

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:

Port of Vancouver
3103 NW Lower River Road
Vancouver, WA 98660

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)

AGREED ORDER
No. DE 97TC-S163

TO: Port of Vancouver

COPY

I.
JURISDICTION

This Agreed Order ("Order") is issued pursuant to the authority of RCW 70.105D.050(1).

II.
FINDINGS OF FACT

Ecology makes the following Findings of Fact, without admission of such facts by the Port of Vancouver.

1. The former Fort Vancouver Plywood (FVP) facility is located at the end of West Eighth Street and Port Way, in an industrial-zoned area along the bank of the Columbia River. Adjacent properties include Great Western Malting Company to the northwest, the former Brazier Forest Industries site to the northeast, and Burlington Northern Railroad tracks to the northeast and southeast across Port Way. The Columbia River bounds the southwestern edge of the property. Figure 1 (attached) shows the facility in relation to its surroundings.

2. The site consists of approximately 15.8 acres of paved and unpaved areas, including a plywood mill with several buildings, a log storage area, a warehouse/retail plywood store, and an office building (Figure 2). The Port of Vancouver (Port) has owned the property since 1912. Available information indicates that the site had been used for industrial purposes for over 70 years. Initially, wood cutting for a nearby ship building facility was done on the site. Since 1930, the site has been used for the manufacture of plywood. FVP operated a plywood mill at the site from at least 1955. Site activities included all processes necessary for the production of plywood from raw logs or green veneer.

3. FVP maintained several permits as part of its operations. A review of the Washington State Department of Ecology (Ecology) records indicates that since the early 1970's the facility had violations of the effluent limits of its National Pollution Discharge Elimination System (NPDES) permit. Ecology issued notice of violation and notice of penalty letters which were responded to by FVP. The facility also reported unintentional oil spills into the Columbia River on February 4, 1969 (2-4-69), December 17, 1969 (12-17-69), and July 24, 1989 (7-24-89). Due to the history of NPDES violations, the EPA added the FVP site to its preliminary NPL List. The EPA conducted a Preliminary Site Assessment and published a Preliminary Assessment Report in June 1988 (Ecology & Environment, Inc.) which resulted in a site ranking of zero (0) and a recommendation of no further action. Ecology, also due to the NPDES violations, included FVP on its list of sites to rank, but has not yet ranked the site.

4. Based on an Environmental Site Assessment (ESA) and Practices Review prepared by Geraghty & Miller, Inc (G & M) for FVP (report dated May 1991), the majority of chemicals used and stored by FVP during recent operations consisted of liquid phenol-formaldehyde glue resins and petroleum products (primarily lubricating oils and diesel fuel) and smaller quantities of solvents. Previous site operations also included for a period of time the storage and use of wood treating chemicals that contained pentachlorophenol (PCP). Although complete information regarding historical chemical use, storage, and disposal practices for the FVP site are unknown, G & M noted the following potential on-site sources:

- Tanks: Five (5) gasoline Underground Storage Tanks (USTs) at the two (2) former service stations;
Two (2) diesel fuel USTs and an above ground tank adjacent to the retail warehouse;
Two (2) light oil USTs near the chip bin;
Two (2) phenol-formaldehyde resin USTs near the present wastewater tank;
An undocumented UST associated with a gas pump on the west side of the main plant.
- PCP: Former PCP dip plant at the current maintenance shop location;
Surrounding areas where treated wood may have been stored.
- Oil: Former oil storage area southwest of the boiler house;
Former oil storage area northwest of the maintenance office;
Recent oil storage building;
Recent oil drum storage area by the jitney repair shop.
- Chemicals: Old salt room;
Old boiler room;
Recent chemical storage building
- Oil/chemicals: Oily residue observed within the main plant along the railroad beds.
- Sumps: Sumps located west of the 10-foot green end area;
In the jitney repair area;
Beneath the hot press area;
In the oil storage building.
- Oil/Water Separator area.
- Potential Sediments Contamination:
Jitney Repair Area: Oils and solvents through the 001 drain;
Wash Water: Fly ash and boiler scrubber wash water through the 002 drain;
Runoff: Spillage from the caustic, resin, and wash water system; the hot press area; and in the oil/chemical storage buildings areas.

5. Hydrogeologic conditions in the vicinity of the site consist of an upper silty sand zone which typically contains shallow groundwater, an intervening clay and silt zone, and a deeper water-bearing unit composed of gravely sand. The lateral continuity of the silt and clay zone, which may form a local confining layer, is uncertain. However, this less permeable unit was encountered at two adjacent properties, Great Western Malting (GWM) and Brazier.

6. Impact to the deeper saturated zone by VOCs, primarily trichloroethene (TCE) and tetrachloroethylene (PCE), has been documented in the immediate vicinity of the GWM site. (Water from three

Port wells in the immediate vicinity of the GWM property were sampled. Results in 1988 indicated the presence of 1,1,1-trichloroethane (111-TCA) in one well and 1,2-dichloroethane (1,2-DCA) in another well. Detected concentrations were below drinking water standards. Based on Ecology files, a source of these contaminants appears to be a former dry cleaner in an industrial area located north of the site at 2001 NE Roosevelt Avenue in Vancouver, Washington.

7. In January 1996, FVP discontinued production of plywood products and began the process of selling their production equipment and remaining plywood products. In August 1996, FVP filed bankruptcy, dissolved and vacated the site. No waste disposal, environmental cleanup, demolition of unusable buildings and equipment, or other forms of site restoration were completed by FVP prior to vacating the site.

