of possible toxics (C-Street Dump, Goose Lake) This is Mason County. I guess he means “to be more effective, and get things done.”

The Bulk of This Commentary Is an Attempt to Sketch Out
and Explain the Political Backdrop and Personalities
at Play in Shelton and Mason County, and How
This Chemistry Affects ANY Environmental Clean-Up Plan:
C-Street Clean-Up, Shelton Hills, Goose Lake, and any others

Here’s an example of how a Shelton City public official views a citizen with concern for a healthy environment:

Mayor Cronce for years was President of the Washington State Builders Exchange. He despises environmentalists. When I dropped by his wife’s jewelry shop to discuss a few points on ecology, he told me I had 10 minutes, that as mayor he had to give me 10 minutes, but that was all, and then to get out of his wife’s shop. He looked up only twice as I spoke, while still playing a card game with his wife. I took much less than 10 minutes. I saw it was hopeless.

I was informed by a retired legislator that Senator Sheldon and his sister, Toni Sheldon, municipal court judge, inherited a sizable trust holding of timber lands, from their grandfather. All local economic development that uses lumber reduces transportation costs to other markets, a big plus for Simpson Timber, (now Sierra Pacific) Green Diamond, Manke, and all private owners, including Senator Sheldon’s Family Holdings. All discussion of any environmental issue slows economic development and the current cash-flow potential of standing timber. I would suppose that a fast-track approval of such a huge 20-year, 800-acre development, such as Shelton Hills, (with only token review of adjacent toxic sites) would effectively guarantee that all timber holdings would be worth more, since all competing lumber would have to be shipped in at extra cost.

All these timber owners desire quick approvals from the City of Shelton, and wish to minimize, ignore, or gloss over any and all environmental problems nearby, and most especially on adjacent properties. City Manager O'Leary overruled the City Commission when they voted to accept a FREE grant from the EPA to survey the City and environs for toxic waste sites to prioritize them for clean-up. O'Leary exercised a right he did not have, but the Commission members did not challenge him. Mayor Cronce and City Manager O'Leary (retiring in June this year) resemble anachronistic codgers with the unbridled lust of the 1950's to build and develop when the American economy was booming and much less was known about toxics. They should both retire to far away from public office O'Leary, ironically, is teaching a course at Evergreen College, astoundingly, and hopes to secure a full-time position as a professor. Oh my God, if they only knew.

Comment 5

Small-town Timber Tyranny is alive and well in Shelton. These crosscurrents of political and financial intrigue should not be your concern, or affect or infect the proper functioning of the Department of Ecology. Unfortunately, disastrously, Ms. Larson's performance during the public ecology meetings for the Shelton Hills Development proposal smacked of rehearsal and accommodation in favor of the developer and his political cohorts. The many intelligent and educated citizens in the audience asked endless questions, made formal statements for the record and generally objected to being railroaded by an out-of-town developer who wanted to move forward with the Planned Action Ordinance, with only token acknowledgement of the adjacent toxic sites.

You should also know that the Developer's representative, Brandon Farrell asked that the Public Utility District pay for an electric substation -- \$4.6 million with taxpayer funds. The Developer has also failed to begin traffic control improvements--stoplights and lane widening. The Developer, now named as a partially/potentially responsible party to Goose Lake clean-up, is mum, refusing to do a thing. Same would hold true if shelving of toxics at C-Street and/or an earthquake shunted chemicals onto the south end of the 800-acre Shelton Hills proposed development. Developer will not budge. He is counting on accommodation from Department of Ecology, accommodation from City and County officials, as influenced by his political friends.

By the way, Mark Hall, CEO of Hall Equities, owns a summer home not far

from Senator Sheldon's residence in Hoodsport. Sheldon's sister, Municipal Court Judge, Toni Sheldon, lives nearby as well. All neighbors want to help each other out, but how far should this help go? Actually, I don't care. As long as the citizens of Shelton, informed or not, are treated fairly, and as long as the environment is respected, and as long as the Department of Ecology is driven by good science, and not "back-door" politics, I don't care.

Citizens of Shelton and Mason County, though top-heavy with laborers, snowbird retirees, meth freaks, and the under-educated and uninvolved reclusives, still deserve the full authority and protection of the mandate under which the Department of Ecology is supposed to serve -- adherence to good science and environmental law, not political accommodation.

