DEPARTMENT OF ECOLOGY
State of Washington

Response to Comments

Draft Cleanup Action Plan, Legal Agreement, and State Environmental Policy Act Documents for the Warden City Water Supply Wells 4 & 5 Site

Facility Site ID: 2802409
Cleanup Site ID: 1618

Public comment period held:

February 3 – March 4, 2020

Summary of a public comment period and responses to comments

March 2020

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=1618.

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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 (TCP) works to remedy these situations through cleanup actions. TCP cleanup actions range from simple projects requiring removal of a few cubic yards of contaminated soil 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 February 3 through March 4, 2020, for the following draft documents for the Warden City Water Supply Wells 4 & 5 site:

- Cleanup Action Plan[1] — Ecology's decision document that sets cleanup standards and explains the cleanup methods and timeframe we propose to achieve them for this site.
- Agreed Order No. DE 16890[2] — legal agreement requiring J.R. Simplot Company (Simplot), the party responsible for funding and completing cleanup, to follow the Cleanup Action Plan to remediate ethylene dibromide (EDB) contamination in soil and groundwater
- State Environmental Policy Act (SEPA) documents — we reviewed the proposed cleanup actions using the SEPA checklist[3], and decided they won't adversely affect people or the environment (Determination of Non-significance[4])

More information is available in the public notice[5] that was mailed to the surrounding community (información en Español incluida).

Ecology appreciates the comments we received from one group of people, which we address in the Response to Comments section that begins on page 2. After considering the comments, we have finalized the draft documents without further changes.

[1] https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=89181
[2] https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=89180
[3] https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=89397
[4] https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=89371
[5] https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=89372

Site Background

The site is located at 1800 W. 1st Street in Warden. Simplot, the property owner since 1971, stores agricultural products in two warehouses on the property.

From 1971 to 1992, Simplot stored, blended, and transported agricultural chemicals, including the pesticide EDB, at the site. After the City of Warden discovered EDB in wells 4 and 5, the surrounding area was investigated to locate the contamination source. Soil at the Simplot property was found to contain EDB at levels that are a potential risk for groundwater contamination and consistent with EDB levels in groundwater.

Response to Comments

The comment letter is printed verbatim followed by Ecology's responses.

Alex Fitzgerald, Benjamin Perez, and Vadim Pelavin, via email March 4

Introduction

J.R. Simplot Company ("Simplot") and the State of Washington, Department of Ecology (Ecology) are under the Agreed Order (Order) to remediate impacts relating to the release, while mitigating threatened release, of hazardous materials. These efforts will be conducted by excavating contaminated soils; treating contaminated soils on site with an ex-situ vapor extraction process; returning treated soil back to the ground to be used as backfill; and compliance monitoring of natural attenuation (MNA) of ethylene dibromide (EDB) in surrounding groundwater semiannually for a 5-year period. The hazardous materials are relegated to Warden City Former Water Supply Well 4, and Warden City Water Supply Well 5 (Site). The order demands that Simplot implement the Cleanup Action Plan (CAP) to remediate the presence of EDB. The Order to be issued pursuant to the Model Toxics Control Act (MTCA), RCW 70.105D.050(1). The following comments will reinforce Ecology's standing and the efficacy of the proposed alternative.

Compliance History

Between 1971 and 1972, Simplot operated at the Site, under the name of Soilbuilders, as a retail outlet for agricultural chemicals. From 1971-1984, EBD was handled and stored at the Site until it was prohibited in 1984. Farmers in the area used EBD handled at the Site as a soil fumigant to eliminate pests in the soil. The results of the actions are an issue because the City of Warden obtains its water supply from a number of wells within the City boundary. These wells are within fractured basalt from about 100 to 800 feet below the ground surface (bgs). The City had observed EDB contamination at the Site since 1989. In June 2003, the City reported EDB concentrations exceeding Federal and State maximum allowable EDB concentration of 0.05 micrograms per liter (µg/l) in

drinking water to Ecology. Ecology conducted two initial investigations in 2004 and 2009 and discovered EDB contamination in soils and shallow water on Simplot's nearby property (the Property) to the east and southeast of the affected City wells.

Government Agencies To Consult

A keen suggestion would be to consult the Environmental Protection Agency (EPA). Their duty is to enforce limits on several polluting aspects in the wake of any toxic substances that could be harmful to the public. In this particular case, the Site has historically contained pesticides, and EDB until 1984. The drinking water was negatively impacted, therefore the EPA would have the most authority under the Safe Drinking Water Act to enforce state standards.

Occupational Safety and Health Administration (OSHA) would benefit the possibilities of another incident occurring in the future. With swift standards being upheld, there can be an assurance that the conditions of the workplace will be satisfactory in sanitation and environmentally conscious. OSHA also ensures that training and outreach are provided to further guarantee an optimal future of no incidents.

