



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 8, 2013

Ms. Sheri Bozic
Jorgensen Forge Corporation
8531 East Marginal Way South
Tukwila, WA 98108

**Re: Effective Date of First Amendment to Agreed Order No. DE-4127
Interim Action in Access Road Area,
Jorgensen Forge Site,
8531 East Marginal Way South, Tukwila, WA
Facility Site No. 2382**

Dear Ms. Bozic:

The 30-day comment period on the draft First Amendment to Agreed Order DE-4127 (AO) for the Jorgensen Forge Corporation Site located at 8531 East Marginal Way South, Tukwila, WA has ended. The Department of Ecology (Ecology) signed the First Amendment to the AO and it became effective on July 8, 2013. No comments were received and no changes have been made to the document. A copy of the executed First Amendment to the AO is enclosed for your records.

The rights and responsibilities of a Potentially Liable Party (PLP) are outlined in Chapter 70.105D RCW, and WAC 173-340. Exhibit B of the AO provides the due date for the first deliverable. The Final Interim Action Work Plan for the Interim Action was due on June 28, 2013.

We look forward to working with the Jorgensen Forge Corporation on this project. If you have any questions or need assistance, please contact the site manager, Maureen Sanchez at 425-649-7257 or by email at maureen.sanchez@ecy.wa.gov.

Sincerely,

Robert W. Warren, P. Hg., MBA
Toxics Cleanup Program Section Manager

Enclosures

By certified mail: 7011 0470 0003 3682 7401

cc: Central Files, Ecology
Nels Johnson, Attorney General's Office
Valerie Lee, Lee and Associates, Attorneys at Law



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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial Action by:
The Jorgensen Forge Corporation

FIRST AMENDMENT
TO AGREED ORDER

No. DE 4127

TO: Jorgensen Forge Corporation
8531 East Marginal Way South
Tukwila, Washington 98108

A. INTRODUCTION

Agreed Order No. DE 4127 (2007 Order), entered into by the State of Washington, Department of Ecology (Ecology) and the Jorgensen Forge Corporation (Jorgensen) in 2007, provides for remedial action where there has been a release of hazardous substances that may migrate to Lower Duwamish Waterway (LDW) sediments from the Sediment Investigation Area defined in the 2007 Order (Site). The 2007 Order requires Jorgensen to perform certain activities to determine if the Jorgensen Property is an on-going source of contamination to sediments in the LDW. This First Amendment to the 2007 Order (First Amendment) requires Jorgensen to perform an interim action to excavate and remove soils impacted by polychlorinated biphenyls (PCBs) at elevated concentrations within the access road area of the Site. Soils in the access road area have to be removed to provide construction equipment access to portions of the riverbank that will be reconfigured as part of the Jorgensen Forge Early Action Area (JFEAA) being overseen by the United States Environmental Protection Agency (EPA). The JFEAA is located adjacent to and west of the Site. Removal of PCB-impacted soil in this area will prevent the potential migration of contaminated soils at the Site and remove near-surface PCB-impacted soils that could otherwise migrate to the LDW.

The remedial action for sediments and bank material at the JFEAA was selected under EPA administration (Administrative Order on Consent, CERCLA Docket No. 10-2003-001 and its First Amendment executed on April 18, 2008) as part of the LDW Superfund Site. The design, construction and monitoring of the EPA-approved removal action alternative is being

administered under EPA Administrative Settlement Agreement and Order on Consent for Removal Action Implementation, CERCLA Docket No. 10-2013-0032 dated November 5, 2012. The final construction design for the JFEAA is presented in the Basis of Design Report Jorgensen Forge Early Action Area (BODR) submitted to EPA in March 2013.

B. JURISDICTION

This First Amendment to Agreed Order No. DE 4127 is issued by Ecology pursuant to the authority of RCW 70.105D.050(1).

