STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:	)	
	)	
J. H. Baxter & Co., a California	)	AGREED ORDER
Limited Partnership	)	
1700 South El Camino Real	)	
P. O. Box 5902	)	No. DE _____
San Mateo, CA 94402-0902	)	

TO: J. H. Baxter & Co.
Ms. Georgia Baxter
Executive Vice President
1700 South El Camino Real
P. O. Box 5902
San Mateo, CA 94402-0902

I.

Jurisdiction

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

II.

Findings of Fact

Ecology makes the following Findings of Fact, without admission of such facts by J. H. Baxter & Co.

1. J. H. Baxter & Co. is a privately owned company which produces telephone and power poles using a pressure treating process with roughly 5% pentachlorophenol in a base oil carrier at their facility located at 6520 - 188th Street NE in Arlington, Snohomish County, Washington. This facility encompasses approximately 52 acres, 17 of which are used for pole treatment operations, 28 for untreated pole storage and pole peeling, and 7 acres of a closed landfill containing untreated wood waste.

2. J. H. Baxter & Company has owned and operated the wood treating facility in Arlington since 1971. The site was previously operated as a pole treatment plant. The plant was built by Ted Butcher, Inc. in the 1960's and operated until 1970. Prior to that time, the land was used for agriculture.

3. Pentachlorophenol spills at the Baxter-Arlington site occurred in 1981, 1989, and 1990. The reported volumes of pentachlorophenol spilled were 1,400, 200, and 2,000, gallons for those years, respectively.

4. J. H. Baxter & Co. submitted a Dioxin and Furan Study on April 6, 1998 as required by their NPDES permit. Eight separate stormwater samples from two storm events and two samples of the pentachlorophenol treating solution were analyzed for the study. High levels of dioxins and furans were found in each sample. The stormwater also contains very high levels of pentachlorophenol. The detected concentrations of pentachlorophenol in stormwater ranges from 26 to 13,568 ppb (in term of toxic equivalency).

5. Ground water at the site appears to have been impacted by historic wood preserving practices and spills at the site. The concentration of pentachlorophenol in ground water monitoring wells range from 1 to 480 ppb.

6. Storm water from the site infiltrates into the ground via french drains and direct infiltration. Soils beneath the site may contain elevated levels of the chemicals of concern, although the horizontal and vertical extent of impacted soils is not known.

7. The ground water tested at a monitoring well located in the northwest corner of the facility has had pentachlorophenol concentrations ranging from 70 to 150 ppb. A domestic drinking water well of the adjoining Airway Mobile Home Park was decommissioned by J. H. Baxter in 1992. J. H. Baxter did this in good faith so any potential contamination that exists in the ground water would not be pulled off-site by continued use of the well.

8. It is not known whether or not any contaminated ground water has migrated beyond the boundaries of the J. H. Baxter & Co. facility in Arlington.

III.

Ecology Determinations

1. The J. H. Baxter & Co. is an owner or operator as defined at RCW 70.105D.020(12) of a "facility" as defined in RCW 70.105D.020(4). The J. H. Baxter & Co. also owned, possessed or generated hazardous wastes disposed of at a “facility” as provided in RCW 70105d.040(1)(c).

2. The facility is known as J. H. Baxter Wood Preserving and is located at 6520 - 188th Street NE in Arlington, Washington 98223.

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 the Department, there is a release or threatened release of hazardous substances from the facility, as defined at RCW 70.105D.020(20).

5. By a letter of December 14, 1998, J. H. Baxter & Co. voluntarily waived its rights to notice and comment and accepted Ecology's determination that J. H. Baxter & Co. is a "potentially liable person" under RCW 70.105D.040.

6. Pursuant to RCW 70.105D.030(l) and 70.105D.050, the Department 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 remedial action required by this Order is in the public interest.

IV.

Work to be Performed

Based on the foregoing Facts and Determinations, it is hereby ordered that J. H. Baxter & Co. take the following remedial actions and that these actions be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein.

1. Implement a Remedial Investigation and Feasibility Study (RI/FS) to investigate the nature and extent of soil and ground water contamination at the Baxter Arlington site and identify remedial alternatives.

2. The scope of work and schedule are specified in Attachment (1). Baxter agrees to compress the time frames in the schedule where possible.

3. As described in Attachment (1) the work to be performed for this order is MTCA Action Items:

(1) Work Plan

(2) Field investigations

(3) Interim report

(4) Supplemental field investigation

(5) RI/FS report

(6) Cleanup action plan

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 70.105D.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

J. H. Baxter & Co. 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). J. H. Baxter & Co. 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 coordinators for Ecology are:

Name: Ching-Pi Wang for implementation of MTCA action and this agreed order and Jeanne Tran for implementation of the water quality permit for the site.

Address: Washington Department of Ecology
3190 - 160th Avenue SE
Bellevue, WA 98004

Telephone and email: Ching-Pi Wang: (425) 649-7134; cwan461@ecy.wa.gov
Jean Tran: (425) 649-7078; jtra461@ecy.wa.gov

The project coordinator for J. H. Baxter & Co. is:

Name: Georgia B. Baxter

Address: P. O. Box 5902, 1700 South El Camino Real, San Mateo, CA 94402

Telephone and email: (650) 349-0201; gbaxter@jhbaxter.com

The project coordinators shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and the J. H. Baxter & Co., 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 coordinators. Should Ecology or J. H. Baxter & Co. change project coordinators, written notification shall be provided to Ecology or J. H. Baxter & Co. 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 J. H. Baxter & Co. 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. J. H. Baxter & Co. 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, J. H. Baxter & Co. shall not perform any remedial actions at the J. H. Baxter facility in Arlington 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 J. H. Baxter & Co. By signing this Agreed Order, J. H. Baxter & Co. 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 J. H. Baxter & Co. during an inspection. J. H. Baxter & Co. shall allow split or replicate samples to he taken by Ecology and shall provide seven (7) days notice before any sampling activity.

7. Public Participation

J. H. Baxter & Co. shall prepare and/or update a public participation plan for the site. Ecology shall maintain the responsibility for public participation at the site. J. H. Baxter & Co. shall help coordinate and implement public participation for the site.

8. Retention of Records

J. H. Baxter & Co. 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 J. H. Baxter & Co., then J. H. Baxter & Co. agrees to include in their contract with such contractors or agents a record retention requirement meeting the terms of this paragraph.

9. Dispute Resolution

J. H. Baxter & Co. 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. J. H. Baxter & Co. 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 Riqhts/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 J. H. Baxter & Co. 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 J. H. Baxter & Co. to require those remedial actions required by this Agreed Order, provided J. H. Baxter & Co. 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 J. H. Baxter facility in Arlington.

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 J. H. Baxter & Co. to stop further implementation of this Order for such period of time as needed to abate the danger.

11. Transference of Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by J. H. Baxter & Co. 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 any voluntary or involuntary transfer of any legal or equitable interest, J. H. Baxter & Co. may have in the site or any portions thereof, J. H. Baxter & Co. 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, J. H. Baxter & Co. shall notify Ecology of the contemplated transfer.

12. Compliance with Other Applicable Laws

A. All actions carried out by J. H. Baxter & Co. 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(l), 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 Section IV, the Work to be Performed and Attachment (1) are binding and enforceable requirements of the Order.

J. H. Baxter & Co. has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(l) would otherwise be required for the remedial action under this Order. In the event J. H. Baxter & Co. determines that

additional permits or approvals addressed in RCW 70.105D.090(l) 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 J. H. Baxter & Co. shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, J. H. Baxter & Co. 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 J. H. Baxter & Co. and on how J. H. Baxter & Co. must meet those requirements. Ecology shall inform J. H. Baxter & Co. in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. J. H. Baxter & Co. 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(l) 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 J. H. Baxter & Co. shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(l), including any requirements to obtain permits.

VI.

Satisfaction of this Order

The provisions of this Order shall be deemed satisfied upon J. H. Baxter & Co.'s receipt of written notification from Ecology that J. H. Baxter & Co. 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

1. Pursuant to RCW 70.105D.060, 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 J. H. Baxter & Co. refuses, without sufficient cause, to comply with any term of this Order, J. H. Baxter & Co. 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: June_____, 1999

J.H. BAXTER & Co.

By_____
Georgia B. Baxter
Executive Vice President

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

By _____
Steve Alexander, Section Head
Northwest Regional Office
Toxics Cleanup Program

WORK TO BE PERFORMED

RI/FS Task 1: Work Plan

A streamlined work plan will be prepared for a focused Remedial Investigation/Feasibility Study (RI/FS). Existing data will be analyzed to develop a conceptual model for the occurrence of PCP in the groundwater system and the potential for dioxin to occur. Surface soils in the pole treating and treated pole storage areas may be a contributor to the observed groundwater contamination and paving will be considered a presumptive remedy for addressing this concern. It is also possible that past spills or other releases have occurred which may contribute to groundwater quality impacts via subsurface pathways. The work plan will focus on investigation of the subsurface soil quality to identify these other potential contributors so that the effectiveness of paving as a remedial alternative can be evaluated along with other subsurface source remedial technologies.

The work plan will begin with a comprehensive analysis of the existing data, particularly historic use information and existing groundwater data. These analyses will be used to focus subsurface investigation in areas where historic practices suggest potential for contaminant releases. The existing groundwater data will be used to define the range in anticipated groundwater flow conditions within and away from areas of known groundwater contamination, and assist in assessing off-site groundwater migration. The work plan will be reviewed and approved by Ecology.

RI/FS Task 2: Field Investigation

Site characterization activities will be focused within the treatment area and on assessment of the groundwater plume. The work plan will form the basis for the field investigation.

RI/FS Task 3: Interim Report

The field investigation data will be compiled and evaluated. At this time, it is possible that a need for supplemental data will be identified, particularly for a better evaluation of potential remedial alternatives. Recommendations for any additional investigation will be made in a brief interim report describing the proposed investigation and rationale for the additional data collection. This additional work will be reviewed and approved by Ecology.

RI/FS Task 4: Supplemental Field Investigation

Additional investigations will be conducted if necessary to address data gaps. The potential scope of such investigations can not be defined at this time but will likely be focused on remedial alternative analysis.

RI/FS Task 5: RI/FS Report

Preparation of the focused RI/FS report will get underway once the supplemental field investigations (if necessary) are completed. The RI/FS will discuss the nature and extent of contamination at the site as well as appropriate remedial options.

RI/FS Task 6: Cleanup Action Plan (CAP)

Preparation of a CAP would begin following Ecology approval of the RI/FS. If remedial actions are required, the design work could be completed during this period so that it is coordinated with the stormwater improvements.

SCHEDULE

The schedule for the conduct of these tasks is attached hereto and incorporated by this reference.

Exhibit A
Schedule of Deliverables
Remedial Investigation/Feasibility Study/Cleanup Action Plan

DELIVERABLE	DUE DATE
Draft Work Plan	No later than 30 days after Agreed Order effective date
Final Work Plan	30 days after resolution of Ecology comments on Draft Work Plan
Implement Remedial Investigation (RI) work activities	90 days following approval of Final Work Plan
Submit Interim Report on RI	60 days after completion of field and lab analyses but no later than December 10, 1999
Conduct Supplemental Field Studies as needed	90 days following approval of supplemental investigation studies identified in Interim Report
Draft RI/FS Report	60 days following completion of additional field and laboratory analyses but no later than July 28, 2000
Final RI/FS Report	45 days following resolution of Ecology comments on RI/FS report
Draft Cleanup Action Plan	75 days following completion of the Final RI/FS report
Draft Final Cleanup Action Plan	45 days following resolution of Ecology comments on Draft Cleanup Plan
Final Cleanup Action Plan	60 days following public comment period

Issuance Date: June 30, 1999
Effective Date: July 1, 1999
Expiration Date: June 30, 2004

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM
WASTE DISCHARGE PERMIT No. WA-003142-9

State of Washington
DEPARTMENT OF ECOLOGY
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, WA 98008-5452

In compliance with the provisions of
The State of Washington Water Pollution Control Law
Chapter 90.48 Revised Code of Washington
and
The Federal Water Pollution Control Act
(The Clean Water Act)
Title 33 United States Code, Section 1251 et seq.
authorizes

J.H. BAXTER & COMPANY

P.O. Box 5902

San Mateo, CA 94402-0902

Facility Location: 6520 188th Street NE Arlington, WA 98223 Snohomish County Snohomish WQMA	Receiving Water Stormwater Discharges to Ground via Infiltration
Industry Type: Pressure Wood Treating	Discharge Location Latitude: 48° 10' 00" N Longitude: 122° 08' 45" W

to discharge wastewater in accordance with the special and general conditions that follow.

