

South, David (ECY)

From: South, David (ECY)
Sent: Tuesday, September 27, 2016 9:53 AM
To: 'Sharon Sneddon'; 'Dawna Lahti'; 'joe.scordino@yahoo.com'; 'dmm98020@comcast.net'; 'Marjorie Fields'
Cc: 'Jolitz, Kim S'; 'Boortz, Marielle (MJBoortz)'; 'Zorn, Scott'; Tran, Jeanne (ECY); Lui, Nancy (ECY); Svoboda, Patrick
Subject: Unocal Edmonds cleanup site - response to comments

This email responds to comments received during the August 2016 public comment period on cleanup of contamination at the Unocal Edmonds Bulk Fuel Terminal Site. The comment period was on making cleanup levels for benzo(a)pyrene and benzene more strict and on the Draft National Pollution Discharge Elimination System (NPDES) Permit for the Site. The NPDES Permit requires treatment of contaminated water produced during cleanup to a quality protective of human health and the environment prior to discharge to Willow Creek.

Comments were received via email from five people. These emails, which are public record documents, are in the attached file **Compiled_Comments.pdf**. Ecology considered each comment. No changes were made to the Amendment to the Consent Decree setting stricter cleanup levels or to the NPDES Permit as a result of the comments. Specific points are addressed below.

Several commenters expressed agreement with setting stricter cleanup levels for benzo(a)pyrene and benzene. The lower concentrations are a result of changes made to the federal National Recommended Water Quality Criteria for the protection of human health.

One commenter said the NPDES Permit should not be issued to Chevron Environmental Management Company (Chevron). The commenter indicated treated wastewater should not be allowed to flow into Willow Creek because state and federal standards may not be strict enough to protect aquatic life. As mentioned above, the stricter standards are based on protection of human health. This is based on people eating fish (or other aquatic organisms). There are no federal or state standards for the protection of aquatic life for the chemicals of interest at this Site. Testing performed as part of investigations at the Site indicate the concentrations protective of human health will be protective of aquatic life.

One commenter expressed concern that cleanup of contaminated soil be done with extreme care to keep contaminants from escaping. Cleanup is done using strict health and safety protocols to keep contaminants from re-entering the environments. Dust control measures are employed (e.g., fugitive dust will be controlled with water spray from an on-site water tank), truckloads of excavated soil are covered, and truck wheels are washed prior to leaving the Site. Two dust monitors will be installed during work hours, one upwind of the work area and one downwind of the work area.

Willow Creek is a tidally-influenced stream, and at high tides greater than six feet water flows from Puget Sound up Willow Creek into Edmonds Marsh. One commenter indicated that the permit should clarify that discharges into Willow Creek will ultimately discharge into the Edmonds Marsh or Puget Sound, depending on the tide levels. This commenter suggested that discharges be restricted to periods when the tide level is below six feet to ensure that discharges flow into Puget Sound and not Willow Creek. Discharge limits in the NPDES permit are protective of both Puget Sound and Edmonds Marsh.

One commenter recommended that the NPDES Permit require independent monitoring by a contractor independent of Chevron, but paid by Chevron. The Washington State Department of Ecology is the regulatory agency charged with overseeing the discharge monitoring required by the NPDES Permit. Self-monitoring by the Permittee is the basic approach used by the NPDES Permit system nationwide. The permit contains language (Section S3 of the permit) that requires

that the contract laboratory be accredited by Ecology's Manchester Laboratory in order to perform the analysis. The contract laboratory reports must include information on the chain of custody, QA/QC results, and documentation of accreditation for the parameter. The permittee is required to monitor and report in accordance with the conditions set forth in the permit. Falsification of information submitted to Ecology is a violation of the terms and conditions of the permit. If Ecology identifies issues regarding the monitoring, Ecology will take appropriate measures, including sampling the discharge, as necessary.

One commenter asked about the public availability of the monitoring results. Monitoring results will be available on Ecology's Permitting and Reporting Information System (PARIS) web site. A member of the public can click on Access PARIS and enter the permit number (WA0991007) to obtain the data. no information will be available until the discharge actually starts.