C. AMENDMENT

This First Amendment does not attempt to recite all of the provisions of the 2007 Order. Provisions of the 2007 Order not specifically addressed in this First Amendment shall remain in full force and effect. This First Amendment results in substantial changes to the work being performed and has been the subject of public notice and comment under WAC 173-340-600.

The 2007 Order is hereby amended to incorporate the following provisions, which are integral and enforceable parts of the 2007 Order:

1. Section VI (Ecology Determinations) of the 2007 Order is hereby amended to add the following determination in addition to the determinations already set forth:

E. Under WAC 173-340-430, an interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance, that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed, or that is needed to provide for completion of a site hazard assessment, remedial investigation/feasibility study or design of a cleanup action. Removal of PCB-impacted soils from the construction access road area is required to support the JFEAA removal action under EPA administration. This removal will prevent migration of PCB-impacted soils to other parts of the Site or to the LDW, and therefore corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed. Such circumstances warrant interim action consistent with WAC 173-340-430.

2. Section VII (Work to Be Performed) of the 2007 Order is hereby amended to add the following requirements in addition to those requirements already set forth:

E. Jorgensen shall conduct the interim action as more fully described in Exhibit D to this Order (Scope of Work and Description of Interim Action). This interim action is intended to prevent migration of the PCB-impacted soil in the access road area to the Site or to the LDW.

F. Within thirty (30) days of the effective date of this First Amendment, Jorgensen shall prepare an interim action work plan for Ecology's review and approval. Within fifteen (15) days of the receipt of Ecology's comments, Jorgensen shall respond to Ecology's comments and, if required, submit a revised interim action work plan for Ecology's review and approval. The interim action work plan will be considered final after Ecology's approval. Within ninety (90) days following completion of the interim action construction, Jorgensen shall submit to Ecology an interim action completion report.

G. Upon approval by Ecology, the interim action work plan becomes an integral and enforceable part of the 2007 Order, and Jorgensen is required to perform the interim action according to the work plan and schedule contained therein.

3. Section VIII.D (Designated Project Coordinators) is hereby amended to change the project coordinators as follows:

The project coordinator for Ecology is:

Name: Maureen Sanchez, LHG
Address: Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452
Phone: (425) 649-7257

The project coordinator for Jorgensen is:

Name: John Gross
Address: Jorgensen Forge Corporation
8531 East Marginal Way South
Tukwila, WA 98108
Phone: (206) 965-1352

4. **Section VIII.F (Access) is hereby amended to add the following requirements in addition to those requirements already set forth:**

To comply with Jorgensen's contracts with the U.S. Navy, Navy Suppliers and other defense-related firms:

1. Ecology, or any Ecology authorized representative acting pursuant to Agreed Order No. DE 4127, must check in with Jorgensen security personnel at the main gate of the facility. The main gate is normally staffed 24 hours a day, 365 days per year. To arrange access under non-emergency circumstances, Ecology representatives should contact Environmental Director John Gross, or his designee. John Gross can be reached at (206) 965-1352. Contact information for any designee shall be provided when a person is designated. In emergency circumstances, access after normal working hours (7 am to 4 pm), on weekends or holidays, can be arranged by calling (206) 762-1100 extension 269, which is a 24-hour access line staffed by personnel with authority to grant access to Ecology and Ecology-authorized representatives in such circumstances.
2. Non-U.S. Citizens must be escorted at all times while on the Jorgensen facility property.
3. All visitors must obtain a Visitor Badge from security personnel at the main gate.
4. Upon access, all visitors must obtain a safety briefing.
5. During access, all visitors must wear appropriate safety equipment

5. **Section VIII.P (Compliance with Other Applicable Laws) is hereby amended to add the following requirements in addition to those requirements already set forth:**

4. The implementation of the interim action described in Exhibit D may require federal, state or local permits and/or compliance with substantive requirements. Applicable permits and applicable substantive requirements will be identified within the work plan.

6. **Exhibit "D" attached hereto is hereby incorporated into the 2007 Order and the Table of Contents is amended to include the following:**

Exhibit D: Scope of Work and Description of Interim Action

D. SIGNATURE AUTHORITY

The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this First Amendment and to execute and legally bind such party to the same.

