



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Public Participation Plan**

**Ultra Yield Micronutrients, Inc.**

**213 W Moxee Ave**

**Moxee, WA 98936**

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*Facility Site ID: 17964725*

*Cleanup Site ID: 4444*

February 2018

## Publication and Contact Information

This plan is available on Ecology's [Ultra Yield website](#).<sup>1</sup>

For more information contact:

Central Regional Office  
1250 West Alder Street  
Union Gap, Washington 98903  
509-575-2490

Washington State Department of Ecology - [www.ecology.wa.gov](http://www.ecology.wa.gov)

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Yakima 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

*To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6700 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.*

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<sup>1</sup> <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4444>

# **Public Participation Plan**

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## *Ultra Yield Micronutrients*

Hazardous Waste and Toxics Cleanup Program  
Central Region  
Washington State Department of Ecology  
Union Gap, Washington



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## Public Involvement in Contamination Cleanup

Ultra Yield Micronutrients (Ultra Yield) currently operates a micronutrient fertilizer production facility (facility) at 213 West Moxee Ave. in Moxee, Washington. The facility was formerly owned and operated by Bay Zinc Company, Inc. (Bay Zinc) and then by Kronos Micronutrients, L.P. The Washington State Department of Ecology (Ecology) developed this public participation plan (plan) in cooperation with the Permittees, Ultra Yield and Richard J. Camp Jr. The purpose of the plan is to provide information on how Ecology, the permittees and the public can promote meaningful community involvement during cleanup.

The plan describes ways we will inform the public about investigations and cleanup related activities at this site. We encourage the public to learn about and get involved in decision-making opportunities. This plan identifies how and when the public can get involved during different stages of the site cleanup process.

Specifically, this plan is for an agreed order, draft corrective action plan, and corrective action permit for the Ultra Yield Micronutrients site (site).

### Site contacts

To be included in the site record, comments about the cleanup process must be submitted during comment periods. Questions and informal comments or information about the site's history are welcome anytime.

#### Ecology

Tom Mackie  
Site manager  
[thomas.mackie@ecy.wa.gov](mailto:thomas.mackie@ecy.wa.gov)  
Central Regional Office  
1250 West Alder Street  
Union Gap, WA 98903-0009  
509-575-2803

Bridgette Valdez-Kogle  
Public involvement coordinator  
[bridgette.valdez-kogle@ecy.wa.gov](mailto:bridgette.valdez-kogle@ecy.wa.gov)  
360-407-7616

#### Permittees

Ultra Yield Micronutrients, Inc.  
4530 Professional Circle, Suite 201  
Virginia Beach, VA 23455

Richard J. Camp Jr.  
226 Warren Acres Road  
Yakima, WA 98901

## **Public Participation Grants**

Grants may be available to neighborhood committees, non-profits, and other groups interested in the site. These funds may be used to provide additional public involvement opportunities, receive technical assistance, and enhance the public's understanding of the cleanup process.

For more information about public participation grants, please contact Lynn Gooding at 360-407-6062 or email at [lynn.gooding@ecy.wa.gov](mailto:lynn.gooding@ecy.wa.gov). You may also visit the [Public Participation Grant website](#).<sup>2</sup>

## **State and Federal Cleanup Laws**

Ecology uses the Model Toxics Control Act (MTCA) and accompanying regulations for cleanup activities.

This plan is required under MTCA, a law that passed in 1989. MTCA provides guidelines for contaminated site cleanup in Washington State and sets standards to ensure the cleanup protects human health and the environment.

## **Model Toxics Control Act (MTCA)**

The state's Model Toxics Control Act (MTCA) began as a grassroots citizen's initiative in 1988, and started the process of systematically cleaning up contaminated sites in Washington. Under MTCA, a current or past property owner or operator may be held responsible for cleaning up contamination on, or coming from, their property to standards that are safe for human health and the environment.

Ecology implements MTCA and oversees cleanups in the state and issues regulations and guidance governing those cleanups. The regulations are found in [Chapter 173-340 Washington Administrative Code \(WAC\)](#).<sup>3</sup> Ecology investigates reports of property contamination, and if the contamination is seen as a significant threat to human health or the environment, the contaminated property is placed on the Hazardous Sites List, and the cleanup process begins.

Public participation is an important part of cleanup under the MTCA process. Participation needs are assessed at each cleanup site according to the level of public interest and the degree of risk posed by the contamination. Individuals who live near the site, community groups, businesses,

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<sup>2</sup> [ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants](http://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants)

<sup>3</sup> <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

government, other organizations, and interested parties have the opportunity to get involved by commenting on the cleanup process.

## Hazardous Waste Regulations

There are federal and state regulations governing the management of hazardous wastes. The United States Congress enacted the Resource Conservation and Recovery Act (RCRA), an amendment to the Solid Waste Disposal Act in 1976 to ensure safe management and disposal of municipal and industrial waste generated nationwide. RCRA has been amended several times, including in 1984 with the Hazardous and Solids Waste amendments that expanded the scope and requirements of RCRA.