One commenter asked if it would be possible for Ecology to designate the Edmonds Stream Team as an authorized representative to access the site. Ecology authorized representatives are under contract to Ecology, are working at the direction of Ecology, and must have legally-required health and safety training for working on hazardous waste sites. It would not be possible for Ecology to authorize the Edmonds Stream Team to access the Site.



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South, David (ECY)

From: Marjorie Fields <mvfields@me.com>
Sent: Sunday, August 07, 2016 5:22 PM
To: South, David (ECY)
Subject: Edmonds Unocal Cleanup Site

Progress in clean up at the Edmonds Unocal site is good news.

However, pumping petroleum-contaminated water into Willow Creek and then into the Sound could be dangerous for water quality, even after water treatment. Please be certain all possible safeguards are in place for this process.

Similarly, the contaminated soil extraction process requires extreme care to keep dangerous contaminants from escaping.

Thank you for your efforts to make this cleanup successful.

Marjorie Fields
327 2nd Ave N.
Edmonds, WA 98020

South, David (ECY)

From: Dawna Lahti <edmondite1@hotmail.com>
Sent: Tuesday, August 23, 2016 11:18 AM
To: South, David (ECY)

Mr. David South

Dear Sir:

I am availing myself of the privilege of weighing in on the Edmonds Bulk Fuel Terminal 0178 cleanup during the comment period ending September 6th. I am a resident of Edmonds for more than 30 years and am increasingly aware of the successful efforts to clean and preserve the remaining Edmonds marsh. To allow cleanup pollutants to leach in would undo many years of conservation effort. Therefore, I strongly agree with the Draft Amendment Agreed Order to abate benzene products prior to release and with NPDES which would uphold the highest standards available to us.

Thank you. Kindly RSVP.

Sincerely

Mrs. Jim Lahti

South, David (ECY)

From: dmm98020@comcast.net
Sent: Tuesday, August 09, 2016 9:24 AM
To: South, David (ECY)
Subject: Unocal Edmonds Cleanup Site

David South
Toxic Cleanup Program Site Manager

As an Edmonds resident, my comment is appreciation to the Dept. of Ecology for their follow-up to protect the water quality, require polluting entities to be responsible for cleanup.

With the major federal, state and local funds proposed to daylight Willow Creek, the water quality is of particular importance to returning fish, salmon, among them. We are most fortunate that this area of the Edmonds Marsh was not filled and developed and each of these steps to protect the natural environment have such significant and long term consequences.

Thank you,

Dianna Maish
Edmonds

South, David (ECY)

From: Tran, Jeanne (ECY)
Sent: Wednesday, September 21, 2016 8:07 AM
To: South, David (ECY)
Subject: FW: Comments on National Pollutant Discharge Elimination System Waste Discharge Permit No. WA0991007

From: joe scordino [mailto:joe.scordino@yahoo.com]
Sent: Tuesday, September 06, 2016 4:24 PM
To: Tran, Jeanne (ECY) <JTRA461@ECY.WA.GOV>
Subject: Comments on National Pollutant Discharge Elimination System Waste Discharge Permit No. WA0991007

To: Jeanne Tran, Dept. of Ecology.

The following are my comments on the Draft National Pollutant Discharge Elimination System (NPDES) Permit application from the Chevron Environmental Management Company for the Unocal Edmonds Bulk Fuel Terminal Site to address contaminated soil and groundwater.

The permit should clarify that discharges into Willow Creek will ultimately discharge into the Edmonds Marsh AND/OR Puget Sound dependent on tide levels. During periods of higher tides (greater than about six to seven feet), Willow Creek DOES NOT flow into Puget Sound; the creek either backs up into the Edmonds Marsh (when tide gate is functioning in fall/winter months) or is mixed with incoming saltwater from Puget Sound and flows into the Edmonds Marsh (when tide gate is secured open in spring/summer months). Thus, UnoCal cleanup discharges into Willow Creek do affect the Edmonds Marsh and discharged contaminants may deposit in the sediments in the Edmonds Marsh. The Edmonds Marsh has likely been contaminated by groundwater infusion and runoff from past UnoCal operations and additional contaminant discharges, even if at low levels, may increase the contaminant load in the sediments in the Edmonds Marsh.

