

**STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

Norton Industries, Inc., and TC  
Systems, Inc.

AGREED ORDER

**Remedial Investigation/Feasibility Study  
and Draft Cleanup Action Plan – TC  
Systems Inc Site**

No. DE 7818

TO: Norton Industries, Inc.  
James B. Schack – President  
24415 142<sup>nd</sup> Ave SE  
Kent, Washington 98042

and

TC Systems, Inc.  
Mary Utick, President  
1032 West Marine View Drive  
Everett, Washington 98201-1557

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## **I. INTRODUCTION**

The mutual objective of the State of Washington, Department of Ecology (Ecology), Norton Industries, Inc. (Norton), and TC Systems, Inc. (TC Systems), under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires Norton and TC Systems (collectively the potentially liable persons [PLPs]) to conduct a Remedial Investigation and Feasibility Study (RI/FS) per WAC 173-340-350 and develop a draft Cleanup Action Plan per WAC 173-340-350 through 173-340-380 addressing both potential upland and in-water (i.e., nearby marine environment) contamination for the Site. Ecology believes the actions required by this Order are in the public interest.

## **II. JURISDICTION**

This Agreed Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

## **III. PARTIES BOUND**

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such party to comply with this Order. The PLPs agree to undertake all actions required by the terms and conditions of this Order. No change in ownership or corporate status shall alter PLPs' responsibility under this Order. The PLPs 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 complies with this Order.

## **IV. DEFINITIONS**

Unless otherwise specified herein, the definitions set forth in Chapter 70.105D RCW and Chapter 173-340 WAC shall control the meanings of the terms in this Order.

A. Site: The Site is referred to as TC Systems Inc (the Site) and is generally located between 10<sup>th</sup> and 11<sup>th</sup> Streets off West Marine View Drive, Everett, Snohomish County,

Washington. The Site is owned by Norton and includes approximately 2.6 acres of upland area. The final limits of the Site will be determined in the RI/FS. The Site is defined by the extent of contamination caused by the release of hazardous substances at the Site and is not limited by property boundaries. The Site includes areas where hazardous substances have been deposited, stored, disposed of, placed, or otherwise come to be located. Based upon factors currently known to Ecology, the Site is more particularly described in **Exhibit A** to this Order, which includes site and tax parcel maps, a site location description, and property information from the Snohomish County Assessor's Office. The Site includes both upland and potential in-water areas as defined below. The Site constitutes a Facility under RCW 70.105D.020(5).

B. Parties: Refers to the State of Washington, Department of Ecology, Norton and TC Systems.

C. Potentially Liable Person (PLP): Refers to Norton and TC Systems.

D. Agreed Order or Order: Refers to this Order and each of the exhibits to this Order. All exhibits are integral and enforceable parts of this Order. The terms "Agreed Order" or "Order" shall include all exhibits to this Order.

E. Upland Area: Refers to areas of the Site that fall outside the In-Water Area, as generally depicted in **Exhibit A**, Figures 2 and 3.

F. In-Water Area: Refers to nearby intertidal (areas exposed to air at low tide) and subtidal (areas always covered by water) areas located just north and west of the Site that could potentially be impacted from contaminant migration pathways (e.g., groundwater to surface water flow, stormwater discharge, etc.), as generally depicted in **Exhibit A**, Figure 4.

## V. FINDINGS OF FACT

Ecology makes the following findings of fact, without any express or implied admissions of such facts by the PLPs:

A. The Site is generally located between 10<sup>th</sup> and 11<sup>th</sup> Streets off West Marine View Drive, Everett, Snohomish County, Washington. The Site location is depicted in the diagrams

attached to this Agreed Order as **Exhibit A**. The facility is depicted in Figures 2 through 4 of **Exhibit A**. **Exhibit A** also contains a legal description of the property.

B. The Site was formerly occupied by an historic Shingle Mill (i.e., Jamison Shingle Mill) that was built on pilings and operated for over 40 years. Early Sanborn Fire Insurance Maps (Sanborn Maps) show that the Jamison Shingle Mill was in operation at least as far back as 1914. Sanborn Maps also show that the mill was in operation in 1957. Available historic aerial photos show that the mill was present at the site in 1966, but not in 1979.

C. The current buildings located on the Site (i.e., Buildings B and C) were constructed in 1978 (Building B) and 1980 (Building C) according to Snohomish County Assessor's Office records (*see Exhibit A*).

D. Norton is the current owner of the Site, and has owned the Site since December 8, 1983 when it purchased it from William E. Boeing Jr. of Seattle, Washington.

E. TC Systems is the current Site operator and has operated at the Site, along with its predecessors (MARPAK Products, Inc. and Tri Coatings, Inc.), since about 1979. TC Systems supports the aviation and boating industries by chemically treating and painting metal parts using their chemical line and paint booths. TC Systems applies various surface treatments and coatings to prefabricated metal parts, and conducts non-destructive testing of metal parts using a penetrant oil as well as sand blasting for surface preparation.

F. As reported in a 1991 Phase I Environmental Site Assessment (ESA) performed by Kleinfelder, Inc., Tri Coatings, Inc. operated a maintenance and mechanics shop in the northeast portion of the North Marina Ameron/Hulbert Site (located adjacent to and south of the Site) to support their main facility located on the adjacent property to the north (i.e., TC Systems current location).

G. The Snohomish County tax assessor records identify Cruise-A-Home Inc. to be associated with Building C (*see last page of Appendix A*). According to the May 2009 Phase I ESA performed by TC Systems, Inc, Cruise-A-Home Inc. was identified as being present at 1028 W. Marine View Drive, Everett, Washington in 1975 and 1980 (based on historical city

directories). Cruise-A-Home Inc. engineered, designed, and tooled fiberglass mobile houseboats and other surface craft.

H. Ecology's Hazardous Waste and Toxics Reduction Program has conducted numerous inspections at TC Systems (mainly between 1997 and 2008). During that period, Ecology cited TC Systems with over fifty violations of state hazardous waste regulations (173-303 WAC). Ecology found violations of Dangerous Waste Regulations in all but one of the inspections (between 1997 and 2008). Some of the violations included illegal disposal (failure to respond to a release of spilled compressor oil), failure to designate its dangerous waste, and improper waste management. Ecology inspectors noted that spilled compressor oil was allowed to migrate into the nearby storm drain. In addition, Ecology noted in its inspection reports that it appeared that oil from the leaking compressor was migrating into the soil. The location of the compressor shed and nearby storm drain are depicted on **Exhibit A**, Figures 2 and 3. Ecology inspectors also noted that the secondary containment wall in the alley between TC Systems' Buildings B and C contains cracks and does not provide adequate containment of rainwater or other liquids.

I. In the spring of 2009, Ecology fined TC Systems \$24,000 for its repeated failures to properly manage its hazardous waste. Ecology also issued an Order (DE 6459) on March 25, 2009, directing the company to take a series of steps to correct the problems and provide better protection of public safety, health and the environment.

J. Ecology's Hazardous Waste and Toxics Reduction Program conducted a Dangerous Waste compliance inspection at TC Systems in September 2009. As a result of the inspection, TC Systems was cited for eight violations including failure to provide notification of a spill, failure to fully mitigate the spill, and failure to reseal the containment floor underneath the process tank line and keep it dry.

K. TC Systems has an industrial stormwater permit (Permit No. S03-000762D) issued by Ecology. The permit indicates that industrial stormwater from the site discharges to Port Gardner (i.e., the 12<sup>th</sup> Street Marina; *see* **Exhibit A**, Figure 2). Ecology has cited TC Systems with multiple violations including failure to write and implement a Stormwater

Pollution Prevention Plan (SWPPP), failure to perform quarterly sampling and visual monitoring of the facility's discharge, and allowing an oily sheen to be discharged from the compressor to a nearby storm drain.

L. Ecology's most recent stormwater inspection at the Site was conducted in September 2009. Ecology noted violations of their stormwater permit during the inspection and provided TC Systems with a letter documenting *Water Quality Program Corrections Required*. One of the violations Ecology observed during its inspection was TC Systems' failure to perform stormwater monitoring in accordance with the permit. Stormwater monitoring has not been conducted since 2004. During the stormwater inspection, Ecology collected a sediment sample (named TC-CB-01) from the stormwater catch basin located between Buildings A and B and just north of the compressor shed (*see* the red circled stormwater catch basin in **Exhibit A**, Figure 2). Analytical results of the catch basin sediment sample were compared against the Sediment Management Standards (SMS) (Chapter 173-204 WAC), Sediment Quality Standards (SQS), and Cleanup Screening Levels (CSL). Sample results on a dry weight basis revealed that the measured concentrations for cadmium (8.72 milligrams/kilogram [mg/kg]), chromium (3,270 mg/kg), copper (1,360 mg/kg), lead (693 mg/kg), and zinc (2,270 mg/kg) exceeded dry weight equivalent CSL and SQS levels. In addition, the results from sample TC-CB-01 show that polychlorinated biphenyl (PCB) levels associated with Aroclor-1248 (120 µg/kg) and -1254 (420 µg/kg) exceeded the dry weight equivalent SQS level for PCBs. Also, the sample results for total petroleum hydrocarbons (TPH), as lube oil, were measured at 3,800 mg/kg (dry weight) in sample TC-CB-01; this result raises a concern for TPH contamination in sediments at or near the Site. Finally, analytical results associated with semi-volatile organic compounds (SVOCs) including polycyclic aromatic hydrocarbons (PAHs) in sample TC-CB-1 revealed that benzoic acid (22,000 µg/kg) and bis(2-ethylhexyl)phthalate (96,000 µg/kg) exceeded dry weight equivalent CSL and SQS levels. It is also noted that sample TC-CB-1 had to be diluted by a factor of 200 times because it contained a large amount of oil. This resulted in elevated reporting limits (i.e., reporting limits that exceeded CSL and SQS levels) for the majority of SVOCs and PAHs analyzed in the sample.

M. TC Systems operates a wastewater pretreatment system at its facility that provides wastewater treatment before the wastewater is discharged to the sanitary sewer. The facility has an Industrial Pretreatment Discharge Permit with the City of Everett Public Works and has received over 25 Notices of Violation from the city based on available Ecology files from 1990 to 1998. TC Systems has also received numerous notices of significant non-compliance of its industrial wastewater permit from the City of Everett. In 1999, TC Systems had a spill (reportedly 200 gallons of diluted chromic conversion coating) to its wastewater treatment plant as reported in Ecology's Environmental Report Tracking System (ERTS).

N. TC Systems performed a Phase I ESA in April 2009. The results of the Phase I ESA indicated three recognized environmental conditions (REC) as follows:

- a. REC – Multiple above ground storage tanks (ASTs) observed on the property.
- b. REC – Compressor Oil Leak.
- c. REC – Dye penetrant in direct contact with the concrete.

O. As a result of the Phase I ESA, TC Systems performed a limited Phase II ESA in August 2009 that included soil and groundwater sampling. Soil samples were collected from five boring locations (*see Exhibit B*, Figure 2) at the TC Systems' facility and analyzed for TPH-diesel and -oil including total chromium. In addition, groundwater samples were collected and analyzed for TPH-diesel and -oil. The groundwater sample collected at location SB-4 had TPH-diesel and -oil at concentrations of 1,200 µg/L and 860 µg/L, respectively. These concentrations exceed Ecology's MTCA Method A groundwater cleanup level for diesel and oil range organics.

P. The TC Systems Site is located north and adjacent to the North Marina Ameron/Hulbert state cleanup site (*see Exhibit A*, Figures 2 through 4). Ameron International discovered petroleum-impacted soil and groundwater while excavating a damaged stormwater line in 2004 at the boundary between the TC Systems Site and the North Marina Ameron/Hulbert Site (*see Exhibit A*, Figures 2 and 3). The stormwater line extends to the 12<sup>th</sup> Street Marina (point of discharge), about 500-feet west of the excavation. The Port of Everett performed an



investigation on January 20, 2005 in the vicinity of the excavation. Soil sampling results yielded concentrations of PAHs, PCBs, and arsenic above Ecology's MTCA Method A soil cleanup levels. Petroleum odors and sheens were noted in several borings. Visual contamination was not sampled. Arsenic was the only chemical in groundwater that exceeded Ecology's MTCA Method A groundwater cleanup level.

## **VI. ECOLOGY DETERMINATIONS**

A. Norton and TC Systems are "owners or operators" as defined in RCW 70.105D.020(17) of a "facility" as defined in RCW 70.105D.020(5).

B. Based upon all factors known to Ecology, a "release" or "threatened release" of "hazardous substance(s)" as defined in RCW 70.105D.020(25) and RCW 70.105D.020(10), respectively, has occurred at the Site.

C. Based upon credible evidence, Ecology issued a PLP status letter to Norton and TC Systems dated November 20, 2009, pursuant to RCW 70.105D.040, RCW 70.105D.020(21), and WAC 173-340-500. After providing for notice and opportunity for comment, reviewing any comments submitted, and concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that Norton and TC Systems are PLPs under RCW 70.105D.040. Ecology notified Norton and TC Systems of this determination by letters dated February 26, 2010.

D. Pursuant to RCW 70.105D.030(1) and -.050(1), Ecology may require PLPs to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest. Based on the foregoing facts, Ecology believes the remedial actions required by this Order are in the public interest.

## **VII. WORK TO BE PERFORMED**

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that the PLPs take the following remedial actions at the Site, as more fully described in the Scope of Work & Schedule attached to this Order as **Exhibit B**, and that these actions be conducted in

accordance with Chapters 173-340 and 173-204 WAC unless otherwise specifically provided for herein:

A. The PLPs shall conduct the remedial actions fully described in **Exhibit B** to this Order. Generally, the PLPs shall perform the following:

- a. Develop a work plan for an RI/FS in accordance with the Scope of Work provided in **Exhibit B**.
- b. Perform an RI/FS study.
- c. Prepare an RI/FS report.
- d. Develop a draft cleanup action plan (CAP) for the Site.

B. The PLPs shall perform the remedial actions required by this Order according to the work schedule set forth in **Exhibit B**.

C. If at any time after the first exchange of comments on drafts, Ecology determines that insufficient progress is being made in the preparation of any of the deliverables required under the Scope of Work & Schedule (**Exhibit B**), Ecology may complete and issue the final deliverable.

### **VIII. TERMS AND CONDITIONS OF ORDER**

#### **A. Public Notice**

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 this Order is inadequate or improper in any respect.

#### **B. Remedial Action Costs**

The PLPs shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under Chapter 70.105D RCW, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the issuance of this Order. Ecology's costs shall

include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). The PLPs shall pay the required amount within thirty (30) 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 statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

In addition to other available relief, pursuant to RCW 19.16.500, Ecology may utilize a collection agency and/or, pursuant to RCW 70.105D.055, file a lien against real property subject to the remedial actions to recover unreimbursed remedial action costs.

