



## **PERIODIC REVIEW**

**Inland Empire Paper  
FS ID#: 81484342**

**3320 North Argonne Road  
Millwood, Washington 99212**

**Eastern Regional Office**

**TOXICS CLEANUP PROGRAM**

**August 2010**

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## 1.0 INTRODUCTION

This document is the Department of Ecology's review of post-cleanup site conditions and monitoring data to ensure that human health and the environment are being protected at the Inland Empire Paper site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA), Chapter 173-340 WAC.

Cleanup activities at this Site were conducted under the Voluntary Cleanup Program (VCP). The cleanup actions resulted in residual concentrations of diesel-range petroleum hydrocarbons (TPH-D) exceeding MTCA Method A cleanup levels for soil established under WAC 173-340-740 (2), which requires that Ecology conduct a periodic review of a site every five years under the following conditions:

- Whenever the department conducts a cleanup action; or
- Whenever the department approves a cleanup action under an order, agreed order, or consent decree;
- Or, as resources permit, whenever the department issues a 'No Further Action' opinion;
- And one of the following conditions exists:
  - (a) Institutional controls or financial assurance are required as part of the cleanup.
  - (b) Where the cleanup level is based on a practical quantitation limit.
  - (c) Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to ensure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors the department shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the site.
- (b) New scientific information for individual hazardous substances of mixtures present at the site.
- (c) New applicable state and federal laws for hazardous substances present at the site.
- (d) Current and projected site use.
- (e) Availability and practicability of higher preference technologies.
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

The department shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

## **2.0 SITE SUMMARY**

### **2.1 Site History**

The Inland Empire Paper (IEP) newsprint manufacturing plant is located at 3320 North Argonne Road in Millwood, Washington and has operated since 1911. IEP produces over 500 tons of newsprint every day. The Spokane River is located about 400 feet north of the Site.

Groundwater beneath the Site is at approximately 37 feet below grade and flows in a westerly direction. A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

On January 31, 2001, a small pool of oil was observed in a pipe tunnel beneath a 20,000-gallon fuel oil storage tank. The tank was located in a concrete vault at the IEP plant. IEP implemented activities to identify the source of the release, and by February 2, 2001, a leak was identified on the east end of the tank. Based on a product inventory review, IEP estimated that about 600 gallons of product were released from the tank.

### **2.2 Remedial Activities**

In February 2001, sludge was removed from the fuel oil storage tank, and the tank was removed. IEP personnel noted that the floor of the vault was not concrete, as specified in the blueprints, but was compacted gravel.

Excavation of contaminated soil began in March 2001. Soil was excavated to a depth of 14 feet. Approximately 100 cubic yards of soil were removed and disposed of at the Graham Road Landfill in Spokane County. Soil samples collected from the perimeter of the excavation exceeded Method A cleanup levels for total petroleum hydrocarbons (TPH) and polycyclic aromatic hydrocarbons (PAHs).

Six soil borings were drilled and groundwater monitoring wells were installed in three of the borings near the former tank. Soil samples were analyzed for gasoline-, diesel- and oil-range hydrocarbons (TPH-G, TPH-D, and TPH-O, respectively). Results indicated that concentrations of oil-range hydrocarbons exceeded cleanup levels in the boring completed beneath the former tank. Oil-range hydrocarbon concentrations were 4710 mg/kg at 15.6 feet below grade. Results from all other borings were non-detect. The remaining contaminated soil was adjacent to the boiler house building and could not be removed due to potential damage to the building.

Groundwater samples were collected in July and October 2001 and January 2002. Results indicated that samples collected from the three monitoring wells did not contain detectable concentrations of TPH-D or TPH-O.

### **2.3 Cleanup Levels**

It was determined that the remedial actions conducted at the Site were routine cleanup actions, therefore, MTCA Method A cleanup standards were applied.

Site cleanup was initiated before adoption of MTCA revisions in July 2001. Therefore, the 1996 MTCA cleanup levels were used at the time of cleanup activities. MTCA Method A cleanup levels for TPH-D and TPH-O were both increased from 200 ppm to 2000 ppm in 2001. These changes do not change the effectiveness of the cleanup action.

