
TO: Marian Abbett, Washington Department of Ecology
FROM: Rob Leet
DATE: September 21, 2012
FILE: 0137-018-03-0510-02
SUBJECT: Additional Permits and Approvals Determination for
Interim Action Performed in Conjunction with City of Port Angeles CSO Upgrade Project
Port Angeles Rayonier Mill Site, Port Angeles, Washington

This memorandum, submitted on behalf of Rayonier Inc. (Rayonier), summarizes GeoEngineers' conclusions regarding additional permits and approvals for Rayonier's implementation of the *Final Materials Management Plan, City of Port Angeles CSO Construction Project, Port Angeles Rayonier Mill Site* (MMP; GeoEngineers, July 17, 2012). As described in the MMP, Rayonier is conducting an interim cleanup action in conjunction with the City of Port Angeles' (City's) Combined Sewer Overflow (CSO) Phase 1 Upgrade Project. The interim action consists primarily of consolidating and stockpiling soil and other materials excavated by the City on the former Rayonier Mill property during trenching for the City's new CSO pipeline. Some of the excavated soil is expected to be contaminated as a result of the former mill operations. The excavation and consolidation of this soil in managed stockpiles on the Rayonier-owned portion of the former mill property will reduce potential risks associated with contaminants that may be present in the soil. The interim action will also obviate the need to potentially disturb the CSO pipeline during future anticipated cleanup actions on the mill property. Details of the planned interim action are provided in the MMP.

Section 7.0 of the MMP lists permits and approvals that the City has obtained or applied for in preparation for the CSO construction project. Section 7.0 also states:

“...Rayonier is responsible for obtaining any additional permits and approvals for its implementation of the MMP, or for complying with the substantive requirements of any permits or approvals covered by the procedural exemption of Revised Code of Washington (RCW) 70.105D.090(1). Rayonier will determine these additional requirements and inform Ecology of them in a separate submittal.”

We reviewed potentially relevant agency requirements to assess their applicability to Rayonier's implementation of the MMP. Two potential requirements were identified:

- Federal Clean Water Act National Pollutant Discharge Elimination System Permit and State Construction Stormwater General Permit. The former mill site is currently covered under Industrial Stormwater General Permit #WAR003611 and has an approved stormwater pollution prevention plan (SWPPP). Recent updates to the SWPPP (included in Appendix C of the MMP) describe the planned locations of the stockpiles to be generated by the CSO excavation activities and the associated Best Management Practices for preventing stormwater impacts. The City has obtained an individual stormwater permit for the CSO Phase I project construction. The Department of Ecology has determined that Rayonier does not need to obtain a separate permit for its activities related to the accompanying interim action.
- Port Angeles Municipal Code (PAMC). Excavation, grading, clearing, paving, and construction are regulated by the City. The City Clearing, Grading, Filling, and Drainage Regulations (PAMC Chapter 15.28) identify a number of standards and requirements for obtaining a Clearing and Grading Permit. The City approved a Clearing and Grading Permit exemption for Rayonier's construction and management of the stockpile staging areas and stockpiled materials on August 21, 2012 (see attached email with annotated permit application from Kathryn Neal, City of Port Angeles to Warren Snyder, Rayonier and Chip Halbert, Landau Associates). Shoreline setback requirements are also

regulated by the City through PAMC Chapter 15.08, which adopts the Shoreline Management Act provisions of RCW 98.58.020. Setbacks are shown on SWPPP Figure 3. The current version of SWPPP Figure 3 is attached (note: this replaces the version included in Appendix C of the MMP).

Based on our review of potentially relevant requirements and the information presented above, we conclude that there are no additional permits, approvals, or substantive requirements applicable to the interim action described in the MMP. Please contact me at (206) 239-3230 or rleet@geoengineers.com should you have any questions.

Attachments:

1. Documentation of Clearing and Grading Permit exemption (emails exchanged between City of Port Angeles, Rayonier, and Landau Associates) and annotated permit application.
2. SWPPP Figure 3 (7/31/2012).

