

**RESPONSE TO ENVIRONMENTAL CONCERNS
PERTAINING TO THE HOUGHTON TRANSFER STATION AND
HOUGHTON CLOSED LANDFILL
KING COUNTY SOLID WASTE DIVISION
May 2021**

Concern: The Houghton Closed Landfill and Houghton Transfer Station are “Superfund sites.”

Response: Neither site is designated as a Superfund site.m

A May 14, 2021 email from Calvin J. Terada, Director of the Superfund and Emergency Management Division of the U.S. Environmental Protection Agency – Region 10 to Christie True, Director of the King County Natural Resources and Parks Department, confirmed that neither facility is a Superfund site:

“...the [Houghton] site is not a site on EPA’s National Priorities List (NPL), aka Superfund site. We also could not find any information related to the Houghton Landfill and so we can assume that this site is also not on the NPL. We did find information about an EPA action that took place at the site and listed the below information for your reference.

WAD980639298 KING CO SOLID WASTE DIV HOUGHTON TRANS S (Site Inspection completed in 1988, Archived in 1993)”

Superfund is the informal name for the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), passed by Congress in 1980 to allow the U.S. Environmental Protection Agency (EPA) to clean up contaminated sites. The law requires that the parties responsible for the contamination either perform cleanups or reimburse the government for EPA-led cleanup work. (<https://www.epa.gov/superfund/superfund-cercla-overview>)

According to the EPA, Superfund sites are “discovered” when the presence of hazardous waste is made known to EPA.

“Once a site is identified, EPA looks at existing information, inspects the site, and may interview nearby residents to find out the history of the site and its effects on the population and the environment. EPA also normally tests the soil, water, and air to determine what hazardous substances were left at the site and how serious the risks may be to human health and the environment.” (<https://semspub.epa.gov/work/HQ/175197.pdf>)

The EPA web page also states:

“Information about the site... helps EPA to evaluate the risks posed by the site using its Hazard Ranking System (HRS). Sites that score at or above an established level qualify for cleanup under the Superfund and are proposed for listing on the National Priorities List (NPL), a list of the most serious sites identified for long-term cleanup.” (<https://www.epa.gov/superfund/hazard-ranking-system-hrs>).

CONCLUSION: Neither the Houghton Closed Landfill nor Houghton Transfer Station are or have been listed on EPA's National Priorities List.

Concern: The Houghton Transfer Station is listed on the EPA's Superfund website and has an EPA ID, which means it is a Superfund site.

Response: Superfund sites are those listed on the National Priorities List (NPL). Non-Superfund sites may also be listed on the EPA's Superfund website and have an EPA ID, even though they are not considered Superfund sites and are not on the NPL.

Sites that have been assessed by EPA for hazardous waste may be included on the Superfund website and have an EPA ID, whether or not the site poses sufficient risk to be added to the NPL.

EPA's Superfund Site Information webpage for the Houghton Transfer Station (EPA ID WAD98063928) shows the site's status as NFRAP, or No Further Remedial Action Planned. (<https://cumulis.epa.gov/supercpad/CurSites/csinfo.cfm?id=1000881>)

This means that "further remedial assessment activities are not required and that the facility/site does not pose a threat to public health or the environment sufficient to qualify for placement on the National Priorities List (NPL) based on currently available information." (See "Federal Facilities Site Evaluation Project (FFSEP) Status Definitions" in EPA glossary: <https://www.epa.gov/superfund/superfund-glossary%23n#f>)

The Houghton Closed Landfill is not listed on the EPA's Superfund website and does not have an EPA ID.

Concern: While the Houghton Closed Landfill and the Houghton Transfer Station do not currently have NPL status, the sites are on an EPA Superfund watchlist and thus receive regular inspections.

Response: The Houghton Transfer Station has an EPA status of No Further Remedial Action Planned (NFRAP), indicating that no further remedial assessment activities are required. The Houghton Closed Landfill is not on the EPA website and does not have an EPA ID.

Neither the Houghton Closed Landfill nor the Houghton Transfer Station is on the NPL. SWD has not been notified that either site is on any EPA watchlist nor that any inspections are planned by EPA.