## 2.4 Restrictive Covenant

Following remediation, it was determined that the Site would be eligible for a no further action determination with the implementation of institutional controls in the form of a Restrictive Covenant, which was recorded for the Site in 2003. The Restrictive Covenant imposes the following limitations:

1. A portion of the Property contains petroleum hydrocarbon-contaminated soil located beneath the former fuel oil storage tank located in front of the boiler house. The Owner shall not alter, modify, or remove the existing structure[s] in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.
2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.
3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.
4. The Owner of the property must give thirty (30) days advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.
5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.
6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.
7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action, to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.
8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

A copy of the Restrictive Covenant is available as Appendix 6.3.

## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of completed cleanup actions**

Based upon the Site visit conducted on July 8, 2010, the building and asphalt cover at the Site continue to eliminate exposure pathways (ingestion, contact) to contaminated soils. The asphalt appears in satisfactory condition and no repair, maintenance or contingency actions have been required. The Site continues to operate as a newsprint manufacturing plant. A photo log is available as Appendix 6.4.

The Restrictive Covenant for the Site was recorded and remains active. This Restrictive Covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Restrictive Covenant serves to ensure the long term integrity of the remedial action.

### **3.2 New scientific information for individual hazardous substances for mixtures present at the Site**

There is no new relevant scientific information for the petroleum contaminants related to the Site.

### **3.3 New applicable state and federal laws for hazardous substances present at the Site**

MTCA Method A cleanup levels have not changed since the no further action determination was issued for the Site in 2003.

### **3.4 Current and projected Site use**

The Site is currently used for industrial purposes. The Site is controlled by a security guard and restricted from public access. There have been no changes in current or projected future Site or resource uses.

### **3.5 Availability and practicability of higher preference technologies**

The remedy implemented included containment of hazardous substances and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### **3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels**

The analytical methods used at the time of the remedial action were capable of detection below MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## **4.0 CONCLUSIONS**

- The cleanup actions completed at the Site are protective of human health and the environment.
- Soil cleanup levels have not been met at the Site; however, under WAC 173-340-740(6)(d), the cleanup action is determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies in WAC 173-340-360(8) have been met.
- The Restrictive Covenant for the property is active and continues to be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, the Department of Ecology has determined that the requirements of the Restrictive Covenant are being met. No additional remedial actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to ensure that the integrity of the surface cover is maintained.

### **4.1 NEXT REVIEW**

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.



## **5.0 REFERENCES**

Ecology. *VCP Review*. September 24, 2002.

Ecology. *Restrictive Covenant*. February 12, 2003.

