



RESPONSIVENESS SUMMARY

Reliable Steel

July 26 – August 26, 2013 Public Comment Period

*Remedial Investigation/Feasibility Study Report and
Draft Cleanup Action Plan*

**Prepared by
Washington State Department of Ecology
Southwest Regional Office
Toxics Cleanup Program
Lacey, Washington**

October 2013

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Site Information

Address: 1218 West Bay Drive NW, Olympia

Site Manager: Steve Teel

Public Involvement Coordinator: Diana Smith

The Department of Ecology (Ecology) held a public comment period on a proposed remedial investigation/feasibility study (RI/FS) report and a draft cleanup action plan (CAP) for the Reliable Steel site from July 26 – August 26, 2013. Public comments and Ecology's responses for this comment periods are summarized in this document.

Site Background

The Reliable Steel site was originally developed as a lumber mill. From 1941-2009, the site was used for boat building, steel fabrication, or welding. In 1993, Ecology found arsenic and copper above state standards in sediments near the site. Ecology asked the owners to remove welding slag and debris on the shoreline. In 2006, BOJO Investments, the property owner, reported finding heavy metals and petroleum hydrocarbons in soil and groundwater. In 2008, Ecology and BOJO entered into an agreed order (legal agreement) for BOJO to investigate the site and study cleanup options.

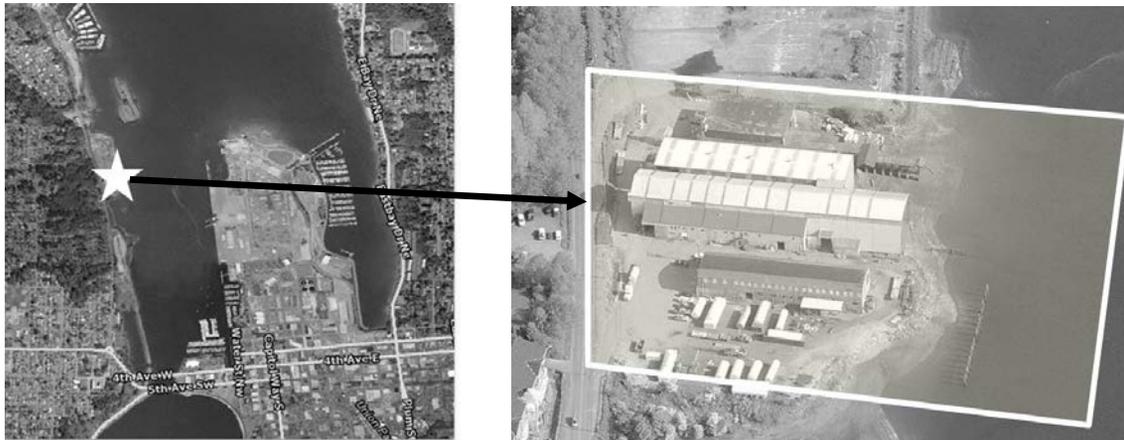
In 2010, a fire badly damaged buildings on the site. The new owner, West Bay Reliable, tore down two buildings in 2011. In 2012, BOJO dissolved the corporation and ceased to exist.

In August 2013, Thurston County notified Ecology that they are foreclosing on the Reliable Steel parcels due to West Bay Reliable's non-payment of taxes. The county will sell the property at auction in January 2014.

Ecology prepared the RI/FS report and draft CAP. We will work with other potentially liable persons (PLPs) or a future property owner to clean up the site.

Site Location

The Reliable Steel site is located at 1218 West Bay Drive in Olympia. The site includes land east of West Bay Drive and extends into intertidal and subtidal areas of Budd Inlet.



Changes to Site Documents

Ecology developed the draft cleanup plan to give a future property owner more certainty about what would need to happen prior to site re-use. Ecology also finished the RI/FS report after BOJO, which began the investigation and study under a 2008 agreed order, dissolved as a corporation and ceased to exist.

During the public comment period on the plan, we heard:

- Concerns about cleanup and future property use.
- Recommendations for doing shoreline restoration during cleanup.
- Questions about options for redevelopment given the proposed cleanup plan.
- Concerns from the Squaxin Island Tribe about the site's impacts on fish and the health of humans who eat fish.