### **C. Implementation of Remedial Action**

If Ecology determines that the PLPs has failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to the PLPs, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of the PLPs' failure to comply with its obligations under this Order, the PLPs shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.B (Remedial Action Costs), provided that the PLPs are not obligated under this Section to reimburse Ecology for costs incurred for work inconsistent with or beyond the scope of this Order.

Except where necessary to abate an emergency situation, the PLPs shall not perform any remedial actions at the Site outside those remedial actions required by this Order, unless Ecology concurs, in writing, with such additional remedial actions.

### **D. Designated Project Coordinators**

The project coordinator for Ecology is:

Andy Kallus  
Toxics Cleanup Program  
PO Box 47600, Olympia, WA 98504  
Phone: 360-407-7259  
E-Mail: akal461@ecy.wa.gov

The project coordinator for TC Systems, Inc. and Norton Industries is:

Jason Souza, CHMM  
3831 Stone Way North  
Seattle, Washington 98103  
(206) 947-6372  
E-Mail: jsouza@kane-environmental.com

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and the PLPs, 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. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Any party may change its respective project coordinator. Written notification shall be given to the other party at least ten (10) calendar days prior to the change.

#### **E. Performance**

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist licensed in the State of Washington or under the direct supervision of an engineer registered in the State of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrologic or engineering work shall be under the seal of an appropriately licensed professional as required by Chapter 18.220 RCW or RCW 18.43.130.

The PLPs shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

**F. Access**

Ecology or any Ecology authorized representative shall have the full authority to enter and freely move about all property at the Site that the PLPs either owns, controls, or has access rights to 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 PLPs' progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology 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 the PLPs. The PLPs shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by the PLPs where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall give reasonable notice via email to Jim Schack ([jschack245@comcast.net](mailto:jschack245@comcast.net)) and Steve Parkinson ([sparkinson@groffmurphy.com](mailto:sparkinson@groffmurphy.com)) at least 48 hours before entering any Site property owned or controlled by the PLPs unless an emergency prevents such notice. All persons who access the Site pursuant to this Section shall comply with any applicable Health and Safety Plan(s). Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access.

**G. Sampling, Data Submittal, and Availability**

With respect to the implementation of this Order, the PLPs shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII (Work to be Performed), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal. Attached as **Exhibit C** is Ecology Policy 840, Data submittal Requirements.

If requested by Ecology, the PLPs shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by the PLPs pursuant to implementation of this Order. The PLPs shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow the PLPs and/or its authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section VIII.F (Access), Ecology shall notify the PLPs prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under Chapter 173-50 WAC for the specific analyses to be conducted, unless otherwise approved by Ecology.

#### **H. Public Participation**

A Public Participation Plan (*see* WAC 173-340-600) that is required for this Site, has been developed and is included as **Exhibit D**. Ecology shall maintain the responsibility for public participation at the Site. However, the PLPs shall cooperate with Ecology, and shall:

1. If agreed to by Ecology, develop appropriate mailing list, prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before major meetings with the interested public and local governments. Likewise, Ecology shall notify the PLPs prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by the PLPs that do not receive prior Ecology approval, the PLPs shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

4. When requested by Ecology, arrange and/or continue information repositories to be located at the following locations:

- a. Everett Public Library  
2702 Hoyt Avenue  
Everett, WA 98201
- b. Department of Ecology  
Toxics Cleanup Program  
Headquarters Office  
300 Desmond Drive SE  
Olympia, Washington 98504-7600

At a minimum, copies of all public notices, fact sheets, and press releases; all quality assured monitoring data; remedial action plans and reports, supplemental remedial planning documents, and all other similar documents relating to performance of the remedial action required by this Order shall be promptly placed in these repositories.

**I. Retention of Records**

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, the PLPs shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, the PLPs shall make all records available to Ecology and allow access for review within a reasonable time.

**J. Resolution of Disputes**

1. In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's project coordinator, or an itemized billing statement under Section VIII.B (Remedial Action Costs), the Parties shall utilize the dispute resolution procedure set forth below.

a. Upon receipt of Ecology's project coordinator's written decision or the itemized billing statement, the PLPs have fourteen (14) days within which to notify Ecology's project coordinator in writing of its objection to the decision or itemized statement.

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute. If the project coordinators cannot resolve the dispute within fourteen (14) days, Ecology's project coordinator shall issue a written decision.

c. The PLPs may then request regional management review of the decision. This request shall be submitted in writing to the Headquarters Land and Aquatic Lands Cleanup Section Manager within seven (7) days of receipt of Ecology's project coordinator's written decision.

d. The Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of the PLPs' request for review. The Section Manager's decision shall be Ecology's final decision on the disputed matter.

2. The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used.

3. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

**K. Extension of Schedule**

1. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

- a. The deadline that is sought to be extended;
- b. The length of the extension sought;
- c. The reason(s) for the extension; and



d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on the PLPs to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

a. Circumstances beyond the reasonable control and despite the due diligence of the PLPs including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by the PLPs;

b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or

c. Endangerment as described in Section VIII.M (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of the PLPs.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give the PLPs written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section VIII.L (Amendment of Order) when a schedule extension is granted.

4. An extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:

a. Delays in the issuance of a necessary permit which was applied for in a timely manner;

b. Other circumstances deemed exceptional or extraordinary by Ecology; or

c. Endangerment as described in Section VIII.M (Endangerment).

**L. Amendment of Order**

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within seven (7) days of verbal agreement.

Except as provided in Section VIII.N (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and the PLPs. The PLPs shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to this Order represents a substantial change, Ecology will provide public notice and opportunity to comment. Reasons for the disapproval of a proposed amendment to this Order shall be stated in writing. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.J (Resolution of Disputes).

**M. Endangerment**

In the event Ecology determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct the PLPs to cease such activities for such period of time as it deems necessary to abate the danger. The PLPs shall immediately comply with such direction.

In the event the PLPs determine that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment, the PLPs may cease such activities. The PLPs shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction the PLPs shall provide Ecology with documentation of the basis for the determination or cessation of such activities. If Ecology disagrees with the PLPs' cessation of activities, it may direct the PLPs to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to Section VIII.M (Endangerment), the PLPs' obligations with respect to the ceased activities shall be suspended

until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII.K (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.

Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

**N. Reservation of Rights**

This Order is not a settlement under Chapter 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against the PLPs to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against the PLPs regarding remedial actions required by this Order, provided the PLPs comply with this Order.

Ecology nevertheless reserves its rights under Chapter 70.105D RCW, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

**O. Transfer of Interest in Property**

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by the PLPs 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 the PLPs' transfer of any interest in all or any portion of the Site, and during the effective period of this Order, the PLPs shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, the PLPs shall notify Ecology of said transfer. Upon transfer of any

interest, the PLPs shall restrict uses and activities to those consistent with this Order and notify all transferees of the restrictions on the use of the property.

**P. Compliance with Applicable Laws**

1. All actions carried out by the PLPs 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 RCW 70.105D.090. At this time, no federal, state or local requirements have been identified as being applicable to the actions required by this Order. Note that federal, state or local requirements that are applicable to the actions required by this Order will be identified as part of the development of the RI/FS Work Plan.

2. Pursuant to RCW 70.105D.090(1), the PLPs are exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, the PLPs shall comply with the substantive requirements of such permits or approvals. At this time, no state or local permits or approvals have been identified as being applicable but procedurally exempt under this Section.

Each PLP has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or the PLPs determines that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or the PLPs shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, the PLPs 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 the PLPs and on how the PLPs must meet those requirements. Ecology shall inform the PLPs in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. The PLPs shall not

begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

3. 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(1) would result in the loss of approval from a federal agency that is necessary for the State to administer any federal law, the exemption shall not apply and the PLPs shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

**Q. Indemnification**

The PLPs agrees to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action for death or injuries to persons or for loss or damage to property to the extent arising from or on account of acts or omissions of the PLPs, its officers, employees, agents, or contractors in entering into and implementing this Order. However, the PLPs shall not indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the reckless, willful, or negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

**IX. SATISFACTION OF ORDER**

The provisions of this Order shall be deemed satisfied upon the PLPs' receipt of written notification from Ecology that the PLPs have completed the remedial activity required by this Order, as amended by any modifications, and that the PLPs have complied with all other provisions of this Agreed Order.

**X. ENFORCEMENT**

Pursuant to RCW 70.105D.050, 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.

Agreed Order No. DE 7818  
Page 22 of 22

C. In the event the PLPs refuse, without sufficient cause, to comply with any term of this Order, the PLPs will be liable for:

a. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply; and

b. Civil penalties of up to twenty-five thousand dollars (\$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 RCW 70.105D.060.

Effective date of this Order: August 5, 2010

**NORTON INDUSTRIES, INC.**

**STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY**

\_\_\_\_\_  
James B Schack  
President  
24415 142nd Avenue SE  
Renton, Washington 98042-5155  
(253) 631-3905

\_\_\_\_\_  
Tim I. Nord, Manager  
Land and Aquatic Lands Cleanup Section  
Toxics Cleanup Program  
Headquarters Office  
300 Desmond Drive Southeast  
Lacey, Washington 98503  
(360) 407-7226

**TC SYSTEMS, INC.**

\_\_\_\_\_  
Mary Utick  
President  
11541 Skyline Drive  
Santa Ana, California 92705  
(714) 544-4481

C. In the event the PLPs refuse, without sufficient cause, to comply with any term of this Order, the PLPs will be liable for:

a. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply; and

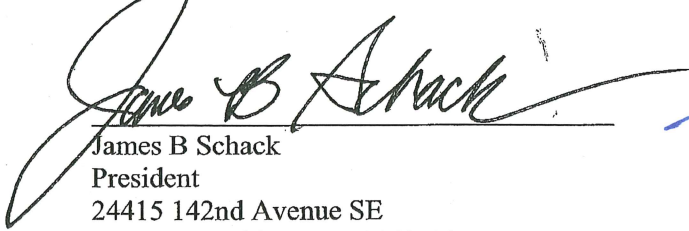
b. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board.


This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: August 5, 2010

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**STATE OF WASHINGTON,  
DEPARTMENT OF ECOLOGY**

  
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Land and Aquatic Lands Cleanup Section  
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Headquarters Office  
300 Desmond Drive Southeast  
Lacey, Washington 98503  
(360) 407-7226

**TC SYSTEMS, INC.**


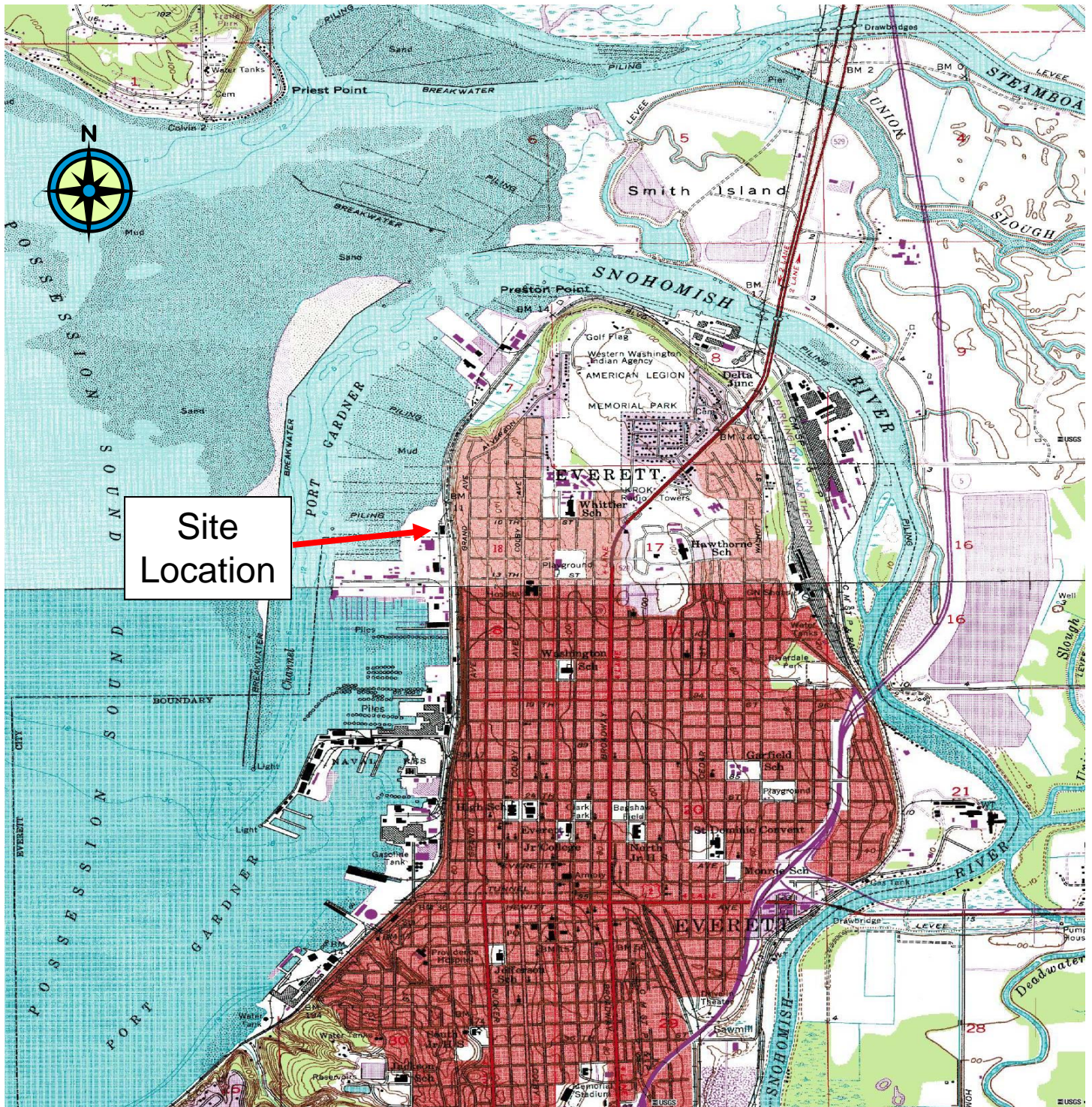
  
Mary Utick  
President  
11541 Skyline Drive  
Santa Ana, California 92705  
(714) 544-4481

