

**Public Participation Plan
for the
Ephrata Landfill Remedial Action**

**As required by
Agreed Order No. DE 3810**

**Washington State Department of Ecology
Grant County
City of Ephrata**

October 10, 2007

Opportunities to Participate

What is a Public Participation Plan?

This Public Participation Plan is a document that provides information about how citizens may become involved in the decision-making at certain stages of cleanup at the Ephrata Landfill site. The site is located three miles south of the City of Ephrata, on the east side of Highway 28 in Grant County, Washington (see Appendix A for Site Map).

The Plan is part of an Agreed Order signed by The Department of Ecology (Ecology) and the City of Ephrata and Grant County. The Order names the City and County as Potentially Liable Parties (PLPs) and requires them to conduct a Remedial Investigation and Feasibility Study at the Ephrata Landfill. The remedial investigation will determine the extent of contamination in soil and groundwater at the site. The feasibility study will evaluate cleanup alternatives. The Order also requires interim actions, which include removal of about 2,000 drums of waste and contaminated soils from the landfill.

Why Have a Public Participation Plan?

Washington State's cleanup law, the Model Toxics Control Act (MTCA), chapter 70.105D RCW and chapter 173-340-600 WAC, requires Ecology and the PLPs to develop a Public Participation Plan for each cleanup site. The goal of the Public Participation Plan is to provide the public with timely information and meaningful opportunities for participation that are commensurate with each site. It also serves as a way of gathering information from the public that will help Ecology, the City of Ephrata and Grant County with the investigation and planning for cleanup. The Plan will help the community living near the site, as well as the general public, keep informed about cleanup activities and how they may participate in the process.

Ecology will review the Plan as the cleanup progresses and may, working cooperatively with Grant County and the City of Ephrata, amend it if necessary. Amendments may also occur as part of a public comment period associated with cleanup documents at future stages of cleanup. Cleaning up the Ephrata Landfill site is important to the environmental quality of the Ephrata area and to its citizens, the City of Ephrata, Grant County, and Ecology. The "environment" is not just the natural condition of a place or area, but the interdependence of natural and socio-economic values. It is critical to look at all interests when selecting the best approach to cleanup the site.

Public input is an important part of the cleanup process since the public is familiar with the community, its history, and its values. Ecology's goal is to facilitate collaborative partnerships with all concerned about the effects of contaminants at the site. Public approval helps avoid delay, frustrations, and excess costs. Greater public input leads to a more successful project.

How Can I Become Involved?

Ecology, the City of Ephrata and Grant County invite you to become involved in the decision-making process of the cleanup. The following are some ways to participate:

- Visit Ecology’s web site for the Ephrata landfill site to learn more about the site and about the MTCA process.
- Get on the mailing list to receive information about the site.
- Contact the key people involved in the site cleanup for information (see next section for a list of contacts).
- Read fact sheets and comment on documents out for public comment.
- Attend meetings that explain the cleanup actions.

How Can I Find Out More?

Ecology staff are available to answer questions about specific cleanup issues, the process in general, or other questions related to the site. Staff can also help provide information on related environmental regulations and help find specific documents that may be of interest. E-mail or letters are the preferred form of communication as fieldwork will occasionally take staff away from their phones. In addition, personnel from Grant County and the City of Ephrata can answer questions about the cleanup and day-to-day activities on the site. If you have questions about the Ephrata Landfill site or the cleanup process in general, please contact one of the individuals listed below:

<p>Ecology Site Manager</p> <p>Cole H. Carter Department of Ecology Eastern Regional Office 4601 N. Monroe Street Spokane, WA 99205 509/981-5948 e-mail: coca461@ecy.wa.gov</p>	<p>Spanish contact</p> <p>Para asistencia en Espanol Sr. Gregory Bohn Phone: 509/454-4171</p> <hr/> <p>Russian contact</p> <p>Для помощи на русском языке Ms. Tatyana Bistrevsky Phone: 509/477-3881</p>
<p>Grant County contact</p> <p>Derek Pohle, P.E. Public Works Director/County Engineer 124 Enterprise Street S.E. Ephrata, WA 98823 509/754-6084</p>	<p>City of Ephrata contact</p> <p>Wes Crago City Administrator 121 Adler Street S.W. Ephrata, WA 98823 509/754-4601</p>

Information about the site, including the Agreed Order and appendices, is available on-line at Ecology’s Ephrata Landfill website at the following address.

http://www.ecy.wa.gov/programs/tcp/sites/ephrata_lf/ephrata_lf_hp.htm

Background Information

Geology

The Columbia Basin area of central Washington state is underlain by volcanic rocks of the Columbia River Basalt Group. Ice dams melted about 15,000 years ago at the end of the last ice age, resulting in catastrophic flooding. This flooding created erosional channels in the basalt and deposited alluvial materials. The aquifers that underlie the landfill site are located in the outwash deposits and interbeds and

rubble zones in the basalt layers. The uppermost aquifer is about 32 feet below ground surface. At least three aquifers underlie the landfill site. Flow direction of the aquifers is generally to the south to southeast although the Rosa aquifer flows westerly at the northern portion of the site.