8. A preliminary site evaluation (PSE) was performed for the Port to review available information regarding previous site activities and events and to assess the potential for impact to site media (soil and groundwater). In addition, the PSE included limited sampling of soil and groundwater at locations where chemical impact appeared likely. The results of the PSE (Kennedy/Jenks Consultants 1996) indicated that some site soils and groundwater contained contaminant concentrations that exceed Model Toxics Cleanup Act (MTCA) applicable cleanup levels established by Ecology. Specifically,

- The railroad loading/unloading areas, beneath the lathe, the PCP area, and in and around the sump located south of the 10-foot Green End, where gasoline, diesel, or oil-range hydrocarbons were detected in samples from these areas at concentrations exceeding the MTCA Method A soil cleanup levels of 100 mg/kg for gasoline and 200 mg/kg for diesel and oil-range hydrocarbons. Maximum detected TPH concentrations included 2,300 mg/kg for gasoline, 15,000 mg/kg for diesel, and 84,000 mg/kg for oil-range hydrocarbons.
- Around the resin tank/wastewater mixing tank area, where formaldehyde was detected in groundwater at concentrations up to 30.0 ug/l, exceeding the MTCA Method B cleanup level of 1.46 ug/l.
- At various sampling locations where dissolved metals were detected in groundwater at concentrations exceeding MTCA Method A and B cleanup levels. However, reconnaissance sampling techniques which can cause turbid groundwater samples may have exaggerated detected concentrations of metals.

Composite surface soil samples also contained detectable concentrations of PAHs, PCP, and metals. The concentrations of these analytes were below applicable cleanup levels.

The PSE concluded that further investigation of these and other site areas is necessary to evaluate the distribution of contaminated site media and assess the potential threat to human health and the environment.

9. In addition, an asbestos and lead paint survey of the site buildings and structures was performed for purposes of demolition. The results of the asbestos and lead paint survey are summarized in a report prepared by Certified Environmental Consultants, Inc., in July 1996. The asbestos survey revealed the presence of asbestos in the mill building (floor tile mastic in the 3rd floor women's restroom and asphalt roofing material). Gasket material in the boiler house also contained asbestos. The lead paint survey results indicated some lead paint greater than OSHA guidelines; however, the lead paint did not fail TCLP analysis.

10. It is the intent of the Port to return this site to a usable condition as soon as possible. The site will continue to be used for industrial purposes. To adequately investigate the site, all structures and equipment but the office building must be demolished and removed from the premises.

11. Investigation of the site and evaluation of potential remedial alternatives will be conducted under MICA regulations with formal Ecology oversight. The purpose of this Agreed Order is 1) to remove surplus buildings, structures and waste materials to prepare the site for environmental site assessment, and 2) to conduct remedial investigations and feasibility studies of the site. The site has been surveyed (see Attachment A) and divided into two (2) cells as illustrated in Figure 3. Cell 1 work will proceed prior to Cell 2 work in conjunction with prospective industrial tenant needs. If a remedial action(s) is/are warranted based on the remedial investigation and feasibility studies, it will be conducted pursuant to an amendment to this Agreed Order, a separate Agreed Order or a separate Consent Decree developed for the site. Upon Ecology's determination that the characterization of soil and ground water and any necessary interim action for the Cell 1 area has been completed in compliance with the approved characterization and interim action work plans, that no further remedial action is necessary at the Cell 1 area, and that applicable cleanup standards have been met, Ecology may delete the Cell 1 area from the coverage of the order. Ecology will only make this determination after public notice and an opportunity to comment.

III.

ECOLOGY DETERMINATIONS

1. The Port of Vancouver is an "owner or operator" as defined at RCW 70.105D.020(11) of a "facility" as defined in RCW 70.105D.020(4).

2. The facility is known as the former Fort Vancouver Plywood (FVP) facility, and is located at 901 Port Way in Vancouver, Washington.

3. The substances found at the facility as described above are "hazardous substances" as defined at RCW 70.105D.020(7).

4. Based on the presence of these hazardous substances at the facility and all factors known to Ecology, there is a release or threatened release of hazardous substances from the facility, as defined at RCW 70.105D.020(19).

5. By a letter dated November 20, 1996, Ecology notified the Port of Vancouver of its status as a "potentially liable person" under RCW 70.105D.040 after notice and opportunity for comment. By a letter of December 18, 1996 the Port of Vancouver waived its rights to notice and comment and accepted Ecology's determination that the Port of Vancouver is a "potentially liable person" under RCW 70.105D.040.

6. Pursuant to RCW 70.105D.030(1) and 70.105D.050, Ecology may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances whenever it believes such action to be in the public interest.

7. Based on the foregoing facts, Ecology believes the activities required by this Order are in the public interest.

IV
WORK TO BE PERFORMED

Based on the foregoing Facts and Determinations, it is hereby ordered that the Port of Vancouver perform the following activities and that these activities be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein.

The activities described in this Agreed Order are being performed under an Ecology Remedial Action Grant, demonstrating both Ecology's and the Port's support for the cleanup and reuse of existing industrial sites (i.e., "brownfields" redevelopment).

The activities in this Agreed Order are designed to evaluate the potential risks posed to human health and the environment from the site. Upland cleanup actions will be implemented, as warranted, to address unacceptable site risks. These cleanup actions and reuse will be protective of the adjacent Columbia River and its sediments. However, this Agreed Order does not address potential contamination of sediments which may or may not have been caused by upland activities. Ecology retains the right at some future date to address sediment contamination on the Washington side of the lower Columbia River in general, and at this site, in specific.

In order to return the property to productive industrial use as quickly and efficiently as possible, the Port has segregated the site into two separate cells. Cell 1 is composed of the eastern portion of the site which includes a log storage area, a warehouse/retail plywood store, and an office building. Based on available environmental information, it is anticipated that Cell 1 will require only limited remedial investigation and restoration prior to reuse. Located in the western portion of the site, Cell 2 includes the former plywood mill and associated industrial buildings. It is anticipated that environmental investigation and restoration activities associated with Cell 2 may require significantly more time and effort.