EXHIBIT A  
SITE LOCATION AND PROPERTY LOCATION  
INFORMATION



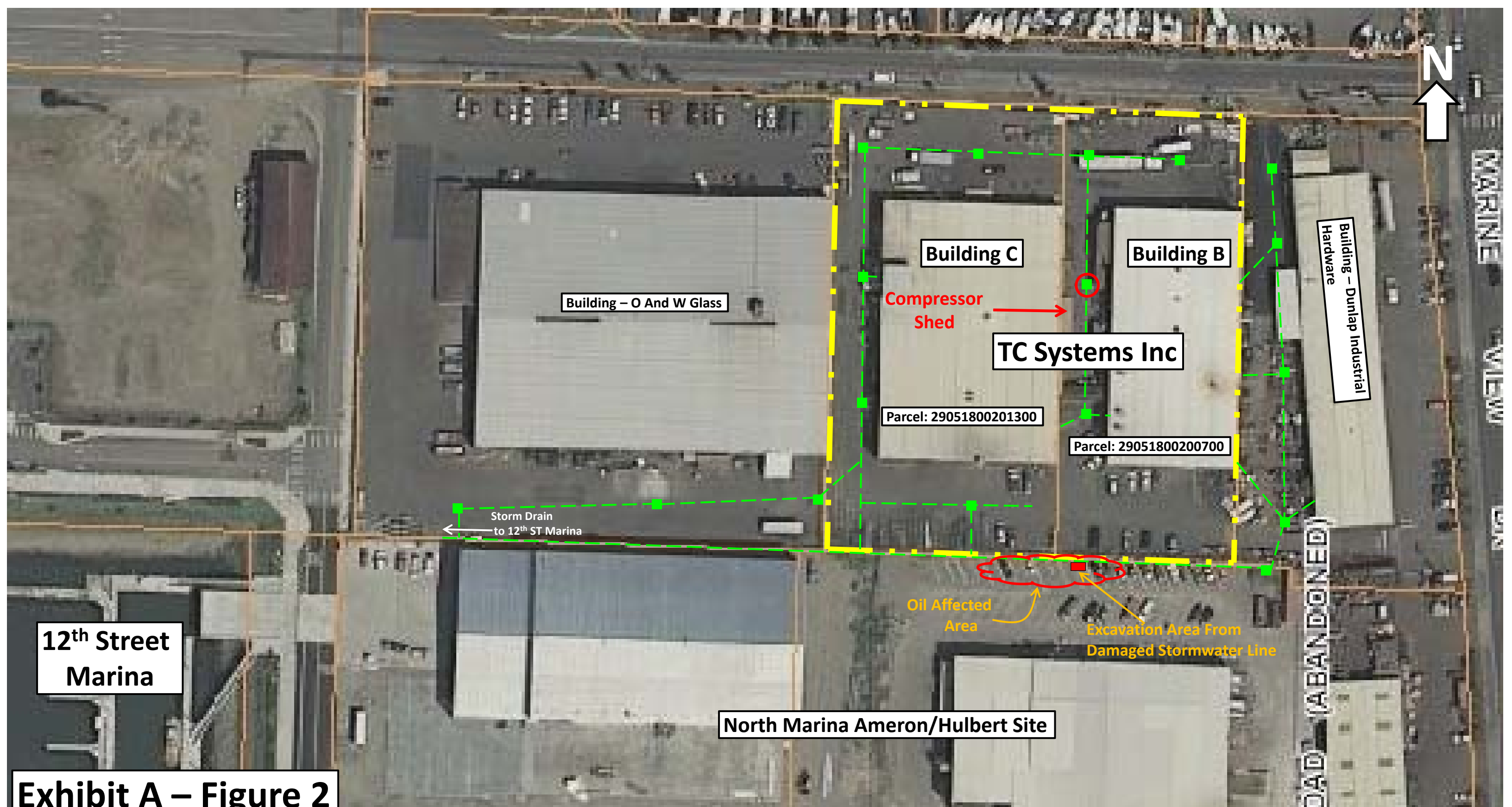


# Exhibit A – Figure 1 Site Location Map

Source: USGS 7.5 Minute Quadrangle Maps (Everett and Marysville Quadrangle Maps; Photo Revised – 1968 and 1973)







**Exhibit A – Figure 2  
Site Area Map**

- Storm Drain Piping
- Stormwater Catch Basin
- . - TC Systems Operations Boundary

○ Stormwater Catch Basin – Sediments from this stormwater catch basin were sampled by Ecology on 9/16/09.

Note: All site features are approximate.

Sources for Site Features –1996 North Marina Utility Map; TC Systems 1998 O&M Manual; Landau’s 6-2-05 report on the “Oil Affect Area” at Ameron.






Source for Base Map – 2009 Snohomish County Online Property Information.

- Building B** Chemical Line (Metal Finishing)
- Building C** Painting and Hazardous Waste Storage

# Key<sup>1</sup>

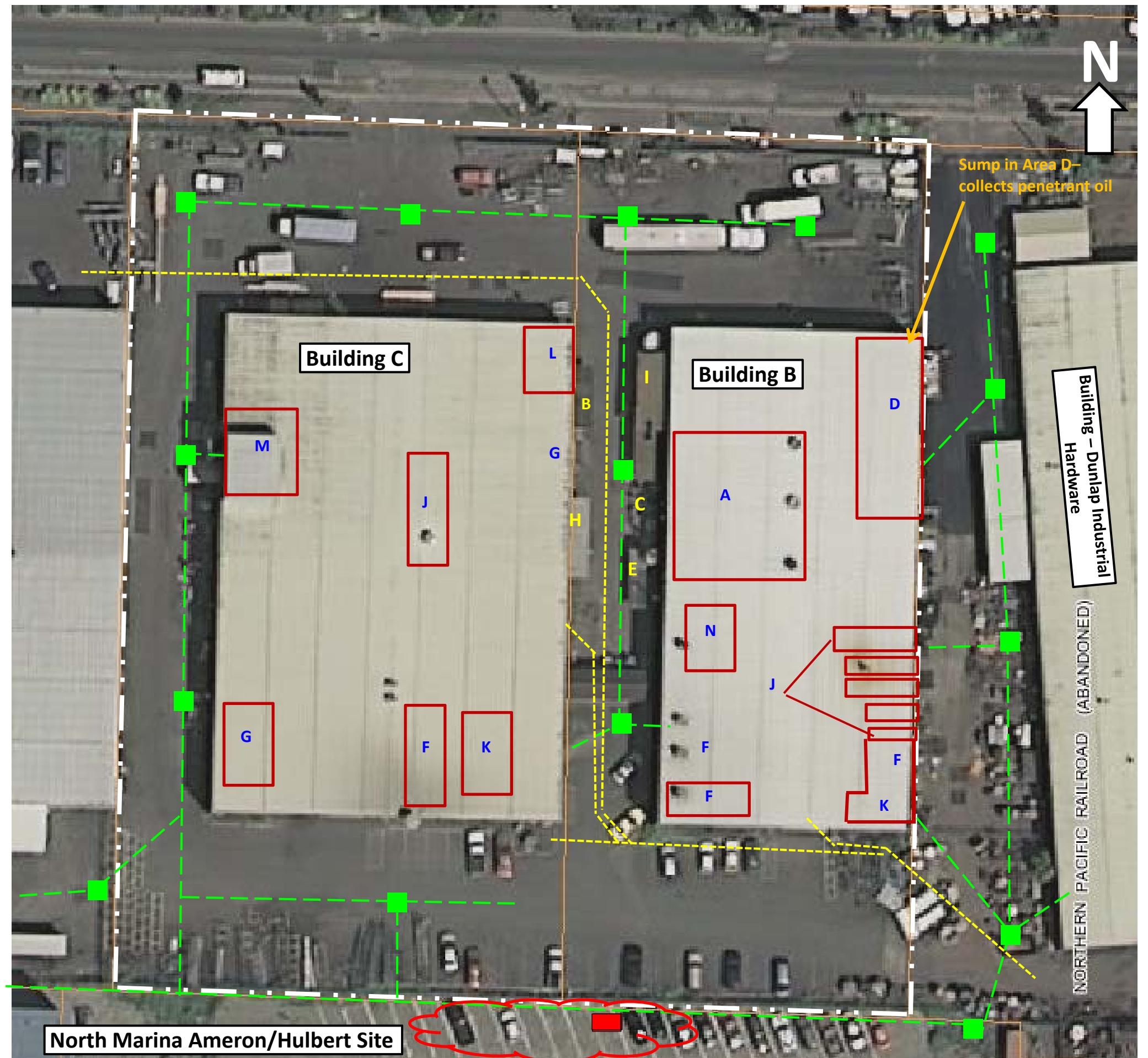
- A – Process Plating Tankline
- B – Sludge Press Filter Cake Storage
- C – Chemical Storage
- D – Penetrant Test Area
- E – Boiler Shed
- F – Paint Booth/Paint Areas
- G – Waste
- H – Compressor Shed
- I – Wastewater Treatment Area
- J – Oven
- K – Office
- L – Maintenance
- M – Shot Peen
- N – Powder Coat

# Legend<sup>1</sup>

-  Approximate extent of Oil Affected Area.
- Building B** Chemical Line (Metal Finishing)
- Building C** Painting and Hazardous Waste Storage
-  Storm Drain Piping
-  Sanitary Sewer Piping
-  TC Systems Operations Boundary
-  Storm Drain Catch Basin

<sup>1</sup>All site features are approximate.

## Exhibit A – Figure 3 Facility Features Map



Sources for Site Features – 1996 North Marina Utility Map; TC Systems 1998 O&M Manual; Information from Ecology Inspection Reports; Landau’s 6-2-05 report on the “Oil Affect Area” at Ameron.





**Exhibit A – Figure 4**  
**Nearby In-Water Areas**



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## TC SYSTEMS INC SITE

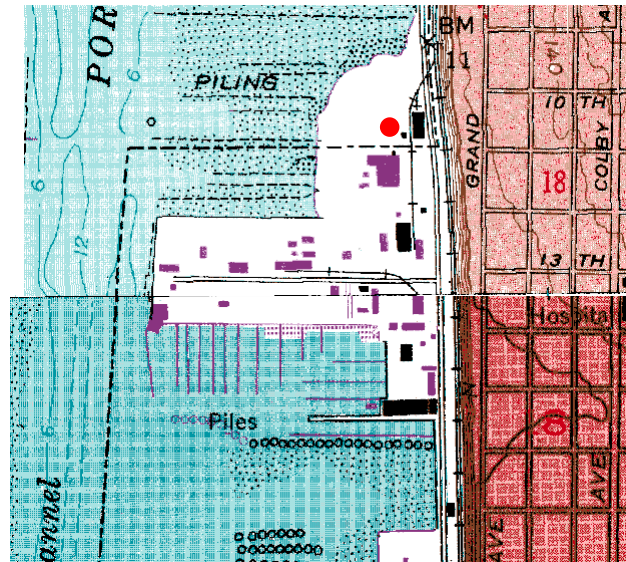
### SITE/PROPERTY LOCATION INFORMATION

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The TC Systems Inc property is generally located between 10<sup>th</sup> and 11<sup>th</sup> Streets off West Marine View Drive, Everett, Washington. Site coordinates, a legal description, and county assessor's parcel numbers are provided below. Additional property information from the Snohomish County Tax Assessor's Office is attached.

**Coordinates:** Latitude: 48°00'13.37" North; Longitude: 122°12'54.64" West.

Latitude/Longitude Reference Point: Center of the TC Systems, Inc. Building B (see red circle on the figure below for approximate location).



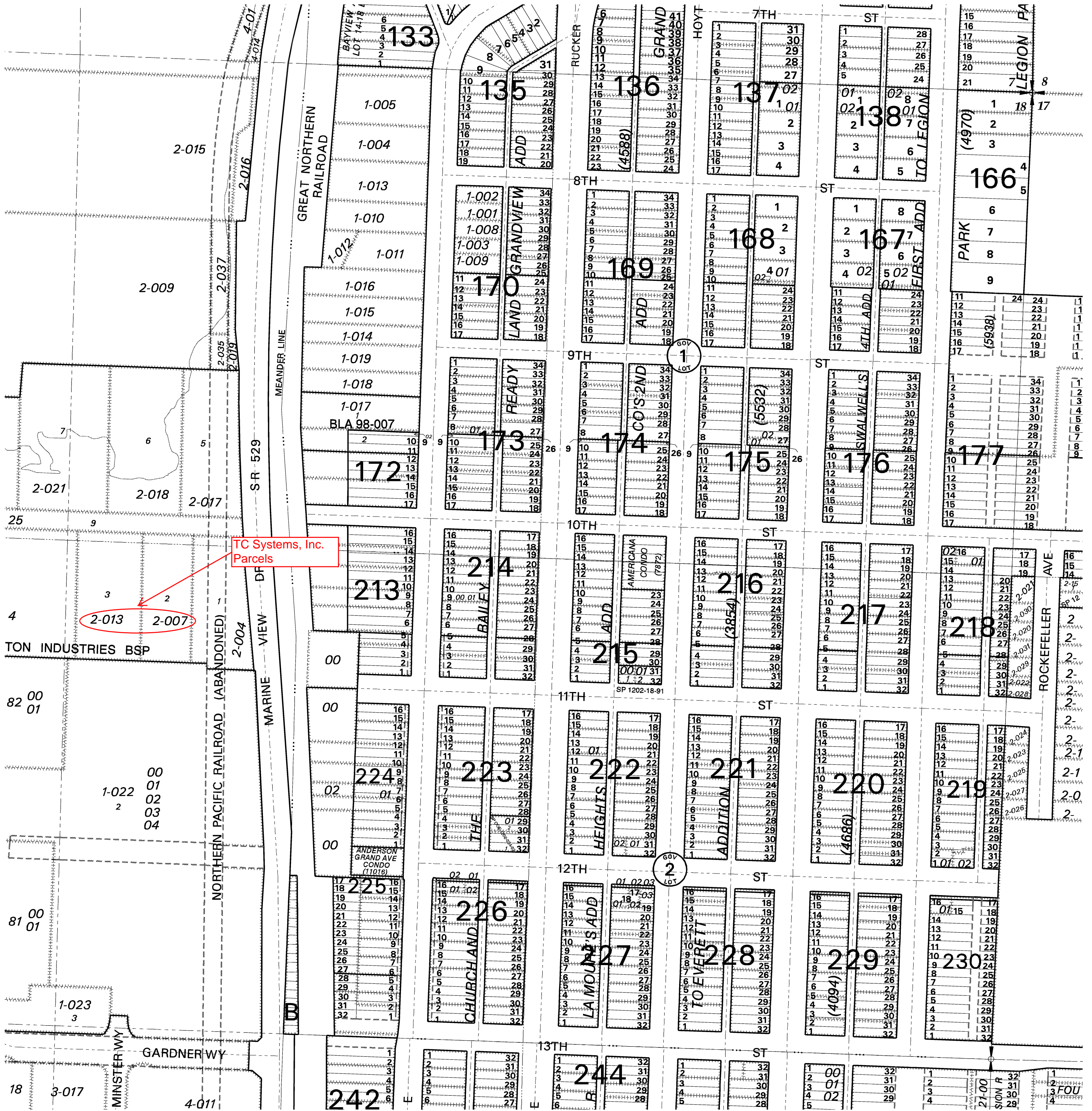
**Legal Description:** Section 18, Township 29 North, Range 5 East.

