



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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October 25, 2019

Dana Cannon
West of 4th Project Coordinator
Aspect Consulting
710 2nd Avenue, Suite 550
Seattle, WA 98104

**Re: West of 4th Site
Agreed Order #DE 10402
Site Unit 2 Interim Action**

Dear Dana Cannon:

On October 16, 2019, the Washington State Department of Ecology (Ecology) received a letter from the West of 4th PLP Group concerning Site Unit 2's interim action. In summary, the letter states that:

- (1) Capital Industries (CI) needs 90 more days to submit a draft Site Unit 2 interim action SVE System Design and Implementation Work Plan (hereafter referred to as the "SVE Design document"). That is, an additional 90 days are needed beyond the 60-day timeframe provided by the August 8, 2019, Ecology letter which requested the document's submittal.
- (2) The PLPs want to "evaluate potential contributions" of tetrachloroethene (PCE) and trichloroethene (TCE) from the property immediately east of CI's Plant 4, and wish to do this by *independently* "collecting and analyzing soil gas and reconnaissance groundwater samples from the western sidewalk of 4th Avenue South."
- (3) Before completing the design of the interim action SVE system, the PLP would like to "determine an approach to applying SVE." That is, the PLPs essentially intend to re-evaluate the interim action's objectives, and decide whether to limit SVE treatment to "the TCE source at the northern drum storage area and the PCE source at the eastern paint booth area in the CI Plant 4 building," or apply it over a larger area (more "aggressively").

The October 16 letter does not discuss financial impediments to preparing the draft Site Unit 2 interim action SVE Design that delayed its completion and resulted in an inability to submit the document and its associated SEPA checklist by their established due dates (see "BACKGROUND" section below). Nor does it state *when* the PLPs reached the conclusion that the Design could not be prepared and submitted until new data had been collected from the 4th

Ave. S. sidewalk area. But this conclusion was not communicated to Ecology in August or September as we awaited the PLPs' completion of the required documents. In fact, it was not until the afternoon of October 10, essentially one day before the draft Design and SEPA checklist were due to us, that we received the PLPs' proposal to delay submittal of the documents.

Today's letter responds to the PLPs' October 16 letter under three headings: (1) proposal to independently perform fieldwork in the area of the western 4th Ave. S. sidewalk; (2) request to extend the due date of the draft SVE Design document by 90 days; and, (3) background information related to the due date extension request.

PROPOSAL TO INDEPENDENTLY PERFORM FIELDWORK IN THE AREA OF THE WESTERN 4th AVE. S. SIDEWALK

The PLP's letter only briefly describes this proposed work. Soil gas and reconnaissance groundwater samples will apparently be collected within the 4th Ave. right-of-way immediately east and perhaps northeast of buildings located at 5815 4th Ave. S. There may, from the PLPs' perspective, be multiple reasons for obtaining data from these locations.

As noted above, the PLP's letter (and Email that preceded it six days earlier) contains only a brief description of the location and rationale for the newly proposed sampling. However, Ecology is not opposed to the PLPs' collection of sampling data from this area of the site. We agree that a 90-day timeframe for planning, conducting, and obtaining the data from such work seems reasonable. However, since the data will presumably be shared with Ecology, and may be used to inform site decision-making, the data collection effort should not proceed "independently." A Sampling and Analysis Plan (SAP) should therefore:

- a) clearly explain the objectives of the project,
- b) identify the critical data gaps that will be filled to meet these objectives,
- c) propose how those data gaps will be filled, and
- d) be submitted to Ecology for our review.

The PLPs should expect Ecology comments on the SAP, and our comments should be considered by the PLPs before initiating fieldwork.

REQUEST TO EXTEND THE DRAFT SVE DESIGN DOCUMENT'S DUE DATE BY 90 DAYS

The request to extend the draft SVE Design's due date assumes that the PLPs will implement SVE as an interim action at Plant 4. Were the PLPs to do this, a draft design document would need to be prepared, reviewed, perhaps revised, and then finalized/approved. Because SVE is a different technology than ISCO, and not an interim action technology anticipated by the West of 4th AO amendment or its associated SEPA determination, a 30-day public comment would also need to be held prior to any implementation of the SVE action. Therefore, in our opinion, if Ecology agreed to a 90-day extension to the draft SVE Design's due date, it is unlikely that SVE start-up could be realized until late April or early May 2020 at the earliest.

Rather than proceeding with such plans at Site Unit 2 for the next six months, Ecology prefers that the PLPs focus instead on the Unit's draft FS Report Addendum. Valuable information obtained during the SVE pilot test, and – assuming the fieldwork proposed for the 4th Ave. S. sidewalk is performed – sampling data collected over the next three months, can then be used to improve the evaluation of Plant 4 cleanup alternatives in the Addendum. SVE should be evaluated as one of those alternatives, but will not be implemented as an interim action and no Design document need be prepared or submitted.

Under the West of 4th site's Agreed Order (AO), the Site Unit 2 draft FS Report Addendum is due 60 days after receipt of Ecology comments on the draft Interim Action Completion Report. This timing assumed that the Plant 4 interim action technology would be ISCO and the Completion Report would contain monitoring and other information obtained pursuant to full-scale ISCO implementation. However, in later 2018 both the PLPs and Ecology agreed that ISCO should not be implemented past the limited "stage 1" injections performed the previous August. A Stage 1 Report was then prepared, in February 2019, documenting completion of the limited injection activity and its associated monitoring results. Ecology responded to the Report on February 21, 2019.