The Port currently has a prospective tenant for Cell 1. The prospective tenant would like to begin occupying Cell 1 by September 1997. The Port also has a prospective tenant for Cell 2; however, a definitive schedule for occupancy has not been established at this time.

1. **Planning documents** A work plan which includes a sampling and analysis plan (SAP) and a site health and safety plan (HASP) will be prepared to comply with WAC 173-340-810 and 820. A single work plan will be prepared for the entire site. The SAP will propose a scope of work to evaluate known environmental concerns at both cells.

1a The Port shall submit a draft work plan to Ecology for characterization of the extent of soil and groundwater contamination at the site. The work plan shall contain a SAP which will identify but not be limited to the proposed number of soil test locations and groundwater monitoring locations; approximate depths of samples and borings (as appropriate); sampling and analysis scheme including a quality assurance/quality control (QA/QC) plan; and a HASP for field work. The draft work plan shall include a schedule for implementation. The draft work plan shall be submitted within sixty (60) calendar days of the date of this Agreed Order. Ecology shall review and provide written comments within thirty (30) calendar days of

receipt of the work plan. The Port shall submit a final work plan within fifteen (15) calendar days of receipt of Ecology's comments

2. **Disposal of waste materials.** The Port will properly dispose of site waste materials. Known waste materials that may require off-site disposal include:

- Building materials containing asbestos and lead
- Bulk waste chemicals (potentially including waste lubricating oils, waste hydraulic oils, residual glues, wash water, fly ash from the boiler, and other process-derived wastes) left onsite by the former tenant.
- Miscellaneous chemicals (potentially including small quantities of solvents and cleaning products) left onsite by the former tenant.

2a. The Port will submit a brief work plan within sixty (60) calendar days from the date of this Agreed Order. The work plan will include an inventory of the tanks, containers, and contents that have been or will be removed by the Port. The work plan will also indicate where and how the tanks, containers, and chemicals were disposed. The work plan will also include a schedule for implementation of the disposal of waste materials.

3. **Removal/Demolition and/or Recycling of Buildings, Tanks, and Ancillary Equipment.** Existing buildings and structures at the site that were used by the former plywood manufacturing facility will be demolished by the Port. This is necessary to provide unimpeded access to the subsurface for the performance of remedial investigation and/or remedial action at the site. This will include proper removal and disposal (or recycle) of:

- Site buildings (excluding the office building) including asbestos- and lead-containing materials within the buildings.
- Residual equipment that was not recovered by the former tenant.
- Obsolete and unusable facilities including residual aboveground tanks, dry wells, septic tanks, sumps, an oil/water separator, unnecessary drainage structures and outfalls to the Columbia River, and unnecessary railroad tracks.

3a. The Port will submit the work plan for demolition and removal and disposal (or recycle) of equipment and structures within one hundred twenty (120) calendar days from the date of this agreed order. The work plan will include an inventory of the equipment and structures that have been or will be removed by the Port. The work plan will also indicate where and how the equipment and structures were or are to be disposed or recycled. The work plan will also include an approximate schedule for implementation of the demolition activities.

4. **Remedial Investigation/Feasibility Study.** The extent of soil and groundwater contamination beneath the former plant site is not known. The concrete foundation has prevented access for subsurface exploration. Once the buildings are demolished, the Port shall conduct a remedial investigation (RI) and a feasibility study (FS) at both of the site cells to address the substantive requirements of WAC 173-340-350 and 360. In an effort to meet an existing lease schedule, portions of Cell 1, which are accessible, may be investigated prior to or during the demolition activities. The RI will evaluate the distribution of contaminants in

soil and groundwater at the site. Based on these data, an FS will be performed (as required) to evaluate a range of remedial technologies to mitigate site conditions that pose an unacceptable risk to human health or the environment under an industrial-use scenario.

4a. The approved work plan from 1a. above will be implemented. Should an additional phase of remedial investigation be necessary to characterize the distribution of contaminants in soil and groundwater at the site, a supplemental work plan will be submitted to Ecology for review. The scope of work for Cell 1 will progress independent of work in Cell 2. Once all remedial investigation is complete on a cell, the Port shall perform a focused feasibility study (in the event that site media exceed cleanup standards that are appropriate for the future use of the property). The Port shall then submit to Ecology a draft report of the results of the RI/FS for each cell. The draft report shall include, as appropriate, site location maps and physical setting description; soil characterization; surface and subsurface soil sampling results (analytical data as well as field logs); groundwater characterization; description of monitoring well installation; well logs; drilling logs; results of groundwater sampling; hydraulic characterization; recommendations including estimates of volumes and areas of media requiring remediation (operable units), evaluation of realistic exposure pathways and exposed populations, evaluation of a range of proven and reliable remedial alternatives that mitigate risks for operable units, summary, and conclusions. The draft RI/FS report shall be submitted to Ecology for review and comment within ninety (90) calendar days of completion of field work and receipt of analytical results for each cell. Ecology shall provide written comments within forty-five (45) calendar days of receipt of the draft report. The Port shall complete a final report within thirty (30) calendar days of receipt of Ecology's comments.

5. **Other Site Work Not included in Work Items 1 through 4.** If the Port wants to conduct additional investigation or remediation at the FVP site not covered by items 1 through 4 above, they may do so under the following conditions:

5a. The additional work is done concurrent with items 1 through 4, and does not cause a delay in conducting work covered by the Order;

5b. The work is done under the MTCA process, with Ecology oversight, review and approval, and with public notice for remedial activities;

5c. Ecology may amend the Agreed Order if the additional work is considered significant.

V.

TERMS AND CONDITIONS OF ORDER

1. Definitions.

Unless otherwise specified, the definitions set forth in ch. 70.105D RCW and ch. 173-340 WAC shall control the meanings of the terms used in this Order.

2. Public Notices.

RCW 70.105.D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that the Order is inadequate or improper in any respect.

