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October 26, 2018

Chuck Gruenenfelder, LG, LHG  
Project Manager, Toxics Cleanup Program  
Washington Department of Ecology  
Eastern Regional Office  
4601 North Monroe Street  
Spokane, WA 99205-1295

Re: *Pasco Landfill FFS*

Dear Mr. Gruenenfelder:

This letter provides comments concerning the Focused Feasibility Study (FFS) for the Pasco Sanitary Landfill. Franklin County is a potentially liable party (PLP) in this matter and has previously responded to protect public health and safety by enactment of institutional controls at the Department's request in order to safeguard against threats from groundwater contamination and other potential pathways. Franklin County is concerned that the Department is moving forward with a remedy which may increase threats to public health and safety by creating an entirely new exposure pathway in transporting excavated wastes through the community. We believe that the conditions at the site and measures taken by the PLP's do not justify such a removal remedy or the substantially higher costs thereof.

The Pasco Sanitary Landfill has been a designated NPL site for decades. The investigation into the conditions at the Landfill have been ongoing and deliberate in nature. We are concerned about several items including the process by which Ecology has moved for the need for removal action at this site.

The FFS was published by the IWAG and Landfill Groups and recommended a less intrusive preferred remedial action including continuation of the Soil Vapor Extraction (SVE) system which has removed and destroyed over a million pounds of waste material from Zone A. However, in the fact sheet announcing the public comment period on the FFS, Ecology precipitously determined that the recommended alternative in the FFS was inadequate and concluded that it would not meet MTCA requirements. Ecology's fact sheet provided no explanation or analysis to support this determination and has disallowed public comment on this critical determination.

We are concerned about the sudden acceleration of the remedial action process and disregard for the procedures set forth in the MTCA regulations. Ecology has apparently decided that conditions warrant entry of a consent decree to implement a remedy prior to issuance of a

draft cleanup action plan and response to comments to the FFS as provided for in Ecology's regulations. See WAC 173-340-380. We do not see imminent threats which justify such rash action without following the process set forth in the regulations, including consideration of public comment.

The recent acceleration of the timetable for entering into a consent decree to implement a remedy is concerning to Franklin County. The interim actions taken by the PLPs, including the adoption of institutional controls by Franklin County, have resulted in a diminished ground water plume such that contamination from the ground water pathway is controlled and no longer remains outside the boundaries of the landfill. Thus, the contamination meets the point of compliance established by Ecology's regulations for groundwater contamination. This has been done by extracting and destroying hazardous substances through the SVE system. The SVE system has therefore been effective in eliminating or reducing a substantial pathway of concern that could have exposed the public to contamination via groundwater.

In addition, interim actions have allowed Ecology and the PLP's to closely monitor site conditions to ensure that there is not combustion occurring within Zone A. It is our understanding that the top experts retained by the IWAG group disagree with Ecology's determination that combustion is occurring. We are concerned that the opening of Zone A could introduce oxygen into Zone A and could unnecessarily promote conditions where combustion becomes more likely. We also believe that public comment on this issue would be beneficial to inform Ecology's decision-making for the site.

We believe that the SVE alternative is destroying hazardous substances without subjecting the public to undue risk. Ecology's current intention appears to be to remove waste that is in place and send it offsite for treatment, storage or disposal. The transportation of the hazardous wastes placed within Zone A introduces a new element of risk. Franklin County and the surrounding area has witnessed traffic accidents involving semis and other transporters which, under Ecology's recommended course, could in the future include hazardous wastes from Zone A. We believe that the risks of such an alternative in transporting waste through Franklin County are unjustified given the availability of on-site destruction of the hazardous substances via the SVE alternative in the FFS preferred remedy. Ecology's position as to the need for excavation is not explained or justified in the fact sheet or other documents received to date. There have been no technical documents issued that explain the basis for Ecology's determination that there is an active fire in Zone A, that the SVE will not meet MTCA criteria, including a reasonable restoration time frame. We believe that the process needs to continue to deliberately assess risks and alternatives before requiring expenditure of double or triple the remedial action costs recommended by the FFS preferred alternative. We therefore ask Ecology to work with Franklin County and the other PLPs moving forward to achieving a safe and effective remedy for cleaning up the Pasco Sanitary Landfill site. We believe that Ecology should accept public comment to address the public's views on whether the SVE system can adequately protect the environment in a timely and cost effective manner, which was ruled out when the comment period was first announced.

Finally, we recognize Ecology's determination that Franklin County is a potentially liable party, based on a single invoice for disposal of 110 drums at the site. There is anecdotal evidence to suggest that these drums were rinsed and empty when disposed of. We also point out that Ecology urged Franklin County to continue permitting of the site as an industrial waste disposal facility when Franklin County sought to close it. At that time, on November 30, 1973, Ecology's director John A. Biggs wrote to Franklin County urging it to permit acceptance of industrial wastes on an interim basis pending identification of an alternative site and represented that Ecology would "carry on an adequate monitoring and surveillance program and accept full responsibility for the prevention of any environmental hazards resulting from the operation."

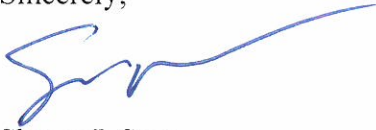
We hope that Ecology continues to accept this responsibility and recognizes the comparatively insignificant contribution by Franklin County in terms of volume and toxicity of hazardous substances at the site. Despite its minimal role in contributing such substances, Franklin County shares the commitment to protection of the environment in developing remedial actions at the site. The County has supported interim actions including development of institutional controls to protect the public and environment. We believe Ecology should identify Franklin County's responsibility as a de minimis party and resolve this matter by settling in a manner that allows a specific identification of the County's responsibility so that the County can apply for remedial action grants to fund the public's share of responsibility, if any, without undue burden on County taxpayers. We believe such a resolution would be consistent with Ecology's prior commitment to the County to take responsibility for resulting environmental hazards from landfill operations.

We look forward to hearing your response.

Very truly yours,

Franklin County Board of Commissioners

Sincerely,



Shawn P Sant  
Franklin County Prosecuting Attorney