John H. Glynn
Water Quality Section Manager
Northwest Regional Office
Washington State Department of Ecology

TABLE OF CONTENTS

GENERAL CONDITIONS

SUMMARY OF PERMIT REPORT SUBMITTALS

Refer to the Special and General Conditions of this permit for additional submittal requirements.

Permit Section	First Submittal	Frequency	Submittal Date
S2.	Discharge Monitoring Report	Quarterly	December 30, 1999
S4.	Solid Waste Control Plan Update	Once/permit cycle	180 days prior to the expiration date of the permit
S5.	Spill Control Plan Update	Once/permit cycle	On or before June 30, 1999
S6.	Compliance Schedule		
	A. French Drain Filtration Treatment Units (GAC insert) Engineering Report	Once/permit cycle	July 1, 1999
	B. Final Engineering Report	Once/permit cycle	March 1, 2002
S7.	Installation of New Monitoring Well Report	As needed	Within 30 days after well construction
S9.	Stormwater Pollution Prevention Plan Update	Once/permit cycle	On or before June 30, 1999
G17.	Permit Reapplication	Once/permit cycle	180 days prior to the expiration date of the permit

SPECIAL CONDITIONS

S1. EFFLUENT LIMITATIONS

All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this permit. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this permit shall constitute a violation of the terms and conditions of this permit.

A. Process Wastewater

Beginning on the effective date of this permit and lasting through the expiration date, discharge of untreated process wastewater to waters of the state is prohibited. Process wastewater is defined as: all wastewater generated as a result of conditioning wood prior to or during the treatment process; any wastewater generated as a result of preservative formulation, recovery or regeneration; any wastewater generated as a result of process area cleaning operations including, but not limited to, wastewater from the drip pad, retort and tank farm maintenance operations; vehicle wash water, and any stormwater associated with the process area including the tank farm, retort, drip pad and any area across which treated product is moved or stored prior to its having ceased dripping.

B. Treated Product Storage Area Stormwater

The compliance point shall be after treatment prior to infiltration.

1. Interim Effluent Limitations

Beginning on the effective date of this permit and lasting through August 31, 2002, the Permittee is authorized to discharge treated stormwater to ground via infiltration at the treated wood storage area (FD # 13, 14, 23, 24, and 25, as depicted on Figure 2) subject to meeting the following limitations:

INTERIM EFFLUENT LIMITATIONS: FRENCH DRAINS # 13, 14, 23, 24, and 25	
Parameter	**Maximum Daily[a]**
Oil and Grease	10 ppm (mg/L)
Pentachlorophenol (PCP)	215 ppb
pH	Between 6.5 and 8.5 standard units
[a]The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. The daily discharge is the average measurement of the pollutant over the day.	

2. Final Effluent Limitations

Beginning September 1, 2002, and lasting through the expiration date, the Permittee is authorized to discharge treated stormwater runoff to ground via infiltration at the permitted location subject to meeting the following limitations:

FINAL EFFLUENT LIMITATIONS: FRENCH DRAIN # 13, 14, 23, 24, and 25	
Parameter	Maximum Daily[a]
Oil and Grease	10 ppm (mg/L)
Pentachlorophenol (PCP)	1 ppb
Dioxin/Furan (TEQ[b])	0.6 ppq (or 0. 0000006 ppb)
pH	Between 6.5 and 8.5 standard units

[a]The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. The daily discharge is the average measurement of the pollutant over the day.

[b]The effluent limitation for Dioxin/Furan is expressed in terms of toxicity equivalence (TEQ) for 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin (TCDD). Total 2, 3, 7, 8-TCDD toxicity equivalents shall be reported by using the International Toxicity Equivalency Factors (ITEF) (USEPA, 1989). See Attachment 1 for table of ITEF values and Attachment 2 for an example of TEQ calculation. The analytical method for dioxin and furan shall be EPA Method 1613. The calculated total 2,3,7,8-TCDD toxicity equivalents shall not exceed the effluent limit of 0.6 ppq. The minimum quantitation level for each specific congener is listed on attachment 3. If the measured effluent concentration for an individual congener is below its minimum quantitation level, the Permittee shall apply "0" for that congener in determining its toxicity equivalent for 2,3,7,8-TCDD. The analyses shall be conducted in accordance with protocols, monitoring requirements, and QA/QC procedures specified in Special Condition S8 of the permit.

C. Untreated (White) Wood Storage Area Stormwater

The compliance point shall be after treatment prior to infiltration.

1. Interim Effluent Limitations

Beginning on the effective date of this permit and lasting through August 31, 2002, the Permittee is authorized to discharge stormwater runoff to groundwater via infiltration at the untreated wood storage area (FD # 1 through 12, and 16 through 22, as depicted on Figure 2) subject to meeting the following limitations:

INTERIM EFFLUENT LIMITATIONS: FRENCH DRAIN # 1 through 12, and 16 through 22[a]	
Parameter	**Maximum Daily[b]**
Oil and Grease	10 ppm (mg/L)
Pentachlorophenol (PCP)	215 ppb
pH	Between 6.5 and 8.5 standard units
[a]Samples from french drains (FD) # 1 through 6 may be composited into one sample. Samples from FD # 7 through 12 may be composited into one sample. Samples from FD # 19, 20 and 21 may be composited into one sample. Samples from FD # 17 and 18 may be composited into one sample. Samples from FD numbered 16 and 22 shall be analyzed separately. Each composite sample shall be composed of an equal volume from each french drain. Each sample shall be required to meet the effluent limitations as listed above.	
[b]The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. The daily discharge is the average measurement of the pollutant over the day.	

2. Final Effluent Limitations

Beginning September 1, 2002, and lasting through the expiration date, the Permittee is authorized to discharge stormwater runoff to ground water via infiltration at the untreated wood storage (FD # 1 through 12, and 16 through 22, as depicted on Figure 2) area subject to meeting the following limitations:

FINAL EFFLUENT LIMITATIONS: FRENCH DRAIN # 1 through 12, and 16 through 22[a]	
Parameter	Maximum Daily[b]
Oil and Grease	10 ppm (mg/L)
Pentachlorophenol (PCP)	1 ppb
Dioxin/Furan (TEQ)[c]	0.6 ppq (or 0.0000006 µg/L)
PH	Between 6.5 and 8.5 standard units
[a]Samples from FD # 1 through 6 may be composited into one sample. Samples from FD # 7 through 12 may be composited into one sample. Samples from FD # 19, 20 and 21 may be composited into one sample. Samples from FD # 17 and 18 may be composited into one sample. Samples from FD numbered 16 and 22 shall be analyzed separately. Each composite sample shall be composed of an equal volume from each french drain. Each sample shall be required to meet the effluent limitations as listed above.	
[b]The maximum daily effluent limitation is defined as the highest allowable daily discharge. The daily discharge means the discharge of a pollutant measured during a calendar day. The daily discharge is the average measurement of the pollutant over the day.	

[c]The effluent limitation for Dioxin/Furan is expressed in term of toxicity equivalence (TEQ). Total 2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin (TCDD) toxicity equivalents shall be reported by using the International Toxicity Equivalency Factors (ITEF) (USEPA, 1989). See Attachment 1 for table of ITEF values and Attachment 2 for an example of TEQ calculation. The analytical method for dioxin and furan shall be EPA Method 1613. The calculated total 2,3,7,8-TCDD toxicity equivalents shall not exceed the effluent limit of 0.6 ppq. The minimum quantitation level for each specific congener is listed on Attachment 3. If the measured effluent concentration for an individual congener is below its minimum quantitation level, the Permittee shall apply "0" for that congener in determining its toxicity equivalent for 2,3,7,8-TCDD. The analyses shall be conducted in accordance with protocols, monitoring requirements, and QA/QC procedures specified in Special Condition S8 of the permit.

S2. MONITORING REQUIREMENT

The Permittee shall monitor the wastewater according to the following schedules:

A. Monitoring Schedule for the Treated Product Storage Areas, Parcel A
(September through May)

Stormwater samples collected from the FD numbered 13, 14, 23, 24, and 25 shall be analyzed and reported separately for the following parameters:

Parameters	Frequency[1]	Type[2]
Flow[3]	Once per 2 months	Grab
Oil and Grease	Once per 2 months	Grab
Total Suspended Solids (TSS)	Once per 2 months	Grab
Pentachlorophenol (PCP)[5]	Once per 2 months	Grab
Dioxin/Furan[6]	Once per 2 months	Grab
pH	Once per 2 months	Grab

[1]The sampling frequency for treated product storage area stormwater shall be once every 2 months for the months of September through May (5 samples per year per discharge point). All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 48 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first 60 minutes of discharge. If the collection of a grab sample is impractical within the first 60 minutes of a rainfall event, a grab sample can be taken during the first two hours of discharge, and the Permittee shall submit with the monitoring report a description of why a grab sample was not possible during the first hour. If the Permittee is unable to collect a sample due to insufficient rainfall or due to adverse climatic conditions, the Permittee shall submit in lieu of sampling data an explanation of why samples were not collected. Adverse climatic conditions, which may prohibit the collection of samples, include weather conditions that create dangerous conditions for personnel or otherwise make collection of a sample impracticable.
[2]A grab sample is an individual discrete sample.
[3]Total <u>flow</u> shall be estimated for each storm event sampled based upon rainfall measurements or estimates, stormwater collection area and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40%), medium (40-65%), or high (above 65%)].
[5]PCP shall be quantified using Test Method 8270 modified for Selected Iron Monitoring (SIM) or EPA Method 3580B/8151 modified. The method detection limit of the variation used shall be no greater than 0.5 µg/L.
[6]Dioxin and Furan shall be reported in total 2,3,7,8-TCDD toxicity equivalents using ITEF as listed in attachment 3. If the measured effluent concentration for an individual congener is below its minimum quantitation level, the Permittee shall apply "0" for that congener in determining its toxicity equivalent for 2,3,7,8-TCDD. The analyses shall be conducted in accordance with protocols, monitoring requirements, and QA/QC procedures specified in Special Condition S8 of the permit.

B. <u>Monitoring Schedule for the Untreated Product Storage Areas, Parcel B</u>
(September through May)

Stormwater samples collected from FD numbered 16 and 22 shall be analyzed and reported separately. Samples collected from FD 17 and 18 may be composited into one sample; samples from FD No. 19, 20 and 21 may be composited into one sample; samples from FD No. 1 through 6 may be composited into one sample; samples from FD No. 7 through 12 may be composited into one sample, analyzed and reported separately. Equal volume grab samples from each french drain (as identified above) shall be used to make-up the composite sample. If PCP is detected in this untreated wood area stormwater, then additional monitoring wells or a different monitoring well network may be required.

Parameters	Frequency[4]	Type[2]
Flow[1]	Once per 3 months	Grab
Oil and Grease	Once per 3 months	Grab
Total Suspended Solids (TSS)	Once per 3 months	Grab
Pentachlorophenol (PCP)[5]	Once per 3 months	Grab
Dioxin/Furan	Once per 3 months	Grab
pH	Once per 3 months	Grab

[1]Total flow shall be estimated for each storm event sampled based upon rainfall measurements or estimates, stormwater collection area and an estimate of the runoff coefficient of the drainage area [e.g., low (under 40%), medium (40-65%), or high (above 65%)].

[3]PCP shall be quantified using Test Method 8270 modified for Selected Iron Monitoring (SIM) or EPA Method 3580B/8151 modified. The method detection limit of the variation used shall be no greater than 0.5 μg/L.

[4]The sampling frequency for untreated product (white wood) storage area stormwater shall be twice a year, one at the beginning (September) and one at the end (May) of a wet season. All samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 48 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first 60 minutes of discharge. If the collection of a grab sample is impractical within the first 60 minutes of a rainfall event, a grab sample can be taken during the first two hours of discharge, and the Permittee shall submit with the monitoring report a description of why collection of a grab sample was not possible during the first hour.