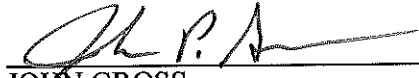
E. EFFECTIVE DATE

This First Amendment shall be effective upon execution by Jorgensen and Ecology.

Effective date of this First Amendment: 7/8/13


JORGENSEN FORGE CORPORATION

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY



JOHN GROSS
Environmental Director
Jorgensen Forge Corporation
(206) 965-1352

Dated: 5/10/2013



ROBERT W. WARREN, P. Hg., MBA
Regional Manager
Northwest Regional Office
Toxics Cleanup Program
(425) 649-7054

Dated: 7/8/13

EXHIBIT D
SCOPE OF WORK AND DESCRIPTION OF INTERIM ACTION

SCOPE OF WORK

Task 1: Prepare Interim Action Work Plan

An interim action is required at the Jorgensen Forge Corporation (Jorgensen) Sediment Investigation Area (Site) under Agreed Order (No. DE 4127, as amended) located at 8531 East Marginal Way South in Tukwila, Washington. The interim action will result in the excavation and removal of soils with elevated polychlorinated biphenyls (PCBs) concentrations within the access road area (Figure 1). Jorgensen will prepare and submit to the Washington State Department of Ecology (Ecology) for review and approval an interim action work plan with detail commensurate with the work to be performed. At a minimum, the work plan shall include the following information:

- A description of the interim action including its purpose and general requirements (the interim action shall be designed in a manner that will not preclude reasonable alternatives for any additional future cleanup action that may be required in the removal area).
- A summary of existing Site conditions.
- Information regarding design and construction requirements, including a proposed schedule and personnel roles and responsibilities.
- An evaluation of substantive permit requirements that shall be met during the interim action.
- A compliance monitoring plan (CMP).
- A health and safety plan (HSP).
- A Quality Assurance Project Plan (QAPP).
- A sampling and analysis plan (SAP).

Jorgensen may refer to plans provided in the March 2013 Basis of Design Report (BODR) for the Jorgensen Forge Early Action Area (JFEAA) that are applicable to this interim action in the work plan in lieu of attaching those plans. Due to the small scale of this interim action, the CMP and SAP can be combined into one plan specific to this interim action.

Jorgensen shall prepare and submit to Ecology one electronic (PDF) copy of an interim action work plan and one copy of the work plan text in Microsoft Word electronic format. Jorgensen shall prepare a response to Ecology comments on the work plan, and if required, prepare a revised work plan. Jorgensen will submit two (2) paper copies and one electronic (PDF) copy of the approved work plan to Ecology.

Task 2: Conduct Interim Action

Jorgensen shall conduct an interim action to excavate and remove soils impacted by PCBs at elevated concentrations within the access road area. The interim action will be conducted in accordance with WAC 173-340-430 and the Ecology-approved final interim action work plan.

Task 3: Prepare Interim Action Report

Upon successful completion of the interim action, Jorgensen shall prepare and submit an interim action report to Ecology. The interim action report will present the results and constructed condition of the completed interim action. The report will document any variations from the interim action work plan and present the results of any compliance monitoring or other environmental testing conducted as part of the interim action.

Jorgensen shall prepare and submit to Ecology two (2) paper copies and one electronic (PDF) copy of the interim action report. Because the interim action report is limited in scope to documenting the implementation of the interim action, it is not anticipated that revisions will be required in response to Ecology review, so the report will not be submitted in draft form to Ecology. However, the report shall be revised by Jorgensen and resubmitted if Ecology determines that revision to the report is warranted.

