



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Response to Comments**

### **Draft Agreed Order Amendment and State Environmental Policy Act Documents for the Kaiser Aluminum & Chemical Corporation**

Facility Site ID: 53481373

Cleanup Site ID: 7093

Public comment period held:

**February 24 – April 22, 2020**

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

April 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=7093>.

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## Accommodation Requests

To request Americans with Disabilities Act accommodation, or printed materials in a format for the visually impaired, contact the Ecology ADA Coordinator at 360-407-6831 or [ecyadacoordinator@ecy.wa.gov](mailto:ecyadacoordinator@ecy.wa.gov), 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.

## 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](#)<sup>1</sup>), 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 24 through April 22, 2020, for the following draft documents for the Kaiser Aluminum & Chemical Corporation (Trentwood) cleanup site:

- [Amendment to Agreed Order No. 2692](#)<sup>2</sup> – updated legal agreement requiring Kaiser to evaluate new technologies for treating polychlorinated biphenyls (PCBs) in groundwater and implement a full-scale groundwater treatment system
- State Environmental Policy Act (SEPA) documents – we have reviewed the proposed cleanup actions using the [SEPA checklist](#)<sup>3</sup>, and decided they won't adversely affect people or the environment ([Determination of Non-significance](#)<sup>4</sup>)

Kaiser pilot tested a pump-and-treat system to remove PCBs from groundwater. The system filters groundwater through crushed walnut shells to capture the contaminants. However, new technologies to remove PCBs from groundwater have been identified since the agreed order was first amended to include testing a walnut-shell filtration system. Research shows these new technologies could be more effective and result in a shorter cleanup timeframe, so additional testing is proposed. The testing will help us select the most appropriate cleanup technology for removing PCBs from groundwater at the site.

Based on requests, we extended the comment period 30 days and held a public meeting to discuss this proposal and answer questions. The meeting was conducted online to

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<sup>1</sup> <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>2</sup> <https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=90179>

<sup>3</sup> <https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=90180>

<sup>4</sup> <https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=90181>

prevent the spread of coronavirus. You may [view a recording of the meeting presentation](#)<sup>5</sup> and [download the slides](#)<sup>6</sup>.

Ecology appreciates the concerns raised and the support for the cleanup action expressed in the comments we received from 15 people, which we address in the Response to Comments section that begins on page 3. After considering the comments, we have finalized the draft documents without further changes.

## Kaiser Trentwood Background

The Kaiser Trentwood facility produces aluminum sheet, plate, and coil for aerospace and general engineering applications.

The federal government built the facility during World War II, and it first produced aluminum sheet in 1943. After the war ended, the facility was sold to private interests and has processed aluminum since.

Materials used in past aluminum production included PCB oil, petroleum fuels, solvents, and chromium. Wastes generated as a result of past or present operations are wastewaters, chrome sludge, paint and solvent wastes, and black dross.

Kaiser has completed many interim cleanup actions, including removing petroleum on groundwater and excavating or capping contaminated soil.

PCB contamination in groundwater is the primary remaining issue. A pilot pump-and-treat system was tested to remove PCBs from groundwater. The system filters groundwater through crushed walnut shells to capture the contaminants.

## 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
Amber Abrahamson	March 1	3
Conor William Brandt	February 25	3
Rick Eichstaedt	February 25	4
Mary Lou Lewis	March 2	4
Katrina B. Manis	February 25	4

<sup>5</sup> [https://youtu.be/5h-xnh1-2\\_Q](https://youtu.be/5h-xnh1-2_Q)

<sup>6</sup> <https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=91452>

Name and organization (if applicable)	Date received	Page
Lisa Meyer	March 3	4
Sheila Mountjoy	March 2	5
Stan Mrzygod	March 1	5
Mike Petersen, The Lands Council	April 19	6
Dan Shay	February 24	5
Morgan Shimabuku	March 2	5
James E. Tuck	March 7	6
Anna V. Walls	February 26	6
Jerry White, Jr., Spokane Riverkeeper	April 1	7
Randi Wilke	February 26	8

## Response to Comments

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

### Amber Abrahamson

My name is Amber Abrahamson and I am a lover of our river, lakes, streams, and all of our waters! I am writing you to request that you please hold a public hearing about how Kaiser and Washington State intend to clean up their site, our rivers and our fish. I believe we need to learn more about this situation and the community needs more time to learn so that they fully understand the plans. I am also requesting that you extend the comment period another 30 days so that we as a community and lovers of our river, have time to respond to these proposed plans. I am a Spokane/Colville tribal member and I am Indigenous to this land, I ask that you honor our request the land we are all upon and come together with the community to share the information you have with us all, so we are making the right decision about our waters and the environment.

Thank you and I look forward to hearing from you.