3 Remedial Action Costs.

Port of Vancouver shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors for investigations, remedial actions, and Order preparation, oversight and administration. Ecology costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). Port of Vancouver shall pay the required amount within 90 days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general description of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Failure to pay Ecology's costs within 90 days of receipt of the itemized statement of costs will result in interest charges.

4. Designated Project Coordinators.

The project coordinator for Ecology is:

Name: Dan Alexanian
Address: Southwest Regional Office
PO Box 47775
Olympia, WA 98504-7775

The project coordinator for Port of Vancouver is:

Name: Heidi Rosenberg
Address: PO Box 1180
Vancouver, WA 98666-1180

The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and Port of Vancouver, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order, shall be directed through the project coordinator(s). Should Ecology or Port of Vancouver change project coordinator(s), written notification shall be provided to Ecology or the Port of Vancouver at least ten (10) calendar days prior to the change.

5. Performance.

All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or similar expert, with appropriate training, experience and expertise in hazardous waste site investigation and cleanup. The Port of Vancouver shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying out the terms of this Order in advance of their involvement at the site. The Port of Vancouver shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order and shall ensure that all work undertaken by such agents, contractors and subcontractors will be in compliance with this Order.

Except where necessary to abate an emergency situation, the Port of Vancouver shall not perform any remedial actions at the former Fort Vancouver Plywood (FVP) leasehold site outside that required by this Order unless Ecology concurs, in writing, with such additional remedial actions.

WAC 173-340-400(7)(b)(i) requires that "construction" performed on the site must be under the supervision of a professional engineer registered in Washington.

6. Access

Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the site at all reasonable times for the purposes of, inter alia: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by the Port of Vancouver. By signing this Agreed Order, the Port of Vancouver agrees that this Order constitutes reasonable notice of access, and agrees to allow access to the site at all reasonable times for purposes of overseeing work performed under this Order. Ecology shall allow split or replicate samples to be taken by the Port of Vancouver during an inspection unless doing so interferes with Ecology's sampling. The Port of Vancouver shall allow split or replicate samples to be taken by Ecology and shall provide seven (7) days notice before any sampling activity.

7. Public Participation

The Port of Vancouver shall prepare and/or update a public participation plan for the site. Ecology shall maintain the responsibility for public participation at the site. The Port of Vancouver shall help coordinate and implement public participation for the site.

8. Retention of Records

The Port of Vancouver shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of the Port of Vancouver, the Port of Vancouver agrees to include in their contract with such contractors or agents a record retention requirement meeting the terms of this paragraph.

9. Dispute Resolution

The Port of Vancouver may request Ecology to resolve disputes which may arise during the implementation of this Order. Such request shall be in writing and directed to the signatory, or his/her successor(s), to this Order. Ecology resolution of the dispute shall be binding and final. The Port of Vancouver is not relieved of any requirement of this Order during the pendency of the dispute and remains responsible for timely compliance with the terms of the Order unless otherwise provided by Ecology in writing.

10. Reservation of Rights/No Settlement

This Agreed Order is not a settlement under ch 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any Ecology rights or authority. Ecology will not,

however, bring an action against the Port of Vancouver to recover remedial action costs paid to and received by Ecology under this Agreed Order. In addition, Ecology will not take additional enforcement actions against the Port of Vancouver to require those remedial actions required by this Agreed Order, provided the Port of Vancouver complies with this Agreed Order.

Ecology reserves the right, however, to require additional remedial actions at the site should it deem such actions necessary

Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the releases or threatened releases of hazardous substances from former the Fort Vancouver Plywood (FVP) facility

In the event Ecology determines that conditions at the site are creating or have the potential to create a danger to the health or welfare of the people on the site or in the surrounding area or to the environment, Ecology may order the Port of Vancouver to stop further implementation of this Order for such period of time as needed to abate the danger.

11. Transference of Property

No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the site shall be consummated by the Port of Vancouver without provision for continued implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to transfer of any legal or equitable interest the Port of Vancouver may have in the site or any portions thereof, the Port of Vancouver shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to finalization of any transfer, the Port of Vancouver shall notify Ecology of the contemplated transfer.

12. Compliance with Applicable Laws

A. All actions carried out by the Port of Vancouver pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in paragraph B of this section.

B Pursuant to RCW 70.105D.090(1), the substantive requirements of chapters 70.94, 70.95, 70.105, 75.20, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals for the remedial action under this Order that are known to be applicable at the time of issuance of the Order have been included in **Attachment B** and are binding and enforceable requirements of the Order.

The Port of Vancouver has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event the Port of Vancouver determines that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify Ecology of this determination. Ecology shall determine whether Ecology or the Port of Vancouver shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the Port of Vancouver

shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by the Port of Vancouver and how the Port of Vancouver must meet those requirements. Ecology shall inform the Port of Vancouver in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The Port of Vancouver shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

Ecology shall ensure that notice and opportunity for comment is provided to the public and appropriate agencies prior to establishing the substantive requirements under this section.

C. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency which is necessary for the state to administer any federal law, the exemption shall not apply and the Port of Vancouver shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

VI

SATISFACTION OF THIS ORDER

The provisions of this Order shall be deemed satisfied upon the Port of Vancouver's receipt of written notification from Ecology that the Port of Vancouver has completed the remedial activity required by this Order, as amended by any modifications, and that all other provisions of this Agreed Order have been complied with.

VII

ENFORCEMENT

I Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

- A. The Attorney General may bring an action to enforce this Order in a state or federal court.
- B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the site.

