

Proposed Agreed Order and Permit Modification

Proposed Agreed Order

The Department of Ecology (Ecology) invites the public to comment on a draft Agreed Order and Scope of Work (draft Order) to continue cleanup-related work at the “West of Fourth” site in south Seattle. As shown in the figure on the following page, the site area is located between 4th Avenue South and the Duwamish Waterway, from South Lucile Street in the north to Slip 2 of the Waterway to the south. Releases of hazardous substances at the properties of four companies have resulted in contamination within this area. The four companies are:

- **Art Brass Plating, Inc.**
- **Blaser Die Casting Co.**
- **Burlington Environmental, LLC** (known as “PSC”)
- **Capital Industries, Inc.**

Please see the site map on the following page.

Under the new Agreed Order, the four companies will jointly conduct a Feasibility Study (FS) and prepare a draft Cleanup Action Plan. After reviewing public comment, Ecology will make a final decision on the draft Order.

Site Overview

Groundwater contamination is generally present in an area west of 4th Avenue S. between S. Lucile St. (to the north) and south of the 1st Ave. S. and East Marginal Way S. intersection (to the south). In some areas, it extends as far west as the Duwamish Waterway. The contamination includes the hazardous substance trichloroethene (TCE), and substances that form in the subsurface as TCE degrades (such as dichloroethenes and vinyl chloride). There are also, at particular locations and depths, elevated levels of 1,4-dioxane, tetrachloroethene (PCE), and certain toxic metals (such as nickel). Groundwater is not a source of drinking water in this area.

Ecology oversees cleanup progress associated with four potentially liable persons (PLPs) that have contributed to the contamination

Comment Period

The public comment period on the draft Agreed Order runs from January 14, 2014 through February 13, 2014. **To be accepted, comments on the Order must be received or postmarked by February 13, 2014.**

The public comment period on Burlington Environmental's permit modification request runs from January 14, 2014 through March 17, 2014. **To be accepted, comments must be received or postmarked by March 17, 2014.**

You may review the draft Agreed Order, permit modification request, and other site-related information at:

Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452
Phone: (425) 649-7000
Appointments 9 am to 4:00 pm.

or

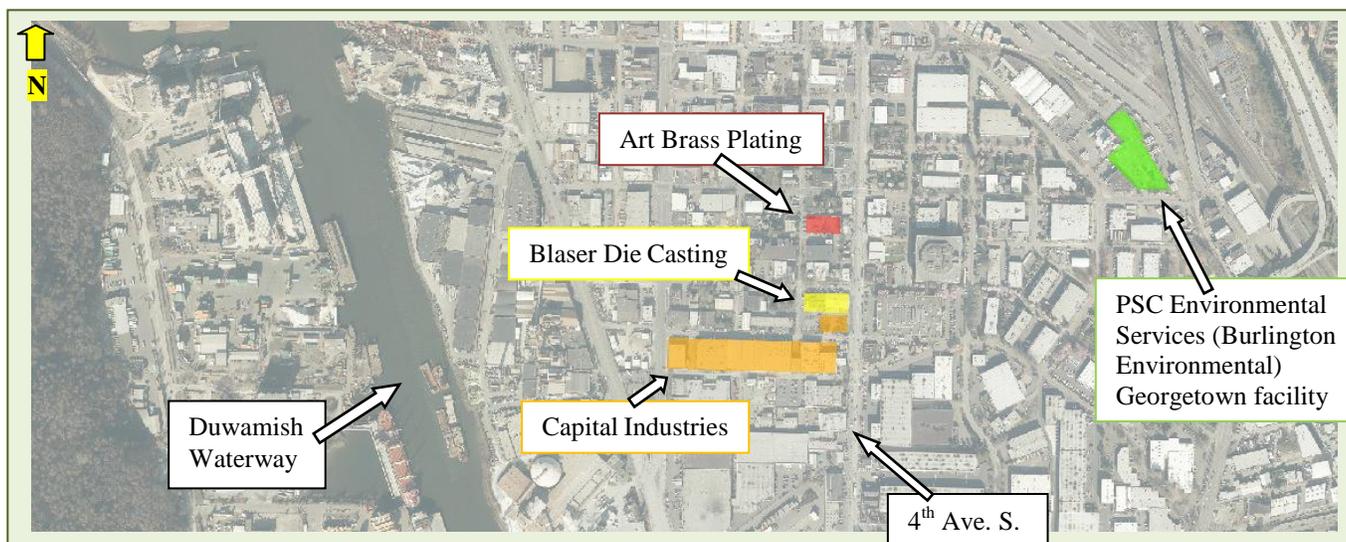
Visit Ecology's website at:
www.ecy.wa.gov/programs/hwtr/fia/index.html

The public is invited to an “open house” public meeting on January 30 at 6 pm, to be held at the Georgetown Campus of South Seattle Community College.