### Conor William Brandt

I am a resident of the Spokane area and current student at Gonzaga University. I am interested in learning more about the proposed cleanup for the Kaiser Aluminum site and I wanted to request that the Department of Ecology conduct a public meeting. I routinely run on the Centennial Trail, hike in Riverside State Park, and fish in multiple stretches of the Spokane River. Because the river is so important to my recreational interests, it is important to me that it is kept as healthy as possible, which is why I am supporting a public meeting regarding the proposed cleanup.

### **Rick Eichstaedt**

I am a resident of Spokane and lover of our Spokane River. I am requesting a public meeting on the proposed Agreement with Kaiser to address cleanup of the site. Please notify if a meeting is scheduled and include me on the mailing list for the cleanup. Thanks!

### **Mary Lou Lewis**

If at all possible, please extend the comment days for another 30. I need more time to study the issues. Thank you.

### **Katrina B. Manis**

Thank you for the opportunity to comment on the Draft Agreed Order amendment and SEPA documents for Kaiser Aluminum's Trentwood facility. As a homeowner in the West Central neighborhood and law student at Gonzaga University, my day-to-day life is centered around the Spokane River. I am very interested in the projects that affect the health of the river and the aquifer as a whole. Accordingly, I request that the Department of Ecology hold a public meeting for this proposal to better inform the public and respond to feedback.

### **Lisa Meyer**

I received information in the mail at my home address in the valley regarding the Kaiser Trentwood Toxic Cleanup proposal. My family has lived in the valley for over 100 years, with my great-granddaughter being 7th generation. I was raised knowing that the river had been poisoned by Idaho mining and Kaiser Aluminum, although I have lived within walking distance of the river near Mirabeau for decades and enjoy its beauty several times a week. I care deeply about environmental policies that affect my river. I also have several family members who are enrolled in some of our regional Native tribes, and we have watched closely the Teck Cominco lawsuit with the Colville Tribe, as well as following the Midnight Mine clean-up and attending public educational forums hosted by the Spokane Tribe.

I am requesting that a similar educational event be held during the period of public comment so that the average person would have a chance to learn about, and research exactly what is planned for the cleanup in our river, and at a time that most people could attend, such as evenings.

Additionally, I am requesting an extension of the public comment period to 60 days. It is very important to me that Spokane Valley residents don't take the river for granted, and act responsibly to educate themselves in order to make informed decisions about any legislation that affects the quality of our enjoyment of the river, which is the heart and soul of Spokane and the Rathdrum Prairie.

Full disclosure – I shared the information that was mailed out to several GU faculty in the sciences. Those that checked out the website in the mailing had very little idea about what it all meant, and they had several excellent questions, so it goes without saying that the most people wouldn't have enough background information in order to make informed comments. I ask that you please consider my request for a publicized, educational forum, and an extension of the comment period to 60 days.

### **Sheila Mountjoy**

1. Please extend the comment period for another 30 days, making the total comment window 60 days.

2. Please hold a public hearing so we can learn about how Washington State and Kaiser intend to clean up their site, our river, and our fish.

### **Stan Mrzygod**

I wish to request an additional 30 days for study of the subject draft amendment and in the interest of transparency, a public meeting so that all stakeholders can be given the opportunity to learn about and comment on this amendment.

### **Dan Shay**

I would like to hear a public presentation on the alternative clean-up methods.

### **Morgan Shimabuku**

My name is Morgan Shimabuku and my husband, son and I live in Spokane, Washington. I have just become aware of the clean up planning that is going on related to toxic pollution in the Spokane River from Kaiser Aluminum. I am grateful for an opportunity to provide public comment, but with such a tight schedule (closing March 24), I do not feel that the community has sufficient time to provide adequate input. Please consider extending the public comment period for another 30 days, to total 60 days.

I would also like to request a public hearing so that myself and my community can learn more about the project directly from those involved in it. If offered, it would help the community to provide more meaningful comments and input based off of perspectives and information supplied by those directly involved with the project.

Thank you for considering my requests.

## **Anna V. Walls**

I am a third-year law student at Gonzaga University, and I am writing you today to request that the Department of Ecology hold a public meeting to address the proposed clean up for PCBs on the Kaiser Aluminum Site.

As an avid outdoor enthusiast, I frequently kayak, fish, and hike along the river and am very interested in the health of the river. Thank you for your consideration.

*Ecology's response:* Thank you, everyone, for your comments. Based on requests, we extended the comment period 30 days for a total of 60 days and held a public meeting to discuss this proposal and answer questions. We appreciate your concern and love for the Spokane River. We are working to protect and restore this important resource.

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

The Lands Council fully supports the draft amended Agreed Order for the Kaiser Aluminum & Chemical Corporation Trentwood facility. We believe that the pilot testing for using high intensity ultraviolet and hydrogen peroxide for treating polychlorinated biphenyls (PCBs) in groundwater is an innovative approach to treat water, which will be pumped from the plume beneath the Kaiser facility. We have been briefed by Kaiser, at their facility on this project, and recently participated in the virtual meeting hosted by WA Department of Ecology. We appreciate the response Ecology made to our question about careful monitoring of the by products of the UV process.