C. In the event the Port of Vancouver refuses, without sufficient cause, to comply with any term of this Order, the Port of Vancouver will be liable for:

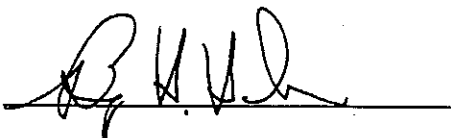
- (1) up to three times the amount of any costs incurred by the state of Washington as a result of its refusal to comply; and
- (2) Civil penalties of up to \$25,000 per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under Section 6 of ch. 70.105D RCW.

Effective date of this Order: 5-19-97

PORT OF VANCOUVER

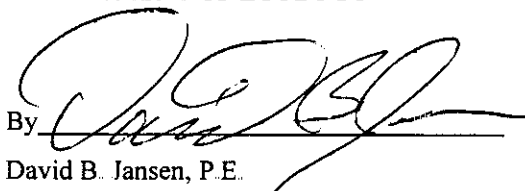
By



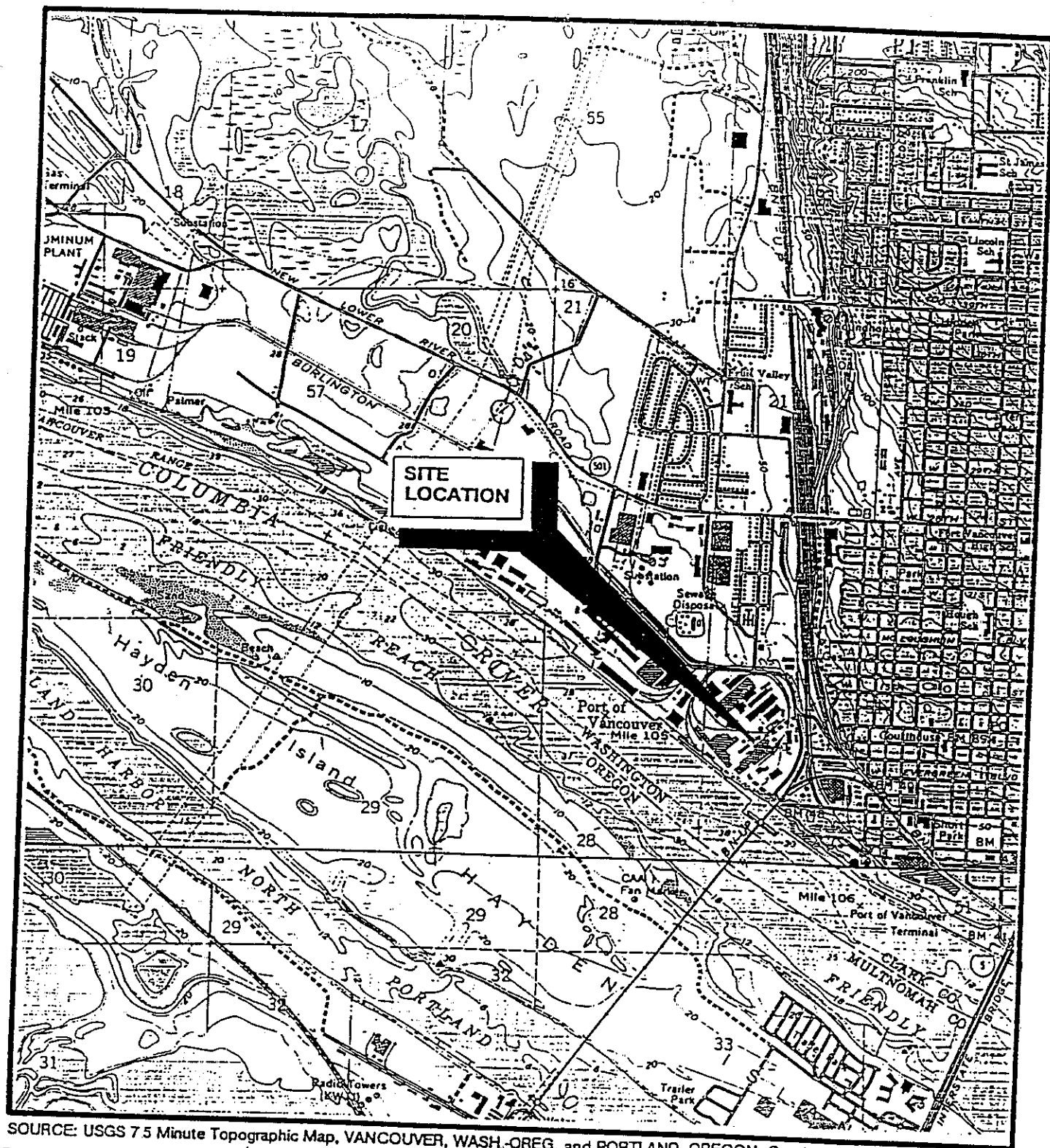
Byron H. Hanke
Executive Director,
Port of Vancouver, USA

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

By



David B. Jansen, P.E.
Section Manager
Toxics Cleanup Program
Southwest Regional Office