Community Information

The population of Ephrata was 6808 people in the year 2000. City-data.com says 10.3% of the population of Ephrata is Hispanic. According to the 2005 census, 33.8% of the population of Grant county is Hispanic. Several Russian-speaking families have also settled in the area.

Landfill Location and Operations History

The Ephrata Landfill is three miles south of the City of Ephrata, on the east side of Highway 28. Grant County currently owns and manages the 125 acre landfill site. The City of Ephrata began operations at the site in about 1942 and owned and managed the landfill until 1974. About 2000 drums of industrial waste were buried at the landfill in August 1975. During the time the City ran the landfill, it leased more property for the landfill from the U. S. Bureau of Reclamation. In 1974, Grant County took over operations of the landfill. In 1994, the City deeded the entire property to the County. Before 1962, the landfill was an open dump, and it ran continuously as an unlined cell until a new lined cell opened in 2005.

Contaminants

The Environmental Protection Agency (EPA) added the site to a list of potential hazardous sites in 1979. The Washington State Department of Ecology completed an Initial Investigation in 1987 and ranked the site as a 5 on a scale of 1 to 5. A rank of 5 represents the lowest level of concern relative to the other sites. Groundwater sampling at the site began in 1988. A 1990 assessment report noted high contaminant concentrations in groundwater in the uppermost aquifer. After discussions with Ecology in 2000, the County installed two extraction wells as part of a voluntary cleanup program. Recent sampling shows contamination with metals, solvents, and other chemicals in the upper three aquifers. Contaminants include 1,1-dichloroethane, 1,2-dichloroethane, 1,1,1-trichloroethane, trichloroethene, tetrachloroethene, vinyl chloride and other breakdown products, benzene, toluene, xylenes, and the pesticide 1,2-dichloropropane. The buried drums and waste in the old landfill cell may be contributing to the contamination. Some of the contaminants detected in groundwater at the site are the same chemicals noted during preliminary sampling of the drums. Continuing weakening of the drums may be releasing chemicals into the soil and groundwater. The County has finished adding waste to the portion of the landfill near the drums and that cell is awaiting capping and closure.

Agreed Order

Ecology issued Final Determinations of Potentially Liable Person (PLP) status to the City of Ephrata and Grant County on January 10, 2005. Since that time, the PLPs and Ecology have negotiated an Agreed Order for the investigation and cleanup of the landfill. An Agreed Order (AO) is a legal document discussed in MTCA in which a PLP agrees to perform cleanup at the site following the agreed terms. Negotiations for the AO began in October 2005 and were completed in January 2007. Before finalizing the AO, Ecology sought input from the public as described on the following page.

Remedial Investigation/Feasibility Study

The Agreed Order specifies that a Remedial Investigation/Feasibility Study and Interim Actions will be performed at the landfill. The purpose of a remedial investigation/feasibility (RI/FS) study is to collect, develop, and evaluate enough information about a site to select a cleanup action. The *Final Remedial Investigation/Feasibility Study Work Plan*, which is Exhibit B of the Agreed Order, discusses specific tasks in the RI/FS.

Interim Actions

In some situations, an Agreed Order may require Interim Actions as described in WAC 173-340-430. The following situations may require Interim Actions:

- A current threat warrants an immediate response,
- Contamination in specific areas is at levels that need prompt treatment, or
- A problem may get worse without expedited cleanup actions.

Ecology does not believe that a threat from contamination at the Ephrata Landfill warrants an immediate response or that contamination is at levels that need immediate treatment. However, the contamination in the groundwater could get worse as the buried drums deteriorate. The Interim Actions at the Ephrata Landfill include the removal of the buried drums and disposal of the drums and contents. Other Interim Actions at the Ephrata Landfill include pumping groundwater out of the aquifer at a low spot in the old section of the landfill and capping the old part of the landfill.

Site-specific Health & Safety Plans will be developed for each Interim Action. The Health & Safety Plans address procedures to minimize the risk of chemical exposure, physical accidents, and environmental contamination.

