

Electronic Letter



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January 13, 2021

Nizar Hindi
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Scott Hooton
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Re: Agreed Order No. DE 3405: Expansion of scope for Remedial Actions at the USG Taylor Way Plant Site (Cleanup Site ID #5003), under Agreed Order No. DE 3405, to include contamination within the North Boundary Area

- **Site Name:** USG Taylor Way Plant Site
- **Site Address:** 2301 Taylor Way, Tacoma, Pierce County, WA
- **Facility Site ID:** 1260
- **Cleanup Site ID:** 5003

Dear Nizar Hindi and Scott Hooton:

This letter relates to a general area containing arsenic and lead-contaminated soils that is identified as the “North Boundary Area” (NBA) in the remedial investigation (RI) and feasibility study (FS) for the USG Taylor Way Plant Site (USG site) and in the RI for the neighboring Arkema Inc. Site (Arkema site – Cleanup Site ID 3405).

The Washington State Department of Ecology (Ecology) has determined that remediation of the contamination within this area shall be incorporated into the FS and draft Cleanup Action Plan (CAP) required under Agreed Order No. DE 3405 (AO 3405) for the USG Taylor Way Plant Site, and into future administrative actions for implementation of the cleanup action. This letter discusses the situational background, and lays out an approach for incorporating the NBA cleanup actions into the existing tasks under AO 3405.

Background

The former USG Interiors mineral fiber manufacturing plant was located at 2301 Taylor Way in Tacoma,

Washington. Contamination resulting from the plant operations is being addressed under AO 3405. The adjacent property to the southwest, at 2901 Taylor Way, was formerly occupied by Arkema, Atochem, and Atofina chemical manufacturing facilities and is now identified as the Arkema site. The area that has come to be called the NBA is generally located on the northwest portion of 2901 Taylor Way, between the former salt storage pads at the Arkema facility and the 2301 property boundary. However, a specific border has not been designated or agreed upon by Ecology. The Port of Tacoma owns both of the Taylor Way properties. USG Interiors, Inc. (USG) and Port of Tacoma are signatories to AO 3405. USG is the primary performing party under the order. The Port of Tacoma is the sole signatory to a separate agreed order (DE 5668) for cleanup actions at the Arkema site.

The Port of Tacoma conducted remedial investigations in the general area of the NBA in 2012. The nature and extent of soil contamination is described in the 2013 RI report for the Arkema Site and is also summarized in the 2016 RI report for the USG site, where figures 7 – 9c show the concentrations of lead and arsenic in soils. Soils with concentrations of arsenic well above the Model Toxics Control Act (MTCA) Method C, industrial cleanup level are present to at least 10 feet deep, while similarly elevated lead is present to approximately 7 feet deep. The bulk of the soil contamination is present between the depths of 4-7 feet below ground surface. Shallow groundwater in this vicinity is also contaminated with arsenic and lead.

The area of the NBA with the highest levels of arsenic and lead in soils is situated adjacent to the 2301/2309 Taylor Way property line, close to the cupola furnace and baghouse of the former USG plant building, where wastes were removed from the building. This part of the NBA is contiguous with an area on the former USG plant site known as the MW-9 area, where soils with high concentrations of arsenic and lead were excavated in 1999 under a previous Agreed Order for the USG Site. The 1999 MW-9 excavation extended approximately 5 feet beyond the fence line between the two properties into the 2901 property, to a point where the USG physical waste characteristics of mineral fibers and shot¹ were no longer visually identified in the excavation sidewalls. However, the soils in the sidewall of the excavation still contained elevated levels of arsenic and lead.

Source of NBA contamination is not resolved

USG and Port of Tacoma dispute the extent to which the arsenic and lead contamination at the NBA is derived from the former Arkema operations versus the former USG facility operations, and which party has financial responsibility for cleaning up contamination in the NBA. In 2013, Ecology requested the parties identify a “functional boundary” for proceeding with the FS and eventual CAP for each site. Attorneys for USG and Port of Tacoma responded in a June 14, 2013, letter which stated their agreement and recommendation to Ecology that the functional boundary between the two cleanup sites should be the property line between 2301 and 2901 Taylor Way. Ecology has not taken a position about the degree to which either of the former manufacturing facilities was the source of contamination, or which party has financial responsibility.

Current status of sites

Under AO 3405, USG has completed a final draft FS, which Ecology is currently reviewing. Upon approval of the FS, a CAP will be produced, followed by an administrative action document (Agreed

¹ Mineral fiber wastes are bits of the extruded mineral fibers that were not incorporated into the final product. Shot are glassy, spherical, sand-sized particles that are the broken ends of the extruded mineral fiber product. It should be noted that baghouse dust, one of the other primary waste materials from the USG manufacturing process, consists of very fine particle with the consistency of fine silt, which is not visually identifiable within a sandy matrix.

