

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Interim)
Remedial Action by:) AGREED ORDER
) No DE 93IC-S163
) Second Amendment
U.S.G Interiors, Inc)

To: Mr. Frank P. May, Director
Environmental and Manufacturing Services
U.S.G. Interiors
125 South Franklin Street
Chicago, IL 60606-4678

I.
AMENDMENT

Agreed Order No. DE 93IC-S163, dated March 1, 1994, as amended on August 10, 1995, is hereby amended to incorporate the information and requirements contained herein. This amendment does not replace or change the existing requirements of the agreed order, as amended, which shall remain in effect.

II.
BACKGROUND

Agreed Order No. DE 93IC-S163, dated March 1, 1994, obligated USG Interiors, Inc. (USGI) to conduct a phased remedial investigation of the USGI plant site at 2301 Taylor Way in Tacoma, Washington. The remedial investigation included installation of monitoring wells, groundwater sampling, assessment of groundwater flow direction and tidal influence, surface soil sampling, subsurface soil sampling, identification and sampling of seeps, a reconnaissance of the site's bank along the Hylebos Waterway, cleaning of the storm drainage system and sampling of the storm drainage system during both wet and dry weather. The results of the second phase of the remedial investigation were submitted to Ecology on February 23, 1995.

Ecology and USGI have agreed that interim actions at the site are necessary to control sources of pollution to Hylebos Waterway. The First Amendment to the Agreed Order obligated USGI to develop plans to conduct those interim actions. These interim actions are intended to stop the discharge of heavy metals from the site to the Hylebos Waterway, and do not necessarily constitute the final cleanup actions for the site. On February 2, 1996, USGI submitted a Final Work Plan for an interim action to remove a berm on the property which contains soils contaminated with arsenic, lead, and cadmium (See Exhibit A: Final Work Plan, Berm Evaluation and Disposal). A Final Source Control Plan for other interim actions, including a

bank investigation and cleanup, storm drainage system upgrade, site paving and grading, and confirmational monitoring was submitted to Ecology on February 12, 1996 (see Exhibit B, Final Source Control Plan - Interim Actions) Ecology has approved these plans, with certain modifications and clarifications as shown in the Amended Scope of Work section, below.

III AMENDED SCOPE OF WORK

It is hereby ordered that USGI conduct the interim actions as described in this amended scope of work. These activities are more fully described in the (1) Final Work Plan, Berm Evaluation and Disposal, and (2) Final Source Control Plan - Interim Actions.

1. Removal of the contaminated berm on the Site according to the Final Work Plan, Berm Evaluation and Disposal (Berm Plan). The removal action shall include the following clarifications and modifications to the berm plan:
 - a) USG shall submit the results of composite sampling of berm soils performed in February 1996, to Ecology before proceeding with excavation of berm soils.
 - b) Clarification to section 3.4, page 6: Characterization of soils for disposal purposes will be based on results of composite sampling of each of 35 segments of the berm as described on page 5. Segments where composite results are close to the MTCA Method A Industrial cleanup levels may require additional sampling. Compliance monitoring data from the berm footprint soil samples will be assessed in accordance with Ecology's Statistical Guidance for Ecology Site Managers.
 - c) Clarification to section 4.2.3, page 9: Contaminated soils will be loaded directly from the berm into vehicles for off-site disposal. There will be no stockpiles or staging areas as was proposed in earlier drafts of the Berm Plan.
 - d) Modification to section 4.1, p. 8: Soils containing metals exceeding the federal TCLP hazardous waste criteria shall be disposed of at Envirosafe Services of Idaho, in Grandview, Idaho, instead of Chemical Waste Management in Arlington, Oregon.
 - e) Clarification/correction to section 2, p. 4., 5th paragraph: This paragraph contains a statement that soils from the berm which contain metals below MTCA Method A Industrial Cleanup levels will remain on site. However, these soils are slated to be removed from the site. Section 4.1, p. 8, 1st bullet, contains the correct statement that "all soils between the most conservative cleanup levels (MTCA method A, residential soil cleanup levels) and MTCA method A industrial soil cleanup levels will be disposed of off-site as described in the next paragraph."
 - f) Clarification to section 3.4, p. 7: USG shall share confirmation sample results with Ecology as soon as they are available. If cleanup standards are not met, USG shall

discuss further actions with Ecology before proceeding with additional cleanup or investigation.

2. Public Review Requirements for Berm Plan. Due to changes in regulations regarding the Model Toxics Control Act, separate public review of the Berm Plan is no longer required.
3. Bank Investigation. USGI conducted a bank investigation according to the procedures specified in the approved Source Control Plan on February 29, 1996. USGI shall submit the analytical results from samples obtained during the bank investigation to Ecology by April 15, 1996.
4. Bank Cleanup. USGI shall clean up contaminants within and on top of the bank according to a plan which is to be approved by Ecology. For work to occur below the Mean Higher High Water line, a U.S. Army Corps of Engineers Nationwide Permit #38 may be required. This Nationwide Permit is in place to provide coverage under the Section 404 permit process for sites where an environmental cleanup is taking place through an order with a state or federal agency.

