

Joe Tieger

I'm Joe Tieger I live at 3412 North 30th Street, Tacoma Washington. I'm a retired EPA and Superfund Employee Enforcement person and I have seen a good number of Ocy sites around the United States and an even greater number of ground water contamination sites. At first, I'll have to fault your presentation for not explaining in greater detail the physical difficulties of trying to extract DNAPL dense not these hydrocarbons from underground and underwater. And I really think you need to do a better job of that so people understand what's going on. And people need to understand the historic nature. You did a run at that but you needed to spend a little more time on the historic impacts and particularly here in Tacoma where you have Asarco (*I might add this was one of my major projects when I was working*).

I'm wondering why and I couldn't tell directly if there are any off property extraction wells or what efforts have been made to reach the deeper parts of the plume. I realize you're dealing with a waterway but there are ways to try and do that.

You need to reach a defensible decision, not only physically and cost wise, but that rationale needs to be very clear to the public. You're operating under the State Cleanup law, which in this sense is a state level superfund law which has the same defense of waivers and liability and financial assurance. In fact, better assurance than the superfund law, but you do need to make sure that as the party person asked, the financial assurance is not reachable in bankruptcy. I don't know the status of Occidental these days financially, but some financial assurances are reachable in bankruptcy as part of the bankruptcy estate. You want to be sure yours is not and the only prat that such an order is not reachable in bankruptcy is when issued a unilateral order which the courts treat differently than an order on consent. Other than that, I think you're doing as much as can be done. You should also emphasize that this is not a drinking water aquifer and the standard for cleanup in a non-drinking water aquifer is very different. And a number of people have asked about air emissions with treating the VOC's in treating the volatiles and you're not allowed to admit. Your emission standard for air, your response for NPDES emission was misplaced. You have a separate permit for air quality emissions and I don't think your standard will be allowed. You're either going to flare them off or you're going to capture in carbon and ship them off.

Thank you.