Are there any scientists or specialists in the field with whom you could consult?

Ecology factors into many of the steps and decisions made in this proposed plan as well as the insurance of public health. Given that water contamination is the forefront issue, members of Washington's Department of Health (DOH) should be involved in assessing any data from the project that is related to the public's drinking water. Members from the Department of Ecology (ECY), Department of Fish and Wildlife (DFW) and the Pollution Control Hearings Board (PCHB) should all be involved in the process as well. Each of these groups represent an important aspect of the issue.

Are there technological processes or business practices you could research?

The main process through which the contaminated soil will be treated is ex-situ vapor extraction (SVE). This process treats contaminated soil by passing air through it which helps break up and pull out contaminants in it. One huge advantage to this process is its effectiveness in cold and wet climate areas. Heating the soil and then performing SVE in cold and wet climates also increases the effectiveness and efficiency of the process. The plan itself is relatively simple and straightforward, costing an estimated $579,846. Heating the soil would cost additional money but likely would still be a worthwhile investment due to the room the relatively low cost of cleanup leaves available. The amount of soil that actually has to be treated is also relatively low, while Simplot is complying with mandated regulations and removing even non-contaminated soil to comply with federal regulatory standards. Along with the environmental aspects of treating the soil, Simplot will be taking proactive financial measures. Simplot will

allocate for inflation and cost estimates on a 90 day basis throughout the 5 year time frame of the cleanup project.

Laws and Applicable Regulations

Public participation would apply to this case because the danger would ultimately be at the doorstep of those who consume the contaminated water; the people. Their claims and outcries are to be considered despite their outlandish nature. The regulation of public participation may also include habits that can be altered throughout the communities that may potentially be affected.

Applicable laws are to be applied in this cleanup procedure because all federal, state, and local requirements will be followed accordingly. All permits or necessary certifications will be rightfully distributed to the ones that need them. Ecology requirements would need to be followed throughout the process of cleaning up the water and an intentional desire to withhold a standard in the project would be necessary. Implementation would need to be done if there is a more optimal solution in terms of the new research that is conducted by ecology and carried out by Simplot.

Conclusion

Our closing remarks are concurrent with Ecology's findings of fact in regards to EDB contaminated soil and shallow groundwater on the Site owned by Simplot. The actions undertaken by Simplot from 1971-1984, in reference to their handling and storing of EDB, are directly responsible for the contaminated soils and shallow groundwater on the Site. The proposed alternative, Alternative 3, is the most applicable solution because:

1. Permanence : contaminated soil will be treated on site and the treated soil will be reused as backfill
2. Protectiveness of the environment : EDB from contaminated soil is destroyed on-site in Alternative 3, as opposed letting the EDB remain in the soil to removed and dumped off-site in accordance with Alternative 4
3. Long-term Effectiveness with Short-term Risk : Alternative 3 has the most long-term effectiveness because EDB contaminated soil is treated on site and monitoring will ensure contamination levels decline; Alternative 3 has the lowest short-term risk because contaminated soils will be removed and treated, in discordance with Alternative 2, and contaminated soils won't be transported and dumped off-site as-is, as suggested in Alternative 4.

The implementability of all proposed actions are feasible with respect to the technology and facilities available, but the most effective and permanent solution is the treatment of soil on-site and the compliance monitoring of MNA in surrounding groundwater.

Alternative 2 is the least effective action-alternative because it leaves EBD contaminated soil in place and it is not expected to meet soil cleanup levels of 0.27 micrograms per kilogram (µg/kg). Alternative 3 is the most effective and efficient solution, the proposed alternative, and the alternative approved therein the comments.

Ecology's responses

1. **Comment:** *A keen suggestion would be to consult the Environmental Protection Agency (EPA). Their duty is to enforce limits on several polluting aspects in the wake of any toxic substances that could be harmful to the public. In this particular case, the Site has historically contained pesticides, and EDB until 1984. The drinking water was negatively impacted, therefore the EPA would have the most authority under the Safe Drinking Water Act to enforce state standards.*
   Response: In an agreement between the EPA and Ecology dated March 2, 2000, Ecology takes the lead on any new site discovered in Washington after the agreement date, unless there is a site-specific agreement between EPA and Ecology to do otherwise, or a third party requests that EPA take the lead. Regarding this site, Grant County Health District contacted Ecology on December 22, 2003, and requested Ecology take the lead and perform an initial investigation.