Rob Leet

Subject: FW: Rayonier C&G Application
Attachments: Completed Application.pdf

From: Kathryn Neal [<mailto:Kneal@cityofpa.us>]
Sent: Tuesday, August 21, 2012 9:09 AM
To: Warren Snyder; Chip Halbert
Cc: James Burke; Parker, Keith
Subject: FW: Rayonier C&G Application

Kathryn

From: Eric Walrath
Sent: Tuesday, August 21, 2012 8:21 AM
To: Kathryn Neal
Cc: James Burke
Subject: Rayonier C&G Application

Activity is exempt as noted on application.

Eric C. Walrath
Engineering Projects Supervisor
City of Port Angeles
Tel: 360.417.4806
Fax: 360.417.4709
TTY: 360.417.4645

Rob Leet

Subject: FW: Clearing and Grading Permit Application - CSO Project Stockpile Areas

From: Chip Halbert
Sent: Thursday, August 09, 2012 11:41 AM
To: Kathryn Neal; Eric Walrath
Cc: James Burke; Warren Snyder
Subject: RE: Clearing and Grading Permit Application - CSO Project Stockpile Areas

Kathryn and Eric,

Please note the following correction to the permit application: clearing and grading for Stockpile Area 3 will occur within 200 feet of Ennis Creek (incorrectly stated as "No" in the permit application), but outside the 100-foot stream buffer under City Code 15.20.070.

Thanks,
Chip

Charles (Chip) Halbert, P.E. ♦ Senior Associate
Landau Associates, Inc.

601 Union Street, Suite 1606, Seattle, WA 98101
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From: Kathryn Neal [<mailto:Kneal@cityofpa.us>]
Sent: Tuesday, August 07, 2012 9:56 AM
To: Eric Walrath
Cc: Chip Halbert; James Burke; Warren Snyder
Subject: FW: Clearing and Grading Permit Application - CSO Project Stockpile Areas

Eric,
I am forwarding Rayonier's application for a Clearing and Grading Permit for the soil stockpile areas they will be managing at the former Rayonier Mill Site.

The soil will be generated by trench and structure foundation excavation by the City of Port Angeles' contractor as part of the CSO Phase 1 project. Under terms of our Purchase and Sale Agreement with Rayonier, Rayonier retains all environmental liability for the entire former mill site. Excavated soils from the project will be transferred to Rayonier for their management, characterization, and disposal under terms of Rayonier's Agreed Order with Ecology. The work is fairly characterized in Rayonier's application, but I would clarify that the work WILL NOT be under the direction of the City Engineer (potential exemption 6.02.2(3)). It is controlled by other regulations (potential exemption 6.02(8)). I am attaching a copy of the Materials Management Plan, and DOR Agreed Order by which it will be enforced. On the last page of the MMP is a sketch of a typical soil stockpile.

Kathryn Neal, P.E.
(360)417-4821

Engineering Manager
City of Port Angeles

From: Chip Halbert [<mailto:CHalbert@landauinc.com>]
Sent: Tuesday, August 07, 2012 8:44 AM
To: Kathryn Neal
Cc: Warren Snyder; Brian Butler; Robert Ludwig
Subject: Clearing and Grading Permit Application - CSO Project Stockpile Areas

Kathryn,

Please find attached a copy of our clearing and grading permit application for the three stockpile areas on Rayonier property to support the City's CSO project. Per our discussions, we understand that Rayonier's activities to stage and maintain the stockpile areas qualify for an exemption from the City's clearing and grading permit requirement; however, the City Engineer must make the final determination regarding exemptions.

Our understanding of conditions warranting the permit exemption is presented in the attached application. As we anticipate a permit exemption, we have not prepared a SEPA checklist to accompany this application. We know that time is of the essence in readying the stockpile areas to accept materials from the City's CSO project, and look forward to working through the permitting process quickly.

Regards,
Chip

Charles (Chip) Halbert, P.E. ♦ Senior Associate
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RECEIVED
AUG 07 2012

Application No. 12-01

City of Port Angeles
Public Works and Utilities Dept.
Engineering Services Division

CLEARING AND GRADING PERMIT APPLICATION

(Applicant must complete Page 1 of Application. Page 2 will be completed by the City.)