**County Assessor's Parcel Numbers (Port of Everett Property):** Tax account numbers corresponding to the TC Systems Inc Site include 29051800200700 and 29051800201300.

SE-7-29-5

NW-18-29-5

NW-17-29-5



SE-18-29-5





## \* R E A L \* Property Information

[County Home](#) [Assessor Home](#) [Treasurer Home](#) Information on which [Department](#) to contact

Please view [Disclaimer](#) If you have questions, comments or suggestions, please [Contact Us](#).

Date/Time: 7/7/2009 4:54:26 PM Answers to [Frequently Asked Questions](#) about Parcel Data (opens as new window)

Return to [Property Information Entry page](#)

Parcel Number **29051800200700** Prev Parcel Reference **18290520070001**

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**NORTON INDUSTRIES || PO BOX 1188 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**NORTON INDUSTRIES || P O BOX 1188 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a Sale](#)

### Sale

Street (Situs) Address (contact the Assessor if you have questions)

**1104 10TH ST - - - EVERETT, WA 98201-1581**

Parcel Legal Description

SEC 18 TWP 29 RGE 05 LOT 2 OF NORTON INDUSTRIES BSP REC VOL 2894 BSP'S PG 0177 AF  
NO 940401424 & AF NOS 9404015002 & 9405185001 BEING A PTN OF N1/2 SEC 18

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**2009 Taxes for this parcel \$10,474.76**

Payments: Receipt No.	<b>5117752</b>	<b>5/4/2009</b>	<b>\$5,237.38</b>
-----------------------	----------------	-----------------	-------------------

(Taxes may include Surface Water Management and/or State Forest Fire Patrol fees and any fees related to late payments. LID charges, if any, are not included.)

To obtain a duplicate tax statement, either download our [Tax Statement Request](#) form or call 425-388-3366 to request it by phone.

[Go to top of page](#)

**Assessor's Property Data** Characteristics and Value Data below are for 2009 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

Tax Year	<b>2009</b>	Market Land	<b>\$284,500</b>	Market Improvement	<b>\$815,500</b>	Market Total	<b>\$1,100,000</b>
----------	-------------	-------------	------------------	--------------------	------------------	--------------	--------------------

### Pending Property Values

Tax Year	<b>2010</b>	Market Land	<b>\$284,500</b>	Market Improvement	<b>\$815,500</b>	Market Total	<b>\$1,100,000</b>
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[Go to top of page](#)

## Valuation, Payment, and Property Tax History

View [History](#) (opens as new window)

[Go to top of page](#)

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### Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **349 Other Fabricated Metal Products NEC**

Size Basis **ACRE** Size **1.12** (Size may include undivided interest in common tracts and road parcels)

[Go to top of page](#)

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### Property Structures

Type	Yr.Built	Structure Description
------	----------	-----------------------

<b>Commercial</b>	<b>1978</b>	<b>TC SYSTEMS INC</b> View <a href="#">Structure Data</a> (opens as new window)
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[Go to top of page](#)

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### Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

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### Property Maps Township/Range/Section/Quarter, links to maps

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NW** [Find parcel maps for this Township/Range/Section](#)

<b>View <a href="#">Map of this parcel</a></b> (opens as new window)
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## \* R E A L \* Property Information

[County Home](#) [Assessor Home](#) [Treasurer Home](#) Information on which [Department](#) to contact

Please view [Disclaimer](#) If you have questions, comments or suggestions, please [Contact Us](#).

Date/Time: 7/7/2009 4:59:51 PM Answers to [Frequently Asked Questions](#) about Parcel Data (opens as new window)

Return to [Property Information Entry page](#)

Parcel Number **29051800201300** Prev Parcel Reference **18290520130003**

[View Map of this parcel](#) (opens as new window)

## General Information

Taxpayer Name || Address (contact the Treasurer if you have questions)

**NORTON INDUSTRIES || PO BOX 1188 - - - EVERETT, WA 98206**

If the above mailing address is incorrect and you want to make a change, see the information on [Name and Address Changes](#)

Owner Name || Address (contact the Assessor if you have questions)

**NORTON INDUSTRIES || P O BOX 1188 - - - EVERETT, WA 98206**

If the above name and address is incorrect due to a recent sale, please see the information on [Name and Address Changes After a Sale](#)

### Sale

Street (Situs) Address (contact the Assessor if you have questions)

**1032 10TH ST - - - EVERETT, WA 98201-1580**

Parcel Legal Description

SEC 18 TWP 29 RGE 05 LOT 3 OF NORTON INDUSTRIES BSP REC VOL 2894 BSP'S PG 0177 AF  
NO 9404010424 & AF NOS 9404015002 & 9405185001 BEING A PTN OF N1/2 SEC 18

[Go to top of page](#)

## Treasurer's Tax Information

**Taxes** For answers to questions about Taxes, please contact the [Treasurer's office](#) (opens as new window)

**2009 Taxes for this parcel \$14,664.67**

Payments: Receipt No.	<b>5117753</b>	<b>5/4/2009</b>	<b>\$7,332.33</b>
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(Taxes may include Surface Water Management and/or State Forest Fire Patrol fees and any fees related to late payments. LID charges, if any, are not included.)

To obtain a duplicate tax statement, either download our [Tax Statement Request](#) form or call 425-388-3366 to request it by phone.

[Go to top of page](#)

**Assessor's Property Data** Characteristics and Value Data below are for 2009 tax year.

**Please contact the [Treasurer's office](#) for answers to questions about Taxes** (opens as new window)

**For questions ONLY about property characteristics or property values (NOT taxes), please contact the [Assessor's Office](#)**

## Property Values

Values do not reflect adjustments made due to an exemption, such as a senior or disabled persons exemption. Reductions for exemptions are made on the property tax bill.

Tax Year	<b>2009</b>	Market Land	<b>\$368,300</b>	Market Improvement	<b>\$1,171,700</b>	Market Total	<b>\$1,540,000</b>
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### Pending Property Values

Tax Year	<b>2010</b>	Market Land	<b>\$368,300</b>	Market Improvement	<b>\$1,171,700</b>	Market Total	<b>\$1,540,000</b>
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[Go to top of page](#)

## Valuation, Payment, and Property Tax History

[View History](#) (opens as new window)

[Go to top of page](#)

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### Property Characteristics

Tax Code Area (TCA) **00010** View [Taxing Districts](#) for this Parcel (opens as new window)

Use Code **349 Other Fabricated Metal Products NEC**

Size Basis **ACRE** Size **1.45** (Size may include undivided interest in common tracts and road parcels)

[Go to top of page](#)

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### Property Structures

Type	Yr.Built	Structure Description
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<b>Commercial</b>	<b>1980</b>	<b>CRUISE A HOME INC TC SYSTEMS</b> View <a href="#">Structure Data</a> (opens as new window)
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[Go to top of page](#)

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### Property Sales since 7/31/1999

Explanation of [Sales Information](#) (opens as new window)

***Sales data is based solely upon excise affidavits processed by the Assessor.***

No sales for this parcel have been recorded since 7/31/1999

[Go to top of page](#)

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### Property Maps Township/Range/Section/Quarter, links to maps

Neighborhood **5306000** Explanation of [Neighborhood Code](#) (opens as new window)

Township **29** Range **05** Section **18** Quarter **NW** [Find parcel maps for this Township/Range/Section](#)

<b>View Map of this parcel</b> (opens as new window)
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**EXHIBIT B**  
**SCOPE OF WORK & SCHEDULE**

## **EXHIBIT B**

### **SCOPE OF WORK & SCHEDULE**

Pursuant to the Agreed Order to which this Scope of Work & Schedule is attached, TC Systems Inc. (TC Systems) and Norton Industries, Inc. (collectively the Potentially Liable Persons [PLPs]) shall take the following remedial actions at the TC Systems Inc Site (Site), and these actions shall be conducted in accordance with Chapters 173-340 and 173-204 WAC unless otherwise specifically provided for herein:

#### **A. Remedial Actions To Be Performed**

The PLPs shall conduct the remedial actions generally described below.

- Remedial Investigation/Feasibility Study (RI/FS) Work Plan – Prepare a work plan for RI/FS Study in accordance with the specifications described in Section A.1 of this Exhibit. The PLPs shall submit the RI/FS Work Plan to Ecology for review and approval.
- RI/FS Study – The PLPs shall conduct field data collection (as part of the RI) as described in the approved RI/FS Work Plan. The PLPs shall conduct a FS based on the results of the field RI.
- RI/FS Report – Prepare an RI/FS report. The PLPs shall submit the draft RI/FS Report (combined as a single document) to Ecology for review and approval.
- Draft Cleanup Action Plan (CAP) – Upon Ecology approval of the draft final RI/FS report, the PLPs shall prepare a draft CAP. The PLPs shall submit the draft CAP to Ecology for review and approval.

Additional details regarding the remedial actions to be performed by the PLPs are provided below.

#### **1. Preparation Of An RI/FS Work Plan**

The RI/FS shall delineate and quantify (i.e., identify the levels of contamination) the potential contaminants in all media of concern. The PLPs shall develop an RI/FS Work Plan (including draft, draft final, and final versions) that includes a scope of work to implement the sampling program identified in Section A.2, and any additional sampling that may be identified during the development of the RI/FS Work Plan. The work plan shall also address the proper handling of all wastes generated from the site during the

RI/FS (e.g., soil cuttings, groundwater development and purge water, free-product, etc.). Note that all draft documents for Ecology review may be submitted in redline strike-out format (preferably in Microsoft® WORD format) to facilitate the review. The RI/FS Work Plan shall be conducted meeting the requirements of WAC 173-350 and should include the elements listed below.

**a. Development of a Site-Specific Health and Safety Plan (HSP) and Sampling and Analysis Plan (SAP)**

A site-specific HSP describing worker safety during the project will be developed in accordance with WAC 173-340-810 and included in the RI/FS Work Plan. A site-specific SAP, which includes quality assurance/quality control requirements, will be included in the RI/FS Work Plan. The SAP shall provide the details on the sampling program identified in Section A.2 including numbers and locations of samples for each media and the analytical requirements. The SAP shall also provide the details on any additional sampling that may be identified (beyond the sampling identified in Section A.2) during the development of the RI/FS Work Plan. The SAP shall conform to the requirements specified in WAC 173-340-820 and shall be based on the type, quality, and quantity of data necessary to support selection of a cleanup action.

**b. Investigation of Site Background and Setting**

This section will include detailed descriptions of the following:

- (i) The property and site operational/industrial history (including current and previous ownership).
- (ii) Regulatory Compliance History (include a discussion of the compliance history associated with all of the facilities permits including state hazardous waste regulations [173-303 WAC]).
- (iii) All previous investigations and past remedial actions if any. Note that any prior remedial actions are considered to be interim and not a final cleanup action.
- (ii) Historical sources and releases of contamination (include a review of historical photos, Sanborn Maps, and available information on Site fill).

- (iii) Current site conditions (including descriptions of surface features, geology, soil and the vadose zone, surface water hydrology, hydrogeology, and meteorology).
- (iv) Current and future land and water use (including descriptions of human populations).
- (v) The terrestrial/aquatic ecological setting including a description of ecological receptors and potentially threatened/endangered species.

**c. Evaluation of Existing Data**

The existing analytical data should be plotted (as accurately as possible) on a base map (using geo-referencing techniques) that depicts identified sources and areas where suspected releases occurred. Sample locations should be reviewed with respect to identified sources and areas where suspected releases (e.g., outfalls, spills, dumping, leaks, etc.) have occurred. All of the existing analytical data collected at the Site should be evaluated in terms of data usability (analytical methods used to evaluate the effectiveness of a cleanup action shall comply with the requirements in WAC 173-340-830) and be screened against the most protective applicable screening levels identified under an unrestricted land use scenario. Both non-detect and detected data should be included in the screening. Identify sampling points containing exceedances on a map, and also discuss the adequateness of the reporting limits (i.e., Method Detection and Practical Quantitation Limits) in terms of achieving the screening levels for the Site. Constituents exceeding the screening levels should be identified as preliminary indicator hazardous substances for the Site.

**d. Development of Preliminary CSM**

The CSM should describe release mechanisms from the potential primary sources of hazardous substances to secondary and tertiary sources, the exposure media and routes, and the potential human and ecological receptors. The CSM should reflect both current conditions and potential future development in assessing exposure pathways.

**e. Establishment of Screening Levels**

Based on the CSM, identify appropriate screening levels (e.g., levels established under the Model Toxics Control Act [MTCA; see WAC 173-340-700 through 173-340-760], Chapter 173-204 WAC, SMS for Puget Sound Marine sediments, and applicable state and federal laws) under a residential (unrestricted) land use scenario. Note that the screening levels must consider all applicable pathways including direct contact (including inhalation); media transfer pathways (e.g., leaching to groundwater, groundwater migration to surface water, and sediment, etc.); and exposure to terrestrial and/or aquatic ecological and human receptors.

**f. RI Study Approach**

This section of the RI/FS Work Plan shall provide an overview of the methods that will be used in conducting the RI for the Site and implementing the sampling program identified in Section A.2 (including any additional samples that may be identified during the development of the RI/FS Work Plan). Note that the Site may include, depending on where contamination has been deposited, stored, disposed of, placed, or otherwise come to be located, areas outside the preliminary Site boundaries shown in **Exhibits A and B**. Based on the background information gathered, past interim remedial actions at the Site if any, and the evaluation of existing data, discuss by media (e.g., soil, groundwater, etc.) the data required to complete an RI for the Site. The RI approach shall be consistent with WAC 173-340-350. Identify data gaps and the overall approach for conducting the RI. The SAP will provide the details on numbers and locations of samples for each media and the analytical requirements.

The RI field investigation will be designed to identify the nature and extent of contamination and toxic effects in upland and in-water areas. The PLPs shall provide Ecology with the results of the investigation (in the form of a technical memo) so that a determination can be made with regard to whether additional investigation is required to define the full nature and extent of contamination. The information provided to Ecology should describe the analytical results of the

field activities including the identification of indicator hazardous substances, the affected media, preliminary cleanup levels, the extent of contamination (plotted on maps), and any data gaps that need to be filled to define the nature and extent of contamination and toxic effects. Note that the preliminary cleanup levels may be different than the screening levels used in the RI/FS Work Plan based on a better understanding of the CSM (e.g., contaminants in soil may not be impacting Site groundwater) for the Site. Additional field investigation (if necessary based on initial results) will be conducted to further define the nature and extent of contamination and toxic effects based on findings during the initial investigation.