Order or Consent Decree) for implementation of the CAP. The USG site cleanup will include remedial actions close to the 2301 Taylor Way property line in the vicinity of the NBA.

For the Arkema site, the Port of Tacoma completed a data gaps report in 2019, which included groundwater sampling in the NBA. No further soil investigations have been completed in the NBA since the 2012 investigation which is described in the 2013 Arkema RI report. The Port of Tacoma is currently developing an FS report for the Arkema Site, which is slated to be submitted to Ecology during the first quarter of 2021.

Ecology Decision

In May of 2020, the Port of Tacoma approached Ecology with a request for Ecology to revisit the framework from the 2013 letter between the two parties, which had set a “functional boundary” at the property line. In an email from October 5, 2020, from Scott Hooton to Joyce Mercuri, the Port of Tacoma proposed to develop a focused feasibility study to evaluate cleanup alternatives for determining an appropriate cleanup action at the NBA under AO 3405 for the USG site (Attachment B).

Ecology has considered this approach and has determined that it is in the best interest of moving the USG cleanup forward to incorporate the NBA under AO 3405 because:

- After the Port of Tacoma investigation at the NBA in 2012, there has not been progress toward cleanup in the NBA. We anticipate that continued disagreement between the parties about responsibility for the cleanup at the NBA will cause delays in reaching agreements related to cleanup of the USG site.
- The highest levels of contamination in the NBA are contiguous with the now-removed MW-9 soil remediation area at the USG site containing high levels of arsenic and lead, which are the same contaminants found at the NBA.
- The USG site cleanup is on a faster path toward cleanup than is the Arkema site.
- Remediating the NBA in conjunction with the USG site will help ensure that the USG site will not become recontaminated from the NBA.
- Economies of permitting and effort can be realized by conducting cleanup work on both sides of the property boundary concurrently. It would also reduce disturbance to the occupant at the 2301 Taylor way if the USG site cleanup work along the property boundary can be orchestrated with the excavations at the NBA.

Framework

Ecology has determined that these actions can be incorporated into the existing framework under AO 3405, without the need for an amendment. This can be accomplished in the steps listed below. Ecology expects that USG and Port of Tacoma representatives will be included in all communications and have opportunity to review drafts of the documents in these steps.

- 1) As stated in the above-referenced October 5 email from Scott Hooton to Joyce Mercuri, the Port of Tacoma shall develop a focused FS report to identify and evaluate cleanup options for soils and groundwater in the NBA. The focused FS shall address all of the required elements from

WAC 173-340-350, -355, -357, and 360 or any other sections of MTCA which may be applicable to an FS.

- 2) Prior to submitting the focused FS report, the Port of Tacoma shall submit an alternatives memo to Ecology. This memo shall include detailed figures of the NBA area. The figures should show concentrations of all metals for which data are available, at individual locations in soil. The figures should provide this information for different depths of soils. A map showing recent concentrations of metals in groundwater should be included. The alternatives memo shall provide a description of the alternatives that the Port of Tacoma proposes to evaluate in the focused FS. The alternatives should include at least one permanent cleanup action for addressing all soil contamination above the MTCA industrial cleanup levels for arsenic and lead in soils.
- 3) If Ecology determines additional data are needed to complete the focused FS, the Port of Tacoma shall submit a pre-FS investigation work plan and sampling and analysis plan (SAP) to Ecology detailing the planned investigations.
- 4) When the data are available from the pre-FS investigations, the Port of Tacoma shall submit a data memo to Ecology which shall include the lab report, tabulated data, and updated maps showing all NBA sample results.
- 5) The focused FS shall include the proposed boundaries of the NBA remediation area(s). Ecology expects that the soil remediation area(s) will include areas of soil contamination on the NBA that are contiguous with portions of the 2301 Taylor Way property where current or already-excavated soils contain or contained arsenic and lead above MTCA industrial cleanup levels. Ecology expects that other areas of soil contamination in the general vicinity of the NBA that are not contiguous with contamination on the 2301 Taylor Way property would not be included. The focused FS shall also evaluate groundwater remediation alternatives for contaminated groundwater in the vicinity of the proposed soil remediation areas or areas where groundwater could be impacted from the soils.
- 6) After Ecology selects the cleanup action for the NBA, the Port of Tacoma shall develop a draft NBA cleanup action chapter for the USG site CAP. This chapter shall cover all of the required elements from WAC 173-340-360, -370, and -380 and any other sections of MTCA which may be applicable to the remedy. Ecology will include this chapter in the USG site public review draft CAP.
- 7) When the administrative instrument for implementation of the cleanup action is prepared and signed by the liable parties, Ecology will issue the USG site RI, FS, the NBA focused FS, and the USG site cleanup action plan for public comment. After public comments have been considered, Ecology will approve of the site Cleanup Action Plan and it will be implemented by the liable parties.
- 8) In accordance with statements in the October 5 email, Ecology expects that the engineering design for the NBA will be developed by the Port of Tacoma after the Cleanup Action Plan has been approved by Ecology.