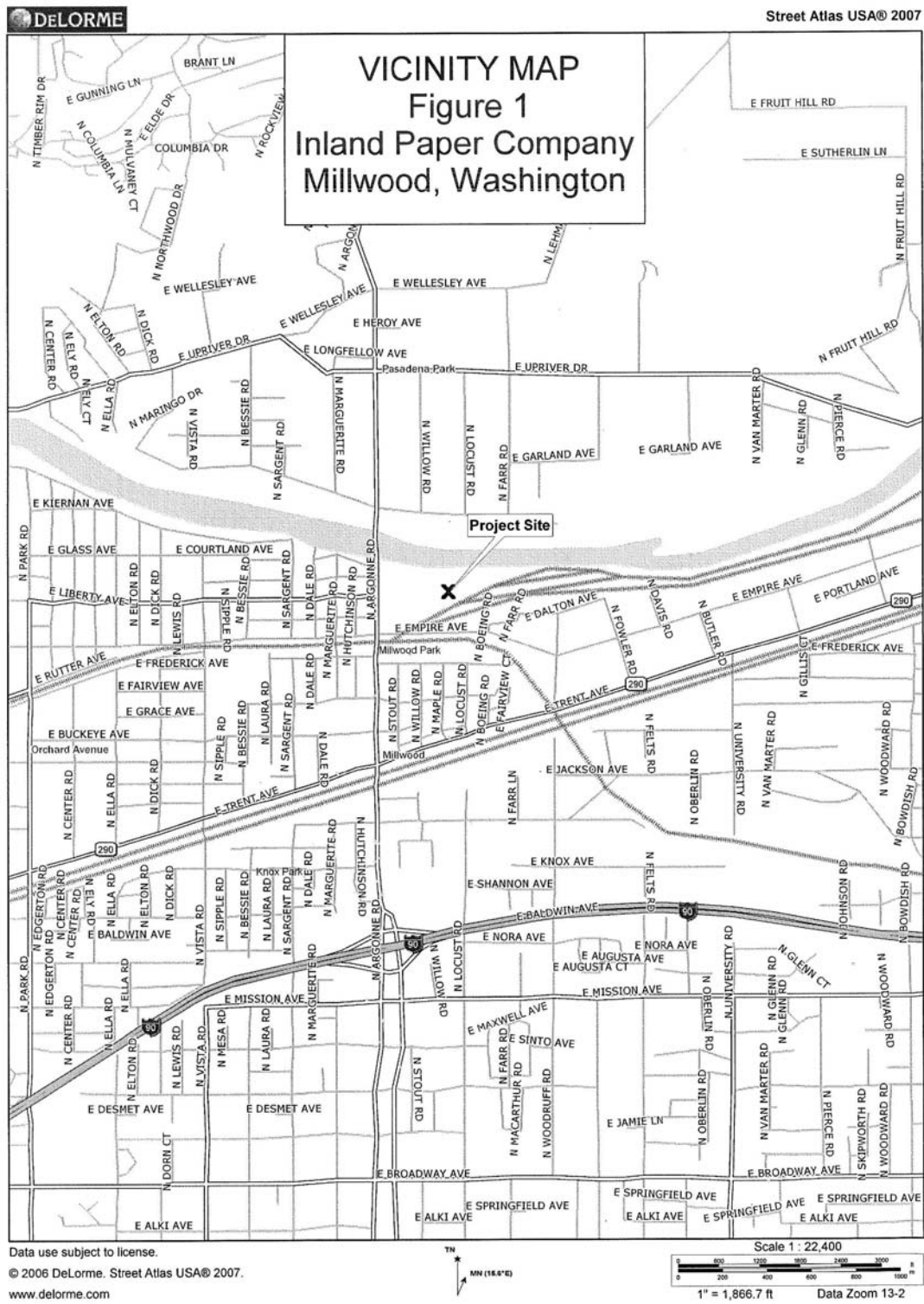
GeoEngineers. *Ground Water Monitoring*. February 13, 2003.

Ecology. *No Further Action Determination Letter*. March 12, 2003.

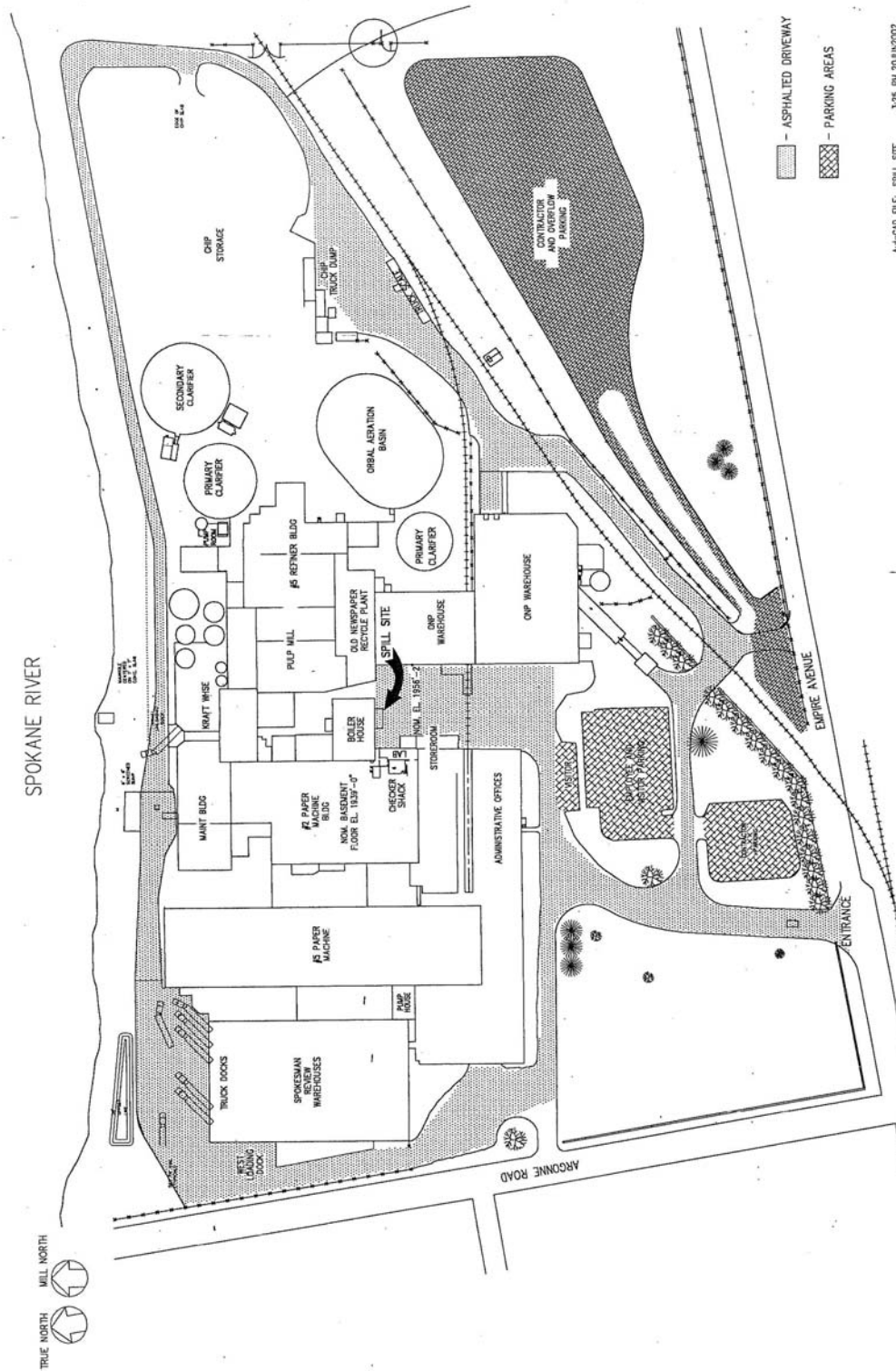
Ecology. *Site Visit*. July 8, 2010.