**g. FS Approach**

This section of the RI/FS Work Plan shall provide an overview of the methods that will be used in conducting the FS for the Site which may include, depending on where contamination has been deposited, stored, disposed of, placed, or otherwise come to be located, areas outside the preliminary Site boundaries shown in **Exhibit A and B**. The FS approach shall be consistent with WAC 173-340-350 and should consist of the following sections:

- (i) **Establishment of Cleanup Levels, Points of Compliance, and Remediation Levels.** Unless otherwise specified under this Order, cleanup levels and points of compliance should be established for each hazardous substance in each medium and for each exposure pathway. The PLPs may also consider establishing potential remediation levels as defined per WAC 173-340-355.
- (ii) **Applicable or Relevant and Appropriate Requirements.** The FS should include additional information or analyses to comply with the State Environmental Policy Act (SEPA) or other applicable laws to make a threshold determination per WAC 197-11-335(1) or to integrate the RI/FS with an environmental impact statement per WAC 197-11-262.
- (iii) **Delineation of Media Requiring Remedial Action.** Based on the results of the RI, determine areas and/or volumes of affected media to which remedial action objectives might be applied.
- (iv) **Development of Remedial Action Objectives.** Remedial Action Objectives should provide general descriptions of what the Site cleanup is designed to accomplish, which is media-specific. Remedial action objectives are established on the basis of extent and



magnitude of the contamination, the resources that are currently and potentially threatened, and the potential for human and ecological (both terrestrial and aquatic) exposures at the Site. Clearly define a basis and rationale for Remedial Action Objectives for each media at the Site.

- (v) **Screening and Evaluation of Cleanup Action Alternatives.** A reasonable number and type of cleanup action alternatives should be evaluated, taking into account the characteristics and complexity of the Site, including current site conditions and physical constraints. Evaluation of cleanup action alternatives and the selection of preferred cleanup alternative must meet the requirements of WAC 173-340-360.
- (vi) **Habitat Restoration.** Evaluate opportunities to perform remedial actions in a fashion that coincidentally enhances habitat. Elements of the remedial action will be evaluated for restoration opportunities in consultation with Ecology as plans for cleanup are developed<sup>1</sup>.

#### **h. Public Involvement**

This section of the RI/FS Work Plan shall present the general process for public involvement (in accordance with WAC 173-340-600) along with a reference to the Public Participation Plan presented in this Order as **Exhibit D**.

#### **i. Project Management**

This section of the RI/FS work plan will discuss project staffing and coordination associated with the RI/FS activities for the TC Systems Site. The organizational structure and responsibilities are designed to provide project control and quality assurance for the duration of the project.

#### **j. Schedule & Reporting**

This section should contain the schedule and reporting requirements for the RI/FS project as defined in this Order.

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<sup>1</sup> The Site is being overseen by Ecology and work is being done in an expedited manner under the Governor's Puget Sound Initiative. The Initiative focuses on cleaning up contamination as well as restoring Puget Sound. Ecology recognizes that many cleanups can be designed and implemented in a manner that improves habitat values and provides for shoreline restoration in conjunction with remedial actions. While planning the cleanup, and making cleanup decisions, Ecology and the PLPs will evaluate opportunities to perform remedial actions in a fashion that coincidentally enhances habitat. Elements of the remedial action will be evaluated for restoration opportunities in consultation with Ecology as plans for cleanup are developed.

## **2. RI Sampling Program**

This section presents information on the sampling program that will be implemented as part of the RI/FS. Note, additional samples may be added to the sampling program based on information gathered during the development of the RI/FS Work Plan.

The RI investigation will focus on identifying potential contamination in on-site soil and groundwater. The potential need for sampling nearby in-water areas (see **Appendix A**, Figure 4) will be assessed based on the results of the initial RI soil and groundwater data. The stormwater catch basins were cleaned out in late summer/early fall 2009 prior to Ecology's stormwater inspection conducted in September 2009. As part of the stormwater inspection, Ecology collected a sediment sample (named TC-CB-01) from the stormwater catch basin located between Buildings A and B and just north of the compressor shed (see **Exhibit B**, Figure 1). Sample TC-CB-01 contained concentrations of heavy metals, semivolatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), and total petroleum hydrocarbons (TPH) that exceeded Ecology's Sediment Management Standards (SMS) (Chapter 173-204 WAC). No additional sampling and analysis of the accumulated solids within the catch basins is recommended at this time. Sampling and analysis of these materials may be completed during any cleanup action for disposal characterization.

### **a. Sample Rationale**

Based on the waste streams identified at TC Systems (see paragraph below), contamination identified in the aforementioned stormwater catch basin, wastes identified at the property boundary between the North Marina Ameron/Hulbert Site and TC Systems (see main Agreed Order, Section V.P), contamination identified in the 2009 Phase II Environmental Site Assessment (ESA), and potential legacy wastes from the former Jamison Mill operation, sample analyses will include priority pollutant metals including hexavalent chromium, SVOCs, volatile organic compounds (VOCs), TPH, PCBs, and organotins (if soil cores show the presence of blasting grit).

General waste streams associated with TC Systems are summarized below.

- Filter press sludge from the treatment of waste water contains chromium and is the largest waste stream generated at this facility.
- Metals such as zinc and copper can be present in the rinsewater streams.
- Batch pretreatment of process wastes – Hexavalent chromium may be present.
- Liquid paint and solvents including paint thinners/strippers (including methyl ethyl ketone [MEK] and acetone) are the second largest waste stream.
- Cleaning solutions to remove inks, light oil, grease and grime residues left on metal parts, etc.
- Waste acids and bases.
- Powder coatings.
- General Paint Waste: paint booth filters (managed as dangerous waste for heavy metals) and paint solids.
- Waste Flammable Liquids – Toluene, xylenes, methylene chloride, and methanol were identified as being present in waste flammable liquids based on a Tri-Coatings, Inc. 1990 waste profile.
- Hazardous Waste Liquids – According to a Tri Coatings, Inc. 1989 waste manifest, hazardous waste liquids containing 1,1,1-Trichloroethane were shipped as waste.
- Used oil from compressors, oil filters, and facility equipment as well as spent antifreeze.
- Sand blasting material.
- Penetrant oil and associated rinsewater captured in a sump.

RI sampling locations are shown on **Exhibit B**, Figure 2. The locations should be considered approximate. Actual locations should be confirmed in the field based on site conditions including locations of underground and overhead utilities. It is understood that boring locations will be limited based upon the restrictions of surface features, utilities, or other similar impediments. Also, sampling locations should be surveyed to facilitate accurate placement of these features on project figures and drawings. Two soil boring locations and fourteen co-located soil boring/groundwater sampling locations have been identified for the initial RI investigation. The sampling rationale for each location is summarized below.

- **Borings TC-SB-1 to TC-SB-5** – Five boring locations between Buildings B and C. These locations were selected to characterize conditions near the wastewater treatment/chemical storage areas (TC-SB-1 and TC-SB-2), the compressor shed

(TC-SB-3), in an unpaved area adjacent to Building C (TC-SB-4), and in the vicinity of a paint booth area (TC-SB-5).

- **Borings TC-SB-6 to TC-SB-8** – Three boring locations along southern property boundary between the North Marina Ameron/Hulbert Site and the TC Systems property. These locations were selected to characterize conditions adjacent to the Ameron/Hulbert Site and in the vicinity of the oil affected area.
- **Boring TC-SB-9** – One boring at the southwest corner of the property. This location was identified to characterize conditions near the downstream end of the property's stormwater drainage system
- **Borings TC-SB-10 and TC-SB-11** – Two borings located west of Building C. These locations were selected to characterize conditions downgradient and in the vicinity of Building C which is used for painting, storage of hazard waste, and sand blasting. This building also formerly housed operations from Cruise-A-Home Inc.
- **Borings TC-SB-12 and TC-SB-13** – Two borings located north of Buildings B and C. These locations were selected to characterize conditions north of these buildings. The groundwater flow direction at the site has not been characterized. Tidal action can make the flow pattern change at different times of the tide cycle. Therefore, a tidal study which would evaluate overall groundwater gradient trends (scope to be determined by PLPs) may be necessary to determine the actual gradient at the property.
- **Boring TC-SB-14** – One boring located inside Building B in the penetrant testing area. This boring was selected to characterize conditions where penetrant oils have been used inside the building and near a sump. The penetrant oil was in regular contact with the floor of the facility during operations.
- **Boring TC-SB-15** – One boring located inside Building B in the containment area underneath the process tank lines. This boring was selected to characterize conditions underneath the containment floor which was observed to be pitted and in need of resealing based on observations made by Ecology during a September 14, 2009 Dangerous Waste Compliance Inspection at the facility.
- **Boring TC-MW-1** – One soil boring/monitoring well located in the northeast portion of the Site and just north of Building B. This boring/well location was selected to characterize conditions where groundwater contamination was identified during the 2009 Phase II ESA. A groundwater sample collected at this location (see **Exhibit B**, Figure 1) had TPH-diesel and -oil at concentrations of 1,200 µg/L and 860 µg/L, respectively. These concentrations exceed Ecology's MTCA Method A groundwater cleanup level for diesel and oil range organics.

#### **b. Sample Collection and Analysis**

Sample collection and analysis methods are described below.

### **Direct Push Soil Samples**

Soil samples for lithologic logging will be collected continuously during drilling with either a direct push drilling rig or hollow-stem auger. Upon collection of each soil sample, field screening of the soil sample will be conducted, first by scanning a freshly cut surface of the recovered soil along the length of the sample with a photoionization detector (PID) or similar equipment, then by visually observing the full length of the sample for obvious signs of contamination. Observations (e.g., presence of odors, petroleum sheens, soil discoloration, etc.) from the field screening will be recorded and the soil profile logged.

Samples collected from direct-push or hollow-stem auger borings will be collected at the following approximate depth intervals:

- 0.5 to 1 feet below ground surface (bgs)
- 1.0 to 2.0 feet bgs
- 2.0 to 3.0 feet bgs

If asphalt or concrete pavement is present at the sampling location, then the samples depths will be modified so that the first sample is collected directly beneath the pavement and underlying base course and the samples depths for deeper samples will be adjusted downward consistent with the intervals specified above.

The shallow sample in each boring will be analyzed for priority pollutant metals, SVOCs, VOCs, and TPH-Dx. Additionally, soil samples from locations TC-SB-1 through TC-SB-4 including TC-SB-15 will be analyzed for hexavalent chromium. Samples for VOCs will be collected compliant with EPA Method 5035A (i.e., Closed-System Purge-and-Trap Extraction for VOCs). The following additional analyses will be performed based on the initial sampling results:

- If the TPH-Dx analytical (with gas chromatogram) results indicate detections in the oil-range, then PCBs will be included in the follow-on analytical analyses for that soil interval. In addition, if the gas chromatogram indicates that the sample has detections in the gasoline-range, TPH-Gx will be added to the analysis list for that interval. .

- Soil samples will be submitted for organotin analysis if soil cores show evidence of any blasting material (e.g., abrasive grit).

If contaminants are detected above the screening levels in the shallow sample, then within the allowable soil sample holding time, the next deeper sample will be analyzed for the compounds that exceeded the screening level.

Soil samples will also be collected and analyzed at depth intervals other than those described above if field screening (e.g., visual observations such as staining or the presence of abrasive grit, olfactory evidence or elevated PID readings) shows signs of contamination at different depth intervals (e.g., dark stained soil at one depth, abrasive grit red staining at another depth). Samples will be collected where field screening indicates that the soil interval contains elevated levels of contaminants.

### **Groundwater Samples**

Groundwater samples will be collected at each of the boring locations with the exception of TC-SB-2 and TC-SB-4. The groundwater sample from location TC-MW-1 will be from a completed monitoring well. All other samples will either be groundwater grab samples using direct push techniques or monitoring wells installed and developed in accordance with technical standards outlined in applicable regulatory guidance documents. To minimize potential tidal influences on groundwater samples, sampling will be conducted at a time that corresponds to low tide conditions. Also, groundwater samples will be collected using low flow techniques (i.e., using a peristaltic pump the groundwater will be pumped at a rate such that there is little or no water level drawdown or at such a rate that the water column remains stable and field parameters stabilize.

All groundwater samples will be analyzed for priority pollutant metals, SVOCs, VOCs, and TPH. Additionally, groundwater samples from locations TC-SB-1 through TC-SB-4 including TC-SB-15 will be analyzed for hexavalent chromium. The groundwater sample from location TC-MW-1 will also be analyzed for PCBs. Groundwater samples collected using direct push techniques for metals analysis (including hexavalent chromium) will be filtered in the field using a 0.45- $\mu\text{m}$  in-line filter prior to submittal to the laboratory. However, both total and filtered groundwater samples will be collected

from location TC-MW-1. Additional groundwater sampling requirements are described below.

With the exception of location TC-MW-1, groundwater samples will be submitted for NWTPH-HCID analysis with follow-up analysis for TPH-Dx and/or TPH-Gx if the HCID results reveal the presence of this range of hydrocarbons in the sample. Five groundwater samples exhibiting the highest concentrations of TPH diesel and/or oil based on the NWTPH-HCID analysis will additionally be analyzed for PCBs. The groundwater sample collected at location TC-MW-1 will not be analyzed using NWTPH-HCID analysis, but rather will be analyzed using TPH-Dx and TPH-Gx analysis.

Note, additional analyses beyond those listed for soil and groundwater in this exhibit may be incorporated during the development of the RI/FS work plan.

### **Quality Assurance Samples**

The field sampling program will include the collection of field and laboratory quality assurance samples (e.g., field duplicates, blank samples, etc.).

### **3. Prepare Draft RI/FS Report**

A draft, draft final, and final RI/FS report that meets the requirements of WAC 173-340-350 shall be prepared. The RI/FS report shall contain the results of the RI and will provide information regarding the full extent and magnitude of soil, groundwater, surface water, and/or adjacent marine sediment contamination including toxic effects. The FS portion of the report will present and evaluate cleanup action alternatives to address the identified contamination at the Site. Based on the evaluation of alternatives (WAC 173 340-350(8)), the FS will identify a preferred cleanup action alternative for the Site in compliance with WAC 173-340-360.

