

APPENDIX A
RESPONSIVENESS SUMMARY

MIDWAY LANDFILL

The responsiveness summary addresses public comments on the proposed plan for the remedial action under CERCLA for Midway Landfill NPL site in Kent, Washington. EPA's proposed plan was issued in May 2000 and the original public comment period ran from May 18 to June 16, 2000. The City of Seattle asked for an extension of the comment period on June 15, and the end of the public comment period was extended 30 days until July 17, 2000.

EPA's notices and fact sheets offered to hold a public meeting if sufficient interest was expressed by May 31, 2000. Only four requests were received and thus a public meeting was not held.

Written comments

Four written comment letters were received.

Comment: I received your fact sheet about the Midway Landfill in Kent Washington and I'm writing this letter to recommend that EPA implement their Limited Action Plan. Monitoring wells 23B and 29B are in a neighborhood and a church parking lot and should be monitored until signs of contamination no longer exist.

Response: Thank you for your comment and your support of EPA's preferred alternative.

Comment: The City of Des Moines has just completed a 5 year stream water quality monitoring program, which included the monitoring of McSorley Creek, the receiving stream of the runoff from Midway Landfill. The monitoring of the drainage outfall showed elevated levels of turbidity above water quality standards for a Class AA stream. McSorley Creek is a salmon-bearing stream containing coho and chum salmon, steelhead and cutthroat trout.

Although not conclusive, mainly because the treatment ponds on the Landfill also receive runoff from nearby Pacific Highway South, the turbidity may be the result of runoff from the Landfill clay cap. In order to fully remedy the situation, the City of Des Moines believes that the City of Seattle and the City of Kent, the owner of the Pacific Highway right-of-way in this area, need to jointly prepare a storm water pollution control plan for controlling the turbidity coming from this outfall. The City would like to have the opportunity to review such a plan.

The City of Des Moines also requests that, as part of EPA's monitoring proposal, Seattle continue to monitor the outfall for turbidity during storm events (on a periodic basis) and provide the results of the tests to the City of Des Moines Engineering Department.

Response: EPA forwarded a copy of the City of Des Moines's letter to the City of Seattle and to Ecology. In response, the City of Seattle has begun discussions with both the City of Des Moines and the City of Kent to address the turbidity issue. The City of Seattle has sent the City of Des Moines all of the 1999 storm water detention pond monitoring data. This data, as well as the earlier years of data, appear to indicate that the main source of turbidity is the pond inflow from Pacific Highway South. Also, the City of Kent has now started to identify the City of Kent's options regarding requiring the private property owners to improve the quality of water discharged from their site.

EPA's description of the selected remedy (Section 11.2) acknowledges your request for additional monitoring. Details of the monitoring program will be established by Ecology and the City under their existing agreements, or, if necessary, unilaterally by Ecology using state regulatory authority.

Comment: Public Health-Seattle & King County supports EPA's limited action alternative. Outstanding groundwater issues in proximity to the landfill need to be addressed in order to protect both the environment and the public health of the impacted community.

Response: Thank you for your comment and your support of EPA's preferred alternative.

Comment: The City of Seattle supports the "limited action remedy" alternative proposed in the plan for the ROD.

Response: Thank you for your support of the limited action alternative.

Comment: The City has reached a tentative agreement with the Washington Department of Ecology ("Ecology") concerning this issue: Ecology will adopt the EPA ROD in its entirety, and the existing Consent Decree ("CD") between Ecology and the City will be formally amended to reflect EPA's limited action remedy. Thus, Ecology will not issue a Cleanup Action Plan ("CAP") for the Midway Landfill, since the ROD will serve that same purpose.

The City is pleased to announce this approach with Ecology because it will save both the City and Ecology the staff and budget resources necessary to issue and implement a separate CAP.

Response: When EPA was writing the proposed plan, Ecology had tentatively decided that Ecology would prepare a Cleanup Action Plan under MTCA. In accordance with EPA's understanding of Ecology's current position, the ROD has been changed to reflect the fact that after this ROD is completed, Ecology will use this EPA ROD, as allowed under MTCA. EPA has worked with Ecology to incorporate language into this ROD to reflect the necessary MTCA requirements.

Comment: Proposed Plan page 1 – delete “Additional groundwater wells may need to be installed.” The City has been monitoring groundwater through an existing network described in the CMP. It is the City's understanding that Ecology will review and approve the CMP, which sets forth the well network and monitoring schedule, as previously submitted. There is neither a pending requirement nor a technical justification for additional wells beyond the network in the submitted CMP.

Response: The details of the monitoring requirements have been set out by the City of Seattle in a compliance monitoring plan recently approved by Ecology. Through the procedures outlined in the agreements between Ecology and the City of Seattle, Ecology may require the City of Seattle to install and monitor new monitoring wells if needed.