The plan for the bank cleanup shall include, at a minimum:

- a) Specifications for removing contaminated materials from within and on top of the bank. The excavation shall be conducted in such a way as to prevent contamination of tidal waters which permeate the bank, and of rainwater which flows through the bank soils. The Commencement Bay Nearshore/Tideflats sediment quality objectives shall be met for all soils which may be subject to erosion or otherwise discharging into the Hylebos Waterway. Due to Washington Department of Fish and Wildlife (WDFW) regulations, no bank excavation may occur between March 15 and June 15.
 - b) Methods to prevent erosion of contaminated materials to the Hylebos Waterway during excavation.
 - c) Specifications for stabilizing the waterway bank after excavation. Plans for stabilization shall meet all requirements of City of Tacoma shoreline regulations and of the WDFW hydraulic project regulations.
 - d) Description of how contaminated materials will be managed on site to prevent discharge to air, ground, and surface water.
 - e) Proposed disposal locations for contaminated materials.
 - f) Performance monitoring plan.
5. Regrading/Paving of Site. USGI agrees to regrade the berm area and pave the affected portion of the site from the edge of the existing paving to the Hylebos Waterway. Ecology has approved

the conceptual plan for this which is included in the Final Source Control Plan. The final specifications for site regrading and paving can be developed after the berm and bank cleanup are complete. Regrading and paving shall take place in such a way as to prevent sheet flow runoff from the site to the Hylebos Waterway. USGI shall submit final specifications for grading and paving the site to Ecology within 90 days of completing the bank and berm cleanups.

6. Stormwater Drainage System. USGI will replace the storm drain line located on the site as described on pages 18 and 19 of the Final Source Control Plan. Additional stormwater drainage structures will be added to accommodate flow from areas slated to be paved. Final design specifications for the storm drain system can be developed when the paving/grading plan is developed. Storm drainage plans shall comply with the guidance in the Stormwater Management manual for the Puget Sound Basin and any requirements of the City of Tacoma Stormwater Utility. Stormwater treatment features shall be included as needed to prevent contaminants from reaching the Hylebos Waterway. All stormwater work shall be coordinated with the needs and requirements of USGI's stormwater NPDES permit. Methods for management of waste products and raw materials to prevent pollution of stormwater will be included in USGI's Stormwater Pollution Prevention Plan, which is a requirement of the stormwater NPDES permit.
7. Confirmation/Performance Monitoring. USGI shall implement the confirmational monitoring program described on page 20 of the Final Source Control Plan. If existing site monitoring wells will be removed as part of the grading and paving, new well locations shall be approved by Ecology.
8. Schedule

a.	Begin removal of berm	Within 15 days of the signing the Agreed Order Amendment.
b.	Submit results from bank investigation	Previously submitted.
c.	Submit proposal for bank cleanup	Within 45 days of the signing of the Agreed Order Amendment.
d.	Begin bank cleanup	Within 30 days of receiving Ecology's approval on the cleanup proposal and after obtaining any necessary permits.
e.	Submit engineering plans and specifications for regrading, paving, and storm drainage system.	Within 90 days of completing berm and bank cleanup.

9. 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 Amendment that are known to be applicable at the time of issuance of the Amendment have been included in Exhibit C and are binding and enforceable requirements of the Order.

USGI has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the interim actions under this Amendment. In the event USGI determines that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the interim actions, it shall promptly notify Ecology of this determination.

10. Ecology shall act as lead agency for SEPA for the interim actions to be carried out under this amendment. USGI has agreed to provide SEPA checklists for the berm excavation and the other interim actions in a timely manner.

11. Due to changes to MTCA that took effect in July 1995, the following statutory citations are changed in Section III - Ecology Determinations:

Subsection 1: Change RCW 70.105D.020(7) to (11).

Subsection 3: Change RCW 70.105D.020(6) to (7).

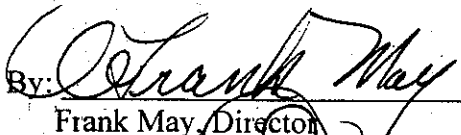
Subsection 4: Change RCW 70.105D.020(11) to (19).

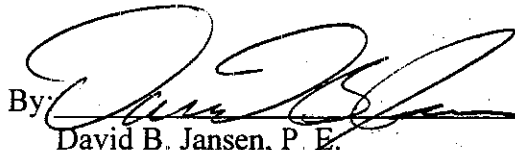
Effective Date of this Amendment: _____

5/13/1996

USG Interiors, Inc.

State of Washington
Department of Ecology

By: 
Frank May, Director
Corporate Environmental Services
USG Corporation

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

AGI

TECHNOLOGIES

**Final Work Plan
Berm Evaluation and Disposal
USG Interiors, Inc.
2301 Taylor Way
Tacoma, Washington**

February 2, 1996

Prepared For :

**USG Corporation
125 South Franklin Street
Post Office Box 6721
Chicago, Illinois 60606**



**Final Source Control Plan - Interim Actions
USG Interiors, Inc.
2301 Taylor Way
Tacoma, Washington**

February 12, 1996

Prepared For :

**USG Interiors, Inc.
2301 Taylor Way
Tacoma, Washington 98421**

AGI Project No. 14,937.316

USG INTERIORS, INC.