### **4. Develop A Draft Cleanup Action Plan (CAP)**

Upon Ecology approval of the draft final RI/FS report, the PLPs shall prepare a draft and draft final CAP in accordance with WAC 173-340-380 and 173-204-580 that provides proposed cleanup action alternatives to address potential contamination at all impacted

media at the Site based on the results of the RI/FS. The draft CAP shall include a general description of the proposed cleanup actions along with the following sections:

- A general description of the proposed cleanup action alternatives and rationale for selection including results of any remedial technology pilot studies, if necessary.
- A summary of other cleanup action alternatives evaluated in the RI/FS.
- A summary of applicable local, state, and federal laws pertinent to the proposed cleanup actions.
- Cleanup standards and rationale regarding their selection for each hazardous substance and for each medium of concern at the Site based on the results of the RI/FS.
- Descriptions of any institutional/engineering controls, if proposed.
- A schedule for implementation of field construction work.

## **B. Schedule**

The PLPs shall perform the actions required by this Order according to the schedule below. The PLPs shall address Ecology comments on all deliverables through written responses. Note, when Ecology provides comments in red-line strikeout format (i.e., comments made directly within the electronic version of the document), the PLPs may respond to those comments directly within the electronic document.

### **1. RI/FS Work Plan Submittal**

- Draft Document – The draft RI/FS Work Plan shall be due 75 calendar days after finalization of this Agreed Order. The draft Work Plan will then undergo a 30-day review period by Ecology.
- Draft Final Document – The draft final RI/FS Work Plan shall address any comments/suggestions submitted by Ecology. The draft final RI/FS Work Plan shall be due 45 days after Ecology provides its comments. The draft final version will undergo a 20-day review period by Ecology.
- Final Document – The final RI/FS Work Plan shall address comments/suggestions submitted by Ecology. The final RI/FS Work Plan shall be due 20 days after Ecology provides its comments.



## 2. **Field RI/FS**

- Field RI/FS – RI/FS field activities shall be commenced within 30 days of submittal of the final RI/FS work plan to Ecology. The field RI results, as described in Section A.1.f, shall be provided to Ecology 30 calendar days after the validation of all RI/FS analytical data.
- Additional field RI/FS activities (if needed) – Additional field RI/FS activities may be required to adequately delineate the extent and magnitude of contamination at the Site, and/or to conduct pilot testing of a remedial alternative. The scope, schedule, and submittal requirements for additional field RI/FS activities shall be developed by the PLPs, and shall be submitted to Ecology for review and concurrence.
- Environmental Data Submittals – All sampling data (including all historic soil and groundwater data) shall be submitted to Ecology in both printed and electronic formats in accordance with Ecology’s Toxics Cleanup Program Policy 840 (Data Submittal Requirements) and/or any subsequent procedures specified by Ecology for data submittal. Policy 840 is presented in **Exhibit C** of this Agreed Order. Historic data, in addition to new data collected as part of the initial or first phase of the RI/FS, shall be supplied to Ecology in electronic format (i.e., EIM) 45 days after the new data has been validated. Data collected as part of additional RI/FS activities shall also be supplied to Ecology in electronic format (i.e., EIM) 45 days after the data has been validated.

## 3. **RI/FS Report Submittal**

- Draft RI/FS Report – The draft RI/FS report shall be due to Ecology 120 calendar days after receipt by the PLPs Project Manager of all final analytical data collected during the RI/FS. This draft will then undergo a 30-day review period by Ecology.
- Draft Final RI/FS Report – The draft final RI/FS report shall be due 60 days after receipt of Ecology comments on the draft RI/FS report. This draft final RI/FS report will then go to a 30-day public comment period.
- Final RI/FS Report – The final RI/FS report shall be submitted to Ecology 30 days after Ecology’s completion of the responsiveness summary to public comment on the draft final RI/FS report.









## 4. **Cleanup Action Plan (CAP) Submittal**

- Draft CAP – The draft CAP shall be submitted to Ecology 45 days after the draft final RI/FS Report is finalized and ready for public comment. This draft CAP will then undergo a 30-day review period by Ecology.

- Draft Final CAP – The draft final CAP shall address comments/suggestions submitted by Ecology on the draft CAP. This draft final CAP shall be due 30 days after submittal of Ecology comments of the draft CAP.

Based on the work schedule presented above, the PLPs shall develop an overall cleanup schedule for the Site starting from the development of the RI/FS Work Plan to final cleanup construction and long-term compliance monitoring. Ecology recognizes that elements of the overall cleanup schedule that project beyond the submittal of the Draft Final CAP are not enforceable under this Agreed Order. However, it is important that Ecology maintains updated cleanup schedules for project planning, and for periodically updating the public, tribes, and resources/permitting agencies. The PLPs shall provide Ecology with an updated cleanup schedule on an as needed basis, or at a minimum, at the end of each quarter (i.e., March, June, September, and December). It is understood that updates may not be needed each quarter. In that case, the PLPs will notify Ecology that there are no changes to the overall cleanup schedule.

# Legend<sup>1</sup>

-  Approximate extent of Oil Affected Area
  -  TC Systems Operations Boundary
  -  Storm Drain Piping
  -  Sanitary Sewer Piping
  -  Storm Drain Catch Basin
  -  2009 Phase II ESA Sample Location
  -  TC-CB-01 – 2009 Ecology Sediment Catch Basin Sample
  -  Excavation Area From Damaged Stormwater Line
- Building B** Chemical Line (Metal Finishing)  
**Building C** Painting and Hazardous Waste Storage










<sup>1</sup>All sample locations and site features are approximate.



## Exhibit B – Figure 1 Historical Sample Map

Sources for Site Features – 1996 North Marina Utility Map; TC Systems 1998 O&M Manual; Information from Ecology Inspection Reports; Landau’s 6-2-05 report on the “Oil Affect Area” at Ameron.

# Legend<sup>1</sup>

-  Approximate extent of Oil Affected Area.
-  Storm Drain Piping
-  Sanitary Sewer Piping
-  Storm Drain Catch Basin
-  Soil Boring/Groundwater Sample Location<sup>2</sup>
-  Soil Boring Location (no groundwater sample)
-  Monitoring Well Location
-  Excavation Area From Damaged Stormwater Line
-  TC Systems Operations Boundary

- Building B** Chemical Line (Metal Finishing)
- Building C** Painting and Hazardous Waste Storage

<sup>1</sup>All sample locations and site features are approximate. Sample locations will be finalized as part of the development of the RI/FS work plan.

<sup>2</sup>Direct push groundwater sample or permanent well sample. The type of groundwater sample will be determined as part of the RI/FS work plan.



**Exhibit B – Figure 2  
RI Sample Location Map**

Sources for Site Features – 1996 North Marina Utility Map; TC Systems 1998 O&M Manual; Information from Ecology Inspection Reports; Landau’s 6-2-05 report on the “Oil Affect Area” at Ameron.

EXHIBIT C  
ECOLOGY POLICY 840 – DATA SUBMITTAL  
REQUIREMENTS



# Toxics Cleanup Program Policy

## Policy 840

*Resource Contact:* Policy and Technical Support Staff *Effective:* August 1, 2005

*References:* WAC 173-340-840(5) *Revised:* September 9, 2005

<http://www.ecy.wa.gov/eim/>

<http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm>

<http://www.ecy.wa.gov/biblio/0309043.html>

*Replaces:* Procedure 840

## Policy 840: Data Submittal Requirements

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**Purpose:** Contaminated site investigations and cleanups generate a large volume of environmental monitoring data that need to be properly managed to facilitate regulatory decisions and access to this data by site owners, consultants, and the general public. The purpose of this policy is to describe the requirements for submitting environmental monitoring data generated/collected during the investigation and cleanup of contaminated sites under the Model Toxics Control Act (MTCA) and the Sediment Management Standards.

**Application:** This policy applies to Ecology staff, potentially liable parties, prospective purchasers, state and local agencies, and Ecology contractors that investigate or manage the cleanup of contaminated sites.

### **1. Unless Otherwise Specified by Ecology, all Environmental Monitoring Data Generated during Contaminated Site Investigations and Cleanups shall be Required to be Submitted to Ecology in both a Written and Electronic Format.**

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Environmental monitoring data include biological, chemical, physical, and radiological data generated during site investigations and cleanups under the Model Toxics Control Act Cleanup Regulation (WAC 173-340) and the Sediment Management Standards (WAC 173-204).

Data generated/collected during site investigations and cleanups conducted under an order, agreed order or consent decree, permit, grant, loan, contract, interagency agreement, memorandum of understanding or during an independent remedial action, are considered environmental monitoring data under this policy.

Data generated/collected for non site-specific studies, site hazard assessments that result in no further action and initial site investigations are not considered environmental monitoring data under this policy.

### **2. Orders, Agreed Orders, Consent Decrees, or Permits Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data be Submitted in Compliance with this Policy.**

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Reports on such work that do not include documentation that the data have been submitted in compliance with this policy shall be deemed incomplete and a notice of such provided to the

submitter. These reports generally should not be reviewed until that information is provided. The assistant attorney general assigned to the site should be consulted in these situations.

**3. Reports on Independent Remedial Actions Submitted for Review After October 1, 2005, Under Ecology's Voluntary Cleanup Program Shall Not be Reviewed Until the Data Have Been Submitted in Compliance with this Policy.**

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Such reports shall be deemed incomplete, and a notice to this effect provided to the submitter.

**4. Grants, Contracts, Interagency Agreements or Memoranda of Understanding Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data be Submitted in Compliance with this Policy.**

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Reports on such work shall not be accepted as complete until the data have been submitted in compliance with this policy. If a payment or transfer of funds is involved in the transaction, the relevant payment or transfer shall be withheld until this requirement has been met.

Example language to include in these documents is attached in Appendix A.

**5. Data Generated During Upland Investigations and Cleanups Shall be Submitted Electronically Using Ecology's Environmental Information Management System (EIM).**

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EIM is Ecology's main database for environmental monitoring data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

Additional information on EIM, including instructions for data submittal, can be found on Ecology's EIM web site at <http://www.ecy.wa.gov/eim/>. TCP's EIM Coordinator also is available for technical assistance to site managers and consultants using EIM.

**6. Data Submitted Electronically Using EIM Shall be Checked by the Toxics Cleanup Program's EIM Coordinator Prior to Loading the Data into EIM.**

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Normally, notice that data have been submitted through EIM will come to TCP's EIM Coordinator. Upon receipt of such a notice the EIM Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a notice of an EIM submittal, they should notify TCP's EIM Coordinator. Upon receipt of the data, TCP's EIM Coordinator reviews the submittal for quality control and officially loads the data into the system.

**7. Data Generated During Sediment Investigations and Cleanups shall be Submitted Electronically Using Ecology's Sediment Quality Information System (SEDQUAL).**

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SEDQUAL is Ecology's data management system for sediment-related data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

## **8. Sediment Sampling Data Shall be Submitted to Ecology Using the SEDQUAL Data Entry Templates.**

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At a minimum, the following SEDQUAL data entry templates must be completed:

1. **Reference & Bibliography:** Describes lab reports and publications that relate to the data being entered;
2. **Survey:** Sample number;
3. **Station:** Specifies geographic location of the sediment sample. Sample latitude/longitude coordinates must be entered using the North American Datum of 1983 in U.S. Survey feet (NAD 83, U.S. feet);
4. **Sample:** Describes sample characteristics such as depth; and
5. **Sediment Chemistry:** Reports chemical concentration data in dry weight units.

The following additional templates must also be completed where these measurements/observations have been made:

1. **Bioassay:** Bioassay test results;
2. **Bioassay Control:** Bioassay control test results;
3. **Benthic Infauna:** Species abundance & diversity;
4. **Tissue:** Describes the organism collected;
5. **Bioaccumulation:** Reports tissue chemical concentrations; and
6. **Histopathology:** Reports tissue pathology such as tumors or lesions.

## **9. Electronic Data Formats Shall be Verified to be Compatible with SEDQUAL Prior to Submittal.**

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Because SEDQUAL uses ASCII protocol and comma delimited text files, data format verification shall be conducted prior to submittal to Ecology. Data shall be verified by downloading the SEDQUAL database, importing the data into the database, correcting errors, and then exporting the corrected templates.

For additional information on sediment sampling and analysis plan requirements, see Ecology publication 03-09-043 "Sediment Sampling and Analysis Plan Appendix", April, 2003. A copy of this document can be obtained from Ecology's publication office or downloaded from the following web site: <http://www.ecy.wa.gov/biblio/0309043.html>

Additional information on SEDQUAL can be found at:

<http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm>. ICP's SEDQUAL Coordinator is also available for technical assistance to site managers and consultants using SEDQUAL.

## **10. Sediment Sampling Data Shall Also be Submitted to Ecology in a Printed Report.**

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Printed reports shall present the data in both dry weight and total organic carbon normalized units in data tables that compare the results to applicable state regulatory criteria.

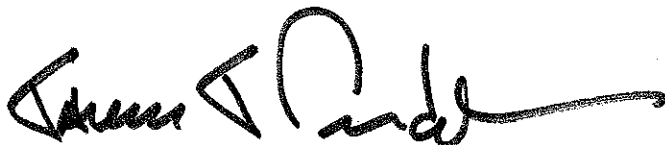


**11. Data Submitted Electronically Using SEDQUAL Shall be Checked by the Toxics Cleanup Program's SEDQUAL Coordinator Prior to Loading the Data into SEDQUAL.**

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Normally, SEDQUAL data submittals will come to TCP's SEDQUAL Coordinator. Upon receipt of a submittal, the Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a SEDQUAL submittal, they should notify TCP's SEDQUAL Coordinator. Upon receipt of the data, TCP's SEDQUAL Coordinator reviews the submittal for quality control and officially loads the data into the system.

Approved



James J. Pendowski, Program Manager  
Toxics Cleanup Program

**Policy Disclaimer:** This policy is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this policy depending on site-specific circumstances, or modify or withdraw this policy at any time.

**APPENDIX A: MODEL GRANT AND PERMIT CONDITION**

The following condition is to be inserted in permits, grants, loans, contracts, interagency agreements, memorandum of understandings where site-specific environmental monitoring data is expected to be generated:

All sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840: Data Submittal Requirements. Electronic submittal of data is not required for site hazard assessments that result in no further action and initial site investigations. (FOR GRANTS & CONTRACTS ADD: Failure to properly submit sampling data will result in Ecology withholding payment and could jeopardize future grant funding )

EXHIBIT D  
PUBLIC PARTICIPATION PLAN

**Site Cleanup:**

**TC Systems, Inc. Site**

Between 10<sup>th</sup> and 11<sup>th</sup> Streets off West Marine View Drive  
Everett, Washington

**FINAL PUBLIC PARTICIPATION PLAN**

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**Prepared by:**

Washington State Department of Ecology



WASHINGTON STATE  
DEPARTMENT OF  
**E C O L O G Y**

**June 2010**

## **This plan is for you!**

This Public Participation Plan (Plan) is prepared for the TC Systems, Inc. Site cleanup as part of the requirement of the Model Toxics Control Act (MTCA). The Plan provides information about MTCA cleanup actions and requirements for public involvement, and identifies how Ecology, and Norton Industries, Inc. and TC Systems, Inc. support public involvement throughout the cleanup. The Plan is intended to encourage coordinated and effective public involvement tailored to the community's needs at the TC Systems, Inc. Site.