2. **Comment:** *Occupational Safety and Health Administration (OSHA) would benefit the possibilities of another incident occurring in the future. With swift standards being upheld, there can be an assurance that the conditions of the workplace will be satisfactory in sanitation and environmentally conscious. OSHA also ensures that training and outreach are provided to further guarantee an optimal future of no incidents.*
   Response: OHSA does not normally get involved in remediation projects unless there is a violation of OHSA's regulations concerning hazardous waste operations as outlined in the Federal Code of Regulations 29, 1910 Subpart H (1910.120). These regulations require workers to have experience and training in working with hazardous waste as well as being enrolled in a medical surveillance program. Additionally, these regulations require that appropriate health and safety equipment is used and that respirators are fit tested. These regulations also require preparing a health and safety plan insuring that, at a minimum, the regulations are followed and the work place is safe. Finally, these OSHA and State regulations require record keeping of equipment used in medical monitoring, on-site monitoring for hazardous substances, protective equipment used, and respirator fit testing. Simplot will prepare a project-specific health and safety plan, use appropriate protective equipment and

conduct regular monitoring for hazardous substances during work, and, at a minimum, follow the OSHA and State documentation requirements. Ecology will review the health and safety plan before the project work starts.

3. **Comment:** *Ecology factors into many of the steps and decisions made in this proposed plan as well as the insurance of public health. Given that water contamination is the forefront issue, members of Washington's Department of Health (DOH) should be involved in assessing any data from the project that is related to the public's drinking water. Members from the Department of Ecology (ECY), Department of Fish and Wildlife (DFW) and the Pollution Control Hearings Board (PCHB) should all be involved in the process as well. Each of these groups represent an important aspect of the issue.*
Response: Ecology sent the project fact sheet to DOH and DFW and did not receive a reply within the 30-day comment period. All Ecology's environmental programs were consulted as part of the SEPA process. Generally, PCHB does not get involved in cleanups, unless there is a dispute and contested Ecology decisions are then appealed to the PCHB for potential reconsideration. However, in this case, PCHB would not handle dispute resolution because the site is under an Agreed Order, which outlines a specific dispute-resolution process.

4. **Comment:** *Public participation would apply to this case because the danger would ultimately be at the doorstep of those who consume the contaminated water; the people. Their claims and outcries are to be considered despite their outlandish nature. The regulation of public participation may also include habits that can be altered throughout the communities that may potentially be affected.*
Response: The 30-day comment period that ended March 4, 2020, is part of the public participation requirement included the Model Toxics Control Act. Ecology sent notices to the public at every stage of the investigation and cleanup process. There were no requests for a public meeting.

5. **Comment:** *Applicable laws are to be applied in this cleanup procedure because all federal, state, and local requirements will be followed accordingly. All permits or necessary certifications will be rightfully distributed to the ones that need them. Ecology requirements would need to be followed throughout the process of cleaning up the water and an intentional desire to withhold a standard in the project would be necessary. Implementation would need to be done if there is a more optimal solution in terms of the new research that is conducted by ecology and carried out by Simplot.*
Response: All applicable laws are followed, as outlined in the CAP,

subsection 5.3.4: Applicable, Relevant, and Appropriate State and Federal Laws, and Local Requirements and in Table 6.

6. **Comment:** *The main process through which the contaminated soil will be treated is ex-situ vapor extraction (SVE). This process treats contaminated soil by passing air through it, which helps break up and pull out contaminants in it. One huge advantage to this process is its effectiveness in cold and wet climate areas. Heating the soil and then performing SVE in cold and wet climates also increases the effectiveness and efficiency of the process. The plan itself is relatively simple and straightforward, costing an estimated $579,846. Heating the soil would cost additional money but likely would still be a worthwhile investment due to the room the relatively low cost of cleanup leaves available. The amount of soil that actually has to be treated is also relatively low, while Simplot is complying with mandated regulations and removing even non-contaminated soil to comply with federal regulatory standards. Along with the environmental aspects of treating the soil, Simplot will be taking proactive financial measures. Simplot will allocate for inflation and cost estimates on a 90 day basis throughout the 5 year time frame of the cleanup project.*
   Response: Excavation and stockpiling of contaminated soil will take place during the winter months to reduce the risk of EDB volatilization. The stockpiles with contaminated soils will be engineered for the ex-situ vapor extraction, and covered with an impermeable plastic cover. Vapor extraction will take place during the summer months to take advantage of the higher air temperatures and sunlight to heat the soil piles naturally. The plastic cover will be inspected regularly between the winter and summer months to check for tears or deterioration.

Finally, regarding the conclusion comment, Ecology appreciates the comment recognizing our preference for a permanent solution to site cleanups, and that of the three evaluated cleanup alternatives, we chose the most permanent one. We thank you for your comments and interest in this cleanup site.