If the Permittee is unable to collect a sample due to insufficient rainfall or due to adverse climatic conditions, the Permittee shall submit in lieu of sampling data an explanation of why samples were not collected. Adverse climatic conditions which may prohibit the collection of samples include weather conditions that create dangerous conditions for personnel or otherwise make collection of a sample impracticable.

[5]A grab sample is an individual discrete sample.

[6]Dioxin and Furan shall be reported in total 2,3,7,8-TCDD toxicity equivalents using ITEF as listed in attachment 3. If the measured effluent concentration for an individual congener is below its minimum quantitation level, the Permittee shall apply "0" for that congener in determining its toxicity equivalent for 2,3,7,8-TCDD. The analyses shall be conducted in accordance with protocols, monitoring requirements, and QA/QC procedures specified in Special Condition S8 of the permit.

C. Ground Water Monitoring

Ground water monitoring shall be conducted in compliance with the following requirements. Ground water at each of the eight existing monitoring wells, BXS1 to 4 and MW1 to 3 and the upgradient well, MW-4 shall be sampled, analyzed and reported separately. The wells are depicted on Figure 2.

1. Field Monitoring[1]

Test	Method	Frequency	Type
pH	EPA 150.1	biannually	Grab
Conductivity	EPA 120.1	biannually	Grab
Water Level	N/A	biannually	Grab
Temperature	N/A	biannually	Grab
Redox Potential (eH)	N/A	biannually	Grab
Dissolved Oxygen (DO)	N/A	biannually	Grab

[1]Field monitoring sampling procedures shall be consistent with the EPA/600/2-85/104, Practical Guide for Ground Water Sampling, September 1985; or NWWA/EPA Series, RCRA Ground Water Monitoring Technical Enforcement Guide Document, September 1986; or the Permittee may submit a water sampling methods plan to the Department prior to the commencement of sampling.

2. Laboratory Analysis

Tests	Method	Frequency	Type
Calcium (d)	EPA 200.7	biannually	Grab
Magnesium (d)	EPA 200.7	biannually	Grab
Sodium (d)	EPA 200.7	biannually	Grab
Potassium (d)	EPA 200.7	biannually	Grab
Iron (d)	EPA 200.7	biannually	Grab
PCP	EPA 3580B/8151 Modified	biannually	Grab
Dioxin/Furan (TEQ)[2]	EPA 1613	biannually	Grab
Total Suspended Solids	EPA 160.2	biannually	Grab

(d) means dissolved.

[2]Dioxin and Furan shall be reported in total 2,3,7,8-TCDD toxicity equivalents using ITEF as listed in attachment 3. If the measured effluent concentration for individual congener is below its minimum quantitation level, the Permittee shall apply "0" in determining its toxicity equivalent for 2,3,7,8-TCDD.

D. Sampling and Analytical Procedures

Samples and measurements taken to meet the requirements of this permit shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.

Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this permit shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this permit or approved in writing by the Department of Ecology (Department).

E. Flow Measurement

Appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the quantity of monitored flows. The devices shall be installed, calibrated, and maintained to ensure that the accuracy of the measurements are consistent with the accepted industry standard for that type of device. Frequency of calibration shall be in conformance with manufacturer's recommendations and at a minimum frequency of at least one calibration per year. Calibration records shall be maintained for at least three years.

F. Laboratory Accreditation

All monitoring data required by the Department shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement. Conductivity and pH shall be accredited if the laboratory must otherwise be registered or accredited. Crops, soils and hazardous waste data are exempted from this requirement pending accreditation of laboratories for analysis of these media by the Department.

S3. REPORTING AND RECORDKEEPING REQUIREMENTS

The Permittee shall monitor and report in accordance with the following conditions. The falsification of information submitted to the Department shall constitute a violation of the terms and conditions of this permit.

A. Reporting

The first monitoring period begins on the effective date of the permit. Monitoring results shall be submitted quarterly. Monitoring data obtained during the previous 3 months shall be reported on a form provided, or otherwise approved, by the Department, and be received no later than the 30th day of the month following the completed monitoring period, unless otherwise specified in this permit. The reports are due on December 30, March 30, and June 30 of each year. Priority pollutant analysis data shall be submitted no later than 45 days following the monitoring period. The report(s) shall be sent to the Department of Ecology, Northwest Regional Office, 3190-160th Avenue S.E., Bellevue, Washington 98008-5442.

All laboratory reports providing data for organic and metal parameters shall include the following information: sampling date, sample location, date of analysis, parameter name, CAS number, analytical method/ number, minimum quantitation level (), lab practical quantitation limit (PQL), reporting units and concentration detected.

If there was no discharge during a given monitoring period, submit the form as required with the words "no discharge" entered in place of the monitoring results.

B. Records Retention

The Permittee shall retain records of all monitoring information for a minimum of three years. Such information shall include all calibration and maintenance records and all original recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the Permittee or when requested by the Director.

C. Recording of Results

For each measurement or sample taken, the Permittee shall record the following information: (1) the date, exact place, method, and time of sampling; (2) the individual who performed the sampling or measurement; (3) the dates the analyses were performed; (4) who performed the analyses; (5) the analytical techniques or methods used; and (6) the results of all analyses.

D. Additional Monitoring by the Permittee

If the Permittee monitors any pollutant more frequently than required by this permit using test procedures specified by Condition S2. of this permit, then the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Permittee's self-monitoring reports.

E. Noncompliance Notification

In the event the Permittee is unable to comply with any of the permit terms and conditions due to any cause, the Permittee shall:

1. Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, correct the problem and, if applicable, repeat sampling and analysis of any violation immediately and submit the results to the Department within 30 days after becoming aware of the violation;

2. Immediately notify the Department of the failure to comply; and

3. Submit a detailed written report to the Department within thirty days (5 days for upsets and bypasses), unless requested earlier by the Department. The report should describe the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of the resampling, and any other pertinent information.

Compliance with these requirements does not relieve the Permittee from responsibility to maintain continuous compliance with the terms and conditions of this permit or the resulting liability for failure to comply.

S4. SOLID WASTE DISPOSAL

A. Solid Waste Handling

The Permittee shall handle and dispose of all solid waste material in such a manner as to prevent its entry into state ground or surface water.

B. Leachate

The Permittee shall not allow leachate from its solid waste material to enter state waters without providing all known, available and reasonable methods of treatment, nor allow such leachate to cause violations of the State Surface Water Quality Standards, Chapter 173-201A WAC, or the State Ground Water Quality Standards, Chapter 173-200 WAC. The Permittee shall apply for a permit or permit modification as may be required for such discharges to state ground or surface waters.

C. Solid Waste Control Plan

The Permittee shall submit all proposed revisions or modifications to the solid waste control plan to the Department. The Permittee shall comply with any plan modifications. The Permittee shall submit an update of the solid waste control plan with the application for permit renewal 180 days prior to the expiration date of the permit.

S5. SPILL PLAN

The Permittee shall submit to the Department an update to the existing Spill Control Plan by June 30, 1999.

The update spill control plan shall include the following:

- A description of the reporting system which will be used to alert responsible managers and legal authorities in the event of a spill.
- A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) which prevent, contain, or treat spills of these materials.

- A list of all oil and chemicals used, processed, or stored at the facility, which may be spilled into state waters.

For the purpose of meeting this requirement, plans and manuals required by 40 CFR Part 112, and contingency plans required by Chapter 173-303 WAC may be submitted.

S6. SCHEDULE OF COMPLIANCE

The Permittee shall achieve compliance with the following schedule:

A. Temporary Filtration/Treatment Units for FD Numbered 13, 14, 23, 24, and 25

1. By July 1, 1999, the Permittee shall submit an engineering report on the proposed filtration/treatment units for the french drains, to the Department for review and approval. The treatment units should be designed to achieve compliance with the interim effluent limits. The report shall also include a schedule for project installation. The engineering report shall be consistent with all the requirements of Chapter 173-240 WAC. Upon approval, this schedule shall become an enforceable part of this permit.

2. The permittee shall complete installation of the temporary treatment system (GAC insert) no later than September 1, 1999. A treatment system operating plan for the approved wastewater system as listed above shall be submitted to the Department for review and approval. The report shall include a regular maintenance schedule. The wastewater treatment system shall be operated according to procedures and criteria described in the approved operating plan. A description of any regularly scheduled maintenance or repair activities at the permitted facility shall be included in the operating plan.

B. Final Engineering Report

By March 1, 2002, the Permittee shall submit a final engineering report on the proposed pavement work, storm drainage systems and the treatment design for the treated wood storage area resulting from the RI/FS study which was conducted under the MTCA Agreed Order. The report shall be submitted to the Department for review and approval. A gradual inclined surface should be considered for the pavement design.

The report shall be consistent with the engineering measures that are required under the MTCA Agreed Order. The report shall also include the description of requirements necessary to meet the final effluent limitations in this permit, which may include, but are not limited to, pavement work, design of an infiltration gallery and its location, design of treatment system, including collection or detention structures and surface water conveyance systems and a construction schedule for the project. The engineering report shall be consistent with all the requirements of Chapter 173-240 WAC. Upon approval, this schedule shall become an enforceable part of this permit.

C. Construction of Stormwater Improvement Measures

By August 31, 2002, the construction of the stormwater control measures which may include, but are not limited to, pavement work, design of an infiltration gallery and its

location, design of treatment system, including collection or detention structures or surface water conveyance systems contained in the Final Engineering Report for the entire treated wood storage area (parcel A) extending to the area served by FD number 25 and 26 shall be completed.

S7. WELL CONSTRUCTION DETAILS

If the permittee installs any additional wells on site during the term of this permit, such wells shall be constructed in accordance with Chapter 173-160 WAC, part 1 and 3 (Minimum Standards for Construction and Maintenance of Wells).

S8. DIOXIN AND FURAN ANALYSIS

A. Dioxin and Furan Analysis

The Permittee shall conduct chemical analyses in accordance with protocols, monitoring requirements, and QA/QC procedures specified in this section. Stormwater samples from each french drain as specified under S1 of this permit, shall be analyzed for:

Dioxins and Furans:
- 2,3,7,8-Tetrachlorodibenzo-*p*-dioxins
- Tetrachlorodibenzo-*p*-dioxins
- 2,3,7,8-Pentachlorodibenzo-*p*-dioxins
- Other Pentachlorodibenzo-*p*-dioxins
- 2,3,7,8-Hexachlorodibenzo-*p*-dioxins
- Other Hexachlorodibenzo-*p*-dioxins
- 2,3,7,8-Heptachlorodibenzo-*p*-dioxins
- Other Heptachlorodibenzo-*p*-dioxins
- Octachlorodibenzo-*p*-dioxins
- 2,3,7,8-Tetrachlorodibenzofurans
- Other Tetrachlorodibenzofurans
- 1,2,3,7,8-Pentachlorodibenzofurans
- Other Pentachlorodibenzofurans
- 2,3,7,8-Hexachlorodibenzofurans
- Other Hexachlorodibenzofurans
- 2,3,7,8-Heptachlorodibenzofurans
- Other Heptachlorodibenzofurans
- Octachlorodibenzofurans

B. Monitoring Requirements

The laboratory analysis report shall include: quality assurance and quality control procedures for sample collection; transport and analysis; for stormwater samples the magnitude and duration of the storm event sampled, the time since the last storm event and the magnitude of the last storm event.

C. Protocols

1. Sampling for dioxins and furans shall be in accordance with appendix B of the USEPA/Paper Industry Cooperative Dioxin Screening Study (EPA 440/1-88-025, March 1988).

2. In accordance with 40 CFR 122.41(j)(4), dioxins and furans shall be analyzed using either:

EPA Method 1613: Tetra- through Octa-chlorinated Dioxins and Furans by Isotope Dilution; or

NCASI Procedures for the Preparation and Isomer Specific Analysis of Pulp and Paper Industry Samples for 2,3,7,8-TCDD and 2,3,7,8-TCDF: Technical Bulletin No 551; or an equivalent method approved in advance by the Department.

