

- ✓ Describes Ecology's decision-making process to finalize the consent decree and cleanup action plan.

Public Comment Period
30 Days: April 18, 2008 to May 19, 2008

These draft documents are available for review at:

Kent Regional Library
212 2nd Avenue N.
Kent, Washington 98032
253-859-3330

Kent Regional Library hours are Monday through Thursday, 10am to 9pm; Friday 10am to 6pm; Saturday 10am – 5pm; and, Sunday 1pm to 5pm. Please ask at the information desk.

You may also view the documents at the Department of Ecology. Hours, by appointment, are Monday through Friday 9 am to 4:30 pm.

Department of Ecology
Northwest Regional Office
3190 - 160th AV SE
Bellevue, WA 98008-5452
Tel: 425-649-7239 Sally Alexander, or
425-649-7190 Sally Perkins

Note: WA Department of Ecology has more detailed documents than Kent Regional Library. Please call to schedule an appointment.

Comments must be postmarked or received by close of business by: **May 19, 2008**.

Comments must be sent to:

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3190 - 160th AV SE
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To receive a copy of the listed documents, the public notice, and fact sheet, contact Hideo Fujita at 425-649-7068 (voice) or TTY at 1-800-833-6388 (TTY relay service), by email at hfuj461@ecy.wa.gov or at the address below, or visit Ecology's Public Events Calendar on our web site: www.ecy.wa.gov.

Ecology will consider and respond to all written comments and any comments or public testimony received during a public hearing, if held. After considering the comments, Ecology will make a final decision or a new tentative decision on the draft consent decree and cleanup action plan.

Overview

The BSB 4.2-acre property is currently a fenced, vacant lot that slopes gently to the north (see Figure 2. B.S.B. Diversified Company, Inc.). The area surrounding the property is topographically flat and is zoned "Limited Industrial." The property is bounded on the north by South 200th Street and the Hexcel industrial facility. Commercial and industrial park properties are located to the west and south of the property, and the Carr industrial facility is immediately to the east of the property.

A metal finishing and electroplating plant and a composites plant formerly operated on the BSB and neighboring Hexcel properties. During this time, these properties (Parcels A-G) were under common ownership. Parcel G, currently owned by BSB, housed impoundments, lagoons, container storage, and similar units for managing waste, including hazardous waste, through storage and disposal. The wastes contained in some of these units included chlorinated compounds.

Beginning in the early 1980s, waste management activities and associated releases of hazardous substances were investigated and cleanup actions initiated under the federal Resource Conservation and Recovery Act (RCRA). These initial RCRA cleanup actions addressed the metal-related waste and contamination, as well as the primary volatile organic compound (VOC) source area in unsaturated soil, and included the excavation and/or stabilization of metal plating sludges and soils associated with the waste management lagoons, as well as excavation of soils in a former drum handling area that were contaminated with VOCs.

By 1988, the storage and disposal units had been closed. Concentrations of chlorinated compounds remain in the subsurface soils and groundwater. Groundwater beneath Parcels A-G is contaminated with chlorinated compounds, including TCE, Vinyl Chloride, and cis-1,2-DCE.

BSB, pursuant to its Post Closure Permit (see below) and a private agreement with Hexcel, installed a groundwater pump-and-treat system designed to 1) capture contaminated groundwater to prevent it from migrating across South 200th Street from Parcel G, 2) capture contaminated groundwater to prevent it from migrating across 84th Avenue from Parcels A-E, now owned by Hexcel, and 3) monitor groundwater conditions at various points. Recovery wells included in this system are located on the BSB and Hexcel properties. On-site treatment under this system terminated in 1995. The system currently pumps groundwater for discharge to and treatment at a King County publicly owned treatment works.

The remaining primary environmental concern at the BSB property is VOCs in groundwater. The Focused Remedial Investigation (RI) includes detailed descriptions of the previous investigations and historical cleanup actions and the Focused Feasibility Study (FS) developed potential cleanup action alternatives for VOCs in groundwater. The RI/FS was prepared to be consistent with the Model Toxics Control Act (WAC 173-340) and provides the necessary documentation for the Washington State Department of Ecology to select the most appropriate cleanup action alternative.

