

Hamilton / Labree Site S.C. Breen Construction Co.



FACT SHEET & NOTICE OF PUBLIC COMMENT PERIOD

Draft Past Costs Consent Decree and Agreed Order Closeout

The Washington State Department of Ecology (Ecology) is proposing to enter into a Consent Decree with S.C. Breen Construction Company, a potentially liable party (PLP), to settle past cost liabilities associated with the investigation and cleanup at the Hamilton Labree Roads Groundwater Contamination site, located near the intersection of Hamilton Road and Labree Road south of Chehalis, Washington, in Lewis County. In addition, Ecology is proposing to close out Agreed Order No. DE 99TC-S221. It was entered into for the purpose of performing remedial activities at the site.

Ecology invites the public to review and comment on the proposed Consent Decree and Agreed Order closeout.

Ecology will accept public comments, in writing or via e-mail, from May 15 to June 12, 2002. Please include your name and address on your comment. The box at the right indicates where to find information and send comments.

SITE BACKGROUND

In 1993, it was discovered that perchloroethylene (PCE) was present in groundwater that serves as the source of drinking water for numerous residences and business facilities in the vicinity of

Hamilton and Labree Roads south of Chehalis. Ecology began supplying alternate sources of drinking water to users of several wells in the area. In one case, Ecology provided a full domestic water treatment system to a residence.

In 1997, Ecology began a remedial investigation to determine the source(s) of the contamination, including hiring contractors to undertake field investigations and conducting interviews with local residents. During the course of the investigation, Ecology determined there was cause to believe that solvents may have been used and disposed of on property owned by the PLP. Ecology also determined there was another significant source of PCE contamination at a location east and upgradient of the PLP's property.

In August 1999, Ecology and the PLP negotiated Agreed Order No. DE 99TC-S221 that required the company to undertake a remedial investigation to determine if containers of chemical waste had been buried on the PLP's property, determine if other areas of the property were continuing sources of contaminants to groundwater, and determine the distribution of contaminants in soil and groundwater. The Agreed Order further required that once the

May 2002

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REPOSITORIES

Department of Ecology
Southwest Regional Office
Toxics Cleanup Program
300 Desmond Drive SE
P.O. Box 47775
Olympia, WA, 98504-7775
(360) 407-6300 (voice)
(360) 407-6306 (TDD)

Centralia Library
110 South Silver Street
Centralia, WA 98531-4218
(360) 736-0183

FOR TECHNICAL QUESTIONS OR TO SUBMIT WRITTEN COMMENTS, CONTACT:

Panjini Balaraju or Marv
Coleman, Site Managers
at the address listed above or at
(360) 407-6243; pbal461@
ecy.wa.gov or (360) 407-6259;
mcol461@ecy.wa.gov

remedial investigation was complete, the PLP would perform a feasibility study to evaluate a range of remedial options to remove ongoing sources of PCE contamination to groundwater.

Subsequently, drums of hazardous waste were found to be buried beneath a building located at 151 Labree Road, on the PLP's property. The PLP undertook removal of the waste materials and contaminated soil.

In July 2000, the U.S. Environmental Protection Agency (EPA) added the site to the National Priorities List (NPL). EPA and Ecology agreed to transfer regulatory oversight for the site to EPA.

In October 2001, EPA negotiated an Administrative Order on Consent (AOC) with the PLP requiring them to perform additional remedial investigation/feasibility study activities, including the performance of activities not yet completed under the Ecology Agreed Order. Because the AOC addressed all matters not finished under the Agreed Order, Ecology agreed to close out the Agreed Order prior to the satisfaction of its terms by the PLP and to negotiate a settlement of Ecology's past costs with the PLP.

DRAFT CONSENT DECREE

A **Consent Decree** is a legal document that formalizes an agreement between Ecology and the PLP(s) for the site and is entered and approved by a court. To date, S.C. Breen Construction Company is the only named PLP

for this site. No other PLPs for the site have yet been identified. The proposed Consent Decree is being issued under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. The decree is intended to settle Ecology's claims against the PLP for past public costs associated with the investigative and remedial work Ecology has performed at this site (as described above). The decree does not settle and does not address liability for future cleanup activity at the site.

WHAT HAPPENS NEXT?

The MTCA requires public concerns regarding the draft Consent Decree and Agreed Order closeout be addressed.

Comments will be evaluated as part of developing the final Consent Decree and Agreed Order closeout. After the public comment period, Ecology may prepare a Responsiveness Summary to address those comments received.

After the PLP reimburses Ecology for past costs, EPA and S.C. Breen Construction Company will continue efforts to investigate and remediate the site.

ECOLOGY WANTS YOUR COMMENTS!

This public comment period is an opportunity to have Ecology hear your ideas and comments. You may review and comment on the Consent Decree and Agreed Order closeout from **May 15 through June 12, 2002**.

Please submit written comments by June 12, 2002, to Panjini Balaraju or Marv Coleman, Site Managers, at the Ecology address listed in the shaded box on page one.