Exhibit C: Substantive requirements for complying with State and Local Permits

Permits pertinent to this action:

1. Tacoma Shoreline Regulations
2. Tacoma Grading and Excavation Regulations
3. State Hydraulic Project Approval
4. State Water Pollution Control Act
5. State Hazardous Waste Management Act
6. Puget Sound Air Pollution Control Agency
7. Local health Department - Solid Waste Regulations

Substantive requirements for state and local permits that have been identified as pertinent to this project and that shall be complied with in the process of completing the interim remedial action are described below:

1. City of Tacoma, Chapter 13.10, Shoreline Regulations

- Construction design shall include measures to minimize erosion during and after excavation and construction and for the replanting of any vegetated portion of the site which is disturbed from the remedial action.
- The construction of bulkheads shall be permitted only when they are necessary for protection to upland areas or facilities. Bulkheads shall not be permitted for the indirect purpose of creating land by filling behind the bulkhead.
- Bulkheads shall be constructed of concrete, wood, rock, riprap, or other suitable materials. The design and construction of such bulkheads shall, to the maximum extent feasible, preserve the natural characteristics of the shoreline, including beaches, and shall take into account habitat protection and aesthetics.
- Returned water from any dredge material disposed of on land shall meet all applicable water quality standards in accordance with applicable water quality regulations.
- Landfills shall be considered only where such construction can be integrated with the shoreline.
- Construction design for landfills shall address methods which will be used to minimize negative impacts to shellfish, fish, and wildlife habitat, feeding, reproduction, or migration areas.
- Construction design for landfills shall address methods which will be used to minimize physical damage such as alteration of local current, wave damage, water surface reduction,

navigation restriction, impediment to water flow and circulation, reduction of water quality, loss of public access, elimination of accretional beaches, erosion, and aesthetics.

- Site development shall include the capability to contain and clean up spills, discharges, or pollutants.

2. City of Tacoma, Chapter 70, Excavation and Grading

- Any grading, excavation, or filling to take place between October 1st and March 31st shall be performed according to a plan prepared by a licensed Civil or Geotechnical Engineer which specifically addresses the winter rain season and associated erosion problems.

3. Hydraulic Project Approval, Washington State Department of Fish and Wildlife, Chapter 220-110 WAC.

- Work below the ordinary high water mark (OHW) shall not occur from March 15 through June 14 of any years for the protection of migrating juvenile salmonids.
- Project activities below OHW shall not occur when the project area is inundated by tidal waters.
- Excavated materials shall not be stockpiled on the beach.
- All trenches, depressions, or holes created in the intertidal area shall be backfilled prior to inundation by tidal waters.
- All manmade debris on the beach at the project site shall be removed and disposed of upland such that it does not enter waters of the state.
- Use of equipment on the beach shall be prevented to the maximum extent practicable.
- Bed material waterward of the excavation area (approximately Mean Higher High Water, +11.8 ft) shall not be utilized for project construction or fill.
- Project activities shall be conducted to minimize siltation of beach areas and bed materials.
- If a fish kill occurs or fish are observed in distress, the project activity shall immediately cease and WDFW Habitat Program shall be notified immediately.
- Debris or deleterious material resulting from construction shall be removed from the beach area and project site and shall not be allowed to enter waters of the state. Water quality is not to be degraded to the detriment of fish life as a result of this project.

4. State of Washington, Chapter 90.48 RCW, Water Pollution Control

- Construction design and implementation shall include measures to prevent discharge into any of the waters of the state of any organic or inorganic matter that shall cause or tend to cause pollution of such waters according to the determination of Ecology.

5. State of Washington, Chapter 70.105 RCW, Hazardous Waste Management

- 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.

6. Puget Sound Air Pollution Control Agency

- Remedial action shall be conducted such that toxic air contaminant emissions will not result in the exceedence of acceptable source impact levels listed in Appendix A of the Puget Sound Air Pollution Control Authority, Regulation III, Appendix A.
- Remedial action shall be performed so as to not allow the emission of any air contaminants in violation of the visual standard established by Section 9.03 of Regulation I.
- Remedial action shall be performed so as to not allow the emission of particulate matter in violation of Section 9.04 or 9.09 of Regulation I.
- Remedial action shall be performed so as to not allow the emission of air contaminants in violation of Section 9.11 of Regulation I.
- Remedial action shall be performed so as to not allow the emission of fugitive dust in violation of Section 9.15 of Regulation I.
- Equipment utilized on-site for the remedial action shall be maintained in a manner so as not to be in violation of Section 9.20(b) of Regulation I.

7. Local Health Department - Solid Waste Disposal Authorization

- Comply with Local Health Department 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.