



May 15, 2002

Ms. Kim Ogle, RCRA Project Manager
United States EPA, Region 10
1200 Sixth Avenue
Seattle, WA 98101

Subject: **May 15, 2002 Progress Report**
J. H. Baxter Arlington Facility
Docket No. RCRA-10-2001-0086

Dear Ms. Ogle:

This letter provides the May 15, 2002 progress report for work completed under the Administrative Order on Consent (AOC) for the J. H. Baxter (Baxter) facility during the period April 15 to May 15, 2002.

Significant Developments This Period

This section discusses significant developments for the referenced reporting period, including actions performed and any problems encountered relative to work required by the Order. Significant developments that occurred on this project during this reporting period are outlined below:

- Baxter transmitted a letter to you dated April 15, 2002 outlining the discussions made during the March 27, 2002 meeting with the United States Environmental Protection Agency (EPA) and requested that the due date of the revised work plan be extended until May 17, 2002.
- On April 18, 2002, Baxter received a letter from EPA approving the May 17, 2002 submittal date for the revised work plan. In this letter, EPA also responded to our "general agreements in principal" as discussed in the April 15 letter concerning land use, sample station survey, and delineation of the Main Treatment Area. In addition, EPA approved an extension from 60 to 90 days for submittal of sampling results, and a due date of December 31, 2002 for the annual stand alone data document. EPA also rescinded comments 96, 98, and 99 in EPA's March 20, 2002 comments on the work plan.
- On April 24, 2002, Baxter received laboratory reports from the State Waste Discharge Permit (SWDP) lysimeter, carbon units, and untreated drain sampling event completed in April 2002. These data are currently being validated.

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WAP 053823019
JH Baxter - Arlington

- On April 25, 2002, we met with you and Cheryl Williams of EPA, and Jeanne Tran, Dean Yasuda, and John Drabek of Ecology to discuss a new approach for a final stormwater management system at the Baxter facility. Also in attendance were Baxter personnel from the Arlington facility, and staff from Premier Environmental Services (Premier). Baxter provided a letter outlining the new approach and conceptual drawings to Ecology and EPA on April 19, 2002.
- On April 26, 2002, Baxter and Premier staff met with Columbia Analytical Services in Kelso, Washington to discuss AOC activities and to determine if the current approved analytical procedures can adequately detect dioxin at the State discharge limits of 0.6 ppq toxic equivalent (TEQ).
- On May 6, Baxter transmitted to you the project organizational chart and resumes for the Baxter Team performing activities under the AOC.
- On May 7, 2002, Baxter received laboratory reports for the SWDP Permit Monitoring Well sampling event conducted in April 2002. These data are currently being validated.
- On May 9, Baxter conducted a review of Ecology's files on the Oeser Facility in Bellingham, Washington. The purpose of the review was to evaluate dioxin and furan data from the Oeser Facility. In addition, Baxter has requested a copy of the Draft Dioxin Study for the Oeser Facility from Ecology (currently in draft form and not available for review).
- On May 9, 2002, Baxter received comments from EPA on our the April 19, 2002 response to EPA's comments on the December 2001 Site Investigation Work Plan.
- The Baxter Team met via telephone and in person on numerous occasions to discuss and attempt to resolve discharge limit issues, discuss discharge alternatives for the proposed stormwater management system (see Anticipated Problems and Problem Resolution, below), and coordinate schedules with both the AOC and SWDP. In addition, Baxter has been interviewing contractors to design and build a stormwater treatment system and to conduct a biological assessment/hydrologic evaluation of the proposed surface water discharge ditch.

Anticipated Developments Next Period

This section discusses developments anticipated during the next reporting period.

- Baxter is revising the Site Investigation Work Plan in accordance with comments received from EPA. The revised Site Investigation Work Plan will be submitted to EPA on or before May 17, 2002.

- Baxter is preparing an amendment to the approved Excess Stormwater Management System Work Plan. The amendment will be submitted to EPA and Ecology during the next reporting period.
- Baxter is preparing revisions to the current SWDP to conform with the schedule of activities presented in the AOC. The proposed revisions to the SWDP will be submitted to EPA and Ecology during the next reporting period.
- Laboratory data from recent sampling events that are validated in accordance with the SWDP requirements will be summarized and forwarded to EPA with the next progress report.

Anticipated Problems and Problem Resolution

This section discusses anticipated problems, and planned resolution of past or anticipated problems.

- As discussed in the previous progress report, implementation of the Excess Stormwater Management Plan continues to be problematic. The operation of the Excess Stormwater Management System (ESMS) required a contained-out determination from Ecology to allow discharge of the treated water. The Ecology-issued contained-out determination included not only requirements for pentachlorophenol (PCP), which the system was designed to address, but also limits for dioxins no greater than 0.6 ppq toxic equivalents (TEQ). The ability of the treatment system in the ESMS to meet the state dioxin limits has been a significant obstacle in the implementation of the system. Baxter and its consultants have tried to identify technologies that would provide Baxter and Ecology with a sufficient comfort level that the standards could be consistently achieved. In literature searches regarding technologies for handling dioxins in water, we were unable to identify information that would demonstrate a successful pilot-scale or full-scale treatment of dioxins from similar conditions.

Baxter continues to work on potential solutions to the issue, and will continue to coordinate with EPA and Ecology to resolve these issues in a timely manner.

Other Information

Any other information relevant to the Order is discussed in this section, including results of any sampling or testing completed within the reporting period.

- No other information relevant to the Order was generated during the reporting period.

Certification

I certify that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to evaluate the information submitted. I certify that the information contained in or accompanying this submittal is true, accurate and complete. As to those identified portions(s) of this submittal for which I cannot personally verify the accuracy, I certify that this submittal and all attachments were prepared in accordance with procedures designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those directly responsible for gathering the information, or the immediate supervisor of such person(s), the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature: RueAnn Thomas

Name: RueAnn Thomas
Title: Environmental Programs Director
Date: May 15, 2002

We trust this letter meets the intent of the Progress Report per Paragraph 71 of the AOC. If you have any questions, please contact me at (541) 689-3801.

Sincerely,

RueAnn Thomas

RueAnn Thomas
Environmental Programs Director

cc: Jeanne Tran, Ecology
Dean Yasuda, Ecology
Georgia Baxter, J. H. Baxter & Co.
Mary Larson, J. H. Baxter & Co.
Sara Beth Watson, Steptoe and Johnson
J. Stephen Barnett, Premier Environmental Services, LLC.