S9. STORMWATER POLLUTION PREVENTION PLAN

The Permittee shall submit to the Department an update to the existing Stormwater Pollution Prevention Plan (SWPPP) with the permit reapplication required in General Condition G7.

The Permittee shall modify the existing SWPPP whenever there is a change in design, construction, operation or maintenance, which causes the SWPPP to be less effective in controlling pollutants. Whenever the description of potential pollutant sources or the pollution prevention measures and controls identified in the SWPPP are inadequate, the SWPPP shall be modified, as appropriate, within two (2) weeks of such determination. The proposed modifications to the SWPPP shall be submitted to the Department at least 30 days in advance of implementing the proposed changes in the plan unless Ecology approves immediate implementation. The Permittee shall provide for implementation of any modifications to the SWPPP in a timely manner.

S10. BEST MANAGEMENT PRACTICES

The Permittee shall comply with the following Best Management Practices (BMP's) at all time during operation.

A. Where treatment chemicals, including treatment formulation precursors (except uncontaminated water) are received, stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided to prevent stormwater run-on and contamination. Such structures may include: roofs, covers, curbing, culverts, gutters or similar structures to prevent the contact of uncontaminated stormwater with process wastewater or process pollutants.

B. All liquid chemical storage and process areas shall have secondary containment sufficient to contain the capacity of the largest single tank or vessel plus 10 percent.

Secondary containment systems shall be sufficiently impervious to contain spilled chemicals until they can be removed or treated.

C. Treated product, upon the removal from the retort shall remain on the drip pad until it has ceased dripping as defined in 40 CFR part 262.34. Treated product shall be periodically manipulated while on the drip pad to allow the removal of excess treating solution from cracks, checks, and from within bundles or units of wood.

D. Drip pads shall be designed, installed and operated in accordance with the requirements for drip pads contained in 40 CFR part 264 and 40 CFR part 265.

E. Separate material handling equipment (forklifts, pettibones, etc.) shall be used for treated and untreated wood whenever feasible. When use of separate material handling equipment is not feasible, actions shall be taken to ensure that process pollutants are not tracked to the untreated (white) wood storage yard.

F. Stormwater originating from areas outside the treated product storage area(s) shall be diverted away from the treated product storage area(s). Runoff from the treated product storage area shall be collected or channeled to one or more discrete discharge points to facilitate stormwater sample collection.

G. Untreated and treated wood shall be stored separately to the maximum extent practicable.

H. Trams shall be stored in such a manner that they will not come into contact with stormwater to the extent feasible when not in use.

I. The use of detergents and emulsifiers for equipment cleaning, maintenance and repair which results in a discharge to waters of the state shall be prohibited unless adequate treatment is provided. Oil/water separators and/or sedimentation are not considered adequate treatment.

GENERAL CONDITIONS

G1. SIGNATORY REQUIREMENTS

All applications, reports, or information submitted to the Department shall be signed and certified.

A. All permit applications shall be signed by either a responsible corporate officer of at least the level of vice president of a corporation, a general partner of a partnership, or the proprietor of a sole proprietorship.

B. All reports required by this permit and other information requested by the Department shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described above and submitted to the Department, and

2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility, such as the position of plant manager, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.)

C. Changes to authorization. If an authorization under paragraph B.2. above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of B.2. must be submitted to the Department prior to or together with any reports, information, or applications to be signed by an authorized representative.

D. Certification. Any person signing a document under this section shall make the following certification:

"I certify under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system 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 persons directly responsible for gathering information, 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."

G2. RIGHT OF ENTRY

The Permittee shall allow an authorized representative of the Department, upon the presentation of credentials and such other documents as may be required by law:

A. To enter upon the premises where a discharge is located or where any records must be kept under the terms and conditions of this permit;

B. To have access to and copy at reasonable times any records that must be kept under the terms of the permit;

C. To inspect at reasonable times any monitoring equipment or method of monitoring required in the permit;

D. To inspect at reasonable times any collection, treatment, pollution management, or discharge facilities; and

E. To sample at reasonable times any discharge of pollutants.

G3. PERMIT ACTIONS

This permit shall be subject to modification, suspension, or termination, in whole or in part by the Department for any of the following causes:

A. Violation of any permit term or condition;

B. Obtaining a permit by misrepresentation or failure to disclose all relevant facts;

C. A material change in quantity or type of waste disposal;

D. A material change in the condition of the waters of the state; or

E. Nonpayment of fees assessed pursuant to RCW 90.48.465.

The Department may also modify this permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists, including promulgation or revisions of regulations or new information.

G4. REPORTING A CAUSE FOR MODIFICATION

The Permittee shall submit a new application, or a supplement to the previous application, along with required engineering plans and reports, whenever a material change in the quantity or type of discharge is anticipated which is not specifically authorized by this permit. This application shall be submitted at least 60 days prior to any proposed changes. Submission of this application does not relieve the Permittee of the duty to comply with the existing permit until it is modified or reissued.

G5. PLAN REVIEW REQUIRED

Prior to constructing or modifying any wastewater control facilities, an engineering report and detailed plans and specifications shall be submitted to the Department for approval in accordance with Chapter 173-240 WAC. Engineering reports, plans, and specifications should be submitted at least 180 days prior to the planned start of construction. Facilities shall be constructed and operated in accordance with the approved plans.

G6. COMPLIANCE WITH OTHER LAWS AND STATUTES

Nothing in the permit shall be construed as excusing the Permittee from compliance with any applicable federal, state, or local statutes, ordinances, or regulations.

G7. DUTY TO REAPPLY

The Permittee must apply for permit renewal at least 180 days prior to the specified expiration date of this permit.

G8. PERMIT TRANSFER

This permit is automatically transferred to a new owner or operator if:

A. A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the Department;

B. A copy of the permit is provided to the new owner; and

C. The Department does not notify the Permittee of the need to modify the permit.

Unless this permit is automatically transferred according to section A. above, this permit may be transferred only if it is modified to identify the new Permittee and to incorporate such other requirements as determined necessary by the Department.

G9. REDUCED PRODUCTION FOR COMPLIANCE

The Permittee, in order to maintain compliance with its permit, shall control production and/or all discharges upon reduction, loss, failure, or bypass of the treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

G10. REMOVED SUBSTANCES

Collected screenings, grit, solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall not be resuspended or reintroduced to the final effluent stream for discharge to state waters.

G11. TOXIC POLLUTANTS

If any applicable toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Section 307(a) of the Clean Water Act for a toxic pollutant and that standard or prohibition is more stringent than any limitation upon such pollutant in the permit, the Department shall institute proceedings to modify or revoke and reissue the permit to conform to the new toxic effluent standard or prohibition.

G12. OTHER REQUIREMENTS OF 40 CFR

All other requirements of 40 CFR 122.41 and 122.42 are incorporated in this permit by reference.

G13. ADDITIONAL MONITORING

The Department may establish specific monitoring requirements in addition to those contained in this permit by administrative order or permit modification.

G14. PAYMENT OF FEES

The Permittee shall submit payment of fees associated with this permit as assessed by the Department. The Department may revoke this permit if the permit fees established under Chapter 173-224 WAC are not paid.

G15. PENALTIES FOR VIOLATING PERMIT CONDITIONS

Any person who is found guilty of willfully violating the terms and conditions of this permit shall be deemed guilty of a crime, and upon conviction thereof shall be punished by a fine of up to ten thousand dollars and costs of prosecution, or by imprisonment in the discretion of the court. Each day upon which a willful violation occurs may be deemed a separate and additional violation.

Any person who violates the terms and conditions of a waste discharge permit shall incur, in addition to any other penalty as provided by law, a civil penalty in the amount of up to ten thousand dollars for every such violation. Each and every such violation shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance shall be and be deemed to be a separate and distinct violation.

ATTACHMENT 1: ITEF VALUES

COMPOUND	ITEF VALUE
Mono-, Di-, and Tri-CDDs	0
2,3,7,8-TCDD	1
Other TetraCDDs	0
2,3,7,8-PentaCDD	0.5
Other PentaCDDs	0
2,3,7,8-HexaCDD	0.1
Other HexaCDDs	0
2,3,7,8-HeptaCDD	0.01
Other HeptaCDDs	0
OctaCDD	0.001
Mono-, Di-, and Tri-CDFs	0
2,3,7,8-TCDF	0.1
Other TetraCDFs	0.00
1,2,3,7,8-PentaCDF	0.05
2,3,4,7,8-PentaCDF	0.50
Other PentaCDFs	0
2,3,7,8-HexaCDF	0.10
Other HexaCDFs	0
2,3,7,8-HeptaCDF	0.01
Other HeptaCDFs	0
OctaCDF	0.00

ATTACHMENT 2: EXAMPLE OF TEQ CALCULATION

PROJECT ID/P.O.	1885	DATE COLLECTED	9/18/97	ACCESSION NO:	11-73-4
SAMPLE ORIGIN	N/A	DATE RECEIVED	9/25/97	RETCHECK	A10668
SAMPLE MATRIX	Water	DATE EXTRACTED	9/25/97	CONCAL	A10669
SAMPLE SIZE	1 L	DATE ANALYZED	10/01/97	ICAL	A060797
		DATE PROCESSED	10/20/97	METHOD	1613

SPECIFIC ANALYTES	**CONC (PPQ)**		**TEF**		**TEF CONC (PPQ)**
2,3,7,8-TCDD	46.1	x	1	=	46.09
1,2,3,7,8-PeCDD	870.4	x	0.5	=	435.2
1,2,3,4,8-HxCDD	2414.1	x		=	
1,2,3,6,7,8-HxCDD	5712.0	x	0.1	=	571.2
1,2,3,7,8,9-HxCDD	5185.8	x	0.1	=	518.58
1,2,3,4,6,7,8-HpCDD	115711.1	x	0.01	=	1157.11
OCDD	634659.3	x	0.001	=	634.66
2,3,7,8-TCDF	50.4	x	0.1	=	5.04
1,2,3,7,8-PeCDF	74.8	x	0.05	=	3.74
2,3,4,7,8-PeCDF	161.0	x	0.5	=	80.5
1,2,3,4,7,8-HxCDF	867.5	x	0.1	=	86.75
1,2,3,6,7,8-HxCDF	650.9	x	0.1	=	65.09
2,3,4,6,7,8-HxCDF	1588.4	x	0.1	=	158.84
1,2,3,7,8,9-HxCDF	ND	x	0.1	=	-
1,2,3,4,6,7,8-HpCDF	19466.1	x	0.01	=	194.66
1,2,3,4,7,8,9-HpCDF	1634.6	x	0.01	=	16.32
OCDF	66649.5	x	0.001	=	66.65

Total 2,3, 7, 8-TCDD TOXICITY (1989 ITEF) EQUIVALENTS: 4281.84 PPQ

ATTACHMENT 3: MINIMUM QUANTITATION LEVEL FOR SPECIFIC CONGENERS

SPECIFIC ANALYTES	DL (PPQ)
2,3,7,8-TCDD	10
1,2,3,7,8-PeCDD	50
1,2,3,4,7,8-HxCDD	50
1,2,3,4,6,7,8-HxCDD	50
1,2,3,7,8,9-HxCDD	50
1,2,3,4,6,7,8-HxCDD	50
OCDD	100
2,3,7,8-TCDF	10
1,2,3,7,8-PeCDF	50
2,3,4,7,8-PeCDF	50
1,2,3,4,7,8-HxCDF	50
1,2,3,6,7,8-HxCDF	50
2,3,4,7,8-HxCDF	50
1,2,3,7,8,9-HxCDF	50
1,2,3,4,6,7,8-HpCDF	50
1,2,3,4,7,8,9-HpCDF	50
OCDF	100

TOTAL ANALYTES	DL (PPQ)
TOTAL TCDD	10
TOTAL PeCDD	50
TOTAL HxCDD	50
TOTAL HpCDD	50
TOTAL OCDD	100
TOTAL TCDF	10
TOTAL PeCDF	50
TOTAL HeCDF	50
TOTAL HpCDF	50
TOTAL OCDF	100

FACT SHEET for NPDES Permit WA-003142-9
J. H. Baxter & Company

This fact sheet is a companion document to the draft National Pollutant Discharge Elimination System (NPDES) Permit No. WA-003142-9 for J. H. Baxter & Company and a reference to the attached fact sheet for the Model Wood Preserving NPDES Permit. The Department of Ecology (the Department) is issuing this permit which will allow discharge of stormwater to ground.