For answers to questions or to submit comments on the Order and/or permit modification:

Ed Jones, HWTR
Department of Ecology, NWRO
3190 160th Avenue SE
Bellevue, WA 98008-5452
Phone: 425-649-4449
Ejon461@ecy.wa.gov





in this area:

- Burlington Environmental (or PSC Environmental Services) is a closed RCRA¹ hazardous waste treatment and storage facility. The Burlington Environmental property is located four blocks east of 4th Ave. S., at 734 S. Lucile St.
- Art Brass Plating, Inc., at 5516 3rd Ave. S.
- Blaser Die Casting, Co., at 5700 3rd Ave. S.
- Capital Industries, Inc., at 5800 3rd Ave. S.

Each of these companies has been individually pursuing cleanup under separate Ecology Orders.

Burlington Environmental was issued an Agreed Order in 2010 (DE#7347) to implement a Cleanup Action Plan addressing contamination in the eastern portion of the company’s Georgetown site. Groundwater contamination, due to releases from Burlington Environmental’s facility that has migrated west of 4th Ave. S., is to be addressed in the proposed “West of 4th” Agreed Order. After the new Order is finalized, Burlington Environmental’s cleanup obligations will be set out in two Orders: (1) the 2010 Order, which focuses primarily on site contamination east of 4th Ave. S., and (2) the new multi-party Order, which focuses on site contamination west of 4th Ave. S.²

Releases at the Art Brass Plating, Blaser Die Casting, and Capital Industries properties are a source of soil contamination. They are also a source of groundwater contamination detected in areas west of 4th Ave. Each of these three companies was issued a Model Toxics Control Action (MTCA) Order in 2008 to conduct a Remedial Investigation (RI). Each has completed its individual RI and prepared an approved RI report.

- Art Brass Plating’s RI report was conditionally approved, December 18, 2012 (Order DE#5296)
- Blaser Die Casting’s RI report was conditionally approved, October 2, 2012 (Order DE#5479)

¹ Resource Conservation and Recovery Act

² The contaminant 1,4-dioxane is present west of 4th Ave. due to groundwater migration from the east. Its cleanup will continue to be addressed under the 2010 Burlington Environmental Order (DE#7347).

- Capital Industries' RI report was conditionally approved, December 18, 2012 (Order DE#5348)

The three companies and Burlington Environmental have also implemented *interim actions* (see Glossary on page 6). For example, Art Brass Plating is presently conducting a groundwater-remediation interim action to reduce levels of volatile contaminants (such as TCE) in groundwater near its property. This action utilizes "air sparging" to transfer contaminants from the liquid (groundwater)-phase into the vapor phase. Once in the vapor phase the contaminants are collected via a "soil vapor extraction" system, which brings the collected gases above ground, where they can be treated and then discharged to the atmosphere.

Ecology has held Agreed Order discussions with Art Brass Plating, Blaser Die Casting, Capital Industries, and Burlington Environmental for issuing a new Order. The new Order will be a single document, issued to all four PLPs as a group. As such, it will be a joint, or "unified," Agreed Order, and will govern the PLPs' evaluation of potential cleanup actions for area-wide contamination west of 4th Ave. S. The new Order will include requirements for preparing and finalizing a "West of 4th" FS report, and drafting a site Cleanup Action Plan.

Permit Modification

Ecology also invites the public to comment on Burlington Environmental's proposed "Class 3" permit modification. In 2010, Ecology re-issued Burlington Environmental's dangerous waste management permit for the company's Georgetown facility (often referred to as the "PSC-Georgetown facility"). At that time, the three PLPs located west of 4th Ave. S. (Art Brass Plating, Blaser Die Casting, and Capital Industries) were still conducting their RIs. Therefore, cleanup obligations in the PSC-Georgetown permit only referred to Burlington Environmental's 2010 Agreed Order, which is primarily limited to actions the company must take in the eastern portion of its site. Few requirements were established in that Order or in the permit, to address contamination associated with the PSC-Georgetown facility in areas west of 4th Ave.

Burlington Environmental is proposing to modify its permit to refer to both the 2010 Agreed Order and the new "West of 4th" Agreed Order. Notifications to this effect have been mailed to persons on Burlington's facility mailing list.