Based on this, we will revise the cleanup plan once future use is known. Since we developed the draft cleanup plan, Thurston County has moved forward with foreclosing on the property. The county plans to sell it in early January 2014. We will work with other potentially liable persons (PLPs) or a future property owner to clean up the site.

Over the coming months, we will work with the Squaxin Island Tribe to understand and address their concerns about cleanup levels and cleanup plans. At a future date, Ecology will hold a new public comment period on a revised cleanup plan and the RI/FS report.

The rest of this responsiveness summary summarizes the concerns we heard during the comment period and our responses.

Responses to Concerns About the Draft Cleanup Action Plan

Impacts on Fish and Aquatic Organisms

The Tribe expressed concerns about potential impacts of site contamination on fish and other aquatic organisms. They stated that the cleanup plan must address human health risk and look at fish consumption rates as part of setting cleanup levels.

Ecology Response

Ecology will work with the Tribe to understand and address their concerns about cleanup plan. We contacted the tribe in October 2013 to begin further discussions and plan to work with the Tribe as we revise the draft CAP.

Capping and Shoreline Restoration

The Tribe expressed concerns about the depth of the sand cap proposed in the draft CAP. Instead of capping, the Tribe stated that they believe that all sediments with contamination above Sediment Quality Standards should be removed from the marine environment.

The Tribe also urged removing historic fill material during cleanup and, if it is possible, using that material to cover other parts of the site instead of bringing in new material. This includes re-configuring the intertidal area.

The Tribe stated a desire and willingness to participate in a shoreline restoration design process.

Ecology Response

As stated above, Ecology will work with the Tribe to understand and address their concerns about the cleanup plan and how shoreline restoration can be integrated with cleanup. We contacted the tribe in October 2013 to begin further discussions and plan to work with the Tribe as we revise the draft CAP

Area Behind the Bulkhead

The Tribe expressed concern about the area under a concrete slab behind the bulkhead, which has not been fully sampled. The Tribe recommended that this area be part of redesigned shoreline restoration.

Ecology Response

Please see above response.

Party Responsible for Cleanup

One commenter asked if there was any way that Ecology could get BOJO to clean up the site. The commenter stated that they believe that in real estate a property owner is responsible for the property.

Ecology Response

The Washington State cleanup law, called the Model Toxics Control Act (MTCA), requires potentially liable persons (PLPs) to assume responsibility for cleaning up contaminated sites.

BOJO Investments was named as a PLP for the Reliable Steel site and in 2008, Ecology and BOJO entered into a legal agreement (Agreed Order) to begin the cleanup process. Two other PLPs were also named but declined to participate in the Agreed Order:

- Brown-Minneapolis Tank-NW, which was a former operator; and
- West Bay Reliable – 0508, LLC (West Bay Reliable). West Bay Reliable purchased the Reliable Steel parcels from BOJO in 2008.

However, in 2012 BOJO, dissolved as corporation and ceased to exist. Thurston County is moving forward with foreclosing on the property because West Bay Reliable failed to pay back taxes, interests, and costs.

As a result, BOJO is no longer a viable PLP. Instead we will work with other potentially liable persons (PLPs) and/or a future property owner to clean up the site.

Appendix A: Comment Letters

From: becky leiter
Sent: Thursday, August 01, 2013 11:04 AM
To: Teel, Steve (ECY)
Subject: Facility Site ID# 69923242

Hello,

It is believed in Real Estate that the Owner of the property is responsible for the property. Is there any way you can get BOJO or the new name the Corporation is now using to be responsible for their own mess!!

Thanks,

Rebeccah Leiter



SQUAXIN ISLAND TRIBE

RECEIVED

AUG 22 2013

WA State Department
of Ecology (SWRO)

August 12, 2013

Steve Teel, Site Manager
Department of Ecology
SWRO Toxics Cleanup Program
P.O. Box 47775
Olympia, WA 98504

Re: Reliable Steel Cleanup Action Plan

Dear Mr. Teel:

Thank you for the opportunity to comment on the Reliable Steel Draft Cleanup Action Plan, Facility Site ID #: 69923242. This site is located along the shoreline of Budd Inlet, part of the Usual and Accustomed fishing areas of the Squaxin Island Tribe. Where contaminants are present in the water and sediments at the site, they can be transferred to the biota and potentially concentrated in the upper trophic level species like the salmon stocks present in Budd Inlet. This makes these contaminants a threat to the treaty-protected rights of the Tribe to these resources and also to Tribal members that may consume fish from Budd Inlet.