DESCRIPTION OF INTERIM ACTION

BACKGROUND

As required in the Agreed Order (as amended) between Ecology and Jorgensen, Jorgensen shall conduct an interim action to excavate and remove soils impacted by polychlorinated biphenyls (PCBs) at elevated concentrations within the access road area, as shown in Figure 1. Soils in the access road area have to be removed to facilitate construction equipment access to portions of the riverbank that will be reconfigured as part of the Jorgensen Forge Early Action Area (JFEAA) for the sediment and bank removal action being overseen by the United States Environmental Protection Agency (EPA). The JFEAA is located adjacent to and west of the access road area. Removal of PCB-impacted soil in the access road area is intended to prevent the potential migration of contaminated soils at the Site and remove near-surface PCB-impacted soils that could otherwise have the potential to migrate to the LDW. Upon completion of the soil removal, a layer of backfill or rock will be placed above the removed soils to prevent migration of any residual PCB-impacted soils. Upon completion of the excavation and dredging portions of the JFEAA project, the access road area may be further graded commensurate with the remainder of the new shoreline bank as necessary to achieve the target elevations identified in the BODR. Additional impacted soil will not be removed during final grading, but additional fill or grading of clean backfill material may be added as required to achieve final grades.

SITE CONDITIONS

The interim action area is located in the westernmost portion of the Site, located at 8531 East Marginal Way South in Tukwila, Washington. The Site is a relatively flat industrial site

bordered on the east by East Marginal Way South, to the north by Boeing Plant 2 Facility, to the south by the Boeing-Isaacson property, and to the west by the JFEAA of the Lower Duwamish Waterway (LDW) Superfund site.

The access road area is located east of the top of the bank and east of the JFEAA, but is located within the construction zone required to complete the JFEAA removal action. The access road area is flat and composed of gravel with adjacent concrete pads directly to the east. The riverbank within the JFEAA immediately west of the access road area is steep and covered with areas of riprap, concrete blocks, chunks of asphalt, other debris, and aboveground remnant timber piles.

Groundwater at the Site is typically encountered from 9 to 13 feet below ground surface (bgs) and is not anticipated to be encountered during the interim action given the target excavation depths. Test borings indicate that PCBs are present in near-surface soils at the access road area at concentrations up to 17.77 milligrams per kilogram.

INTERIM ACTION

The planned interim action is to excavate and remove soils impacted by PCBs at elevated concentrations within the access road area. This removal is intended to prevent migration of these PCB-impacted soils to the Site or to the LDW during JFEAA construction activities.

Approximately 180 cubic yards of PCB-impacted soils are estimated to be removed from the access road area during the interim action and will be disposed as outlined in the BODR for the JFEAA. The interim action will occur near the beginning of the JFEAA remedial activities to a depth of approximately two to six feet bgs. The excavation and removal will be done using conventional excavation equipment. A layer of clean backfill or rock base will be placed upon completion of excavation and soil testing to limit migration of any residual PCB-impacted soils. Once the JFEAA soil and sediment removal activities are complete, the access road area may be further graded with the remainder of the shoreline bank as necessary to achieve the target elevations identified in the BODR. Additional design details will be presented in the interim action work plan.

The excavation and backfill in the access road area are expected to take between one and two working days to complete. If necessary, any final grading would occur near the end of the larger JFEAA project as outlined in the BODR. Additional impacted soil will not be removed during final grading, but additional fill or grading of clean backfill material may be required to achieve final grades.

SCHEDULE

The anticipated schedule for the interim action is based on the beginning of construction for the JFEAA removal action currently scheduled to start at the beginning of August 2013. Target dates for completion of tasks outlined herein are:

- Jorgensen will submit the draft interim action work plan to Ecology by May 15, 2013.

- The 30-day public comment period on the First Amendment to Agreed Order DE-4127 and this Scope of Work is currently scheduled for May 20, 2013 to June 19, 2013.
- Ecology and Jorgensen to finalize the work plan by June 28, 2013.
- Jorgensen will submit the interim action completion report within ninety (90) days following completion of the interim action. Because the access road area construction will occur at the beginning of the construction work, it is anticipated that the interim action completion report will be submitted to Ecology in late November 2013.