I have included a proposed schedule for these actions in Attachment A to this letter. I am open to discussing this proposed schedule and willing to make adjustments if needed. If either party desires to organize a conference meeting between USG, Port of Tacoma and Ecology for further discussions, my supervisor Andy Smith and I are available to participate.

Sincerely,



Joyce Mercuri
Cleanup Project Manager
Toxics Cleanup Program
Southwest Regional Office

Attachment A: Schedule for Focused Feasibility Study

Attachment B: October 5, 2021 email from Scott Hooton to Joyce Mercuri

cc by email: Andrew Smith, Ecology andrew.smith@ecy.wa.gov
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Ecology Site File

Attachment A
Proposed Schedule for Focused Feasibility for North Boundary Area at the USG Taylor Way Plant Site Under Agreed Order No. DE 3405

Task/Deliverable	Completion Time
Alternatives Memo	Within 30 days of the date of this letter.
Pre-Focused Feasibility Study Report Work Plan and SAP	A draft work plan/SAP shall be submitted within 30 days of written notification from Ecology of the need for additional data. A final work plan, incorporating Ecology comments, shall be submitted within 30 days of receiving Ecology's written comments on the draft.
Pre-Focused Feasibility Study data memo	Within 30 days from receipt of data from laboratory.
Focused Feasibility Study Report	An agency review draft focused FS report shall be submitted within 60 days from receipt of data from laboratory, if a Work Plan/SAP was submitted. If additional data gathering is not required, the draft focused FS report shall be submitted within 45 days of the date of this letter. A public review draft focused FS report, incorporating Ecology comments, shall be submitted within 30 days of receiving Ecology's written comments on the draft.
NBA Chapter for USG Site Cleanup Action Plan	An agency review draft chapter for the USG site CAP shall be submitted within 45 days from Ecology's approval of the focused FS report. A public review draft chapter shall be submitted within 30 days of receiving Ecology's written comments on the draft.

Attachment B

From: [Hooton, Scott](#)
To: [Mercuri, Joyce \(ECY\)](#); [Smith, Andrew \(ECY\)](#)
Cc: [Healy, Rob](#); [Troy Bussey](#); [Kim Seely](#); [Thompson, Jonathan C \(ATG\)](#)
Subject: Agreed Order No. DE 3405 USG Interiors, Inc./Port of Tacoma
Date: Monday, October 5, 2020 10:48:19 AM

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Andy and Joyce –

During our telephone conversation on June 8, you explained that Ecology staff and management acknowledge the benefit of remediating the former USG facility at 2301 Taylor Way and adjacent portions of the former Arkema facility at 2901 Taylor Way simultaneously -- or as a coordinated effort -- under the USG Agreed Order. The portions of Arkema adjacent to USG are generally referred to as the North Boundary Area (NBA). This would be facilitated by preparing a focused feasibility study for the NBA to evaluate remedial alternatives which can be appended to the FS under development by USG.

We've been busy since then. As staff recommended, the focused feasibility study and engineering design for the NBA successfully emerged from the Port's Opportunity Assessment process late this Summer, with funding subsequently programmed into the Port's 2020 - 2024 Capital Improvement Plan. In light of the anticipated financial commitment for this effort, the Port issued a public Request for Qualifications (RFQ) on August 18, 2020. Following a competitive review of received responses, Pioneer Technologies Corporation was judged the most responsive submittal on September 10. Executive authorization to issue the NBA contract to Pioneer occurred on September 28, and we expect to issue the contract later this week. Port counsel (Kim Seely) will also contact counsel for USG (Rod Brown) to describe these developments later this week.

Port staff expect to provide an Ecology-review focused feasibility study for the NBA before the end of the year. I will contact you in the near future to discuss appropriate milestones for checking in with Ecology as they are formulated. Port comment to USG's July 30, 2020 draft FS are also under development and will be provided sometime within the next few weeks.

Finally, you asked for formal confirmation of the Port's intent to move forward with the NBA as discussed on June 8. Please consider this email to be such notice.

Thanks, and let me know if there are any comments, questions or concerns.

Scott Hooton | Project Manager, Environmental Programs | Port of Tacoma | w) 253.383.9428 |

Please note: All meetings will be conducted via telephone, Skype or Microsoft Teams until further notice.