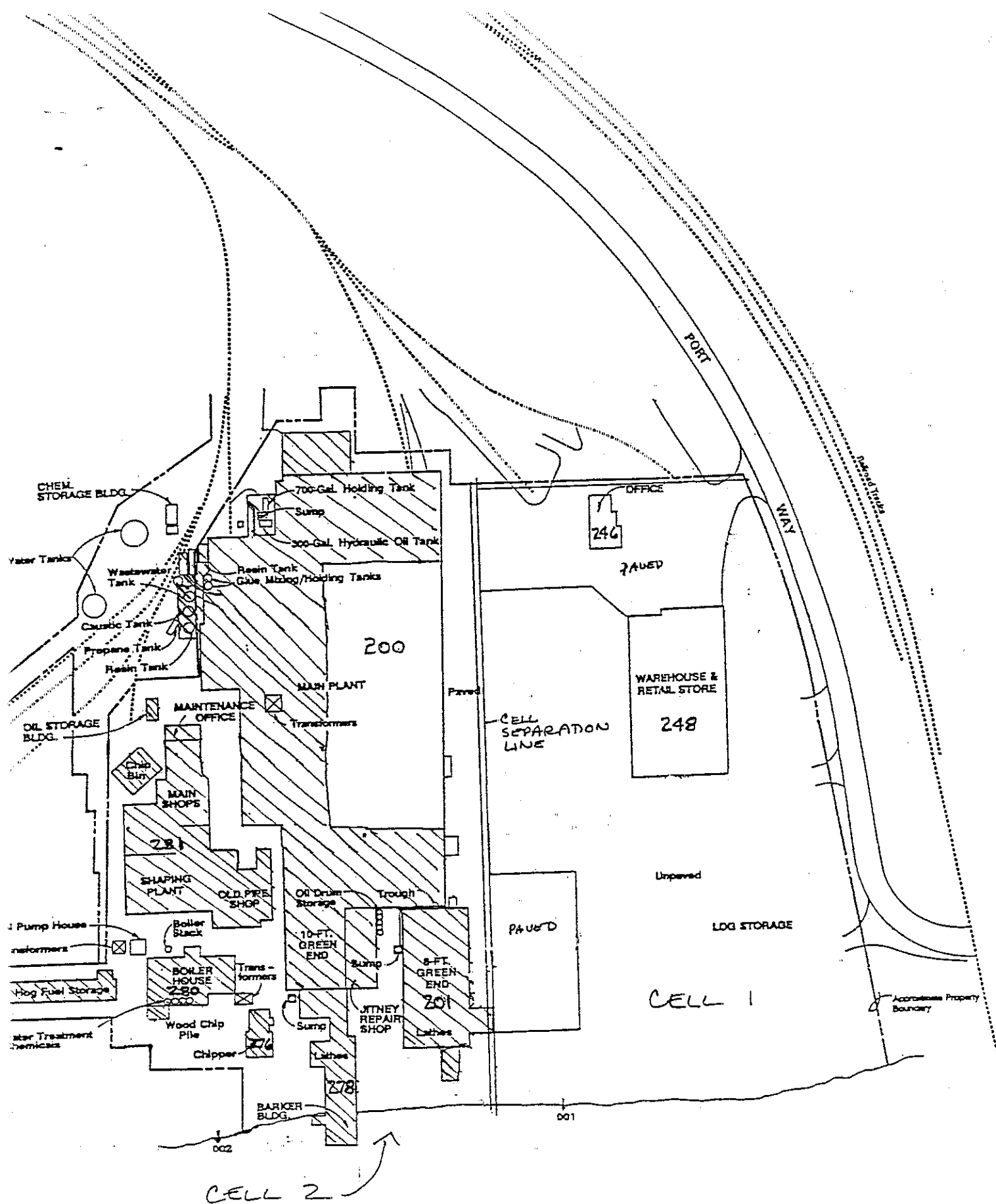
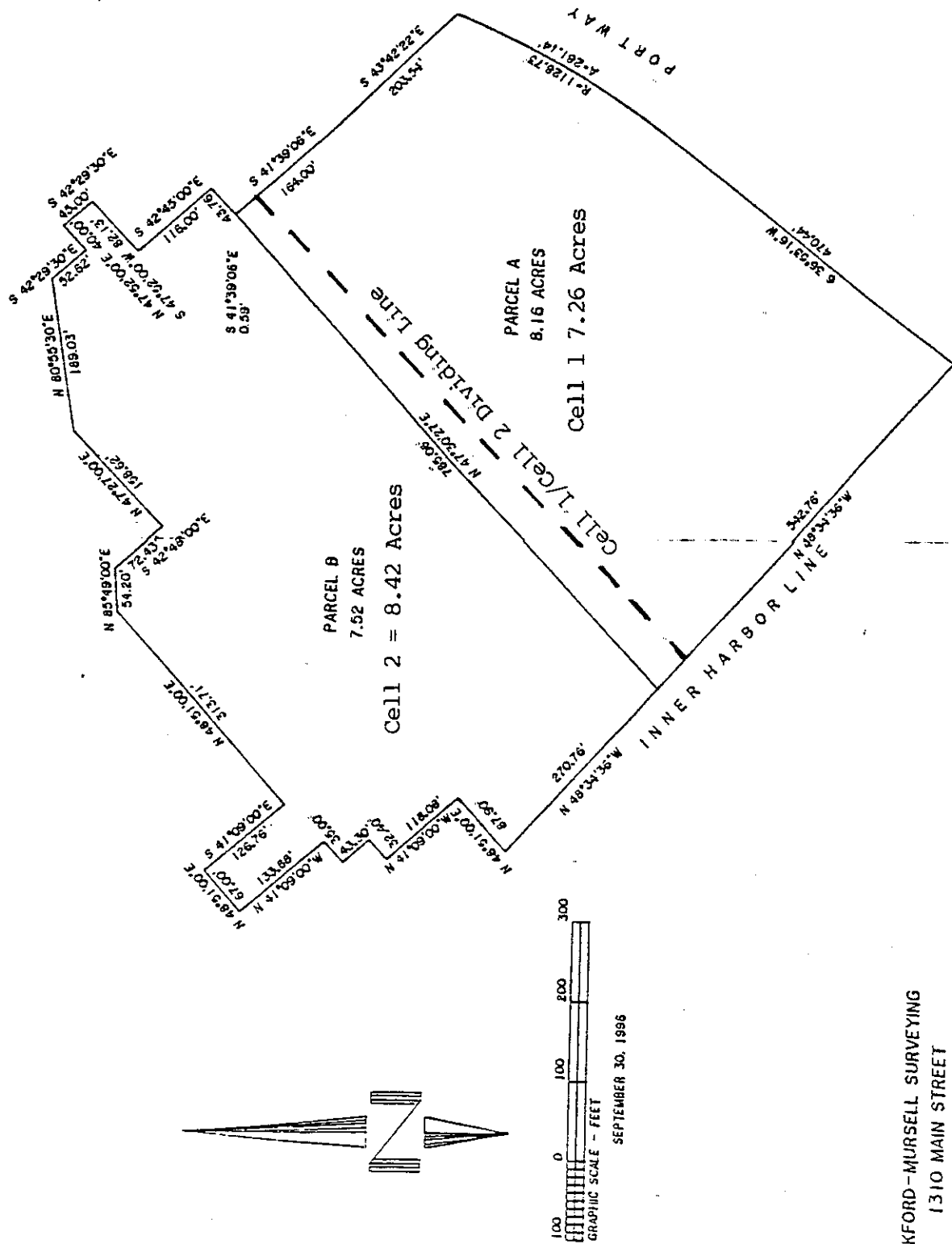