The tide gate downstream of the UnoCal property is secured open by the City of Edmonds between about March 15 and October 15 of each year to allow tidal influx into the Edmonds Marsh. In the late fall/winter months (mid-October to mid-March), the tidegate is returned to functioning to prevent saltwater from entering the Edmonds Marsh due to winter flooding concerns. This tide gate and tidal height will affect the flow of discharges of treated/contaminated water from the UnoCal site.

The permit should take into account potential adverse affects to the Edmonds Marsh due to flow conditions. One approach would be to restrict discharges to only those periods when the tide is below six feet to ensure that discharges will be flowing into Puget Sound and not settling into the sediments in the Edmonds Marsh.

I would also recommend that the permit require some sort of independent monitoring. Self-monitoring, although more cost efficient, does not provide the level of certainty that the public expects in clean-up of petroleum-compound contaminated areas. There are negative repercussions of oil industry self-monitoring as evidenced by the Deepwater Horizon situation in the Gulf, and they can only be addressed through independent monitoring. The permittee should pay the costs of such monitoring, but there should be no contractual arrangements or otherwise between the permittee and the independent monitors. Public funded agencies also should not have to pay for the monitoring. The permit could require that the Dept. of Ecology would contract for independent monitoring and then bill the permittee for the contractor and administrative costs (so there is no expenditure of public funds for the monitoring).

The reporting requirements in the permit appear adequate, but it is not clear that the reports will be made easily accessible for the public (without having to go through

public disclosure procedures). I don't know if it needs to be a permit condition, but there needs to be a mechanism for the public to access all reports and data through an internet portal or something. One approach is for Ecology to set-up a publicly accessible site and have a permit condition requiring the permittee to post all reports and data to such site. The City of Edmonds had a citizen group (the ECAC) that oversaw previous UnoCal cleanup operations and although the group has disbanded, there are still a number of Edmonds citizens who are interested in overseeing and tracking the clean-up operation. Many of us are disappointed that potential impacts of the UnoCal operations on the Edmonds Marsh and the need for sediment sampling in the Marsh have been dismissed by Department of Ecology and we want to track cleanup operations to ensure the Edmonds Marsh is not further impacted even by low contaminant levels.

Lastly, section G.2 of the permit pertains to site entry and inspection. Would it be possible for Department of Ecology to designate the 'Edmonds Stream Team' as an authorized representative to access the site for the purpose of collecting water quality measurements and water samples in Willow Creek and the ditch along the UnoCal property? The 'Edmonds Stream Team' is a citizen science project, recognized by the City of Edmonds, that collects water quality data in three Edmonds streams and the Edmonds Marsh with high school students. I can provide more details on the 'Edmonds Stream Team' and work out details if Ecology would be willing to help authorize access to the UnoCal property for monitoring waters along the southern edge of the Marsh/Willow Creek.

Sincerely,

Joe Scordino

South, David (ECY)

From: Sharon Sneddon <sksneddon@frontier.com>
Sent: Monday, August 22, 2016 11:44 AM
To: South, David (ECY)
Subject: Unocal Edmonds Cleanup Site

I concur that the Interim Action Work Plan should proceed as amended. Increasing the cleanup levels for benzo(a)pyrene and benzene will contribute to a more healthy environment once the cleanup is finally finished.

Sharon Sneddon
Edmonds

South, David (ECY)

From: Tran, Jeanne (ECY)
Sent: Wednesday, September 21, 2016 8:07 AM
To: South, David (ECY)
Subject: FW: Unocal Edmonds Cleanup Site

-----Original Message-----

From: Sharon Sneddon [mailto:sksneddon@frontier.com]
Sent: Monday, August 22, 2016 11:55 AM
To: Tran, Jeanne (ECY) <JTRA461@ECY.WA.GOV>
Subject: Unocal Edmonds Cleanup Site

The National Pollutant Discharge Elimination System Permit should not be granted to Chevron Environmental Management. Washington State Water Pollution Control regulations and the Federal Clean Water Act may not be strict enough to keep some of the latent chemicals remaining in the treated wastewater from disrupting optimal stream chemistry that allows aquatic creatures to flourish. The treated wastewater should not be allowed to flow into Willow Creek.

Sharon Sneddon
Edmonds