Name of Applicant: Rayonier

Applicant's Mailing Address: P.O. Box 728
Fernandina Beach, FL 32035

Applicant's Phone Number: (904) 321-5558

Plan Preparer (Architect/Engineer): Robert Ludwig, P.E., Landau Associates

Preparer's Mailing Address: 130 2nd Avenue South
Edmonds, WA 98020

Preparer's Phone Number: (425) 778-0907

Location of Proposed Activity: 700 North Ennis Street
(Street address or lot and block number) Port Angeles, WA

Owner of Property: Rayonier Properties LLC
(If not applicant, attach letter of authorization from property owner)

Description of Proposed Activity (Also attach plans, sketches or other important information which would assist in our initial review):

Rayonier will be conducting grading activities to construct soil management areas in support of a City of Port Angeles (City) combined sewer overflow (CSO) project, specifically management of soil from excavations required for the CSO that cross the Rayonier mill site property. The soil management areas, designated as Stockpile Areas 1, 2, and 3, and associated truck routes are shown on the attached figure. A fourth staging area (location yet to be determined based on discussions with the City's contractor) will be constructed for temporarily staging and loading roll-off containers containing Type 3 excavated soil.

Rayonier understands that the planned grading activities are exempt from requirements for a grading permit under the City of Port Angeles Urban Services Standards and Guidelines, Sections 6.02.2 (3) and (8):

- 6.02.2(3) Clearing performed under the direction of the City Engineer. The construction of the soil management areas and associated grading activities are adjacent to, and required for work in, the CSO utility easement that will cross a portion of the Rayonier mill site property under the direction of the City. The soil management areas are required to support the City's CSO project excavations at the Rayonier property.
- 6.02.2(8) Sites controlled by other regulations. The soil management locations are an element of the Material Management Plan negotiated between Rayonier and the Washington State Department of Ecology (Ecology) to facilitate managing materials from CSO excavations consistent with requirements

of the ongoing Remedial Investigation and Feasibility Study pursuant to Ecology Chapter 173-340 WAC regulations. The soil staging areas were designed to comply with the requirements of the Industrial Stormwater General Permit and Stormwater Pollution Prevention Plan for the property.

We appreciate your consideration of this application and please contact us if you have questions.

Estimated Amount of Material, in cubic yards, to be excavated, imported, or exported: Approximately 10-12,000 CY

*a. SEPA but
not always
an ESA*

If the answer to any of the following three questions is yes, an Environmentally Sensitive Area (ESA) application with a SEPA checklist and associated fees are required to be submitted with this application and will be processed according to the City's consolidated permitting process.

1. Is the excavation or fill associated with the development of a parking lot for more than 20 vehicles? No (yes or no)
2. Is the total amount of excavation or fill expected to exceed 100 cubic yards? Yes (yes or no)
3. Will any portion of the grading, excavating or filling occur within 200 feet of any of the following?
a. If the answer is yes, please check the appropriate condition(s):
No Shoreline No Stream/Creek No 40% or greater slope.

The applicant hereby affirms and commits that the information submitted for this permit is accurate and that the applicant will comply with the terms and conditions of this permit and the City of Port Angeles Clearing and Grading Ordinance.

Warren Snyder, P.E.
Name of Application or Authorized Representative

Senior Manager, Environmental Engineering
Title

Rayonier Properties LLC
Company

Warren Snyder
Signature of Application or Authorized Representative

8/7/12
Date

CLEARING AND GRADING PERMIT APPLICATION

1. THE PROPOSED ACTION HAS BEEN DETERMINED TO BE EXEMPT FROM A CLEARING AND GRADING PERMIT, BASED UPON THE INFORMATION PROVIDED BY THE APPLICANT. THE BASIS FOR THIS EXEMPTION IS AS CHECKED BELOW:

- A. Land clearing, grading, filling, sandbagging, diking, ditching, or similar work during or after periods of extreme weather or other emergency conditions which have created situations such as flooding or high fire danger that present immediate danger to life or property, as authorized by the City Engineer.
- B. Land clearing necessitated by order of the City Council related to the abatement of a public nuisance, where the work is administered by the City.
- C. Removal of dead, diseased, or damaged trees which constitute an imminent hazard to life or property.
- D. Clearing performed under the direction of the City Engineer within a public right-of-way or upon an easement, for the purpose of installing and maintaining water, storm, sewer, power, cable or communication lines.
- E. Cemetery graves.
- F. Non-destructive vegetation trimming with proper removal and disposal of debris.