FIGURE 2

PORT OF VANCOUVER - FORT VANCOUVER PLYWOOD SITE
SECTION 28, TOWNSHIP 2 NORTH, RANGE 1 EAST, W.M.
CLARK COUNTY, WASHINGTON



BICKFORD-MURSELL SURVEYING
1310 MAIN STREET
VANCOUVER, WASHINGTON 98660
PHONE 360-693-1361
FAX 360-693-2041

FIGURE 3

**BICKFORD-
MURSELL
SURVEYING**

ATTACHMENT A

September 25, 1996
Job No. 1574



**PORT OF VANCOUVER
FT. VANCOUVER PLYWOOD SITE
PARCEL A
(EASTERLY PARCEL)**

CELL 1

BEGINNING at a point that is 434.09 feet South and 1267.72 feet East of the concrete monument in the West line of the Amos Short Donation Land Claim, said concrete monument being N00°44'45"E, 136.05 feet from the Southwest corner of said Claim, said monument being the point of origin for the Port of Vancouver and the City of Vancouver coordinate systems;

THENCE S41°39'06"E, 164.00 feet;

THENCE S43°42'22"E, 203.54 feet to the East right-of-way line of Port Way;

THENCE Southerly, along the arc of a 1128.75 foot radius curve, concave Westerly, through a central angle of 14°16'16", an arc distance of 281.14 feet (chord bears S29°44'57", 280.42 feet);

THENCE S36°53'16"W, 470.44 feet to the Inner Harbor Line;

THENCE N48°34'36"W, along said line, 542.76 feet;

THENCE N47°30'27"E, 785.06 feet to the point of beginning.

Containing 8.16 acres.

NOTE: CELL 1 REVISED TO EXCLUDE
A 50' WIDE BY 785' LONG STRIP ON
THE WEST SIDE OF THE ABOVE AREA
TO COMPRISE 7.26 ACRES.

(360) 693-1361
1310 MAIN STREET
VANCOUVER, WASHINGTON 98660

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ATTACHMENT B

Substantive requirements for complying with State and Local Permits

Permits pertinent to this action:

1. City of Vancouver Demolition Permit
2. City of Vancouver Grading Permit
3. State Hydraulic Project Approval, Washington Department of Fish and Wildlife (WDFW)
4. State Water Quality Standards Modification, Ecology
5. State NPDES Stormwater Baseline General Permit for Construction, Ecology
6. Southwest Washington Air Pollution Control Authority (SWAPCA), Asbestos Notification
7. Department of the Army, Portland District, Corps of Engineers, Piling Removal

Other regulations pertinent to this action:

8. State of Washington, Hazardous Waste Management, Ecology
9. Local Health Department - Solid Waste Regulations

1. City of Vancouver, Demolition Permit (Contact: Jon Wagner, 360- 696-8005)

- Any grading, excavation or filling activities associated with demolition shall be performed according to the Stormwater Pollution Prevention Plan (Erosion and Sediment Control Plan) required under the NPDES Baseline Stormwater Permit for Construction.
- An asbestos and lead paint survey of the site has been performed by a certified environmental consultant. All asbestos containing material in the buildings to be demolished must be removed according to all applicable regulations prior to demolition activities. This includes the contractor securing a permit from the Southwest Air Pollution Control Authority for asbestos removal. Contractor shall protect workers from lead exposure exceeding OSHA standards, and shall dispose of lead painted wood according to applicable regulations (composite lead painted wood sample TCLP results indicate that this material can be disposed as regular construction debris).
- The demolition of the Barker Building, including the removal of its supporting piling shall be performed according to the Corps of Engineers Letter of Authorization under Section 10 of the Clean Water Act.

2. City of Vancouver Grading Permit (Contact: Jon Wagner, 360-696-8005)

- Any grading, excavation or filling activities associated with demolition shall be performed according to the Stormwater Pollution Prevention Plan (Erosion and Sediment Control Plan) required under the NPDES Baseline Stormwater Permit for Construction.

3. State Hydraulic Project Approval (HPA), Washington State Department of Fish and Wildlife (Contact: Ken Mohoric, 360-576-6073)

- The Port shall secure an HPA for in water work and shall notify the Area Habitat Biologist by fax at 360-576-6072 or mail at least three (3) working days prior to the start of in water work activities. The notification shall include the Port's name, project location, starting date for work, and reference the HPA number. The Port shall comply with all requirements of the HPA.