This approach has shown a good potential to destroy PCB's, which is superior to capturing and removing the PCB's. We appreciate the willingness of both Kaiser and the Department of Ecology to try this new treatment and believe that it has the potential to be used in many other settings across the country. We look forward to this project coming on line in the next few years, and to see the results. Innovation at approaching the reduction of PCB's coming to the Spokane River is a critical component of making measurable progress and this has great potential.

*Ecology's response:* Thank you for your comments. We, too, are looking forward to seeing the pilot test results.

## **James E. Tuck**

I am writing on behalf of myself as a community member of Spokane and concerned citizen on the water quality of the Spokane River. I have recreated on the river for over fifteen years in the form of angling, canoeing/kayaking/SUP, as well as hiking and trail running. Over the years I have witnessed progress in cleaning up the river from efforts by non-profit groups, city officials, and to a minor extent Washington State and the Federal Government due to regulatory oversight. More needs to be done and the big polluters need to be held accountable by government entities; most importantly the

Department of Ecology. It is unconscionable that more isn't being done WA to protect the Spokane River from industries such as Kaiser Aluminum. The federal CWA charge is to work towards establishing WQS that support aquatic life criteria. I am asking that a longer comment period be given from the current 30 day window to a 60 day window. In additionally I am requesting that a public hearing is scheduled so that we can learn how Kaiser intends to clean up the pollution/discharge site and the impacts this pollution is having on the river and fish. Thank you.

*Ecology's response:* Thank you for your comments. We believe this proposed cleanup work represents a big step in moving towards additional protection of the Spokane River.

### **Jerry White, Jr., Spokane Riverkeeper**

On behalf of the Spokane Riverkeeper, thank you for the opportunity to comment on the "Amendment to Agreed Order No. 2692 (Amendment)" which requires the investigation into new technologies to treat PCBs. We believe that new treatment technologies hold promise for reducing the PCB load into our river and should be explored. Please include the additions of the actions below in the Amendment. We believe these additions will create a more accountable project that adheres to the outlined timelines and allows for public oversight.

Public reporting requirements should be included in the Amendment. Please issue bimonthly (1 report every 2 mo.) reports updating the current progress of the project, including any updates to the tasks in Phase 1 and 2 of Exhibit B-A2. Include the changes to schedule and scope of project and data and construction quality assurance summaries. Include data and summaries on the evaluation of destruction/removal efficiency of each technology.

Please require the evaluation of multiple inline technologies for reducing PCBs. For example, treating PCBs with UV light after filtering through Walnut Shell Filter.

Include ample and substantial public notification and comment for new or changed permits. The possibility of changing permits that may affect water quality in the Spokane River should be a public process.

Please make Hart-Crowser reports cited in Findings of Fact in the Ammendment No. 2 to the Agreed order public. These reports have significant findings that public should have access to.

*Ecology's response:* Thank you for your comments. Kaiser is required to provide periodic updates to Ecology that include interim action progress and any deviations from the scope and schedule. Data and summaries from the various technology

evaluations will be included in the Phase 1 Interim Action Completion Report. This report, along with all periodic updates, will be available to the public upon request.

The use of multiple concurrent technologies will be evaluated and considered if it is determined to be appropriately beneficial. For example, using different technologies for the treatment of walnut-shell backwash water will continue to be considered.

All public outreach about this cleanup work will comply with Washington Administrative Code 173-340-600. Ecology's Water Quality Program manages the National Pollutant Discharge Elimination System (NPDES) permits for the Kaiser Trentwood Facility, and they will continue to conduct public outreach for the ongoing NPDES permitting process. Ecology makes draft NPDES permits and fact sheets available for public review and notifies interested parties of their availability. The public notice also tells how to request a public hearing of comments about proposed NPDES permits. These same public notice procedures apply to NPDES permit modifications.

All of the reports referenced in Amendment Number 2 as well as all other technical reports for this cleanup site are available to the public upon request.

## **Randi Wilke**

I would like to see this opened up to a public hearing so there is greater visibility to the community. What long term environmental impact would this have on our river/waterways and aquatic life such as fish and waterfowl? Please consider including other groups and organizations invested in river health and conservation efforts in to the conversation to discuss this more deeply.

*Ecology's response:* Thank you for your comments. By completing environmental cleanup work at the Kaiser Trentwood Facility, we hope to substantially reduce the PCB mass travelling through groundwater to the river, which should have a positive impact on the river and aquatic life. We include local organizations who have shown an interest in the Spokane River and the Kaiser Trentwood Facility cleanup on our mailing list, and anyone can be added by contacting Erika Beresovoy (see page 2 for contact information).