For additional copies of this document, please contact:

Washington State Department of Ecology  
Andy Kallus, Site Manager  
Toxics Cleanup Program  
PO Box 47600  
Olympia, WA 98504-7600  
(360) 407-7259  
Email: [andrew.kallus461@ecy.wa.gov](mailto:andrew.kallus461@ecy.wa.gov)

If you need this publication in an alternate format, please call the Toxics Cleanup Program at (360) 407-7170. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341 (TTY).

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## 1.0: Introduction and Overview of the Public Participation Plan

This Public Participation Plan (Plan) explains how you can become involved in improving the health of your community. It describes public participation opportunities that will be conducted during cleanup of a site on the Everett waterfront - the TC Systems, Inc. Site (Site). These opportunities are part of a cooperative agreement between the Washington State Department of Ecology (Ecology) and some of the owners and operators of the Site, which include Norton Industries, Inc., and TC Systems, Inc. These two companies are Potentially Liable Persons, or PLPs at the Site. The current agreement, called an Agreed Order (Order), is a legal document in which the PLPs and Ecology agree to decide on cleanup actions for the TC Systems, Inc. Site. TC Systems, Inc. is generally located between 10<sup>th</sup> and 11<sup>th</sup> Streets, off West Marine View Drive, on Port Gardner Bay, Everett, Washington.

Cleanup actions and the public participation process that helps guide them are established in Washington's Model Toxics Control Act (MTCA).<sup>1</sup> Under MTCA, Ecology is responsible for providing timely information and meaningful chances for the public to learn about and comment on important cleanup decisions before they are made. The goals of the public participation process are:

- To promote understanding of the cleanup process so that the public has the necessary information to participate.
- To encourage involvement through a variety of public participation opportunities.

This Public Participation Plan provides a framework for open dialogue about the cleanup among community members, Ecology, cleanup site owners, and other interested parties. It outlines basic MTCA requirements for community involvement activities that will help ensure that this exchange of information takes place during the investigation and cleanup, which include:

- Notifying the public about available reports and studies about the site.
- Notifying the public about review and comment opportunities during specific phases of the cleanup investigation.
- Providing appropriate public participation opportunities such as fact sheets to learn about cleanup documents, and if community interest exists, holding meetings to solicit input and identify community concerns.
- Considering public comments received during public comment periods.

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<sup>1</sup> The Model Toxics Control Act (MTCA) is the hazardous waste cleanup law for the State of Washington. The full text of the law can be found in Revised Code of Washington (RCW), Chapter 70.105D. The legal requirements and criteria for public notice and participation during MTCA cleanup investigations can be found in Washington Administrative Code (WAC), Section 173-340-600.

In addition to these basic requirements, the plan may include additional site-specific activities to meet the needs of your community. Based upon the type of the proposed cleanup action, the level of public concern, and the risks posed by the site, Ecology may decide that additional public involvement opportunities are appropriate.

These opportunities form the basis for the public participation process. The intent of this plan is to:

- Provide complete and current information to all interested parties.
- Let you know when there are opportunities to provide input.
- Listen to concerns.
- Address those concerns.

### ***Part of the Puget Sound Initiative***

TC Systems, Inc. is one of several sites in the Everett area and is part of a larger cleanup effort called the Puget Sound Initiative (PSI). Governor Chris Gregoire and the Washington State Legislature authorized the PSI as a regional approach to protect and restore Puget Sound. The PSI includes cleaning up 50-60 contaminated sites within one-half mile of the Sound. These sites are grouped in several bays around the Sound for “baywide” cleanup efforts. As other sites in the Everett baywide area move forward into investigation and cleanup, information about them will be provided to the community as well as to interested people and groups.

### ***Roles and Responsibilities***

Ecology will lead public involvement activities, with support from the PLPs. Ecology maintains overall responsibility and approval authority for the activities outlined in this Plan. The PLPs are responsible for cleanup at this Site. Ecology will ultimately oversee all cleanup activities and ensure that contamination on this Site is cleaned up to concentrations that are established in state regulations and that protect human health and the environment.

### ***Organization of this Public Participation Plan***

The sections that follow in this Plan provide:

- Section 2: Background information about the TC Systems, Inc. Site.
- Section 3: An overview of the local community that this plan is intended to engage.
- Section 4: Public involvement opportunities in this cleanup.



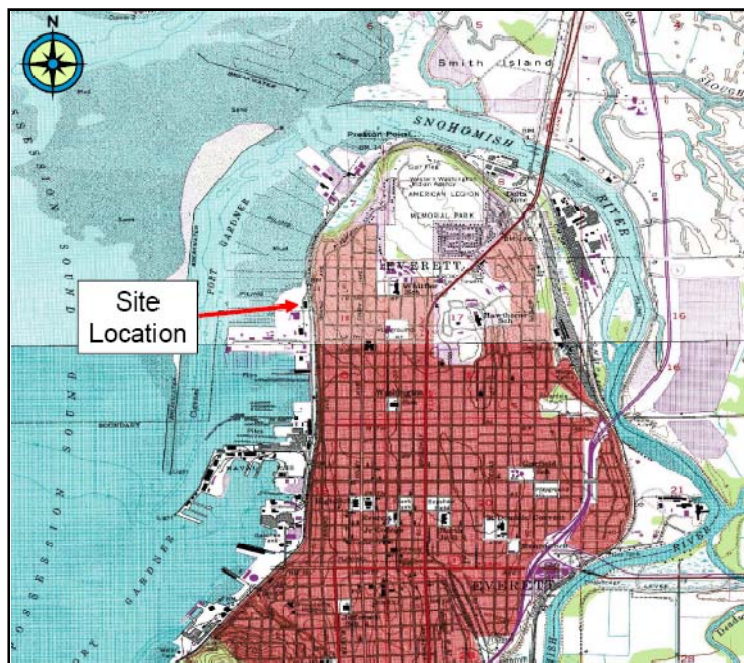
This Public Participation Plan addresses current conditions at the Site, but it is intended to be a dynamic working document that will be reviewed at each phase of the cleanup, and updated as needed. Ecology and the PLPs urge the public to become involved in the cleanup process.

## 2.0: Site Background

### *Site Description and Location*

The TC Systems, Inc. Site is generally located between 10<sup>th</sup> and 11<sup>th</sup> Streets off West Marine View Drive, in Everett, Snohomish County, Washington (see Figure 1). The Site includes approximately 2.6 acres of upland area, as well as the adjacent intertidal in-water area. The TC Systems, Inc. Site is bounded by the Dunlap Industrial Hardware building to the east, and the O&W Glass building to the west; North Marina Ameron/Hulbert Site to the south, and is separated from the in-water area by 10<sup>th</sup> Street to the north. Port Gardner Bay is to the west of the Port property. The Site is currently two industrial buildings within the larger Port building complex (Figure 2).

The City of Everett Comprehensive Plan land use map<sup>2</sup> indicates that the Site is zoned maritime services (M-S). Zoning to the north of the Site is maritime services, zoning to the east of the Site is residential, and zoning to the west of the Site includes open water and parks (Jetty Island).



**Figure 1:** The TC Systems, Inc. Site, shown in the above map with an arrow, is generally located between 10<sup>th</sup> and 11<sup>th</sup> Streets off West Marine View Drive, near Port Gardner Bay, Everett, WA. (Photo Source: USGS 7.5 Minute Quadrangle Maps (Everett and Marysville Quadrangle Maps; Photo Revised – 1968 and 1973)

<sup>2</sup> Planning and Community Development, City of Everett, WA  
[http://www.everettwa.org/Get\\_PDF.aspx?pdfID=3362](http://www.everettwa.org/Get_PDF.aspx?pdfID=3362) (Accessed February 13, 2009)



**Figure 2:** A current view of the TC Systems, Inc. Site. (Photo Source: 2010 Google Imagery)

### ***General Site History and Contaminants***

Historically, Jamison Shingle Mill operated on this Site from about 1914 until about the late 1950s. The building was built on pilings over Port Gardner Bay. This enabled the mill to float logs right up to the facility. Also historically, Cruise-A-Home, Inc. operated on the site in the 1970s/early 80s. Cruise-A-Home engineered, designed, and built fiberglass boats.

Currently, the Site is owned by Norton Industries, Inc., and operated since about 1979 by TC Systems, Inc. and its predecessors (MARPAC Products, Inc. and Tri Coatings, Inc.). TC Systems chemically treats and paints metal parts in support of the aviation and boating industries, and is known to use acids, bases, paints, solvents, thinners, and oils. It also prepares the metal parts by sandblasting.

In 2005, the Port of Everett sampled visible soil contamination that was found while repairing a stormwater pipeline located near the North Marina Ameron/Hulbert and TC Systems property line. Test results showed that the concentrations of polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and arsenic in soil were greater than state Model Toxics Control Act (MTCA) cleanup levels. Concentrations of arsenic in groundwater were also greater than MTCA cleanup levels. The North Marina Ameron/Hulbert site is currently being investigated under a separate Agreed Order with Ecology.

A sample of the settled material (i.e., sediment) in a stormwater catchbasin on the Site was collected in 2009. Test results showed that the concentrations of five metals (cadmium, chromium, copper, lead, and zinc) and two different PCBs were greater than state sediment management standards for these pollutants.

TC Systems conducted Phase I and Phase II site investigations of soil and groundwater on the Site in 2009. The test results of one groundwater sample showed that total petroleum hydrocarbons (TPH), specifically diesel and oil, were greater than MTCA cleanup levels for groundwater.

More study is needed to fully characterize the contamination at the TC Systems, Inc. Site.

## ***The Cleanup Process***

Washington State's cleanup process and key opportunities for you to provide input are outlined in Figure 3. The general cleanup process includes the following steps:

- Remedial Investigation (RI) - investigates the site for types, locations, and amounts of contaminants.
- Feasibility Study (FS) - identifies cleanup options for those contaminants.
- Cleanup Action Plan (CAP) - selects the preferred cleanup option and explains how cleanup will be conducted.

Each of these steps is generally documented in reports and plans that will be available for public review. Public comment periods of at least 30 calendar days are usually conducted for the following documents:

- Draft RI report.
- Draft FS report.
- Draft CAP.

These cleanup steps and documents are described in greater detail in the following subsections.

## ***Interim Actions***

Interim actions may be conducted during the cleanup if required by Ecology. An interim action partially addresses the cleanup of a site, and may be required if:

- It is technically necessary to reduce a significant threat to human health or the environment.
- It corrects a problem that may become substantially worse or cost substantially more to fix if delayed.
- It is needed to complete another cleanup activity, such as design of a cleanup plan.

Future interim actions are not currently anticipated on the TC Systems, Inc. Site.

## ***Remedial Investigation/Feasibility Study Report***

The PLPs have agreed to conduct an RI/FS on the Site. The RI determines which contaminants are on the Site, where they are located, and whether there is a significant threat to human health or the environment. The draft RI report provides baseline data about environmental conditions that will be used to develop cleanup options. The FS and report then identify and evaluate cleanup options, in preparation for the next step in the process.

The RI and FS processes typically include several phases:

- Scoping.
- Site characterization.
- Development and screening of cleanup alternatives.
- Treatability investigations (if necessary to support decisions).
- Detailed analysis.

The RI and FS reports are expected to be combined into a draft TC Systems, Inc. Site RI/FS report. The draft report is anticipated to be completed sometime in 2011 and will be made available for public review and comment.

## ***Cleanup Action Plan***

The PLPs and Ecology have agreed to develop a draft CAP for the Site. After public comment on the draft RI/FS report, a preferred cleanup alternative will be selected. The draft CAP explains the cleanup standards that will be applied at the Site, selects the preferred cleanup alternative(s), and outlines the work to be performed during the actual Site remediation. The CAP may also evaluate the completeness and effectiveness of any interim actions that were performed on the Site. The draft CAP will be available for public review and comment. Once public comments are reviewed and any changes are made, Ecology provides final approval, and Site cleanup can begin.

## **3.0: Community Profile**

### ***Community Profile***

Everett is Snohomish County's largest city and the sixth largest city in the State of Washington. The current population of Everett is approximately 98,000<sup>3</sup> situated within 47.7 square miles. Located on Port Gardner Bay, Everett hosts the West Coast's largest marina, U.S. Navy Homeport Naval Station Everett, and The Boeing Company's assembly plant. The city's 2006 labor workforce was more than 80,000, employed predominantly in technology, aerospace, and service-based industries.<sup>4</sup>

### ***Key Community Concerns***

An important part of the Public Participation Plan is to identify key community concerns for each cleanup site. Many factors are likely to raise community questions, such as the amount of contamination, how the contamination will be cleaned up, or future use of the Site. Community concerns often change over time, as new information is learned and questions are answered. Identifying site-specific community concerns at each stage of the cleanup process is helpful to ensure that they are adequately addressed. On-going key community concerns will be identified for the TC Systems, Inc. Site through public comments and other opportunities as detailed in Section 4.

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<sup>3</sup> US Census Bureau, City & Towns Estimates Data for July 1, 2006.  
<http://www.census.gov/popest/estimates.php> (Accessed September 12, 2007)

<sup>4</sup> City of Everett. <http://www.everettwa.org/default.aspx?ID=314> (Accessed September 12, 2007)

## **4.0: Public Participation Opportunities**

Ecology and the PLPs invite you to share your comments and participate in the cleanup in your community. As we work to meet our goals, we will evaluate whether this public participation process is successful. This section describes the public participation opportunities for this Site.

### ***Measuring Success***

We want this public participation process to succeed. Success can be measured, at least in part, in the following ways:

- Number of written comments submitted that reflect understanding of the cleanup process and the site.
- Direct “in-person” feedback about the site cleanup or public participation processes, if public meetings are held.
- Periodic updates to this plan to reflect community concerns and responses.

If we are successful, this process will increase:

- Community awareness about plans for cleanup and opportunities for public involvement.
- Public participation throughout the cleanup.
- Community understanding regarding how their input will be considered in the decision-making process.