Parcels A through G (originally commonly owned) were operated as a dangerous waste management facility on or after November 19, 1980 (the date facilities became subject to permitting requirements under RCRA, including authorized state regulations promulgated in Chapter 173-303 WAC).

Ecology and EPA jointly issued Post Closure Permit WAD 076655182 (Post Closure Permit) to Hytek (later BSB) under authority of the Washington Hazardous Waste Management Act, Chapter 70.105 RCW, and RCRA. The Post Closure Permit identified the permitted facility as Parcels G and E, with recognition that Parcel E was subject to a pending transfer to Heath Tecna (later Hexcel).

The original Post Closure Permit was issued for an initial ten-year term commencing December 22, 1988. On March 3, 1999, Ecology and EPA issued a letter, still in effect, in which the agencies stated: "The B.S.B. Diversified Post Closure Permit issued

jointly by the Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) shall continue in force beyond the expiration date until which time the Post Closure Permit is re-issued."

The Post Closure Permit did not name Heath Tecna and did not define the permitted facility to include Parcels A, B, C, D and F based upon the agencies' acceptance of the private agreement between BSB and Heath Tecna (later Hexcel). A Post Closure Permit assigned groundwater corrective action and monitoring requirements to Parcels A-G, designated a point of compliance at the down gradient property boundary of Parcel G, and required the achievement of concentration limits in groundwater along 84th Avenue South.

There is presently no treatment, storage, or disposal of any dangerous waste at BSB. BSB is conducting corrective actions to correct or clean up past contamination from dangerous wastes.

State dangerous waste regulations require a facility to have a permit until all activities, including corrective actions and final closure, are completed. The corrective action provisions of the original Post Closure Permit remained in effect until replaced by the corrective action provisions of the new Dangerous Waste Corrective Action Permit issued by Ecology on November 10, 2005 (WAD 076655182).

Procedures for Reaching Final Decisions

The drafts of the Consent Decree, Cleanup Action Plan, SEPA checklist, RI/FS and Restricted (Environmental) Covenant are subject to public review and comment. Ecology will consider all public comments before making the final decision on these drafts. The public review process under MTCA is in Washington Administrative Code (WAC) 173-340-600.

Comment Period

The 30-day comment period on Ecology's decision to issue these draft documents run from **April 18 to May 19, 2008**.

Public Hearing Possible

If ten (10) or more people request a public hearing, Ecology will conduct a public hearing. *To request a hearing*, or to request special accommodation for

the hearing if it is held, contact Hideo Fujita by phone, letter, or email by **May 19, 2008**. If fewer than 10 people request a public hearing, then a hearing will not be held.

To find out if a public hearing will be held and/or its date and location, contact Hideo Fujita after **May 19, 2008**.

How to Participate

You may request, and review and comment on, these proposed draft documents.

Comments must be received at Ecology by the **May 19, 2008** deadline to be considered in further evaluation of the proposal.

The most effective comments are those in which the commenter(s):

- ✓ Provides specific information describing what condition they believe is inappropriate;
- ✓ Provide factual and regulatory support for the comment;
- ✓ Suggest changes to fix the problem;
- ✓ Include supporting material that is not in the Ecology administrative record (e.g., if the comment references a state or federal rule, Ecology already has that information; but, if the comment references a report not in the Ecology's records for BSB, then this would be appropriate supporting material). Commenters need to provide a copy of the reference.

Decision-Making Process

Responding to comments and testimony

Ecology will consider and respond to written comments submitted by the public and any testimony, if a public hearing is held.

Final Determination decision

After considering the comments and possible testimony, Ecology will make a final decision or make a new tentative decision on these draft documents. If public comment(s) result in substantial changes to these draft documents, then an additional public comment period will take place.

Effective date of decisions

After considering the public comments received, Ecology will make a final decision on the proposed documents. The effective date of Ecology's decision will be set forth in the respective documents.

Environmental Review

The Department of Ecology is the State Environmental Policy Act or SEPA lead agency for corrective action at BSB. Under SEPA, the identification and evaluation of probable environmental impacts is required to develop environmentally sound proposals.