SWD reports to the Washington State Department of Ecology (Ecology) and Public Health – Seattle & King County (Public Health), not the EPA, for regulatory and permitting matters related to the Houghton Transfer Station. The primary regulator for the Houghton Closed Landfill is Public.

Concern: There is an EPA inspection scheduled for this year, which is part of a regular inspection cycle.

Response: There is no EPA inspection scheduled for this year. There is a single inspection by Ecology planned for June 2021-January 2022 .

The Houghton Closed Landfill is on the Ecology Model Toxics Control Act (MTCA) site list with Cleanup Site ID # 824. (<https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=824>)

MTCA is Washington State law that provides a funding mechanism for monitoring hazardous waste sites in the state. It is distinct from Superfund, the federal program managed by the EPA.

(<https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>)

Under MTCA, Ecology identifies sites in Washington State that are considered contaminated or have potential for contamination. These sites are on Ecology's Confirmed and Suspected Contaminated Sites List (CSCSL). Sites are ranked on a scale of one (1) to five (5), with 1 representing the highest level of concern, and 5 the lowest, relative to other assessed/ranked sites in the state. Ranked sites are either placed on the state Hazardous Sites List (HSL) or, if the assessment determines no further action is warranted, removed from the CSCSL.

The Houghton Closed Landfill was added to the CSCSL in 1988. No action had been taken by Ecology until April 2021 when Ecology advised SWD that a Site Hazard Assessment (SHA) would be undertaken for the site. Ecology's decision to perform a SHA on the landfill was prompted by an elevated methane event, described below, and the resulting high levels of public concern.

In Spring 2020, higher than normal methane levels were detected at one gas probe at the HCLF. SWD conducted twice-daily testing of the gas probes and worked under guidance from Public Health to monitor and test air quality inside nearby homes. No elevated methane levels were detected in any of the homes tested. SWD installed additional gas-extraction wells and made other improvements to the gas-control system, which have proven to bring methane levels back to normal range. No off-site impacts were identified, and no elevated methane levels have been measured since the event.

Ecology's letter to SWD explained that "(t)he purpose of an SHA is to gather information on past and present waste management activities and other basic site-specific environmental data to assess the site for its potential or actual environmental hazard. These threats to human health and the environment are evaluated for each applicable contaminant migration route, resulting in a hazard ranking determination."

Information about the Houghton Landfill and MTCA, including the letter from Ecology advising SWD of the SHA, can be found here: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=824>

CONCLUSION: SWD operates in compliance with all applicable regulations and permit requirements and is monitoring the situation as needed. The Division will comply with any new requirements that may be issued by Ecology pursuant to this SHA.

(<https://apps.ecology.wa.gov/publications/documents/1909166.pdf>)

Concern: SWD reports on environmental matters to the US Environmental Protection Agency (EPA).

Response: SWD reports to Ecology and Public Health, not EPA, on regulatory matters related to the Houghton Transfer Station. The primary regulator for the Houghton Closed Landfill is Public Health.

Ecology is authorized by federal and state law to implement and enforce various environmental laws and rules. <https://ecology.wa.gov/About-us/How-we-operate/rulemaking>

SWD submits environmental reports related to the Houghton Transfer Station to Ecology as required. If the Houghton Closed Landfill is determined to be a MTCA site following the Site Hazard Assessment described above, reports related to MTCA status would be submitted to Ecology.

Concern: SWD is not meeting reporting requirements. The Houghton Transfer Station is listed on EPA's Enforcement and Compliance History Online (ECHO) website, which shows gaps in quarterly reporting--specifically, "Failure to Report DMR – Not Received" for the quarters between April 2019 and December 2020.

Response: SWD has met and continues to meet all environmental reporting as required to the Ecology. The ECHO information suggesting compliance issues is inaccurate and the EPA acknowledges that data errors exist within the ECHO database. SWD does not directly provide information for ECHO, nor is this a regulatory requirement.