Comment: Proposed Plan, page 2 – the last paragraph needs to be re-written to reflect that Ecology will adopt the ROD and will not issue a CAP.

Response: Please see EPA's response to the City's second comment, above.

Comment: Proposed plan, page 5 – add the word “final” to the first paragraph. The edited sentence will read: “This legal agreement set forth Ecology's determination that certain *final* remedial actions...” This edit reflects the wording of the existing CD that the remedial actions performed under the CD were final actions and not interim actions.

Response: The referenced sentence from the proposed plan has not been repeated in the ROD. A sentence that begins with the same phrase can be found in Section 2.1, but concludes with Ecology's determination that undertaking certain remedial actions would provide immediate protection to public health and the environment. This determination can be found in Paragraph 6, Page 9 of the 1990 Consent Decree.

Comment: Proposed plan, page 5 – re-write the paragraph above “Site Characteristics” to state that Ecology will amend the CD and adopt the ROD in its entirety, including the limited action remedy, which addresses long-term monitoring through the CMP.

Response: As a result of discussions and reviews between the time of the proposed plan and EPA's completion of the ROD, Ecology has decided to utilize the ROD as a Cleanup Action Plan pursuant to MTCA, and to approve the CMP. The ROD reflects these recent Ecology decisions.

Comment: Proposed plan, page 7 – third full paragraph from the top of the page. Delete “most likely” from the first sentence. Based on the voluminous technical data, groundwater contamination in the Sand Aquifer to the north, northwest and west of the landfill does not come from the landfill. The present sentence is inaccurate.

Response: The phrase has been removed from the Summary of Landfill Conditions in Section 5.1.

Comment: Proposed plan, page 9 – Table 1. Proposed Groundwater Cleanup Standards. These proposed standards are acceptable to the City, with the exception of vinyl chloride. It is the City's understanding that Ecology will agree to use the practical quantification limit (PQL) for vinyl chloride as allowed by previously published Ecology directive.

Response: The concentration for determining compliance with the vinyl chloride cleanup level is 0.2 ug/L and has not changed from the proposed plan. This concentration reflects Ecology's consideration of the PQL issues for vinyl chloride, consistent with WAC 173-340-707 and the Department of Ecology's Implementation Memo No. 3, November 24, 1993.

Comment: Proposed plan, page 10 – the full paragraph under “#1 Monitor to.” Delete this first sentence: “The monitoring will be done....” and insert a sentence that states that monitoring will be done pursuant to the CMP approved by Ecology.

Response: This sentence has been modified. The selected remedy reflects the City of Seattle and Ecology recent agreement on the details of the monitoring plan.

Comment: Proposed plan, page 11 – this sentence describing the third type of institutional control needs to be edited: The reference to notifying “local licensed well drillers” should be deleted because Ecology has dropped this requirement. Further, the City proposes satisfying the notification requirement to the health department and nearby water districts by sending them the annual groundwater monitoring reports. This paragraph should state this as well.

Response: Ecology has not dropped the requirement that local licensed well drillers be notified. However, this element of the selected remedy has been changed in two ways. First, the notice

requirement has been re-focused to limit the notice to those licensed well drillers who have drilled wells in King County in the year just prior to the notice. This change reflects the competitive state-wide nature of the well drilling business while not requiring notices to drillers that may no longer be active. Second, Ecology will provide the list of names and addresses to the City of Seattle. Ecology's Office of Water Resources maintains a database that can provide this information.

The selected remedy allows the City to satisfy the notification requirements through distribution of the annual groundwater monitoring report, as long as the report contains the required information.

Comment: Proposed plan, page 12 – “State Acceptance” This sentence should be edited to reflect that Ecology intends to accept the limited action remedy and adopt the ROD in its entirety.

Response: The ROD now says that Ecology concurs with the selected remedy and that Ecology has decided to utilize the ROD as a Cleanup Action Plan pursuant to WAC 173-340-360(13).

Comment: Proposed plan, page 13 – delete the last two sentences of the last paragraph, which begin: “For example, Ecology believes it may be necessary to identify...” As discussed above, it is the City's understanding that Ecology will approve the previously submitted CMP. This CMP sets out the scope of the City's groundwater monitoring obligation under the CD and amended CD. The CMP does not address groundwater entering the landfill from off-site sources located on the north and northwest of the landfill.

Response: The two sentences have been deleted from the description of the selected remedy. The intent of the sentences was to provide an example of the type of information that may be necessary if the City of Seattle wishes to demonstrate it is technically impracticable to meet the cleanup standards at every down gradient well because of the up gradient sources. If in the future the city would want to make a demonstration that it is technically impracticable to meet the cleanup standards, it is possible that EPA and Ecology would require monitoring that is not part of a monitoring plan already approved by Ecology. As stated in the ROD, in this situation, EPA and Ecology would work together with the City of Seattle to determine what information would be needed to support such a demonstration.