Remedial Action Grant

In 2006 the PLPs applied for a Remedial Action Grant from Ecology to help cover the cost of the RI/FS and interim actions required in the Agreed Order. In 2007, they received a grant of \$2.29 million. As the cleanup progresses at the site, the PLPs may apply for more grants.

Public Process for the Agreed Order

Before finalizing the Agreed Order (AO), Ecology conducted interviews in the community, developed a mailing list of interested persons, and sent fact sheets about the AO in English, Spanish, and Russian to everyone on the mailing list (see page 7). Ecology also provided a 30-day period for the public to provide comments on the AO and, on February 8, 2007, held a public meeting to discuss the AO and answer questions from the public. Ecology then prepared a Responsiveness Summary discussing community outreach for the Agreed Order. The Responsiveness Summary includes the comment forms from the community interviews, fact sheets on the AO, copies of letters from individuals with responses from Ecology, and public meeting presentation slides. This Responsiveness Summary was released to the public and is available at the Ephrata Landfill website and the repositories.

The Model Toxics Control Act

In November 1988, voters passed Initiative 97, which went into effect in March of 1989 as Chapter 70.105D RCW, the *Model Toxics Control Act (MTCA)*. MTCA changed the way that hazardous waste sites in the state are cleaned up. It provides a clear and efficient process to clean up chemical contamination of soils, sediments, surface water, and groundwater to levels that are protective of people and the environment. Representatives from citizen, environmental, and industry groups developed the implementing MTCA regulations with the Federal Superfund Law as a model.

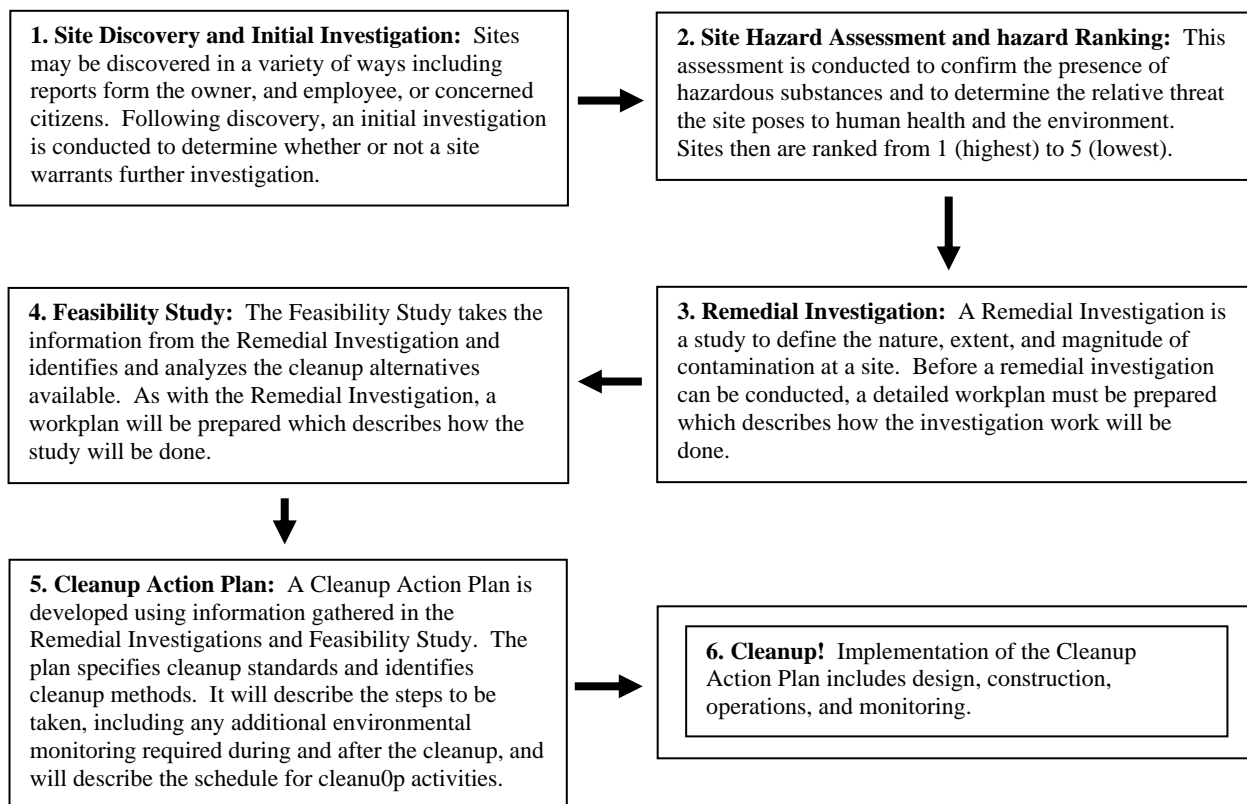
MTCA (Appendix B) and chapter 173-340 WAC are the laws that regulate the cleanup at the Ephrata Landfill. Ecology administers the MTCA regulations. MTCA does the following:

- Promotes cooperative cleanup agreements between Ecology and the responsible parties.
- Encourages an open process for the public, local government, and liable parties to discuss cleanup options and community concerns. Public awareness and involvement are keystones to the success of any MTCA cleanup.