Burlington Environmental's Georgetown facility no longer operates as a dangerous waste treatment, storage, or disposal facility. Nor is dangerous waste treatment, storage, or disposal being conducted at the Art Brass Plating, Blaser Die Casting, or Capital Industries facilities. Consistent with Burlington Environmental's existing permit, no provisions are included in their modification request for treatment, storage, or disposal of dangerous wastes.

State Environmental Policy Act (SEPA)

Ecology is the lead agency for SEPA concerns related to the cleanup actions described above. Under SEPA the identification and evaluation of probable environmental impacts is required.

The draft Agreed Order (and permit modification) is limited primarily to performing a site Feasibility Study and the continued operation of vapor intrusion mitigation and other interim actions. Ecology has determined that these activities will not significantly impact the environment (as defined in SEPA). No SEPA threshold determination has been made on the proposed Order or the Burlington Environmental permit modification; however, a SEPA checklist is available for review at our Northwest Regional Office.

Comment Periods

Ecology invites the public to read and comment on the proposed West of 4th Agreed Order and the modification to the Burlington Environmental dangerous waste permit. The 30-day comment period on the draft Agreed Order runs from January 14, 2014, through February 13, 2014. The 60-day comment period on Burlington Environmental's proposed permit modification runs from January 14, 2014, through March 17, 2014.

The public is invited to an "open house"-style public meeting on January 30 at 6:00 pm, to be held at the South Seattle Community College Georgetown campus. Please see <http://georgetown.southseattle.edu/general/directions.aspx> for directions. Ecology representatives and representatives of the four PLPs will be available at the meeting to answer questions about the draft Order and proposed permit modification, and receive comments from members of the interested public. In addition, Ecology will hold a public hearing, based on requests, if there is a significant degree of public interest.

Ecology will consider all public comments before making a final decision. Regulatory requirements for the public review process are set in WAC 173-340-600 (for the Agreed Order) and 173-303-830 and -840 (for permit modification).

How to Participate

To receive a copy of Ecology's draft Order and/or the proposed modification to the Burlington Environmental dangerous waste permit, please contact Ed Jones at the phone number or email address listed in the side panel on the first page of this notice.

Document files containing information regarding the four PLPs and the West of 4th site may be reviewed at Ecology's Northwest Regional Office. See the side panel on the first page of this notice for locations and hours. Documents are also available at five PLP-repositories:

1. **Burlington Environmental** (PSC Environmental Services) Georgetown facility repository at ActivSpace – Luna Park Facility, 3400 Harbor Avenue SW, Unit 214, West Seattle, WA 98126. Contact William Beck at 425-227-6149 for an appointment.
2. **Art Brass Plating** website at: <http://aspectconsulting.com/clients/artbrass/>
3. **Blaser Die Casting** website at: <http://pacificgroundwatergroup.com/clients/blaser/>
4. **Capital Industries** website at: http://farallonconsulting.com/project/Capital_Industries
5. New **West of 4th** website at: <http://aspectconsulting.com/clients/W4>

Ecology welcomes your comments. The most effective comments are those that:

- Provide specific information, describing what part of the order you believe is inappropriate.
- Provide factual and regulatory support for the comment.
- Suggest changes to fix the problem.

- Include all supporting materials in full. This information should not be incorporated into comments by reference, unless it is already part of Ecology's administrative record or consists of "state or federal statutes and regulations, documents of general applicability, or other generally available reference materials."

Comments may be mailed or emailed to Ecology. Providing written comments assures their proper consideration during Ecology's decision-making process and helps Ecology respond meaningfully.

The Georgetown Community Council's environmental consultant, Environment International (EI), has been involved in overseeing cleanup work at the PSC-Georgetown site for the past 10 years. To find out more about EI and their role at the site, contact Whitney Fraser at Whitney.Fraser@eilttd.net or by phone at 206-525-3362. To ask questions of the Georgetown Community Council, please email directors@georgetownneighborhood.com.

What Happens Next?

After the close of the 30-day public comment period, Ecology will consider all comments received. We will then (see "Final Decisions" below) issue a final West of 4th Agreed Order to the four PLPs. Ecology will notify the four PLPs and each person who submitted written comments or requested notice of our decision.

After the close of the 60-day public comment period, Ecology will review all comments and decide how to proceed with Burlington Environmental's requested permit modification for the PSC-Georgetown facility. If the Department agrees with Burlington Environmental that the permit should be modified, we will then prepare a *draft permit* (in accordance with WAC 173-303-840), indicating our tentative decision.

Ecology will also issue a response to comments received from the public. It will briefly describe and respond to all significant comments raised during the two public comment periods (and during any hearing that may be held).