It first must be said that the Squaxin Island Tribe supports a cleanup scenario that achieves the maximum level of protectiveness, particularly in the marine environment. Fish and other aquatic organisms are impacted by contamination themselves and are vectors for transferring contamination to the human population. The cleanup at the site must eliminate this risk to Tribal members. It must be demonstrated that the plan will ameliorate the human health risk for high fish consumers like Tribal members. The Tribe has conducted fish consumption surveys of the Tribal population and is prepared to consult with Ecology and the Department of Health regarding the appropriate cleanup levels to achieve protection of Tribal members.

Natural Resources Department / S.E. 2952 Old Olympic Hwy. / Shelton, WA 98584
Fax (360) 426-3971 / Phone (360) 426-9781

Our initial evaluation of the Cleanup Action Plan results in a different conclusion than is presented in the plan. We primarily diverge from the proposed alternative in the marine environment and sediments. The Tribe believes that all sediments exceeding the Sediment Quality Standards should be removed from the marine environment. This differs from the proposed hot spot removal strategy, which will leave behind materials exceeding the SQS and presume that natural remediation will reduce the long-term risk. This approach is not acceptable to the Tribe as they fish in the marine waters of Budd Inlet on an annual basis.

Furthermore, it is proposed that in some locations contaminated sediments will not be removed below a certain depth and the area will be capped with clean materials. This approach may not be acceptable either. First, in our experience, the biologically active zone is deeper than the depth of the cap that is contemplated at the site. Second, the Tribe strongly believes that shoreline restoration in addition to the proposed shoreline remediation proposed in the cleanup plan should be an objective for the site.

Our analysis of historical photos supports the theory that the shoreline was filled incrementally over a considerable period of time. This filling was not authorized or permitted, but rather, was an encroachment on the marine environment of Budd Inlet. Using well-established precedents of the Public Trust Doctrine, these tidelands that have been encumbered by upland fill are still the public's property. Over the course of this cleanup, actions should be taken to reclaim that portion of the inundated tidelands that is practicable.

In the 1955 photograph we have obtained the shoreline is roughly even with the eastward end of the maintenance shop and extending across to the tank shop in the vicinity of the bulkhead. This means that the area waterward of this line labeled as a gravel area to the east of the maintenance shop was filled after this date. We suspect this fill occurred later. A 1970s era photo from the Ecology website shows a shoreline similar to the 1955 print, meaning that the fill occurred after this time.

In any case, the Tribe believes that a substantial portion of the more recent fill should be removed as part of the remediation of the site in order to restore a functional shoreline prism that provides habitat for marine flora and fauna. This can be accomplished along a substantial part of the Reliable shoreline with some minor modifications to the cleanup strategy. It is possible that the fill material in the location identified as a gravel area is clean enough to be used as grading and capping material in other parts of the site, consistent with the cleanup plan for upland areas. This approach may save purchase and hauling costs if material needed to be imported for these purposes. We urge Ecology to take a closer look at this opportunity.

Department of Ecology – Reliable Cleanup Plan
August 16, 2013
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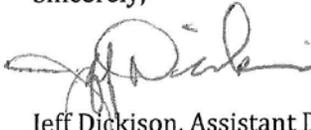
We do not believe that the shoreline should be capped or refilled based on the current configuration. However, with an appropriate design for the intertidal area, the contaminated sediments could be removed and the beachfront regarded and/or capped to a gradient consistent with shoreline restoration. This may require additional sediment removal in some areas if the regraded shoreline substrate is not of adequate thickness to sequester any remaining contamination.

In the area behind the bulkhead where there is a concrete slab, it is our understanding that this location has not been fully sampled or categorized due to the slab. Removal of the slab will potentially expose additional contaminated material requiring additional volumes of material to be removed. This area should also be subject to a redesigned shoreline restoration.

The Tribe would be very willing to participate in a design process for shoreline restoration. We have already engaged in efforts on adjacent property with the City of Olympia and we are currently working on a shoreline restoration site to the north of this area near the old Delson Mill property. We would be happy to discuss our design concepts in more detail if Ecology would find that useful.

In any case, please remain in contact with us as you move toward developing a final cleanup plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Dickison". The signature is fluid and cursive, with a large initial "J" and "D".

Jeff Dickison, Assistant Director
Squaxin Natural Resources

