



Fact Sheet

Draft Agreed Order – Proposed Remedial Investigation Capital Industries Site

The Department of Ecology invites the public to read and comment on:

- Draft Agreed Order and Scope of Work for a remedial investigation at the Capital Industries site

The site is located in south Seattle, along South Mead Street, between 1st and 4th Avenues.

Public Comment Period December 7, 2007, through January 10, 2008

The documents identified above are available for review by appointment from 9:00 am to 5:00 pm, Monday through Friday¹, at:

Department of Ecology
Northwest Regional Office
3190 160th Ave. SE
Bellevue, WA

Comments must be postmarked or received by close of business on January 10, 2008. Hand-deliver comments to the Ecology address shown above/below.

Send your comments to:

Ed Jones
Department of Ecology
Northwest Regional Office
3190 160th Ave. SE
Bellevue, WA 98008-5452

Or, email to: ejon461@ecy.wa.gov

After reviewing public comment, Ecology will make a final decision on the draft agreed order.

Overview

Ecology has held agreed order discussions with **Capital Industries, Inc.**, a metal fabricator located at 5801 3rd Ave. S. In 2005 Capital Industries issued a draft Remedial Investigation Report describing the discovery of soil and groundwater contamination on and near their property. The contamination was caused by releases of hazardous substances (primarily trichloroethene). Capital Industries is located in an area downgradient of the Philip Services Corporation's Georgetown facility (734 S. Lucile St.), and the Blaser Die Casting site. Groundwater contamination associated with releases from these properties is present in the general area. Philip Services is presently

conducting corrective action to address their facility's releases pursuant to a hazardous/dangerous waste permit. Negotiations are currently underway with Blaser Die Casting to establish an agreed order for investigating contamination at that site.

Ecology intends to issue an agreed order to Capital Industries to address the investigation phase of the contamination. Following the completion of the investigation phase, and finalization of the site's Remedial Investigation Report, it is anticipated that a new legal instrument will be developed to guide performance of feasibility studies and the drafting of a cleanup action plan. Depending on the outcome of other investigations in the area, it may, for example, be more effective to develop a joint agreed order – with multiple Potentially Liable Persons – for performing an area-wide feasibility study.

SEPA

The agreed order is limited to the investigation phase of the cleanup process. Investigations are unlikely to lead to a “probable significant adverse environmental impact” and are categorically exempt under WAC 197-11-800(18).

At this time the Department invites the public to comment on our “proposed study areas” for the Capital Industries site under the order.

Ecology's Procedures for Reaching a Final Decision

Ecology invites the public to read and comment on the proposed documents. Ecology considers all public comments before making final decisions.

The public review process regulatory requirements under the Model Toxics Control Act (MTCA) are in Washington Administrative Code (WAC) 173-340-600.

What Happens Next

Responding to comments

Ecology will consider and respond to written comments submitted by the public.

Final decision

After considering the public's comments Ecology will make a final decision or make a new tentative decision on the draft order.

¹ Except for December 25 and January 1, 2008.

If a final decision is reached the draft agreed order shall either: a) become final, when signed, or b) be changed, as necessary, by consideration of public comment and then finalized.

Substantial changes to the draft order proposed to the public by this notice will require a new tentative decision and an additional public comment period under MTCA.

Effective date of final decision

Agreed Order: The effective date of Ecology's decision will be the date Ecology signs the order.

If you need this publication in an alternate format, please call the Hazardous Waste & Toxics Reduction Program, Northwest Regional Office at (425) 649-7000. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call 877-833-6341.

For more information, contact: Ed Jones at (425) 649-4449 or ejon461@ecy.wa.gov

Department of Ecology
HWTR
PO Box 47600
Olympia WA 98504-7600

PUBLIC COMMENT REQUESTED
We used several mailing lists. If you receive a duplicate, please pass it on.

Capital Industries Agreed Order Public Notice Glossary

Agreed Order: a legal agreement between Ecology and a potentially liable person to conduct activities associated with site cleanup work

Comment Period: a time – often 30 days in duration -- when the public can review and comment on documents and proposed actions.

Groundwater: water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In some places groundwater occurs in quantities sufficient to use for drinking water, irrigation and other purposes (when it is referred to as an *aquifer*).

Model Toxics Control Act (MTCA): legislation requiring identification, investigation, and cleanup at facilities where hazardous substances were released. The Act defines the role of Ecology and invites public involvement in the decision making process. The legislation was passed by citizens of the State of Washington through an initiative in 1988 and MTCA regulations (at WAC 173-340) are administered by the Washington State Department of Ecology.

Remedial Investigation (RI): one of the first steps in the cleanup process. Typically it is a study of the subsurface to determine the nature and extent of the contamination. It is generally followed by a “feasibility study,” which looks at the types of cleanup actions that could be implemented to address the contamination.

SEPA (State Environmental Policy Act): a state policy requiring state and local agencies to consider the likely environmental consequences of a proposal before approving or denying the proposal.

Trichloroethylene (or trichloroethene, or TCE): a solvent used in the past at Art Brass Plating as a metal parts cleaner in a vapor degreaser. Exposure to the chemical can cause cancer and other adverse health effects.