Final Decisions

Agreed Order

After considering the public's comments, Ecology will make a final decision or make a new tentative decision on the draft Order. If a final decision is made, the draft Order shall either: a) become final when signed, or b) be changed, as necessary, by consideration of public comment, and then be finalized. MTCA requires a new tentative decision and an additional public comment period if substantial changes are made to the proposed draft Order. The effective date of Ecology's decision will be the date Ecology signs the final Agreed Order.

Permit Modification

After considering the public's comments on Burlington Environmental's permit modification request, Ecology will make a final decision regarding the request³. If Ecology concurs that the PSC-Georgetown permit should be modified, we will prepare a *draft permit*. The public will then be notified and given an

³ Please see regulatory requirements pertaining to permit modifications and draft permits at WAC 173-303-830 and -840.

opportunity to comment on our draft permit (the comment period on a draft permit is typically 45 days). Following this comment period Ecology will issue a final written decision.

Ecology's final decision on the Burlington Environmental permit modification may be appealed to the Pollution Control Hearings Board⁴. The West of 4th Agreed Order, however, may not be appealed to the Board.

Glossary

Agreed Order: a legal document signed by Ecology and the PLPs, describing the process, expectations, and schedule for site cleanup.

Cleanup Action Plan (CAP): a document describing the proposed cleanup action ("remedy" or "remedial action") for a site. A draft CAP is prepared following the Feasibility Study and provided to the public for comment.

1,4-dioxane: a semi-volatile chemical often used as a solvent stabilizer. It is sometimes detected in contamination resulting from a solvent (like 1,1,1-trichloroethane) release. Please see www.atsdr.cdc.gov/toxfaqs/tf.asp?id=954&tid=199 for more information.

Facility: the state MTCA regulations (WAC 173-340) define "facility" to mean the same thing as "site" – that is, the area over which contamination is found.

Feasibility Study (FS): an analysis performed following the site investigation (or "RI"; see below), which evaluates alternative potential cleanup actions.

Interim Action: an action taken by the party responsible for the cleanup, before the final site cleanup action has been implemented (and typically, before the final site cleanup action has even been selected). The four PLPs have each implemented a type of interim action referred to as a vapor intrusion mitigation system. Please see "vapor intrusion" below.

Potentially Liable Person (PLP): any person who Ecology finds, based on credible evidence, to be liable under RCW 70.105D.040 (the Model Toxics Control Act).

Remedial Investigation (RI): the actions taken at a site to determine the nature of the contamination, its extent, and what risks it may pose to human health or the environment. The RI precedes the FS.

Trichloroethene: also called trichloroethylene, or TCE. TCE is a chlorinated, volatile hydrocarbon compound commonly used in the past as an industrial solvent. The United States Environmental Protection Agency's (EPA's) Integrated Risk Information System (IRIS) database characterizes TCE as carcinogenic (cancer causing) to humans. It is also a non-cancer health hazard. Please see www.atsdr.cdc.gov/toxfaqs/TF.asp?id=172&tid=30 for more information.

⁴ Because of EPA's oversight authority, EPA is not required to go through the Pollution Control Hearings Board to appeal state authorized permits. Should EPA appeal, they would then work directly with Ecology to address their concerns.

Vapor intrusion: a process where volatile contaminants in soil gas (below ground) can enter a building located above through cracks or other openings in the building's foundation, basement, or crawlspace. Vapor intrusion mitigation systems protect indoor air by depressurizing the area below the building's foundation, and re-routing and venting the soil gases outside, above the roof line.

Vinyl chloride: a chlorinated, volatile hydrocarbon compound commonly found in the environment due to the biodegradation of chemicals such as tri- and di-chloroethenes. EPA's IRIS database characterizes vinyl chloride as carcinogenic (cancer causing) to humans. It is also a non-cancer health hazard. Please see www.atsdr.cdc.gov/toxfaqs/TF.asp?id=281&tid=51 for more information.



PO Box 47600
Olympia, WA 98504-7600

Ecology Seeks Public Comment on:

■ **Proposed Agreed Order for:**

- Art Brass Plating, Inc.
- Blaser Die Casting Co.
- Burlington Environmental, LLC.
- Capital Industries, Inc.

■ **Permit modification request for:**

Burlington Environmental's PSC- Georgetown facility

Public Comment Periods:

Agreed Order: January 14, 2014,
through February 13, 2014

Permit modification request:

January 14, 2014, through March 17, 2014

Special Accommodations

If you need this document in a version for the visually impaired call the Hazardous Waste and Toxics Reduction Program at 509-329-3400.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

If you request a public hearing and have a special accommodation need, contact Ed Jones at 425-649-4449 for assistance.