ECHO is a web tool, not a regulatory mechanism. According to EPA, "(t)he ECHO website provides environmental regulatory compliance and enforcement information for over one million regulated facilities nationwide. It also offers information about compliance and enforcement activities at the state level...ECHO extracts data from many EPA and some non-EPA databases and organizes the information to facilitate cross-database analysis." <https://echo.epa.gov/resources/general-info/echo-faq>

ECHO includes a Primary Data Alert for Washington State: "A small number of facilities appear in ECHO to be in noncompliance for failing to submit expected Discharge Monitoring Reports (DMRs), which may or may not be the case. Users should verify these data with Washington Ecology via the PARIS permit database prior to using it for any intended purpose. Washington Ecology is working to resolve the issue."¹ <https://echo.epa.gov/resources/echo-data/known-data-problems#cwa>

The Houghton Transfer Station's ECHO listing is one of those affected by incomplete data transfer from the PARIS permit database. ECHO'S Detailed Facility Report for the Houghton Transfer Station, which is missing data and thus appears incorrectly to be in noncompliance, can be found at <https://echo.epa.gov/detailed-facility-report?fid=110063752791>

PARIS compliance data for Houghton Transfer Station are accurate and complete. Information about the Houghton Transfer Station in Ecology's PARIS database can be found by typing "Houghton" or "WAR302802" when prompted at <https://apps.ecology.wa.gov/paris/PermitLookup.aspx>. More information about the PARIS database Facility Summary page for the Houghton Transfer Station is provided below.

CONCLUSION: SWD is not responsible for maintaining the ECHO web tool, which is maintained by the EPA's Office of Enforcement and Compliance Assurance.

¹ PARIS is the Permitting and Reporting Information System

Concern: SWD is not responding to identified violations at the Houghton Transfer Station. EPA'S ECHO database shows violation identified at the Houghton Transfer Station between during the 1st quarter of 2018 and from April 2018 to December 2020.

Response: SWD has met and continues to meet all environmental reporting requirements to Ecology.

Ecology has never issued a Notice of Violation to SWD under the Industrial Stormwater General Permit.

For the Houghton Transfer Station, ECHO lists exceedances of stormwater (rain runoff) benchmark limits for five parameters: copper, oil and grease, turbidity, zinc, and pH. The first four of these are frequently found in stormwater runoff, and limits are set on these parameters and on pH to protect local water bodies. Benchmark limit exceedances are considered action "triggers" and do not constitute violations of the National Pollutant Discharge Elimination System (NPDES) or the Clean Water Act (CWA), provided corrective actions are implemented according to the NPDES permit.

<https://echo.epa.gov/detailed-facility-report?fid=110063752791>

EPA directs ECHO database users to verify compliance data in Ecology's PARIS database due to incomplete data in the ECHO database. Information about SWD's compliance history for the Houghton Transfer Station can be found in Ecology's PARIS database at

<https://apps.ecology.wa.gov/paris/PermitLookup.aspx> (type "Houghton" or "WAR302802" when prompted). PARIS compliance data for Houghton Transfer Station are accurate and complete.

Ecology's PARIS database indicates that for the Houghton Transfer Station there have been, to date, 1 inspection (2016), 0 enforcements, and 75 triggers. These triggers include:

- Benchmark Exceedance (described above);
- Analysis not conducted. Periodically, samples are not collected due to a variety of factors, such as on-site construction or in the event of miscommunication with the analytical laboratory;
- Frequency of Sampling Violation (related to failures to collect sample, above);
- Failure to submit required report --non-DMR, non-pretreatment (related to failures to collect sample, above), and
- Late submittal of DMRs (submittal late due to COVID-19-related factors);

To review individual DMRs for the Houghton Transfer Station, after entering "Houghton" or "WAR302802" at <https://apps.ecology.wa.gov/paris/PermitLookup.aspx>, hover over "Houghton Transfer Station" under Search Results, and select "View DMRs".

SWD has consistently performed required corrective actions triggered by benchmark exceedances. To correct stormwater issues in recent years, SWD has modified operational practices, such as sweeping and washing pavement; installed structural modifications, such berms, to route stormwater runoff to treatment facilities; and redesigned and rebuilt a stormwater bioretention swale to enhance treatment of collected stormwater.

CONCLUSION: EPA directs ECHO database users to verify compliance data in Ecology's PARIS database due to incomplete data in the ECHO database. Information about SWD's compliance history for the Houghton Transfer Station can be found in Ecology's PARIS database at <https://apps.ecology.wa.gov/paris/PermitLookup.aspx> (type "Houghton" or "WAR302802" when prompted). PARIS compliance data for Houghton Transfer Station are accurate and complete.