



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Response to Comments**

### **Draft Agreed Order Amendment to Remove Contaminated Shallow Soil at the BNSF Railway Black Tank Property**

Facility Site ID: 98615712

Cleanup Site ID: 3243

Public comment period held:

**June 4 – July 3, 2018**

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*Summary of a public comment period and responses to comments*

July 2018

# Publication and Contact Information

This document is available on the Washington State Department of Ecology's website at <https://fortress.wa.gov/ecy/gsp/CleanupSiteDocuments.aspx?csid=3243>.

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## Special Accommodations

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## Toxics Cleanup in Washington State

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

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

## Public Comment Period Summary

Ecology held a comment period from June 4 through July 3, 2018, for a draft [Agreed Order Amendment](#) for the BNSF Railway Black Tank Property cleanup site.

The proposed interim cleanup action, which caused us to amend the Agreed Order, is to excavate up to 15 feet of soil at each of the five surface soil contamination areas to prevent people and animals from contacting it. To meet the Washington State Department of Transportation's (WSDOT) schedule to complete the North Spokane Corridor (NSC) project to connect US Highway 395 to Interstate 90, the contaminated soil removal needs to happen in 2018 as an interim action before the full cleanup plan is final.

Ecology appreciates the concerns raised and the support for the cleanup action expressed in the comments we received from eight people, which we address in the Response to Comments section that begins on page 2. After considering the comments, Ecology has finalized the Agreed Order Amendment without further changes. We will consider public input as we write the draft cleanup action plan that will also be available for public review and comment before becoming final.

## BNSF Railway Black Tank Property Background

The site covers roughly 18 acres in Spokane's Hillyard neighborhood at 3202 East Wellesley Avenue, and is near the NSC freeway WSDOT is building. The property is owned by BNSF Railway (BNSF), which is responsible for cleanup along with Marathon Oil Company (Marathon) because it leased and operated facilities at the site. The companies are collectively called the potentially liable persons (PLPs).

The site housed a 50-foot-diameter, above-ground black tank that stored petroleum products, primarily the thick, heavy oil known as bunker C for fueling trains. Later, the black tank stored asphalt and other petroleum-based mixtures that were used by BNSF's

tenants. Residual petroleum products were stored until 2006 when BNSF removed the tank and 10,270 tons of contaminated soil.

The site also had an above-ground red tank that was used to store and transfer diesel. The diesel was used to thin bunker C so it could be pumped into trains.

## Index of Comments Received

Everyone who submitted comments is listed below in alphabetical order by their last name, followed by the date we received their comments and the page on which their comments are printed as received. Contact information (postal and email addresses and phone numbers) has been omitted.

Name and organization (if applicable)	Date received	Page
Zachary Black	June 30	2
Charlie Chisholm	June 4	2
Nancy Cromer	June 11	3
Bart George	June 5	2
Cy Harvey	June 15	4
Mike Petersen, The Lands Council	June 11	4
Randal Waye	June 13	3
Ann Wick	June 25	4

## Response to Comments

Comment letters are below followed by Ecology's responses in *italic* font. Comments to which Ecology had the same response have been grouped together, listed first, and then responded to collectively.

### Zachary Black

It shouldn't take building a freeway to notice there is contaminated soil over an aquifer. I'm in favor of making bnsf remove it asap.

### Charlie Chisholm

I strongly agree with the plan to remove and replace the top 15 feet of soil in the designated areas, so the NSC construction can continue on schedule.

### Bart George

Please move forward with the proposed action, post haste. This project will be beneficial to the city and particularly to the people of North Spokane and NE Washington. Please continue with construction

## Randal Wayne

I do agree that this project should happen as planned, for the safety of animals and people.

*Ecology's response:* Thank you, everyone, for your comments. We appreciate your support for this cleanup action.

## Nancy Cromer

Dear Mr. Schmidt,

Before I give my approval about removing the oil tanks removal could you please tell me if the freeway is going to take all the buildings on the east side of Market St.

Hillyard has come a long way and is now a HISTORICAL CITY.

Would you please write me at:

Thank you,  
NANCY CROMER.

RECEIVED

JUN-07 2018

Department of Ecology  
Eastern Washington Office

*Ecology's response:* After consultation with WSDOT, we have confirmed that the existing buildings east of and adjacent to Market Street between Wellesley Avenue and Columbia Avenue will not be impacted by the North Spokane Corridor.

## **Cy Harvey**

Please make the parties responsible pay for the excavation and cleanup in the Hillyard area and keep the North Spokane Corridor freeway construction on schedule. I lived here in the early 90s and there was talk of the freeway then. Imagine my surprise coming back a couple of years ago to see the same conversation happening. Let's do this and let's make the parties responsible pay for what they did to the land.

*Ecology's response:* According to MTCA, all PLPs at a cleanup site are jointly and severally liable for all costs related to the cleanup of the site. BNSF and Marathon are responsible for cleanup costs at the Black Tank site. With the shallow soil cleanup occurring this fall, the site will be available for NSC construction. All remaining subsurface cleanup work will occur outside the footprint of the completed NSC.

## **Mike Petersen, Executive Director, The Lands Council**

Thank you for the opportunity to comment on the interim cleanup at the Black Tank site. The Lands Council supports the amended plan (Amended Order 1 to Agreed Order 9188) to begin immediate cleanup of up to 15 feet of contaminated soil in five locations at the Black Tank site. This seems to be the best option to work with the Department of Transportation as the North South Corridor construction proceeds.

We would like to continue to be kept informed and be notified when the Agency Review Draft Interim Action Completion Report (IACR) is completed.

*Ecology's response:* Thank you for your comment. The Lands Council will remain on the mailing list for the site, and we will notify you when the IACR is completed.

## **Ann Wick**

Will they also be using some kind of microbe cleanup for the remaining contamination in the soil and water?

*Ecology's response:* Thank you for your comment. There will be longer term cleanup of the deep contamination. The draft cleanup action plan calls for using bioventing/biosparging, with steam-enhanced extraction as a contingent method if bioventing/biosparging doesn't reduce the petroleum plume at a rate that meets Washington's cleanup timeframe requirements.

*Bioventing/biosparging forces air underground through wells to speed up natural biodegradation of petroleum. Micro-organism activity is limited by the amount of oxygen available, so bioventing will increase their activity and the rate of petroleum degradation as they consume it. Steam-enhanced extraction injects steam underground through wells to heat up the thick petroleum, so it can be pumped to the surface through extraction wells and processed to separate petroleum and water.*

*The draft cleanup action plan will be open for public review and comment.*