Dept of Ecology Website: Director Maia Bellon

"Maia Bellon is known for forging creative partnerships, and is committed to innovative solutions"

My comment: "Maia, if you are sitting down with Senator Tim Sheldon to forge an 'innovative solution' to C-Street Dump, Shelton Hills, or to any other situation involving environmental laws, or to the proper enforcement of applicable laws, you are out of your league in Mason County. You don't know where the bodies are buried (so to speak), who might make millions at taxpayers' expense, how the spin is being put to you, etc. Too much political innovation destroys good science."

Best Regards,



Will Durham
April 4, 2016

Attached:

Title documents showing Mark D. Hall acquiring control of the 800-acre Shelton Hills parcels for \$10.00, and assuming all environmental liability, then transferring ownership to a series of limited liability companies, and finally to a privately held partnership, Shelton Hills Partners, who have been pledged to secrecy.

Toxic LEGAL BOMB Possible for Taxpayers: If the City of Shelton approves Shelton Hills/Goose Lake/C-Street Cleanup without REAL resolution of toxic problems, taxpayers will be on the hook, not the Developer, for any and all lawsuits to follow, since the Developer has taken great pains to shield himself behind a series of limited liability companies, a maneuver designed by attorney Joseph A.G. Sakay, Juris Doctorate, of Seattle Law Firm Hills, Clark, Martin, and Peterson, P.S., whose clients are primarily from the big names in the finance, banking, and general corporate worlds. Michael Maestro, notorious Washington real estate developer, who stole hundreds of millions from investors and absconded to France, also chose Sakay as his attorney.

To get control of the 800 acres for \$10.00, the Developer assumed all toxic liability on or "NEAR" the subject property, then promptly structured a bail-out backdoor through a series of limited liability structural transfers. This process reeks of financial self-interest while pawning off potential, open-ended liability to the City and its taxpayers forever. The Economic Development cheerleaders in Shelton do not have the faintest clue as to what is really going on. I fear for this City.

Note: The comments above simply reflect what I have witnessed or researched on my own. Various citizens have shared their experiences with me, or their observations, or their worries. Other information I have gleaned from Public Information Requests, discussions with public officials currently holding office or publicly available sources. My interpretation of this information is based on 25 years investment real estate work and training as an investigative journalist and driven by simple curiosity about my relatively new home. (I lived in California almost 40 years.) With these comments I do not represent any particular organization -- just five years of living in Shelton on Hammersley Inlet.

Ecology Response:

Comment 1

The forthcoming remedial investigation work plan will define types of sampling that will occur on the C Street Landfill site. As described above under "Comprehensiveness of the Remedial Investigation" in the "Responses to Common Comments" section on page 10, Ecology's investigation will be broader than dioxins/furans, and it will include groundwater.

Comment 2

Ecology currently has very little information on the Site and far too little data to model potential impacts as a result of earthquakes. The remedial investigation will get us the data we need to answer questions such as this. Once we have defined the nature and extent of contamination in the remedial investigation, we can use that data in the Feasibility Study to come up with cleanup options, some of which may require examining the structural integrity of the property itself.

Comment 3

Under the Model Toxics Control Act, which guides Ecology's work, the remedial investigation is what we count on to define the extent and contamination at a cleanup site. That is the next milestone of the cleanup process. If the budgetary concerns you refer to are regarding the preliminary field work proposed in 2014, that does not impact the remedial investigation.

Comment 4

Thank you for taking the time to describe the political atmosphere that you see in Shelton and Mason County. Ecology is guided by legal standards presented in MTCA and will follow that guidance in the cleanup of the C Street Landfill.

Comment 5

Thank you for your frank assessment of the public meeting held regarding the Shelton Hills development. It is valuable to receive clear feedback about public events.

Ecology will follow guidance provided in MTCA in the cleanup of the C Street Landfill regardless of the status of the Shelton Hills development.

The meeting you refer to was hosted by the City of Shelton, and Ecology staff were present as guests. Regarding the appearance of rehearsal and practiced phrasing during Ecology's public speaking, you are correct. We do rehearse and plan what to say during such meetings. This is for several reasons: Public speaking can be challenging and rehearsal is a part of making it easier for the speaker and more likely that what is said will be clear for the audience. Rehearsing also increases the likelihood that Ecology will be able to follow through with any commitments that are made during the event.

Public speaking about highly technical information is challenging because so much information is available to discuss that we risk being uninteresting or irrelevant to the audience. Our intent in outreach materials and during public presentations is to present accurate, relevant information while balancing the level of detail and audience interest.

If, during a presentation, your questions are not answered or you are not satisfied with the answer, you may contact Ecology directly.