## **6.0 APPENDICIES**

### 6.1 Vicinity Map



## 6.2 Site Plan



## 6.3 Restrictive Covenant



RECORDING REQUESTED BY  
AND WHEN RECORDED RETURN TO:  
Attn: Wayne D. Andresen  
INLAND EMPIRE PAPER COMPANY  
3320 N. Argonne Road  
Spokane, WA 99212

### RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Inland Empire Paper Company, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents:

1. 03/30/01 – Chronology of Fuel Oil Storage Tank Leak, Rick Fink, IEP.
2. 07/09/01 – Results of Soil Sampling from Boreholes, Jeff Lambert, Lambert Group.
3. 08/06/01 – Ground Water Monitoring Report, GeoEngineers.
4. 11/02/01 – Ground Water Monitoring Report, GeoEngineers.
5. 02/13/02 – Ground Water Monitoring Report, GeoEngineers.

These documents are on file at Ecology's Eastern Regional Office (ERO).

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-740.

The undersigned, Inland Empire Paper Company, is the fee owner of real property (hereafter "Property") in the County of Spokane, State of Washington that is subject to this Restrictive Covenant. The Property is a portion of the SW1/4, SW1/4, Sec. 5, T. 25 N., R. 45 E., W.M., Spokane County Tax Parcel #45053.0001 and is legally described in ATTACHMENT A of this RESTRICTIVE COVENANT and made a part hereof by reference.

Inland Empire Paper Company makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. A portion of the Property contains petroleum hydrocarbon contaminated soil located under the fuel oil storage tank located in front of the boiler house. The Owner shall not alter, modify, or remove the existing structure[s] in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.



Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

INLAND EMPIRE PAPER COMPANY

Wayne D. Andresen  
Wayne D. Andresen, President and General Manager

2/4/03  
Date

STATE OF WASHINGTON )  
                                  ) ss.  
County of Spokane      )

On this 7th day of February, 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared WAYNE D. ANDRESEN, to me known to be the President and General Manager of INLAND EMPIRE PAPER COMPANY, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposed therein mentioned, and on oath stated that he was authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.



Reuben W. Streifel  
NOTARY PUBLIC in and for the State of  
Washington, residing at Spokane  
My appointment expires: 1-18-06

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## 6.4 Photo log

**Photo 1: Former Tank Area - from the southwest**



**Photo 2: Former Monitoring Well Locations in Foreground - from the southeast**



**Photo 3: New Tank Location within Secondary Containment - from the northeast**



**Photo 4: Inland Empire Paper Company Entrance – from the southwest**