EXEMPTIONS "G" THROUGH "L" SHALL NOT APPLY IN SITUATIONS WHERE THE PROPERTY INCLUDES AN ENVIRONMENTALLY SENSITIVE AREA:

- G. Land that is less than one acre, except where an adjacent area containing disturbed areas under the same ownership or chain of ownership has been similarly exempted so that the combined area is greater than one acre and final site stabilization is not complete.
- H. If a building permit is issued, no additional clearing, grading, or filling permit or associated fee will be required; provided that the standards established in the City's Urban Services Standards and Guidelines shall be applied as a condition of said building permit.
- I. Routine maintenance of existing stormwater drainage facilities located outside of a critical area (as defined by PAMC 15.20.030), including, but not limited to, detention/retention ponds, wetponds, sediment ponds, constructed drainage swales, water quality treatment facilities, such as filtration systems and regional storm facilities that are necessary to preserve the water quality treatment and flow control functions of the facility. *This exemption does not apply to any expansion and/or modification to any existing stormwater drainage facilities.*
- J. Roadway repairs and overlays within a public street right of way for the purpose of maintaining the pavement, curbing, or sidewalk on existing paved roadways.
- K. Forest practices regulated under RCW 76.09. *Activities involving conversion of land to uses other than commercial timber production are subject to clearing and grading regulations*
- L. Other reason as indicated hereon: 6.02.2(B) Sites Controlled by Other Regulations

An exemption from a Clearing and Grading Permit does not exempt the person doing the work from meeting all applicable federal, state, and local codes, standards, guidelines, and regulations, including obtaining and meeting the conditions of all applicable permits.

2. THE PROPOSED ACTION IS NOT EXEMPT: C&G PERMIT REQUIRED


Dept. of Comm. & Economic Development

8/17/12
Date


City Engineer

8/20/2012
Date

LANDAU ASSOCIATES, INC. | V:\016042\0101013\Figure 3.dwg (A) 11x17 7/31/2012

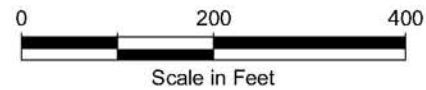


NOTES:

1. INFILTRATION AREAS WILL BE SIZED BASED ON ACTUAL SOILS/MATERIALS, TOPOGRAPHY, AND OBSERVED INFILTRATION CONDITIONS.
2. COLLECTION/INFILTRATION/CONVEYANCE TRENCHES WILL BE AT LEAST TRIANGULAR WITH 2:1 SIDE SLOPES AND 2 FEET DEEP.
3. THE CONVEYANCE CULVERTS UNDER ACCESS ROADS WILL BE AT LEAST 12" DIAMETER CULVERTS.
4. ACCESS ROADS WILL BE EXISTING IMPERVIOUS PAVEMENT, RECYCLED CONCRETE RUBBLE (WITHOUT REBAR AND METAL DEBRIS), AND OR QUARRY SPALLS. ACTUAL TIE-IN LOCATIONS TO EXISTING ROADS WILL BE DETERMINED IN THE FIELD.
5. SOIL STOCKPILE AREAS WILL BE BUILT UP PER THE ATTACHED STOCKPILE DETAIL SKETCH. SOIL STOCKPILES ARE TYPICALLY ABOUT 70' WIDE X 120' LONG X 8' TALL.
6. VISUALLY CONTAMINATED SOILS WILL BE PLACED DIRECTLY INTO ROLL-OFF CONTAINERS. THESE MOBILE CONTAINERS WILL HAVE SECONDARY CONTAINMENT AROUND THEM DURING FILLING.
7. THE COLLECTION SUMP IN STOCKPILE AREA 3 SHALL HAVE A TRASH OR SUMP PUMP IN IT AND DISCHARGE COLLECTED STORMWATER TO AN APPROVED INFILTRATION AREA.

Note

1. Black and white reproduction of this color original may reduce its effectiveness and lead to incorrect interpretation.



Base map source: Google Earth