This site specific fact sheet and the referenced fact sheet explain the nature of the discharge, the Department's decisions on limiting the pollutants in the wastewater, and the regulatory and technical basis for those decisions.

GENERAL INFORMATION	
Applicant:	J. H. BAXTER & COMPANY P.O. Box 5902 San Mateo, CA 94402-0902
Facility Location:	6520 188th Street NE Arlington, WA 98223 Snohomish County
Contact:	Ms. Georgia Baxter Vice-President Environmental Services (650) 349-0201
Permit Number:	WA-003142-9
Type of Industry:	Pressure Wood Treating
Receiving Water:	Stormwater Discharge to Ground
Discharge Location:	Latitude: 48° 10' 00" N Longitude: 122° 08' 45" W Township 31N, Range 5E, NE Corner of Section 22

TABLE OF CONTENTS

INTRODUCTION

The Federal Clean Water Act (FCWA, 1972, and later modifications, 1977, 1981, and 1987) established water quality goals for the navigable (surface) waters of the United States. One of the mechanisms for achieving the goals of the Clean Water Act is the National Pollutant Discharge Elimination System of permits (NPDES permits), which is administered by the Environmental Protection Agency (EPA). The EPA has delegated responsibility to administer the NPDES permit program to the State of Washington on the basis of Chapter 90.48 RCW which defines the Department of Ecology's authority and obligations in administering the wastewater discharge permit program.

Almost all ground water within the United States are defined as underground sources of drinking water by the Underground Injection Control (UIC) program under the authority of the Safe Drinking Water Act (40 CFR 144 and 146). EPA delegated authority to administer the UIC program to the State of Washington in 1984. Stormwater disposal wells which inject above or into an Underground Source of Drinking Water are defined as injection wells. Class II and Class V well activities are regulated by state authority under the Ground Water Quality Standards (Chapter 173-200 WAC). The Groundwater Water Quality standards also require a state waste discharge permit if a site has the potential to contaminate ground water quality. This permit incorporates the state waste discharge permit with the NPDES permit.

The regulations adopted by the State include procedures for issuing permits (Chapter 173-220 WAC), water quality criteria for surface and ground waters (Chapters 173-201A and 200 WAC), sediment management standards (Chapter 173-204 WAC), and underground injection control (Chapter 173-218 WAC). These regulations require that a permit be issued before discharge of wastewater to waters of the state is allowed. The regulations also establish the basis for effluent limitations and other requirements which are to be included in the permit. One of the requirements (WAC 173-220-060) for issuing a permit under the NPDES permit program is the preparation of a draft permit and an accompanying fact sheet. Public notice of the availability of the draft permit is required at least thirty days before the permit is issued (WAC 173-220-050). The fact sheet and draft permit are available for review (see Appendix A—Public Involvement of the fact sheet for more detail on the Public Notice procedures).

The fact sheet and draft permit have been reviewed by the Permittee. Errors and omissions identified in this review have been corrected before going to public notice. After the public comment period has closed, the Department will summarize the substantive comments and the response to each comment. The summary and response to comments will become part of the file on the permit and parties submitting comments will receive a copy of the Department's response. Comments and the resultant changes to the permit will be summarized in Appendix D—Response to Comments.

BACKGROUND INFORMATION

DESCRIPTION OF THE FACILITY

HISTORY

The J. H. Baxter (Baxter) facility at Arlington is a wood preserving operation that specializes in pressure treatment and butt end treatment of poles (Figure 1). The facility has been in operation since 1971 using pentachlorophenol (PCP) and creosote as preservatives. Creosote use was discontinued in 1990. Baxter produces primarily 40 to 45 foot utility poles but has the capacity to treat 20 to 130 foot poles. Baxter treats approximately 40,000 poles using 200,000 gallons per year of an organic-based preservative containing approximately 5% pentachlorophenol (PCP).

The facility encompasses approximately 52 acres, 17 of which are used for pole treatment operations, 28 for untreated pole storage and pole peeling, and 7 acres as a woodwaste landfill. The landfill is now closed. The site is divided into two parcels, A and B. All pole treating and treated pole storage activities are conducted in parcel A. Parcel B contains the untreated pole storage area and pole peeling operations. There has not been pole treating or treated pole storage operations on this parcel. There are two rail spurs leading into the site that are presently not used. The rail tracks outside the treating building are used to load the untreated poles into the retorts. Roofed drip pads are located on the north side of the treatment building.

The topography of the site is flat. Approximately 90% of the area is not paved, 10% of the area is covered with impervious surfaces in the form of buildings including the treating buildings (retort and butt areas), office building, yard office, two shops, pole peeling structures, pole incisor, and lunch room. An overview of the facility layout is shown on Figure 2. The main access road is between the closed tank farm and both the treated and untreated wood storage area. The roadway is generally higher than the pole storage areas.

Stormwater runoff for the site primarily impounds on the surface and then infiltrates into the ground via a series infiltration drains (french drains). Stormwater runoff from the roadway areas tends to flow overland into adjacent ditches if present, into the pole storage areas, or ponds in low spots. French drains were installed to facilitate drainage in some of the areas that were ponding and hindering plant operations. During heavy storm events, most of the french drain locations have been observed to be flooded as documented in inspection reports. There are a total of 26 french drains on-site (more discussion will be presented under Discharge Outfall).

INDUSTRIAL PROCESS

Baxter employs two treatment processes: 1) pressure treating within a retort through water extraction, and 2) a thermal treatment system which treats only the butt ends of the poles. Both processes use a PCP-only mixture for the treatment preservative. The PCP treatment process is described in the attached model fact sheet. (The information

presented in the attached Model Wood Preserving Fact Sheet is used as a reference to this site specific permit).

WASTEWATER SOURCE AND TREATMENTS

Process Wastewater

There is no process wastewater discharge from this facility. The facility attains "zero" discharge of wastewaters from the conditioning processes by employing a closed loop recycle system. This recycle system collects, treats and recycles the water (except stormwater) on site for use as make-up water for cooling processes needed in the treatment process. The excess water is sent through an evaporator for elimination. Oils are recycled back into the process. Approximately 90% of the process area is roofed.

Stormwater

Stormwater infiltrates to ground via 26 infiltration drains. The pollutants that have been detected in the stormwater runoff appear to result from treated wood storage products and cooling tower/evaporation drift. Activated carbon units are being installed at this time to treat cooling tower drift.

Based on the submitted Discharge Monitoring Reports (DMRs), stormwater from the treated wood storage area contains average PCP level of 340 ppb. Ground water beneath the treated wood storage area contains an average PCP level of 80 ppb. Eight separate stormwater samples from two storm events and two samples of PCP treating solution were analyzed for dioxin/furan. Based on the results, stormwater runoff entering the infiltration drains contained concentrations of dioxins/furans (in terms of toxic equivalency, TEQ), ranging from 26 to 13,568 ppq (2,3,7,8 TCDD ranged from 2.4 to 29.6 ppq TEQ). These values exceed the ground water standard for dioxin/furan (0.6 ppq in terms of TEQ for TCDD). More dioxin information is provided in the "The Washington State Dioxin Source Assessment" published July 1998 (publication no. 98-320). No information is available on whether dioxins have been detected in the ground water.

Stormwater from the untreated wood storage area contains an average PCP concentration of 32 ppb.

For more information, the three categories of stormwater areas of contact and potential for contamination are discussed in the attached model fact sheet.

DISCHARGE OUTFALL (FRENCH DRAIN SYSTEMS AND LOCATIONS)

The infiltration drains have a simple design consisting of a Type 1 catch basin (Snohomish County Standard Plan Number 9-050, typically a 22 x 26 x 44 inch concrete box) with two 12 inch diameter perforated pipes that extend 40 feet horizontally. The perforated pipe is laid in a gravel trench with approximately eight to twelve inches of

gravel surrounding the pipe. Stormwater runoff flows into the catch basin from the inlet grate at the top. The infiltration drains are not connected to each other and have inflow only from the grate inlet.

All the catch basin grates were underlaid by geotextile fabric to reduce the amount of silt entering the system. However, the silt is so fine that it often plugs up the drain. During heavy storm events, most of the french drain locations have been observed to be flooded. According to the plant manager, a gravel bed around many problem drain areas seems to be working well to reduce the amount of silt.

The infiltration drains were first installed in March 1991 and were installed on an as needed basis in areas where ponding hindered operations prior to the issuance of the previous permit. The location of the 26 french infiltration drains is depicted in Figure 2.

The french infiltration drains on-site fit the description and definition of Class V wells under Chapter 173-218 WAC Underground Injection Control (UIC). These drains need to be registered with the Department's UIC program as Class V injection wells. The UIC program may have further requirements relating to these drains.

J. H. Baxter submitted a proposed schedule to address stormwater and MTCA issues. The proposed schedule is determined to be acceptable by both programs (Water Quality Program and Toxics Cleanup Program) and has been incorporated into this Permit and the MTCA Agreed Order. The proposal addressed stormwater control measures, which may include, but are not limited to, pavement work, design of an infiltration gallery, design of the treatment system, including collection or detention structures and surface water conveyance systems in the treated wood storage area.

French Drains in the Treated Pole Storage Area - Parcel A

French drains numbered 13, 14, 23, 24, and 25 are located within Parcel A. French drain number 26 is located within Parcel B, on the border between Parcels A and B, adjacent to the west kiln. This drain will be considered to be located within the active area of the site. Although french drain number 16 is located in Parcel B (designated as the untreated wood storage area), entrance of contaminated water may be a concern because it is located nearby the kilns and the rail track portion of the treating plant area.

French Drains in the Untreated Pole Storage Area – Parcel B

French drains number 1 through 12, and 16 through 22 are located within Parcel B where bark peeling, cutting, incising, drilling and re-sawing processes of untreated wood are conducted. The facility reports that no treated wood products are stored in Parcel B. A significant quantity of wood waste is generated from this process, with the majority sold to Everfield Lumber for use as boiler hog fuel.

Street Area

French drain number 15 is located in the front of the office building in the employee parking lot.

GROUND WATER

Historic Conditions

PCP spills occurred at the site in 1981, 1989, and 1990. One half of an adjacent mobile park (see figure 1) was on a domestic supply well. Baxter voluntarily hooked the remainder of the park to the city water supply shortly after the last spill in 1990. One of the monitoring wells located at the northwest corner of the site at the property boundary upgradient of the mobile home park's supply well was found to have PCP concentrations ranging from 70 to 150 ppb at the time.

The investigation work conducted by the Baxter Company in May 1990, and the four years of DMR data submitted for the previous NPDES permits, indicated PCP to be present in the ground water downgradient from the treated wood storage area (average 79.6 ppb). Monitoring well MW-3 continues to demonstrate high concentrations of PCP.

Current Conditions

As the data presented above indicates, stormwater in the treated wood storage area continues to demonstrate relatively high concentrations of PCP. Ground water in the treated wood storage area is not in compliance with the State Ground Water Quality Standards. Further work at the site will be undertaken through the Water Quality and MTCA program to ensure that all sources that may contribute to non-compliance with Ground Water Quality Standards are found and controlled. The State Ground Water Quality Standard for PCP is 1 µg/L.

PERMIT STATUS

The previous permit for this facility was issued on June 6, 1994, with an expiration date of June 6, 1998. The permit has been administratively extended until a renewal permit can be issued. The previous permit was issued without numeric limits because of the lack of monitoring data, which prevented development of effluent limits at the time. In addition, the ground water guidance document was in draft form and was not available for use until the spring of 1996.

An application for permit renewal was submitted to the Department on April 17, 1998, and was accepted by the Department on May 4, 1998.

