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*Submitted Via Email*

**RE: Model Toxics Control Act (MTCA) Agreed Order No. DE 8940 for Cleanup at Former Reynolds Aluminum Plant, Longview, WA.**

Dear Ms. Toteff, Ms. Wigfield, and Mr. Skyllingstad,

Columbia Riverkeeper (Riverkeeper) submits the following comments on the Department of Ecology's (Ecology) draft Agreed Order No. DE 8940 (Order) between Northwest Alloys, Inc., Millennium Bulk Terminals Longview, LLC (Millennium) (referred to collectively as "the parties"), and Ecology. After years of cleanup delay at the former Reynolds Aluminum site ("the site"), as well as new contamination by former lessee Chinook Ventures, Riverkeeper appreciates Ecology's responsiveness to public calls to jumpstart the cleanup process. Ecology's recent actions are important steps toward implementing a new approach to this highly contaminated site located on the banks of the Columbia River. These actions include setting new deadlines for the parties to submit work plans, proposing a new Agreed Order adding the new site operator as a party, a new RI/FS timeline, and updating the website with the most current information on site developments.

Decades of aluminum smelting left a legacy of heavily contaminated groundwater and soil at the 416 acre site. Waste from the old aluminum smelter is buried in pits across the site, including a recently discovered dumping ground in a wetland. Levels of fluoride, cyanide, and polycyclic aromatic hydrocarbons (PAHs) in the soil and groundwater exceed state standards

designed to protect public health and the environment. Aluminum smelting ceased over a decade ago and today Alcoa's subsidiary, Northwest Alloys, owns the property.

Last year, Millennium—an Australian company owned by Ambre Energy—leased the site in hopes of operating the largest coal export terminal in the nation. Millennium's plans were quickly stymied by its untruthful representations to state officials and the public about the size of its highly controversial coal export terminal. Since that time, Millennium launched a public relations campaign to paint itself as the “white knight” of cleanup. In truth, Millennium has **no experience** cleaning up hazardous waste sites, let alone one of the most contaminated sites on the Lower Columbia River.

Riverkeeper urges Ecology to continue and expand its recent focus on the former Reynolds site. This requires moving forward with strict cleanup investigation deadlines and enhanced agency oversight to ensure that the culture of delay and deception that persisted during Chinook Ventures' tenure is not repeated with Millennium.

### **Ensuring an End to Historic Cleanup Delays**

Chinook Ventures—the company that notoriously mismanaged and polluted the site—promised to quickly and effectively remediate the site. Not surprisingly, Millennium makes the same promises. Experience counsels in favor of a new oversight approach with inexperienced companies who promise to deliver on a complex, long-term cleanup. Despite Ecology's efforts to regulate Chinook Ventures' operations, recent discoveries demonstrate that oversight from afar (*i.e.*, Lacey) by staff with heavy workloads was inadequate to protect the site from further contamination by an inexperienced “cleanup” company, Chinook Ventures.

We cannot afford the same setbacks under Millennium.

Over the years, Ecology staff has repeatedly informed Riverkeeper that other workload demands and responding to Chinook Ventures' business developments (*i.e.*, transloading petcoke) detracted from working on cleanup at the site. For example, Chinook Ventures submitted a draft Remedial Investigation (RI) Report and focused Feasibility Study (FS) in 2007. Ecology never reviewed the documents for completeness and, in turn, subsequent steps to implement a RI/FS never transpired.

The new Order, which includes revised deadlines and adds Millennium as a potentially liable person (PLP), is one step toward changing the culture of delay at this site. The Order, however, will not change Ecology's workload and ability to move cleanup forward. Riverkeeper therefore recommends a new approach.

Under the 2007 Agreed Order, Ecology had the option of hiring a contractor, with Northwest Alloys and Chinook Ventures footing the bill. The department never took advantage of this provision. The 2012 Agreed Order also allows for contractor reimbursements. Moving forward, Ecology should hire a contractor, based at the cleanup site, to ensure that Millennium—a recently formed Limited Liability Company with absolutely no cleanup experience—does not

become another Chinook Ventures. By hiring a contractor, Ecology can also ensure the timely review, revision, and approval of future sampling actions, the RI/FS, and cleanup action plan.

### **Site Development Cannot Compromise Cleanup**

The former Reynolds Aluminum site is prime river-access industrial real estate. Riverkeeper supports responsible redevelopment of brownfield sites along the Columbia River. Development, however, cannot come at the cost of protective, thorough hazardous waste cleanup. At other former aluminum smelter sites along the Columbia, including the former Reynolds smelter in Vancouver, the former Martin Marietta smelter in The Dalles, and the former Aloca smelter in Troutdale, state and federal regulators moved forward with cleanup before new, large-scale industrial operations began.

At the former Reynolds smelter in Longview, Chinook Ventures began operating a major multi-commodity import/export terminal while it undertook “cleanup” activities. Experience shows that this model does not work. While Chinook Ventures was allegedly cleaning up the site, it was also creating new contamination with its petcoke operations and handling of site cleanup. Ecology should therefore take a new approach with Millennium: require investigations and site cleanup *before* sanctioning any expansion of industrial operations.

### **Proposed Supplemental Study Activities**

The Order calls for ten (10) Supplemental Study Activities (SSAs). Riverkeeper supports Ecology’s decision to expand sampling at the site, particularly sampling to understand the impact of Chinook Ventures’ operations and recently discovered historic contamination.

### **Adding Responsible Corporate Parties**

Riverkeeper supports Ecology’s decision to execute a new Order adding Millennium as a PLP. This decision, however, in no way reduces Northwest Alloys’ duties under MTCA to clean up its property.

### **Reassessing Hazard Site Ranking**

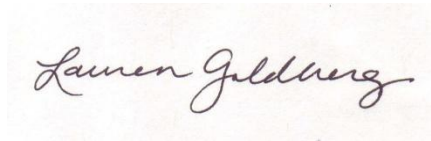
Ecology ranked the former Reynolds Aluminum site on the state’s Hazardous Sites List in 1999. Since that time, the department has significantly expanded its understanding of historic hazardous waste contamination at the site. Chinook Ventures operations also added to the historic contamination. Together, new information about historic contamination and new contamination by Chinook Ventures warrant revisiting the site’s ranking. WAC 173-340-330(6) states: “The hazardous sites list shall reflect the *current status* of remedial action at each site. The department may change a site’s status to reflect *current conditions*.” (emphasis added). Given new information and recent actions, Riverkeeper urges Ecology to reassess and change the site’s status “to reflect current conditions.”

## **Public Participation Plan**

Riverkeeper supports the revised Public Participation Plan, which calls for regular communication regarding the status of cleanup, formal and informal public comment periods, and presentations at community group meetings. As Ecology is aware, there is tremendous local interest in effectively and timely cleaning up this site. The Public Participation Plan reflects this high level of interest. The Plan would also benefit from an addition to the “website” section: Ecology should post all public comments on the website to increase the public dialogue on the future of this important cleanup process.

Riverkeeper appreciates the opportunity to comment on the draft Agreed Order and looks forward to continued opportunities for public understanding and input about one of the most important and complex Lower Columbia River cleanups of the decade.

Sincerely,

A handwritten signature in cursive script that reads "Lauren Goldberg". The signature is written in dark ink on a light-colored, slightly textured background.

Lauren Goldberg  
Staff Attorney  
Columbia Riverkeeper