4. State Water Quality Standards Modification, Ecology (Contact: Marilou Pivrotto, 360-407-6787)

- All in water work shall comply with the Corps of Engineers Section 10 Letter of Permission. The activities must comply with all conditions contained in the Washington Department of Fisheries/Wildlife Hydraulic Project Approval

- The contractor shall follow and implement all specifications for erosion and sediment control specified by the Port. Adjustments to planned erosion and sediment control may be necessary to successfully control off-site movement of material.
- Turbid water generated from demolition activities shall not be discharged directly to the Columbia River. If necessary, sediment traps shall be used to allow the turbid water to settle for a minimum of two hours before discharge.
- Proper erosion and sediment control practices shall be used on the demolition site and adjacent areas to prevent upland sediments from entering the river channel.
- All bank areas disturbed by the project demolition will be riprapped with clean durable riprap or given some other equivalent type of protection against erosion.
- All planned sediment and erosion control measures shall be adjusted to meet field conditions at the time of demolition.
- Periodic inspection and maintenance of all sediment control structures must be provided. Sediment control measures shall be in working condition at the end of each working day. After any significant rainfall, sediment control structures shall be inspected for integrity. Any damaged devices shall be repaired immediately.
- Work in or near the waterway shall be done so as to minimize turbidity, erosion, other water quality impacts, and river bed deformation.
- Properly dispose of all demolition debris on land in such a manner that it cannot enter into the river or cause water quality degradation to state waters.
- Extreme care shall be taken to prevent any petroleum products, fresh cement, lime, or concrete, chemicals, or other toxic or deleterious materials from entering the water in any manner. Demolition activities on the waterway will be boomed to prevent impacts to the river.
- Mobile equipment that enters the water shall be maintained such that a visible sheen from petroleum products will not appear. Any discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, is prohibited. All oil, fuel, or chemical storage tanks shall be diked and located on impervious surfaces so as to prevent spills from escaping to surface waters or ground waters of the state. Waste liquids shall be stored under cover, such as tarpaulins or roofs. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters. Proper security shall be maintained to prevent vandalism. In the event of a discharge of oil, fuel, or chemicals into state waters, or onto land with a potential for entry into state waters, containment and cleanup efforts shall begin immediately and be completed as soon as possible, taking precedence over normal work. Cleanup shall include proper disposal of any spilled material and used cleanup materials.
- Spills into state waters, spills onto land with a potential for entry into state waters, or other significant water quality impacts, shall be reported immediately to the Department of Ecology, Southwest Regional Office at (360) 407-6300 (24-hour phone number).
- If distressed or dead fish are noticed in the vicinity, the Port shall immediately notify the Department of Ecology, Southwest Regional Office at (360) 407-6300, and take immediate action to identify and eliminate toxic sources that are causing the problem. The Port is only responsible for eliminating sources where the Port or an agent of the Port has some responsibility.
- If at any time during the work the Port or an agent of the Port finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the Port shall immediately notify the Department of Ecology, Southwest Regional Office at (360) 407-6300 (24-hour phone number).
- The Port's Environmental Manager or her designated Environmental Consultant shall be on-site, or on-call and readily accessible to the site, at all times while demolition activities are occurring that may affect the quality of ground and surface waters of the state.
- Copies of this Order shall be kept on the job site and readily available for reference by Port personnel, the demolition superintendent, demolition managers and foremen, and state and local government inspectors.
- Five (5) days advance notification must be given by telephone to the Department of Ecology site manager (360-407-6249) before work in the waterway commences. Marilou Pivirotto, water quality inspector for Ecology, must be notified at (360) 407-6787 at least 24 hours prior to commencement of in water work.

5. **State NPDES Stormwater Baseline General Permit for Construction, Ecology (Contact: LoRee Randall, 360-407-6294)**
 - The Port shall comply with applicable special conditions S1 through S10 of the general permit for stormwater discharges associated with construction activities, including the preparation of a Stormwater Pollution Prevention Plan (SWPPP). The Port shall also comply with applicable general conditions G1 through G24 of the general permit.

6. **Southwest Washington Air Pollution Control Authority (SWAPCA) Notice of Intent to Remove or Encapsulate Asbestos (Contact: Jerry Bradford, 360-574-3058, ext. 28)**
 - The buildings slated for demolition have been surveyed for asbestos by an Asbestos Hazard Emergency Response Act (AHERA) certified building inspector. A summary of results of the asbestos survey are posted at the work site.
 - The Notice of Intent to Remove or Encapsulate Asbestos shall be completed, the appropriate fee shall be paid, and 10 working days advance notice shall be given to SWAPCA prior to asbestos removal activity. The inspector for the Port area is Jerry Bradford of SWAPCA at 360-574-3058, ext. 28.
 - A qualified asbestos contractor shall perform any asbestos removal activities and all applicable OSHA, AHERA, WSHA, and SWAPCA regulations shall be followed. Asbestos removal shall occur prior to building demolition.
 - Asbestos containing materials shall be disposed in accordance with all applicable regulations and in a landfill permitted to accept these materials

7. **Department of the Army, Portland District, Corps of Engineers; Permit Application ID No. 96-1869 Columbia River - Piling Removal (Contact: Robert Slusar, 503-326-6995)**
 - The Port of Vancouver is authorized in the permit to remove an estimated 100 to 150 piling from below the ordinary high water line as part of the demolition of the Barker Building.
 - The time limit for completing the work authorized in the permit ends on January 17, 2000.
 - The Port of Vancouver will comply with the General and Special Conditions attached to the permit.

8. **State of Washington, Hazardous Waste Management, Ecology (Contact: Lisa Rozmyn, 360-407-6343)**
 - The remedial action shall provide for management or disposal of dangerous wastes or hazardous wastes in a manner in compliance with regulations under Chapter 173-303-WAC. Wastes shall be designated and managed in compliance with the site Work Plans. Hazardous waste manifests shall be used to track the transfer and disposal of hazardous wastes.

9. **Local Health Department - Solid Waste Regulations (Contact: Gary Bickett, 360-696-8428)**
 - This project shall comply with Southwest Washington Health District provisions for acceptance of any soils to be disposed of at a landfill in the state of Washington, according to criteria developed for the specific facility
 - All reasonable efforts shall be made to recycle as much of the demolition material as possible