Under MTCA, PLPs are responsible for researching and cleaning up the contamination. Although Ecology has the legal authority to order a liable party to perform a cleanup action, the department prefers to approach cleanups cooperatively. Ecology oversees each step of the cleanup to ensure that investigations, public involvement, cleanup, and monitoring are completed. The liable party pays the costs for this oversight.

Steps in the State Cleanup Process

The MTCA rules detail each step in the cleanup process to ensure that cleanups are thorough and protective of human health and the environment. The chart below defines these steps and how they apply to the project site. Legal documents such as “Agreed Orders” or “Consent Decrees” further define some of the steps and associated time frames.



The cleanup process is complex. During the process, issues often arise that need more scrutiny or evaluation, and may lead to changes in the scope or timing of the project. At the same time, it is in everyone’s interest to complete a cleanup as quickly as possible. Therefore, Ecology and the PLPs must work together to address issues that arise as efficiently as possible in order to avoid delays.

Public Involvement Opportunities

The Model Toxics Control Act cleanup process (WAC 173-340-600) emphasizes giving the public the chance to review and provide suggestions on cleanup decisions at all major steps in the process. The Agreed Order that applies to this project requires Ecology, the City of Ephrata, and Grant County to work cooperatively to provide the public with timely information, an understanding of the process, and

opportunities to review and comment on proposed cleanup decisions. Ecology will provide continuing updates on the cleanup and monitoring. Table 1 gives a detailed list of proposed public involvement milestones for the Ephrata Landfill project.

TABLE 1 Public Involvement Milestones (bold) and Associated Steps for the Investigation and Cleanup of the Ephrata Landfill Site	
MILESTONE	DATE or ESTIMATED DATE
Agreed Order (AO) signed by Grant County and the City of Ephrata. The AO includes a schedule for an Remedial Investigation/Feasibility Study and an Interim Action.	December 2006
Fact Sheets about the Agreed Order and the SEPA Determination of Non-significance mailed.	December 27, 2006
Legal Notice published in the Columbia Basin Herald and in the Grant County Journal	December 29, 2006
Legal Notice published in Spanish in El Mundo	January 4, 2007
Public Comment Period for SEPA	December 22, 2006 – January 12, 2007
Public Comment Period for the Agreed Order	December 28, 2006 – February 15, 2007
Agreed Order signed by Ecology and goes into effect.	January 30, 2007
Public Meeting to discuss the Ephrata Landfill Agreed Order for Remedial Action.	February 8, 2007
Responsiveness Summary completed	March 26, 2007
Draft Remedial Investigation/Feasibility Study (RI/FS) report to be submitted.	December 2008
Public Comment Period for the RI/FS.	January – February 2009
Public Meeting to discuss RI/FS (if requested by 10 or more people)	January 2009
RI/FS becomes final	February 2009
Draft Cleanup Action Plan (CAP) available for public review.	March 2009
Public Comment Period for the draft CAP	April 2009
Public Meeting to discuss CAP (if requested by 10 or more people)	April 2009
CAP finalized after public comment period.	May 2009
Cleanup implementation.	June 2009 (continues until completed)

For each public involvement milestone, Ecology will provide public notice using a variety of methods. Some of the methods for public notice are outlined below. Certain stages of cleanup require a public comment period of at least 30 days. Ecology may extend the comment period depending on the complexities of the material or if the public requests an extension.

- Mailing List** – Prior to finalizing the Agreed Order, Ecology developed a mailing list of individuals who live near the site. The potentially affected vicinity covers any adjacent properties and homes or businesses close to the site and areas that will be investigated. People in the affected area will receive copies of all fact sheets about the cleanup process by first-class mail. Also; individuals, organizations, local, state and federal governments, and any other interested parties will be added to the mailing list as requested. Interested people may request to

be on the mailing list by contacting Cole Carter at the Department of Ecology. See Appendix C for a copy of the mailing list.