SUMMARY OF COMPLIANCE WITH THE PREVIOUS PERMIT

The facility last received an inspection on August 4, 1998. During the history of the previous permit, the Permittee remained in compliance with permit conditions regarding submission of study reports and DMRs. As discussed above, the stormwater samples collected in both the treated and untreated wood storage areas contain significant concentrations of PCP. Ground water within the treated wood storage area contains concentrations of PCP that exceed the State Ground Water Quality Standards.
A downspout water sample was collected nearby the cooling tower on March 7, 1996. The sample indicated a concentration of 35,000 µg/L PCP as analyzed by Ecology, and 17,000 µg/L as analyzed by Columbia Analytical Laboratory for J. H. Baxter. The

analytical surrogate recoveries achieved by Ecology and Columbia Analytical Laboratory were different during the test procedure. The Department achieved a 100% recovery and Columbia Lab. achieved a 51% recovery during the analytical procedure.

A Notice of Violation (NOV) was issued to Baxter on June 21, 1996, for exceeding the Ground Water Quality Standard of 1 µg/L PCP. As a result of the NOV, Baxter agreed to enter a Consent Order with the Department. The final Order of Consent was issued to Baxter on January 14, 1997.

The Order required an AKART (All Known Available and Reasonable Methods of Treatment) analysis for the stormwater discharge, and an engineering report following completion of the AKART analysis. Baxter submitted an AKART analysis report on August 1, 1997, which was amended on September 1997 and January 1998. The Laboratory Study Scope of Work for the proposed Bioswale Pilot Testing Program, Phase I, submitted on January 13, 1998, was approved by the Department. The final report for Phase I was submitted on April 1, 1999.

A Dioxin/Furan Study was submitted on April 6, 1998, as required by their NPDES permit.

Since the submission of the Dioxin study, Ecology's TCP reranked the site from a "4" to a "1" based on new information such as population growth, the location of the City of Arlington's drinking well, and the dioxin data, a "1" ranking being a higher priority for cleanup. Baxter submitted a new proposed schedule to address the stormwater contamination and MTCA issues. The proposal lays out the basis for remedial actions proposed to be undertaken in concurrence with the installation of controls to address the stormwater problem. This schedule supercedes the schedule proposed in the AKART analysis.

An engineering report for installation of a carbon adsorption system for treatment of cooling feed water to the cooling tower was submitted on October 28, 1998, and was approved by the Department on November 24, 1998. As identified in the AKART Analysis report, 49.1% of the PCP in stormwater from the treated pole storage and treatment facility area (Parcel A) was found to be due to cooling tower emissions. The purpose of the proposed in-line carbon treatment system was to achieve source control for PCP.

POLLUTANTS OF CONCERN

Pollutants of concern in the stormwater discharge are primarily dioxin, furan, and PCP. Minor pollutants of concern are oil and grease, PAHs and pH. Ground water standards and the federal provisions of 40 CFR 122.44(d) require the Department to incorporate permit conditions in addition to, or at the least as stringent as EPA promulgated effluent limitation guidelines.

WASTEWATER CHARACTERIZATION

The proposed wastewater discharge has been characterized as follows. The median of the daily maximum values shown below are based on data presented on the Discharge Monitoring Reports submitted by the Permittee:

Stormwater Runoff Data (Median Values)

Parameters	White Wood Area	FD # 13,14	FD # 23	FD # 24	FD # 25
Oil & grease, mg/L	2	3	4	2	2.5
TSS, mg/L	1330	474	330	270	573
PAH, µg/L	3.56	15.7	11.6	15.6	6.85
PCP, µg/L	34	175	650	400	210
Dioxin/Furan, ppq	-	7729	1465	3416	4085
PH, s.u.	7.2 to 7.3	7.7 to 7.8	6.98	7.16	7.725

Monitoring Wells Data (Median Values)

Parameters	MW-1	MW-2	MW-3	MW-4	BXS-1	BXS-2	BXS-3
Conductivity, umho/cm	140.7	197		182.9	296.5	644.5	851.5
TOC, mg/L	-	5.2	34.05	1.1	5	12.45	34.05
PAH, µg/L	-	3	3.5	-	-	-	2
PCP, µg/L	1.5	3	160	1.0	34	1.0	-

Note that the dioxin and furan data presented above is expressed in units of part per quadrillion (ppq).

PROPOSED PERMIT LIMITATIONS AND CONDITIONS

Federal and State regulations require that effluent limitations set forth in an NPDES permit must be either technology- or water quality-based. Technology-based limitations are based upon the treatment methods available to treat specific pollutants. Technology-based limitations are set by regulation or developed on a case-by-case basis (40 CFR 125.3, and Chapter 173-220 WAC). Water quality-based limitations are based upon compliance with the Surface Water Quality Standards (Chapter 173-201A WAC), Ground Water Standards (Chapter 173-200 WAC), Sediment Quality Standards (Chapter 173-204 WAC) or the National Toxics Rule (Federal Register, Volume 57, No. 246, Tuesday, December 22, 1992). The more stringent of these two limits must be chosen for each of the parameters of concern.

The effluent constituents in the application were evaluated on a technology- and water quality-basis. The limits necessary to meet the rules and regulations of the State of Washington were determined and included in this permit. The Department does not develop effluent limits for all pollutants that may be reported on the application as present in the effluent. Some pollutants are not treatable at the concentrations reported, are not controllable at the source, are not listed in regulation, and do not have a reasonable potential to cause a water quality violation. If significant changes occur in

any constituent, as described in 40 CFR 122.42 (a), the Permittee is required to notify the Department.

40 CFR Part 429, Subpart H for Wood Preserving - Boulton subcategory, includes wood preserving facilities which use the Boulton process as the predominant method of conditioning stock prior to treatment. Facilities using PCP for pressure treatment of wood fall within this subcategory.

Process Wastewater

EPA has promulgated effluent guidelines and limitations representing BPT and BAT for all woodtreaters. These provisions require woodtreaters to cease discharge of process wastewater pollutants into navigable waters (see page 12 of the attached model fact sheet). Stormwater associated with the retort, drip pad, and tank farm areas is considered as process wastewater. Thus, such stormwaters also subject to Federal Effluent Guidelines which require “zero” discharge. Baxter attains "zero" discharge of process wastewater by utilizing a closed loop wastewater recycling system.

Stormwater Runoff at both the treated and untreated wood storage areas

Effluent limitations for the pollutants of concern for this discharge will be set in this permit. A proposed schedule submitted by Baxter dealing with stormwater control measures and MTCA issues was determined to be acceptable by Ecology. The interim period is between the effective date of this permit through August 31, 2002. The interim effluent limitations will apply to the interim period described above.

Interim Effluent Limitations

Baxter will be required to be in compliance with interim effluent limits for PCP, oil & grease, and pH beginning on the effective date of the permit and lasting through August 31, 2002. The proposed interim effluent limitation for PCP is 215 µg/L (ppb). The proposed interim limit for oil & grease is 10 mg/L (ppm) and for pH between 6.5 and 8.5 standard units. These limits are daily maximums. The compliance point will be after treatment, prior to infiltration.

The interim limits for PCP and oil & grease are technology-based limits, which are consistent with the interim limits imposed on other PCP woodtreaters five years ago. The pH limit is based on WAC 173-200-040 (Ground Water Standards).

Samples are required to be collected at french drains numbered 13, 14, 23, 24, and 25 at the treated wood storage area. The monitoring schedule for samples collected during storm events is September through May. The monitoring frequency will be twice a year (one in September and one in May).

Samples are required to be collected at french drains numbered 1 through 12, and 16 through 22 at the untreated wood storage area. Equal volume grab samples from french

drains numbered 1 through 6 may be composited into one sample. Equal volume grab samples from french drains numbered 7 through 12 may be composited into one sample. Equal volume grab samples from french drains numbered 17 and 18 may be composited into one sample. Equal volume grab samples from french drains numbered 19, 20 and 21 may be composited into one sample. Samples collected from french drains numbered 16 and 22 will be analyzed and reported separately. Composite sampling is allowed as specified above for the untreated wood storage area only. The monitoring frequency shall be once every 3 months, September through May.

Final Effluent Limitations

Baxter will be required to be in compliance with the final effluent limitations for PCP, dioxin/furan (TEQ), oil & grease, and pH beginning September 1, 2002, and lasting through the expiration date of the permit. The proposed final effluent limit for PCP is 1 ppb, dioxin/furan in terms of TEQ is 0.6 ppq, oil & grease is 10 ppm, and pH is between 6.5 and 8.5 standard units. These limits are maximum daily discharge. The compliance point will be after treatment and prior to infiltration.

The effluent limit for Dioxin/Furan is 0.6 ppq expressed in terms of toxicity equivalence (TEQ) for 2, 3, 7 and 8-Tetrachlorodibenzo-p-dioxin (TCDD), a ground water limit. This limit is set based on WAC 173-200 subpart 040 for Ground Water Quality Criteria. The limit is expressed in TEQ based on WAC 173-200 subpart 050(5)(b) for multiple contaminants with similar types of toxic responses, which are assumed to be additive unless evidence is available to suggest otherwise.

The term dioxins represents a class of halogenated aromatic hydrocarbon compounds including polychlorinated dibenzodioxins and dibenzofurans. There are a total of 210 possible congeners, whose physical and chemical properties vary according to the degree and position of the chlorine substitution. These congeners with chlorine substitution in the 2,3,7, and 8 positions, are thought to be responsible for the severe toxicity associated with dioxins. Thus, a few specific congeners have been identified to be analyzed as opposed to the 210 congeners. These required congeners are listed in Special Condition S8 of the permit.

For reporting, total 2,3,7,8-TCDD toxicity equivalents are required to be determined and reported by using the International Toxicity Equivalency Factors. The calculated total 2,3,7,8-TCDD toxicity equivalents may not exceed the effluent limit of 0.6 ppq. The minimum quantitation level ( ) for each specific congener is listed in the appendix, Attachment 3. If the measured effluent concentration for an individual congener is below its minimum quantitation level, “0” is to be applied for that congener in determining its toxicity equivalent in terms of 2,3,7,8-TCDD.

The effluent limitation for PCP is set at 1 ppb maximum daily, a ground water quality limit based on WAC 173-200-040. The effluent limit for oil & grease and pH are the same as those interim limits.

Sampling location and frequency requirements for both the treated and untreated wood storage area will be the same as those listed above under the interim compliance schedule.

GROUND WATER

The Department has promulgated Ground Water Quality Standards (Chapter 173-200 WAC) to protect beneficial uses of ground water. Permits issued by the Department are required to be conditioned in such a manner so as not to allow violations of those standards (WAC 173-200-100).

No effluent limit is set for ground water in this permit. The ground water standards have been fully implemented for stormwater control as listed above. Thus, ground water is expected to be protected from the on-going wood treating and handling activities if the above final limits are met and the contaminated soil is properly managed through the MTCA Agreed Order.

COMPLIANCE SCHEDULE

The compliance schedule set in the permit is as follows. Engineering reports will be required to meet all requirements in Chapter 173-240 WAC.

A. Temporary Control Measures for French Drains (13, 14, 23, 24, and 25) located within the Treated Wood Storage Area.

1. By July 1, 1999, Baxter is required to submit an engineering report on the previously proposed filtration/treatment units for the above french drains. These temporary measures are necessary in order to reduce the amount of PCP released and to ensure compliance with the interim effluent limits.

2. The permittee shall complete installation of the temporary treatment system (GAC insert) no later than September 1, 1999. A treatment system operating plan for the above approved system is required to be submitted to the Department for review and approval. This plan will include a proposed maintenance schedule.

B. Final Engineering Report

By March 1, 2002, Baxter shall submit a final engineering report on the proposed pavement work, storm drainage system and treatment design for the treated wood storage area resulting from the RI/FS study which was required under the MTCA Agreed Order.

C. Pavement of Treated Wood Storage Area

By August 31, 2002, the entire treated wood storage area (Parcel A) extending to the area covering french drains numbered 25 and 26 is required to be completely paved.

The compliance schedule set in this permit was based upon many discussions with J. H. Baxter. The Department initially proposed a draft permit which contained a compliance schedule requiring J. H. Baxter to achieve compliance regarding the final effluent limits, no later than January 1, 2001. However, based on comments received from J. H. Baxter in coordination with the Toxic Cleanup Program to address cleanup issues, the Department is considering revising the original proposed compliance date to September 1, 2002. Based on the public comments received during the comment period, the Department will determine a final compliance date for J. H. Baxter.