The Site Unit 2 draft FS Report Addendum did not become due 60 days after receipt of Ecology's February 21, 2019 letter because Ecology and the Site Unit 2 PLPs believed the interim action could potentially proceed by utilizing a different cleanup technology (SVE). Since, by today's letter, Ecology has determined that the interim action should be terminated and no additional Site Unit 2 "completion reports" are needed, the Unit's draft FS Report Addendum should be submitted following completion of the 4th Ave. S. sampling proposed in the PLPs' October 16 letter. Its due date is hereby established as May 1, 2020. This should provide the PLPs ample time to incorporate the findings from the SVE pilot test, and results from sampling the 4th Ave. S. sidewalk area, into the draft FS document.

BACKGROUND

- The West of 4th AO was amended in 2017 to include a Site Unit 2 interim action. The Order requires that an interim action be performed at CI's Plant 4 using ISCO as the treatment technology. In 2018 the PLPs designed and implemented ISCO in one part of Plant 4 (called "stage 1" of the action).
- In October 2018, Ecology met with Farallon Consulting (representing CI) to discuss the Plant 4 interim action's "Stage 1" results. During the meeting Ecology agreed with Farallon that the post-injection Stage 1 monitoring results associated with the oxidant injections conducted in August 2018 did not suggest that full-scale (Stage 2) ISCO injections beneath Plant 4 would meet interim action remediation goals. Accordingly, we also agreed that the Stage 2 ISCO Field Implementation Work Plan, due later in 2018, should not be prepared and submitted. Instead, the parties agreed that a Stage 1 Report would be submitted. During the meeting, Farallon also discussed the probability that their Report, or a separate submittal, would propose Plant 4 field studies to measure the potential effectiveness of utilizing soil vapor extraction (SVE) to reduce VOC

contamination in soils and soil gas. Following the meeting Farallon proposed a due date of November 16, 2018, for the draft version of the Stage 1 Report; Ecology agreed.

- The draft Stage 1 Report was not submitted by November 16. Ecology was informed that this was due to an inability to obtain concurrence from CI's insurance carrier (who were reviewing the deliverable prior to its submittal). When the document had still not been submitted in January 2020, Ecology sent the PLPs a letter requiring immediate submittal.

The Stage 1 Report was subsequently received in February 2020. At that time Farallon also sent a letter (via Email) proposing SVE-related interim action deliverables and a schedule for their submittal.

- After reviewing the Stage 1 Report Ecology met with Farallon. Farallon again proposed that the ISCO work at Plant 4 be ended and that we consider finishing the interim action with SVE. Ecology agreed. The PLPs subsequently submitted an SVE-test (pilot study) work plan. Ecology approved the plan and the test was performed last summer. Based on the test data, Farallon concluded that SVE was a viable alternative technology for Plant 4. Ecology agreed, and on August 8 we sent a letter (and Email) to the PLPs requesting the preparation and submittal of a draft interim action SVE Design document. The document and associated SEPA checklist were due to Ecology 60 days later.

In August, Ecology also determined that an SVE Pilot Study Completion Report need not be prepared and submitted. While we agreed that the study's results should be documented, we asked that this information be contained in the draft SVE Design document.

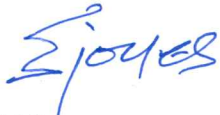
- On October 8, Ecology was informed that the draft SVE Design document and SEPA checklist would not be submitted by their due dates. We were told that this was because CI's insurance carrier had not provided funding for the Design's development.
- On October 10, one day before the SVE deliverables were due, Ecology met with representatives from Farallon Consulting, CI, and CI's insurance carrier. During the meeting the insurance carrier's representative asked a number of questions about the site. Ecology told the group that: a) the draft SVE System Design and Implementation Work Plan was due to Ecology the following day, b) failure to submit the document by that date would constitute non-compliance with the West of 4th AO, and c) if the PLPs were unable to submit the document by October 11, they should send us an Email, before the 11th, requesting extra time to submit the Work Plan. This Email should then be followed by an October 11 letter explaining why the Work Plan and SEPA checklist could not be submitted in accordance with their established due date, proposing a new due date, and justifying the time associated with the requested extension.

During the meeting neither CI nor their representatives proposed a new due date for the SVE Design and checklist. No proposal was made to Ecology for delaying submittal of these documents in order to obtain new sampling data or other information.

After the meeting Farallon sent an Email to Ecology requesting 90 (ninety) additional days to submit the draft Work Plan and SEPA checklist. The PLPs' October 16 letter, described above, followed this October 10 Email.

In summary, Ecology is no longer requesting submittal of a draft Site Unit 2 interim action SVE System Design and Implementation Work Plan. Nor are we requesting a SEPA checklist for implementing SVE as an interim action. The draft FS Report Addendum is the next major Site Unit 2 deliverable. It is due to Ecology on May 1, 2020. A draft Sampling and Analysis Plan (SAP) for the PLP's proposed soil gas and reconnaissance groundwater sampling project within the 4th Ave. right-of-way should be submitted to Ecology prior to initiating the fieldwork. The fieldwork should not proceed until Ecology has reviewed the SAP and provided comments. If you have any questions concerning today's letter, please contact me at (425) 649-4449 or ejon461@ecy.wa.gov.

Sincerely,



Ed Jones
Environmental Engineer
Hazardous Waste and Toxics Reduction Program

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PLPs' W4 repository

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