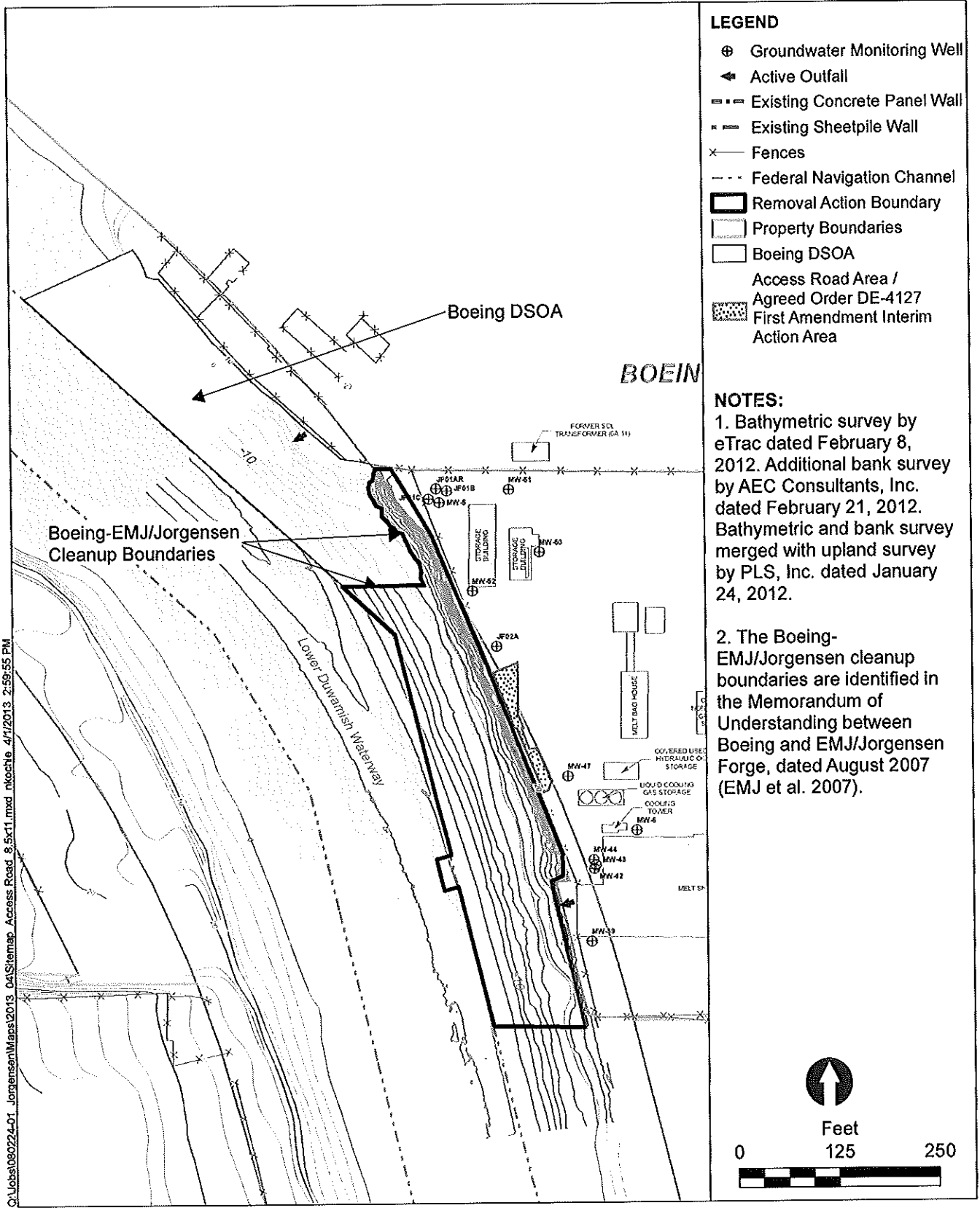


Figure 1
 Site Map Showing Access Road Area
 Jorgensen Forge Facility
 First Amendment to Agreed Order