MONITORING AND REPORTING

Monitoring, recording, and reporting are required (WAC 173-220-210 and 40 CFR 122.41) to characterize the stormwater in this permit.

The monitoring schedule is detailed in the proposed permit under Condition S.2. Specified monitoring frequencies take into account the quantity and variability of the discharge, the treatment method, past compliance, significance of pollutants, and cost of monitoring.

Stormwater

Samples are required to be taken at french drains numbered 13, 14, 23, 24, and 25 for treated product areas in parcel A (see attached site map), and at french drains numbered 1 through 12 and 16 through 22 for untreated wood storage areas in Parcel B. For untreated wood storage area stormwater, the Permittee may combine equal volumes of individual grab samples into a single composite sample for analysis, as specified above. If PCP is detected in the untreated wood area stormwater, then additional monitoring wells or a different monitoring well network may be required.

No monitoring will be necessary if there is no discharge due to insufficient rainfall or due to adverse climatic conditions (see detail in S2.3. of the permit).

The monitoring location and frequency at the paved treated wood storage area will be determined after the approval and completion of Phase II Study via permit modification.

Ground water

Ground water monitoring and reporting are required at the existing monitoring wells, BXS1 to 4 and MW1 to 4. The monitoring frequency for ground water is specified in S2.

LAB ACCREDITATION

With the exception of certain parameters, the permit requires all monitoring data to be prepared by a laboratory registered or accredited under the provisions of Chapter 173-50 WAC, *Accreditation of Environmental Laboratories*

REPORTING AND RECORDKEEPING

The conditions of S3. are based on the authority to specify any appropriate reporting and recordkeeping requirements to prevent and control waste discharges (WAC 273-220-210).

OTHER PERMIT CONDITIONS

Schedule of Compliance

The facility's proposed schedule has been incorporated in the permit. A compliance schedule of a period of three years has been granted to the facility to implement necessary treatment and BMPs in order to be in compliance with the final effluent limitations.

Best Management Practices

A Best Management Practices Plan is required to ensure proper management practices become an integral part of daily operations in order to prevent accidental or unpermitted releases to the waters of the state.

Stormwater Pollution Prevention Plan

Stormwater discharges directly to ground from the Baxter Arlington site. A Stormwater Pollution Prevention Plan (which can be incorporated into the BMP Plan) is required in the permit to reduce, eliminate and prevent the pollution of stormwater, and to eliminate violations of ground water and sediment standards.

Spill Plan

The Department has determined that the Permittee stores a quantity of chemicals that have the potential to cause water pollution if accidentally released. The Department has the authority to require the Permittee to develop best management plans to prevent this accidental release under section 402(a)(1) of the Federal Water Pollution Control Act (FWPCA) and RCW 90.48.080.

The Permittee has developed a plan for preventing the accidental release of pollutants to state waters and for minimizing damages if such a spill occurs. The proposed permit requires the Permittee to update this plan and submit it to the Department.

Solid Waste Plan

The Department has determined that the Permittee has a potential to cause pollution of the waters of the state from leachate of solid waste.

This proposed permit requires, under the authority of RCW 90.48.080, that the Permittee update the solid waste plan designed to prevent solid waste from causing pollution of the waters of the state. The plan must be submitted to the local permitting agency for approval, if necessary, and to the Department.

Well Construction Details

All new wells must be constructed in accordance with Chapter 173-160 WAC, part 1 and 3. Figure 7 in Chapter 173-160 WAC illustrates the well construction.

GENERAL CONDITIONS

General Conditions are based directly on state and federal law and regulations and have been standardized for all individual industrial NPDES permits issued by the Department.

Condition G1 requires responsible officials or their designated representatives to sign submittals to the Department. Condition G2 requires the Permittee to allow the Department to access the treatment system, production facility, and records related to the permit. Condition G3 specifies conditions for modifying, suspending or terminating the permit. Condition G4 requires the Permittee to apply to the Department prior to increasing or varying the discharge from the levels stated in the permit application. Condition G5 requires the Permittee to construct, modify, and operate the permitted facility in accordance with approved engineering documents. Condition G6 prohibits the Permittee from using the permit as a basis for violating any laws, statutes or regulations. Conditions G7 and G8 relate to permit renewal and transfer. Condition G9 requires the Permittee to control its production in order to maintain compliance with its permit. Condition G10 prohibits the reintroduction of removed substances back into the effluent. Condition G11 states that the Department will modify or revoke and reissue the permit to conform to more stringent toxic effluent standards or prohibitions. Condition G12 incorporates by reference all other requirements of 40 CFR 122.41 and 122.42. Condition G13 notifies the Permittee that additional monitoring requirements may be established by the Department. Condition G14 requires the payment of permit fees. Condition G15 describes the penalties for violating permit conditions.

PERMIT ISSUANCE PROCEDURES

PERMIT MODIFICATIONS

The Department may modify this permit to impose numerical limitations, if necessary, to meet Water Quality Standards for Surface Waters, Sediment Quality Standards, or Water Quality Standards for Ground Waters, based on new information obtained from sources such as inspections, effluent monitoring, outfall studies, and effluent mixing studies.

The Department may also modify this permit as a result of new or amended state or federal regulations.

RECOMMENDATION FOR PERMIT ISSUANCE

This proposed permit meets all statutory requirements for authorizing a wastewater discharge, including those limitations and conditions believed necessary to control toxics, protect human health, aquatic life, and the beneficial uses of waters of the State of Washington. The Department proposes that this proposed permit be issued for a period of five years in order to be consistent with the Island/Snohomish Water Quality Management Area.

REFERENCES FOR TEXT AND APPENDICES

J. H. Baxter

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Environmental Protection Agency (EPA)

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1991. Technical Support Document for Water Quality-based Toxics Control. EPA/505/2-90-001.

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1985. Water Quality Assessment: A Screening Procedure for Toxic and Conventional Pollutants in Surface and Ground Water. EPA/600/6-85/002a.

1983. Water Quality Standards Handbook. USEPA Office of Water, Washington, D.C.

1989. 40 CFR 429, Subpart A for Wood Preserving – Boulton Subcategory.

Tsivoglou, E.C., and J.R. Wallace

1972. Characterization of Stream Reaeration Capacity. EPA-R3-72-012. (Cited in EPA 1985 op.cit.)

Washington Administrative Codes

1990. Water Quality Standards for Ground Water Quality Standards. Publication Number 96-02.

1992. Water Quality Standards for Surface Waters of the State of Washington, Chapter 173-20 WAC.

1984. Underground Injection Control Program, Chapter 173-218 WAC.

Washington State Department of Ecology

1994. Permit Writer's Manual. Publication Number 92-109

Wright, R.M., and A.J. McDonnell.

1979. In-stream Deoxygenation Rate Prediction. Journal Environmental Engineering Division, ASCE. 105(EE2). (Cited in EPA 1985 op.cit.)

APPENDIX A—PUBLIC INVOLVEMENT INFORMATION

The Department has tentatively determined to reissue a permit to the applicant listed on page 1 of this fact sheet. The permit contains conditions and effluent limitations which are described in the rest of this fact sheet.

Public notice of application was published on November 18, 1997, in *Skagit Valley Herald* to inform the public that an application had been submitted and to invite comment on the reissuance of this permit.

The Department will publish a Public Notice of Draft (PNOD) on (date) in *Skagit Valley Herald* to inform the public that a draft permit and fact sheet are available for review. Interested persons are invited to submit written comments regarding the draft permit. The draft permit, fact sheet, and related documents are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. weekdays, by appointment, at the regional office listed below. Written comments should be mailed to:

Water Quality Permit Coordinator
Department of Ecology
North West Regional Office
3190-160th Avenue SE
Bellevue, WA 98008-5452

Any interested party may comment on the draft permit or request a public hearing on this draft permit within the thirty (30) day comment period to the address above. The request for a hearing shall indicate the interest of the party and reasons why the hearing is warranted. The Department will hold a hearing if it determines there is a significant public interest in the draft permit (WAC 173-220-090). Public notice regarding any hearing will be circulated at least thirty (30) days in advance of the hearing. People expressing an interest in this permit will be mailed an individual notice of hearing (WAC 173-220-100).

The Department will consider all comments received within thirty (30) days from the date of public notice of draft indicated above, in formulating a final determination to issue, revise, or deny the permit. The Department's response to all significant comments is available upon request and will be mailed directly to people expressing an interest in this permit.

Further information may be obtained from the Department by telephone, (425) 649-7201, or by writing to the address listed above.

This permit and fact sheet were written by Jeanne Tran, P.E.

APPENDIX B—GLOSSARY

AKART—An acronym for "all known, available, and reasonable methods of treatment."

Best Management Practices (BMPs)—Schedules of activities, prohibitions of practices, maintenance procedures, and other physical, structural and/or managerial practices to prevent or reduce the pollution of waters of the State. BMPs include treatment systems, operating procedures, and practices to control: plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. BMPs may be further categorized as operational, source control, erosion and sediment control, and treatment BMPs.

Bypass—The intentional diversion of waste streams from any portion of a treatment facility.

Clean Water Act (CWA)—The Federal Water Pollution Control Act enacted by Public Law 92-500, as amended by Public Laws 95-217, 95-576, 96-483, 97-117; USC 1251 et seq.

Compliance Inspection - Without Sampling—A site visit for the purpose of determining the compliance of a facility with the terms and conditions of its permit or with applicable statutes and regulations.

Compliance Inspection - With Sampling—A site visit to accomplish the purpose of a Compliance Inspection - Without Sampling and as a minimum, sampling and analysis for all parameters with limits in the permit to ascertain compliance with those limits; and, for municipal facilities, sampling of influent to ascertain compliance with the 85 percent removal requirement. Additional sampling may be conducted.

Composite Sample—A mixture of grab samples collected at the same sampling point at different times, formed either by continuous sampling or by mixing discrete samples. May be "time-composite" (collected at constant time intervals) or "flow-proportional" (collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increased while maintaining a constant time interval between the aliquots.)

Engineering Report—A document which thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report shall contain the appropriate information required in WAC 173-240-060 or 173-240-130.

Grab Sample—A single sample or measurement taken at a specific time or over as short period of time as is feasible.

Industrial Wastewater—Water or liquid-carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feed lots, poultry houses, or dairies. The term includes contaminated stormwater and, also, leachate from solid waste facilities.

Minimum Quantitation Level ( )—The minimum concentration of a substance that can be measured and reported with 99% confidence that the analyte concentration is above zero and is determined from analysis of a sample in a given matrix containing the analyte.

National Pollutant Discharge Elimination System (NPDES)—The NPDES (Section 402 of the Clean Water Act) is the Federal wastewater permitting system for discharges to navigable waters of the United States. Many states, including the State of Washington, have been delegated the authority to issue these permits. NPDES permits issued by Washington State permit writers are joint NPDES/State permits issued under both State and Federal laws.

Responsible Corporate Officer—A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or the manager of one or more manufacturing, production, or operating facilities employing more than 250 persons or have gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures (40 CFR 122.22).

Total Suspended Solids (TSS)—Total suspended solids is the particulate material in an effluent. Large quantities of TSS discharged to a receiving water may result in solids accumulation. Apart from any toxic effects attributable to substances leached out by water, suspended solids may kill fish, shellfish, and other aquatic organisms by causing abrasive injuries and by clogging the gills and respiratory passages of various aquatic fauna. Indirectly, suspended solids can screen out light and can promote and maintain the development of noxious conditions through oxygen depletion.

State Waters—Lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

Stormwater—That portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and other features of a stormwater drainage system into a defined surface water body, or a constructed infiltration facility.

Water Quality-based Effluent Limit—A limit on the concentration of an effluent parameter that is intended to prevent the concentration of that parameter from exceeding its water quality criterion after it is discharged into a receiving water.