- **Fact and Focus Sheets** – Ecology creates fact sheets during various stages of the cleanup and delivers them to individuals on the mailing list. These fact sheets explain the stage of cleanup, the site background, and what happens next in the cleanup. They may also ask for comments from the public. A 30-day comment period allows interested parties time to comment on the process. The fact sheets are also available on Ecology’s Web Site under the Toxics Cleanup Program at http://www.ecy.wa.gov/programs/tcp/sites/ephrata_lf/ephrata_lf_hp.htm.
- **Site Register** – Several types of site-related information are posted in the Site Register, including notice of public comment periods. The Site Register is published bi-monthly and is sent to those who request to be on that particular mailing list. Anyone interested in receiving the Site Register should contact Linda Thompson of Ecology at 360-407-6069 or Ltho461@ecy.wa.gov.
- **Public meetings** – If ten or more people request a meeting during a public comment period, or express a need to better understand the proposed cleanup, Ecology will hold the requested event. Ecology and the PLPs may also choose to hold public meetings if they believe they are needed.
- **Internet** – Ecology’s website for the Ephrata Landfill is as follows: http://www.ecy.wa.gov/programs/tcp/sites/ephrata_lf/ephrata_lf_hp.htm. The Agreed Order, Public Participation Plan, and future documents are located on this Web Site.
- **News Releases** – Ecology may issue news releases to local media on major milestones, significant events, and accomplishments as appropriate. News releases may also be provided to Seattle- or Spokane-based media and the Associated Press.
- **Legal Notices** – Paid notices that describe upcoming events and comment opportunities will be published in the *Columbia Basin Herald*, *The Grant County Journal*, and in Spanish in *El Mundo*.
- **Local Information Repository** – All documents related to public comment periods will be available at the repositories below.

Ephrata City Library
45 Alder Street NW
Ephrata, WA 98823

Department of Ecology
4601 N. Monroe
Spokane, WA 99205-1295

And on Ecology’s Web Site at:

http://www.ecy.wa.gov/programs/tcp/sites/ephrata_lf/ephrata_lf_hp.htm.

- **Ecology Files** – An Ephrata Landfill site file containing all studies and correspondence about the site is kept at Ecology’s Eastern Regional Office at the following address:

Department of Ecology
Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205

How Can You Be Sure Your Concerns Are Heard?

- **Comment Periods**—Public comment is invited at each major step in the cleanup.
- **Public Meetings and Workshops**—Ecology will hold public meetings if requested by 10 or more people during each public comment period to discuss and gather input on investigation and cleanup proposals.
- **Written Response to Comments**—Ecology will publish a Responsiveness Summary to comments received during comment periods. The Responsiveness Summary will detail the comments received and provide Ecology’s response to each issue.
- **Advocates**—Public interest groups will be invited to review the Responsiveness Summaries before their distribution to ensure the messages are clear.

Will Technical Assistance Be Provided for Review of Documents?

Access to Staff—Ecology has staff available to answer questions on the cleanup process or meet with individuals or groups as requested. Contact Cole Carter at 509/329-3609 if you have questions or would like someone to come speak to your group. Grant County and the City of Ephrata staff are also available to answer questions.

Public Participation Grants— Ecology’s Solid Waste and Financial Assistance Program can award Public Participation Grants to groups to use for technical assistance in interpreting cleanup documents. Information on Public Participation Grants is available at Ecology’s website at the following address:
<http://www.ecy.wa.gov/biblio/0407011.html>.

Is There a Process for Appeal?

Yes. RCW 70.105D.060 provides for an appeal process. This provision states the only way to challenge Ecology’s decisions about a cleanup action is through an action filed in the Superior Court of Thurston County or the county where the cleanup is occurring. The statute allows this type of challenge only under certain circumstances. These circumstances include a citizen suit to compel Ecology to perform a mandated duty that appears to have been neglected. The section also states “the court shall uphold the department's actions unless they were arbitrary and capricious.”

The rationale for the limitations on appeals is based on the hazards caused by fugitive toxic materials. Fugitive toxic materials may cause increased damage to the environment and the people of the State if cleanup action is curtailed for long periods of time to allow for resolving law suits.

Can This Plan Be Amended?

Ecology views this Plan as a living document that may be improved based on suggestions received from the community. Minor changes in the Plan, such as a suggestions for communicating more effectively with a particular part of the community, may be put into practice without formally amending the Plan.

However, the public participation activities specified for each step in the process will not be reduced without a formal amendment to the Plan. Such an amendment will only be made after an opportunity for public comment.

Appendix A – Site Map