The goals of RCRA are to:

- Protect human health and the environment.
- Reduce waste and conserve energy and natural resources.
- Reduce or eliminate generation of hazardous waste as quickly as possible.

Subtitle C of RCRA established a program to handle wastes from the moment they are generated to their final disposal, known as “cradle to grave.” Owners and operators of waste treatment, storage, and disposal (TSD) facilities are required to submit a permit application covering all aspects of design, operation, maintenance, and closure of the facility. RCRA requires owners and operators of these facilities to clean up contamination resulting from *past* and *present* practices, which includes practices of previous owners. These cleanup activities are known as corrective action.

Ecology and the U.S. Environmental Protection Agency (EPA) jointly issued a hazardous waste permit to this facility on November 4, 1988. The permit stipulated how wastes stored at the facility were to be managed. After ten years of operation, the permit expired and by 1999, the facility was no longer storing hazardous waste.

In 1999, the EPA conducted a RCRA Facility Assessment (RFA) investigation at the facility. The purpose of the RFA was to identify those areas at the facility where releases of hazardous substances may have been occurring. On November 20, 2000, EPA published a final RCRA RFA Report. In response to the RFA Report, Ecology and Bay Zinc, the former owner, entered into an agreed order for the remediation of soil and groundwater at the facility. Between October 2002 and June 2005, Bay Zinc conducted extensive excavation and off-site disposal of 12,320 tons of contaminated soils. Between 2003 and 2006, Bay Zinc also performed groundwater remediation using a pump-and-treat system. Groundwater monitoring has been on-going at the facility since 1985. Since the facility no longer stores hazardous waste and because residual contamination remains, Ecology is replacing the expired permit to store dangerous waste with a

Permit for Corrective Action. The new Permit for Corrective Action addresses how the contamination currently remaining at the site will be addressed.

Federal RCRA and state dangerous waste regulations require public participation throughout all stages of the permitting and cleanup of waste management facilities. Ecology is inviting the public to comment on the draft Permit for Corrective Action, a draft Agreed Order, a draft Corrective Action Plan, and this Public Participation Plan.

## **Site History**

### **Land use**

Operating as the Bay Zinc Company and Kronos Inc., zinc micronutrient fertilizers were produced at this facility from 1972 to 2017. In March 2017, the business was sold to Ultra Yield, Inc. Several types of industrial processes have been used to produce both liquid and granular zinc fertilizer. The zinc bearing raw materials included dry, powdery or granular, fly-ash like products, including steel mill flue dust, incinerator ash from combusted tires, and other metallic wastes such as brass dust and zinc fines.

### **Past leaks lead to contamination**

As a result of past product storage activities, operational practices, and historic liquid zinc sulfate spills, hazardous chemicals have been released to the environment at the site.

Soils in limited areas are still contaminated with lead, cadmium, and zinc at concentrations above MTCA human and environmental health levels. Groundwater is also still contaminated with chloride, sulfate, manganese, zinc and cadmium at levels that exceed MTCA human and environmental health levels.

### **Cleanup plans**

#### **Past cleanup actions**

The Ultra Yield facility has made significant progress toward cleaning up their property. Over 12,320 tons of contaminated soil and approximately 2.5 million gallons of contaminated water were cleaned up between 2002 and 2005.

Although the remedial work conducted at the facility was extensive, some contaminated soil was left on site beneath buildings and pavement, and groundwater beneath the site remains contaminated.

## Current cleanup efforts

In January 2018, Ecology and the permittees, Ultra Yield and Richard Camp, began negotiations on a new permit and agreed order that will address the environmental contamination that remains at the site. The negotiations concluded with the development of the following draft documents available for public review:

- An Agreed Order
- Corrective action plan
- Corrective action permit
- This public participation plan

## Area community

The site is located in Moxee, a small city with a population of about 3,338. The site is located in an industrial area, near the railroad and rural Yakima County. The neighboring properties are mostly agriculture, industrial, and commercial. However, there are new housing developments nearby.

Ecology will reach out to community organizations as part of our outreach and provide information in other languages as appropriate following federal guidance.<sup>4</sup> The non-English language most widely spoken in the Moxee area is Spanish. Ecology will provide outreach materials and services in Spanish. We strive to make our public participation efforts as inclusive as possible and welcome your input about how to best reach the nearby community.

The Confederated Tribes and Bands of the Yakama Nation is a Sovereign Nation that owns land nearby. Ecology will ensure that the Yakama Nation will be informed during decision-making process for this site and has ample opportunity to be involved throughout the process on a government-to-government basis.

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<sup>4</sup> Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 69 Fed. Reg. § 35602 (June 15, 2004).

## **Public Participation Activities**

Members of the public may ask questions, submit informal comments, or share site information at any time. Interested parties do not need to wait for a formal public comment period to contact Ecology.