APPENDIX C—SITE MAPS

APPENDIX D—RESPONSE TO COMMENTS

PUBLIC PARTICIPATION PLAN

for

Remedial Investigation/Feasibility Study and Cleanup Action Plan at

J. H. Baxter
6520 – 188th Street NE
Arlington, Washington

J. H. Baxter & Company
1700 South El Camino Real
P. O. Box 5902
San Mateo, CA 94402-0902

Prepared by
Washington State Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, Washington 98008-5452

June 1999

TABLE OF CONTENTS

1.0 INTRODUCTION AND OVERVIEW OF PUBLIC PARTICIPATION PLAN

1.1 Public Participation at Hazardous Waste Sites

The Washington State Department of Ecology is committed to providing public participation opportunities during the investigation and cleanup of hazardous waste sites. The Public Participation Plan is intended to promote understanding of Ecology's responsibilities, planning activities, and remedial activities at hazardous waste sites under the Washington State Model Toxics Control Act (MTCA) (Chapter 173-340-WAC), the regulations that guide site cleanup. It also provides an opportunity for Ecology to learn, from the public, information that will enable Ecology to develop a comprehensive cleanup plan that is protective of both human health and the environment.

This Plan outlines the public involvement activities for the Remedial Investigation/Feasibility Study (RI/FS) and Cleanup Action Plan at the J.H. Baxter facility in Arlington, Washington. An RI/FS determines the nature and extent of contamination at the site and evaluates various cleanup options. A Cleanup Action Plan is a detailed outline for the work to be performed during the actual cleanup of the site.

The activities laid out in this plan are aimed at involving the affected community in the investigation and cleanup process in a meaningful way and at facilitating open communication between the community, the agencies involved and the potentially liable persons.

While certain aspects of a Public Participation Plan are prescribed by regulation, this Plan has been tailored to the needs of the public based on the stage and nature of the cleanup, the level of public concern, and the risks posed by the site.

1.2 Goal of the Public Participation Plan

The goal of this plan is to promote public understanding of the planning, investigative, and remedial activities and to provide a channel for the public to comment and assist in the RI/FS process for this site.

The main objectives of this plan are to:

- Provide information and promote public understanding of the RI/FS process and findings.
- Invite and encourage interaction and collaboration among representatives of the community, Ecology, and J.H. Baxter and Company.
- Solicit and respond to community concerns, questions, and comments.
- Fulfill regulatory requirements of MTCA.

1.3 Participants in this Plan

The potentially liable persons (PLPs) for the J.H. Baxter Arlington facility are J.H. Baxter & Company located at 1700 South El Camino Real, P. O. Box 5902, San Mateo, CA 94402-0902.

This plan was prepared by Ecology's Toxics Cleanup Program and was subject to review by J.H. Baxter & Co. Ecology will oversee the investigation (RI/FS) and cleanup and is responsible for public participation.

2.0 SITE BACKGROUND

2.1 Location and Description

The facility site is located at 6520 – 188th Street NE within the City of Arlington, Snohomish County, Washington. The facility borders on the south side of 188th Street NE, west of 67th Avenue NE, and east of the Arlington Airport and 59th Drive NE. The area is mainly industrial with a few remaining older homes adjacent to the site. There are new residential developments uphill from the site and across 67th Avenue NE. (See Appendix A for map of the area.)

J.H. Baxter is a privately owned company which produces telephone and power poles using a pressure treating process with pentachlorophenol at their facility. This facility encompasses approximately 52 acres, 17 of which are used for pole treatment operations, 28 for untreated pole storage and pole peeling, and 7 acres of a closed wood waste landfill. The topography of the site is flat. Approximately 90% of the area is unpaved and 10% of the area contains offices and buildings.

Baxter produces primarily 40-to-45 foot utility poles but has the capacity to treat 20-to-130 foot poles. Each year Baxter treats approximately 40,000 poles using 200,000 gallons per year of an organic-based preservative containing approximately 5% PCP.

2.2 History

J.H. Baxter & Company has owned and operated the wood treating facility in Arlington since 1971. The site was previously operated as a pole treatment plant. The plant was built by Butcher, Inc. in the 1960's and operated until 1970. Prior to that time, the land was used for agriculture.

PCP spills occurred at the site in 1981, 1989, and 1990. An adjacent mobile home park was taken off of its domestic supply well and hooked up to city water by J.H. Baxter in 1992. This was done because one of the monitoring wells located at the northwest corner of the site, at the property boundary, had concentrations of PCP.

High levels of dioxins/furans and PCP were found in storm water samples taken in 1998 during two storms. Eight separate storm water samples were collected during the two storms.

Ground water at the site appears to have been impacted by historic wood preserving practices and spills. It is not known whether or not any contaminated ground water has moved beyond the site. The soils beneath the site may be contaminated by current operations and past spills. It is not known how much of the soil is contaminated.

2.3 Current and Future Activities

In June of 1998, the J.H. Baxter facility was designated a high priority cleanup site. In November of 1998, Baxter was notified of its potentially liable persons status and negotiations on an Agreed Order began for the RI/FS and Cleanup Action Plan. An Agreed Order formalizes

an agreement between Ecology and the potentially liable persons for investigation and cleanup actions needed at the site. A thirty day public comment period is currently underway for the proposed Agreed Order.

Ecology is also in the process of renewing a wastewater discharge permit for J.H. Baxter to control the quality of the contaminated stormwater runoff being discharged to the ground. The stormwater is associated with the storage of the treated wood products.

The wastewater discharge permit, called a National Pollutant Discharge Elimination System (NPDES) permit, sets effluent limitations on contaminants that may be discharged. In addition, it specifies treatment or other operating conditions necessary to control the quality of the discharge and to ensure compliance with the State Water Quality Standards.

The previous permit required J.H. Baxter to collect and provide analytical data to Ecology on the stormwater runoff. The data will be used to set effluent limitations and conditions in the renewed permit. The renewed draft NPDES permit is also available for public comment during the thirty day comment period and can be found at the repositories listed in this document.

Comments received from the public will be reviewed by Ecology. Modifications may be made based on the comments received if information indicates that the Agreed Order or the NPDES permit is inadequate.

J.H. Baxter & Co. has hired the firms of AGI Technologies and Hart Crowser to develop a work plan and schedule, conduct the RI/FS, and write the Cleanup Action Plan.

When the RI/FS and Cleanup Action Plan is complete, the public will again be invited to comment. The comment period for the RI/FS and Cleanup Action Plan is a key point for the public to give input. Once comments on the RI/FS report and the Cleanup Action Plan are received and reviewed and any necessary changes are made, work on the final cleanup of the site may be completed.

3.0 COMMUNITY BACKGROUND

3.1 Community Profile

Arlington is located forty-five miles north of Seattle and approximately two miles east of Interstate 5 in north Snohomish County. Current population is approximately 7,000. The town developed as a service base for farmers and loggers. Lumber mills have traditionally provided the economic base for Arlington and the railroad through town to Canada was a predominant presence in town during the first half of the century. An industrial area, located on and around Arlington Airport property at the south end of the town, houses a growing number of businesses and industries. The J.H. Baxter facility is located in this industrial area.

The nearest natural water body is Portage Creek, approximately one mile north of the site. The Portage Creek Wildlife Area covers approximately 155 acres in the vicinity of Portage Creek and Cemetery Road.

3. 2 Community Concerns

Most of the properties adjacent to the J.H. Baxter facility are commercial or industrial. Airway Mobile Home Park, with 55 homes, is directly northwest of the site. There are some remaining older homes along 67th Avenue NE and north of 188th Street NE. There are new residential developments uphill and across 67th Avenue. These homes are close by but not adjacent to the site.

People living and working near the site were interviewed and surveys were distributed to residents in order to identify the level and types of concerns, whether they were on a well or water system, and whether they wanted to be on the mailing list. (See Appendix B for the actual survey questionnaire.)

Most people were unaware that the J.H. Baxter facility is a hazardous waste site. Upon learning that the site is scheduled for cleanup, the following concerns were expressed:

- **Ground Water**: Are domestic wells contaminated or potentially threatened by the site? (Concern expressed only by those households on domestic wells.)
- **Surface Water**: Is human and environmental health threatened by possible surface water contamination?
- **Air Quality**: Does the strong odor coming from the facility during warm weather carry harmful fumes?

When asked to described their level of interest or concern about this site, most people responded that they were very concerned. However, this may not be an accurate representation of all community concerns or the level of interest since only a small number of residents were interviewed or returned the survey.

4.0 PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITIES

The purpose of this Public Participation Plan is to promote public understanding and participation in the Model Toxics Control Act (MTCA) cleanup planned for this Site. This section of the Plan addresses how Ecology will share information and receive public comments and community input on the Site cleanup. Ecology, working with J.H. Baxter Co. retains lead responsibility for these activities.

4.1 Public Involvement Tools

Ecology uses a variety of tools that are aimed at facilitating public participation in the planning and cleanup of a MTCA site. The following is a list of these tools, their purpose and when and how they will be used during this Site cleanup.

Formal Public Comment Period

Comment periods are the primary way Ecology gets feedback from the public on proposed cleanup decisions. Comment periods are at least 30 days long—sometimes longer—and are required at key points during the cleanup process before final decisions are made. During a

comment period, the public can comment in writing, or if ten or more people request one, a public hearing will be held at which oral comments will be taken.

For the J.H. Baxter site, a comment period will be held from June 1, 1999 to June 30, 1999. During this time, the community will have the opportunity to comment on the proposed Agreed Order and this Public Participation Plan, as well as the NPDES permit.

Public Meetings and Hearings

A public meeting or hearing is not required under MTCA for an Agreed Order. However, if ten or more people request one a hearing will be scheduled.

Responsiveness Summaries

After every public comment period, Ecology reviews and responds to all comments received, both oral and written, in a responsiveness summary. Ecology considers changes or revisions based on the input from the public. If significant changes are recommended, then a second comment period is held. If no significant changes are recommended, then the Agreed Order is considered final. A copy of the responsiveness summary is sent to all people who submitted comments, and it is also made available at the Information Repositories listed below with the other pertinent site documents.

Information Repositories

Information repositories are convenient places where you may read and review site information. The information repositories are often at libraries or community sites where the public has access. During the comment period, the site documents will be available for review at each repository. Documents remain at the repositories for the entire duration of the cleanup. Ecology's Central Files can make copies of documents for a fee.

For the J.H. Baxter facility, drafts of the Agreed Order, the NPDES permit, and this Public Participation Plan will be at the following repositories:

Arlington Library	J.H. Baxter Wood Preserving	Department of Ecology
135 N. Washington	6520 188th Street NE	Northwest Regional Office
Arlington WA 98223	Arlington WA 98223	3190 160th Avenue SE
(360) 435-3033	(360) 435-2146	Bellevue (425) 649-7190

Site information and documents will also be posted on the Ecology web site at [www.wa.gov/ecology/tcp/cleanup.html] under Site Information.

Site Register

One of the communication tools of Ecology's Toxics Cleanup Program is the Site Register. All public meetings and comment periods as well as many other activities are published in this bimonthly report. The public comment period for this site will be announced in the Site Register. To receive the Site Register, contact Sherrie Minnick at (360) 407-7200 or email [shan461@ecy.wa.gov].

Mailing List

Ecology has compiled a mailing list for the site. The list includes all residences and businesses adjacent to the site, individuals, groups, public agencies, elected officials, and private businesses and industries that request site-related mailings, as well as other known interested parties. The list will be maintained at Ecology's Northwest Regional Office and will be updated as needed.

Fact Sheets

Fact sheets are site-specific newsletter-like publications that are mailed to interested persons, business and government agencies in and around affected communities. The fact sheet is used to inform them of comment periods and important site activities. Fact sheets are also used to informally update the community on the progress of the site cleanup.

For this site, a fact sheet has been prepared and will be mailed to announce the formal comment period and availability of site documents to be reviewed. Future fact sheets will be prepared to periodically update the community on the progress of the site cleanup.

Display Ads

Display advertisements are placed in the newspaper of largest circulation and local community newspapers to announce the comment period and, if applicable, the public hearing. Display ads are preferred as they are easier to find and easier to understand compared to legal notices.

The display ad for this site to announce the comment period will be placed in The Everett Herald and The Arlington Times.

4.2 Plan Updates

This Public Participation Plan may be updated as the project proceeds. If an update is necessary then the revised plan will be submitted to the public for comment.

4.3 Public Points Of Contact

Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

Ching-Pi Wang
Site Manager
(425) 649-7134
cwan461@ecy.wa.gov

Christine Corrigan
Public Involvement
(425) 649-7254
csun461@ecy.wa.gov