However, to be included in the formal site record, comments about the Permit for Corrective Action, the Agreed Order, or the Corrective Action Plan must be submitted during formal comment periods. In addition, the public is invited to review site documents before they become final. This is the most direct and influential way to learn more about the site and be involved in the cleanup's decision-making.

## **How we share information with the community**

### **Formal comment periods**

During specific stages of the cleanup, Ecology will mail notices about public comment periods to addresses inside the site's "affected area," generally within a 1/4-mile radius of the site and to interested organizations and individuals. These notices will provide general information about the site, contact information for submitting comments, and times and locations of public meetings or hearings or how to request one if not yet scheduled.

We may also develop documents outside of comment periods to keep the community updated on the site's status. These informational documents will be available online and at document repositories. Print copies may be mailed to the nearby community if we feel the message warrants the associated cost and resources.

Comment period notices and other site announcements may also be posted in various locations throughout the community (for example, local businesses, schools, libraries).

In general, we hold 30-day public comment periods. However, if there is a dangerous waste permit associated with the comment period, we will hold a 45-day public comment period. We may extend public comment periods due to public interest.

### **Postal mailing list**

Ecology creates and maintains a mailing list that includes addresses within a 1/4-mile radius of the site and relevant local, state, and federal government contacts. These people will receive public comment notices when draft documents are available.

We will add individuals, organizations, and other interested parties to the mailing list as requested. If you would like to be added to the mailing list for this site, please contact Bridgette Valdez-Kogle at 360-407-7616 or email at [bridgette.valdez-kogle@ecy.wa.gov](mailto:bridgette.valdez-kogle@ecy.wa.gov).

## Site Register

Public comment periods, events, and other cleanup notices are published in [Ecology's Site Register](#).<sup>5</sup>

To receive the Site Register by email, please contact Cheryl Ann Bishop at 360-407-6848, email at [cherylann.bishop@ecy.wa.gov](mailto:cherylann.bishop@ecy.wa.gov), or [subscribe online](#).<sup>6</sup>

## Newspaper display ads or legal notices

We announce public comment periods and events in ads or notices published in the Yakima Herald and El Sol de Yakima. We will also place a notice on our [Public Events Calendar](#).<sup>7</sup>

## Ecology's website

We maintain a website for the [Ultra Yield Micronutrients site](#).<sup>8</sup> The website provides site information, and you may download cleanup documents.

## Document repositories

During public comment periods, you can find print documents at the following locations:

### The Moxee Library

255 W. Seattle  
Moxee, WA 98936  
509-575-8854

### Washington Department of Ecology

Central Regional Office  
1250 West Alder Street  
Union Gap, WA 98903-0009

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<sup>5</sup> [ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Locate-contaminated-sites](http://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Locate-contaminated-sites)

<sup>6</sup> <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=SITEREGISTER&A=1>

<sup>7</sup> [ecology.wa.gov/About-us/Get-involved/Public-input-events](http://ecology.wa.gov/About-us/Get-involved/Public-input-events)

<sup>8</sup> <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4444>

To schedule an appointment, please contact Jackie Cameron at 509-575-2027 or email at [jackie.cameron@ecy.wa.gov](mailto:jackie.cameron@ecy.wa.gov).

## **How to share information with us**

### **Public comment periods**

Formal comment periods allow interested members of the public to comment on draft documents, legal agreements, and proposed cleanup actions. If there is significant interest, Ecology may extend the public comment period.

We may also identify public concerns and cleanup goals by meeting with and soliciting information from interested community members and organizations. To collaborate with us about this site, please contact Bridgette Valdez-Kogle at 360-407-7616 or email at [bridgette.valdez-kogle@ecy.wa.gov](mailto:bridgette.valdez-kogle@ecy.wa.gov).

Following a comment period, we publish all the input we received and respond to significant comments and questions.

### **Public events**

We hold public meetings, workshops, open houses, and public hearings based on community interest. These events are held at locations close to the site that meet Americans with Disabilities Act standards. Public meetings, workshops, open houses, and hearings are always announced in advance using a variety of methods.

## **Plan Amendments**

Ecology developed this plan following MTCA regulations (WAC 173-340-600). We review it as the cleanup progresses and amend it as necessary. You may suggest amendments to Bridgette Valdez-Kogle at 360-407-7616 or email at [bridgette.valdez-kogle@ecy.wa.gov](mailto:bridgette.valdez-kogle@ecy.wa.gov).

This plan includes information for the public regarding opportunities for public involvement and comment. The outreach activities discussed in this section reflect Ecology's current plans for keeping the public informed and providing ways for those interested in the site to communicate their concerns and questions to us.

If you feel the planned outreach activities and mechanisms described in this plan are insufficient, or should otherwise be modified, we will work to find solutions. New outreach activities or outreach tools established as a result can be implemented right away, with or without amending this plan.