### ***Activities and Information Sources***

#### **Ecology Contacts**

Ecology is the lead contact for questions about the cleanup in your community. The Ecology staff person identified in this section is familiar with the cleanup process and activities at the Site. For more information about public involvement or the technical aspects of the cleanup, please contact:

Andy Kallus  
Ecology Site Manager  
WA State Dept. of Ecology  
Toxics Cleanup Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
Phone: (360) 407-7259



E-mail: [andrew.kallus@ecy.wa.gov](mailto:andrew.kallus@ecy.wa.gov)

## Ecology's Webpage

Ecology has created a webpage to provide convenient access to information. Documents such as the Agreed Order, draft reports, and cleanup plans are posted as they are issued during the investigation and cleanup process. Visitors to the webpage can find out about public comment periods and meetings; download, print, and read information; and submit comments via e-mail. The webpage also provides links to detailed information about the MTCA cleanup process. The TC Systems, Inc. Site webpage is available at the following address:

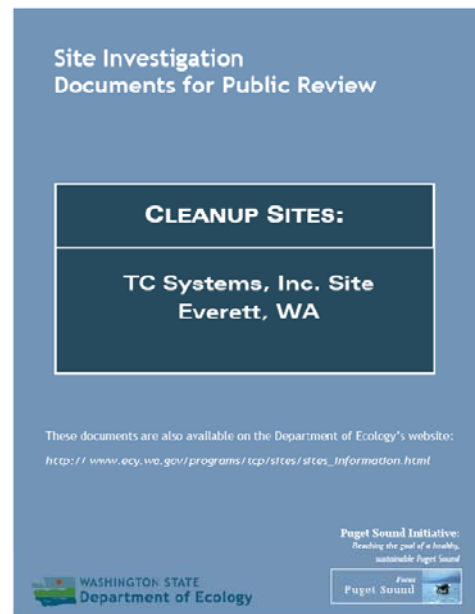
[http://www.ecy.wa.gov/programs/tcp/sites/TCSystems/TCSystems\\_hp.html](http://www.ecy.wa.gov/programs/tcp/sites/TCSystems/TCSystems_hp.html).

## Information Centers/Document Repositories

The most comprehensive source of information about the TC Systems, Inc. Site is the information center, or document repository. Two repositories provide access to the complete list of site-related documents. All TC Systems, Inc. investigation and cleanup activity reports will be kept in print at those two locations and will be available for your review. They can be requested on compact disk (CD) as well. Document repositories are updated before public comment periods to include the relevant documents for review. Documents remain at the repositories throughout the investigation and cleanup. For this Site, the document repositories and their hours are:

- **Everett Public Library**  
2702 Hoyt Ave.  
Phone: (425) 257-8010  
Hours: Mon.-Wed. 10 a.m.-9 p.m.,  
Thurs.-Sat. 10 a.m.-6 p.m., Sun. 1-5 p.m.
- **WA Department of Ecology Headquarters**  
300 Desmond Drive SE  
Lacey, WA 98503  
By appointment. Please contact Carol Dorn at  
(360) 407-7224 or [cesg461@ecy.wa.gov](mailto:cesg461@ecy.wa.gov).

Look for document covers such as the illustration on the right.





## **Public Comment Periods**

Public comment periods provide opportunities for you to review and comment on major documents such as the Agreed Order, draft Public Participation Plan, and the draft RI/FS report. The typical public comment period is 30 calendar days.

### *Notice of Public Comment Periods*

Notices for each public comment period will be provided by local newspaper and by mail. These notices indicate the timeframe and subject of the comment period, and explain how you can submit your comments. For the TC Systems, Inc. Site, newspaper notices will be posted in The Daily Herald.

Notices are also sent by regular mail to the local community and interested parties. The community typically includes all residential and business addresses within one-quarter mile of the site, as well as potentially interested parties such as public health entities, environmental groups, and business associations.

### *Fact Sheets*

One common format for public comment notification is the fact sheet. Like the newspaper notice, fact sheets explain the timeframe and purpose of the comment period, but also provide background and a summary of the document under review. A fact sheet has been prepared for the TC Systems, Inc. Site explaining the Agreed Order and this Public Participation Plan (See Appendix A). Future fact sheets will be prepared at key milestones in the cleanup process.

## **MTCA Site Register**

Ecology produces an electronic newsletter called the MTCA Site Register. This semi-monthly publication provides updates of the cleanup activities occurring throughout the state, including public meeting dates, public comment periods, and cleanup-related reports. Individuals who would like to receive the MTCA Site Register can sign up three ways:

- Call (360) 407-6069
- Send an email request to [ltho461@ecy.wa.gov](mailto:ltho461@ecy.wa.gov) or
- Register on-line at [http://www.ecy.wa.gov/programs/tcp/pub\\_inv/pub\\_inv2.html](http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html)

## **Mailing Lists**

Ecology maintains both e-mail and regular mail distribution lists throughout the cleanup process. The lists are created from carrier route delineations for addresses within one-quarter mile of the site; potentially interested parties; public meeting sign-in sheets; and requests made in person, or by regular mail or e-mail. You may request to be on a mailing list by contacting the Ecology staff person listed earlier in this section.

## **Optional Public Meetings**

A public meeting will be held during a comment period if requested by ten or more people, or if Ecology decides it would be useful. Public meetings provide additional opportunity to learn about the investigation or cleanup, and to enhance informed comment. If you are interested in a public meeting about the TC Systems, Inc. Site, please contact the Ecology staff person listed earlier in this section.

## **Submitting Comments**

You may submit comments by regular mail or e-mail during public comment periods to the Ecology project manager listed earlier in this section.

## **Response to Comments**

Ecology will review all comments submitted during public comment periods, and will modify documents as necessary. You will receive notice by regular mail or e-mail that Ecology has received your comments, along with an explanation about how the comments were addressed.

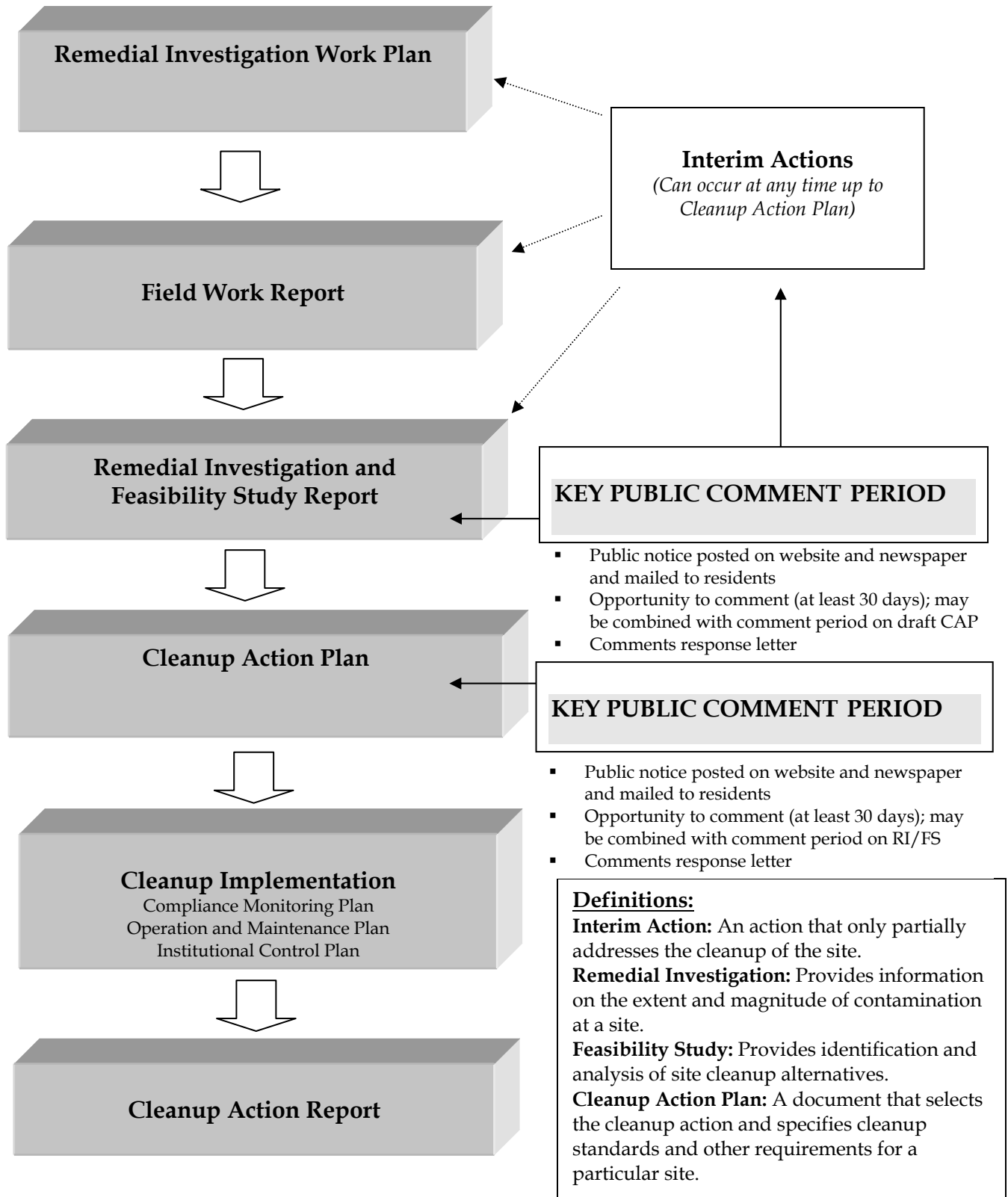
## **Other**

Ecology and the PLPs are committed to the public participation process and will consider additional means for delivering information and receiving comments, including combining public comment periods for other actions (such as those associated with the State Environmental Policy Act).

## ***Public Participation Grants***

You may be eligible to apply for a Public Participation Grant from Ecology to provide additional public participation activities. Those additional activities will not reduce the scope of the activities defined by this Plan. Activities conducted under this Plan would coordinate with the additional activities defined under the grant.

**Figure 3: Washington State Cleanup Process**



## Glossary

**Cleanup:** The implementation of a cleanup action or interim action.

**Cleanup Action:** Any remedial action except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with MTCA cleanup requirements, including but not limited to: complying with cleanup standards, utilizing permanent solutions to the maximum extent practicable, and including adequate monitoring to ensure the effectiveness of the cleanup action.

**Cleanup Action Plan:** A document that selects the cleanup action and specifies cleanup standards and other requirements for a particular site. The cleanup action plan, which follows the remedial investigation/feasibility study report, is subject to a public comment period. After completion of a comment period on the cleanup action plan, Ecology finalizes the cleanup action plan.

**Cleanup Level:** The concentration (or amount) of a hazardous substance in soil, water, air, or sediment that protects human health and the environment under specified exposure conditions. Cleanup levels are part of a uniform standard established in state regulations, such as MTCA.

**Cleanup Process:** The process for identifying, investigating, and cleaning up hazardous waste sites.

**Contaminant:** Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

**Feasibility Study:** Provides identification and analysis of site cleanup alternatives and is usually completed within a year. Evaluates sufficient site information to enable the selection of a cleanup action. The entire Remedial Investigation/Feasibility Study (RI/FS) process takes about two years and is followed by the cleanup action plan.

**Hazardous Site List:** A list of ranked sites that require further remedial action. These sites are published in the Site Register.

**Interim Action:** Any remedial action that partially addresses the cleanup of a site. It is an 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 at a facility; an action that corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed; an action needed to provide for completion of a site hazard assessment, state remedial investigation/feasibility study, or design of a cleanup action.

**Model Toxics Control Act:** Refers to Chapter 70.105D RCW. Voters approved it in November 1988. The implementing regulation is found in Chapter 173-340 WAC.

**Public Notice:** At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and the opportunity for interested persons to comment.

**Public Participation Plan:** A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

**Release:** Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

**Remedial Action:** Any action or expenditure consistent with MTCA to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance, and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

**Remedial Investigation:** Any remedial action that provides information on the extent and magnitude of contamination at a site. This usually takes 12 to 18 months and is followed by the feasibility study. The purpose of the Remedial Investigation/Feasibility Study is to collect and develop sufficient site information to enable the selection of a cleanup action.

**APPENDIX A  
FACT SHEET**

# Site Investigation Documents Available for Public Review and Comment



A PUGET SOUND INITIATIVE site  
Reaching the goal of a healthy, sustainable  
Puget Sound

## Ecology Wants Your Input!

The Department of Ecology is asking for your comments on a new proposed agreement to study a site on Puget Sound for cleanup. This Site, TC Systems, Inc., is one of several located on the waterfront that will be studied for cleanup under the state's Puget Sound Initiative.

TC Systems, Inc. is generally located between 10<sup>th</sup> and 11<sup>th</sup> Streets off West Marine View Drive on Port Gardner Bay, in Everett, Snohomish County, WA.

You are invited to:

- **Review** the Agreed Order and Public Participation Plan.
- **Send** your comments to Ecology for consideration.  
Comments will be accepted *June 30 through August 2, 2010.*

See the box on the right for details about where to review documents and submit comments.

## Site Background

Historically, Jamison Shingle Mill operated on this Site from about 1914 until about the late 1950s. The building was built on pilings over Port Gardner Bay. This enabled the mill to float logs right up to the facility. Also historically, Cruise-A-Home, Inc. operated on the site in the 1970s/early 80s. Cruise-A-Home engineered, designed, and built fiberglass boats.

## Comments Accepted

June 30 to August 2, 2010

### Submit Comments and Technical Questions to:

Andy Kallus - Site Manager  
WA Department of Ecology  
Toxics Cleanup Program  
P.O. Box 47600  
Olympia, WA 98504-7600  
Phone: (360) 407-7259  
E-mail: [andrew.kallus@ecy.wa.gov](mailto:andrew.kallus@ecy.wa.gov)

## DOCUMENT REVIEW LOCATIONS

### Everett Public Library

2702 Hoyt Ave  
Everett, WA 98201  
Phone: (425) 257-8010

Hours: Mon.-Wed. 10 a.m.-9 p.m.,  
Thurs.-Sat. 10 a.m.-6 p.m., Sun. 1-5  
p.m.

### WA Department of Ecology Headquarters

300 Desmond Drive SE  
Lacey, WA 98503

By appointment only:  
Contact Carol Dorn,  
[cesg461@ecy.wa.gov](mailto:cesg461@ecy.wa.gov) or  
(360) 407-7224

### Ecology's Toxics Cleanup Website

<http://www.ecy.wa.gov/programs/tcp/sites/>

Facility Site ID #: 10587741

Currently, the Site is owned by Norton Industries, Inc., and operated since about 1979 by TC Systems, Inc. and its predecessors (MARPA Products, Inc. and Tri Coatings, Inc.). TC Systems chemically treats and paints metal parts in support of the aviation and boating industries, and is known to use acids, bases, paints, solvents, thinners, and oils. It also prepares the metal parts by sandblasting.

In 2005, the Port of Everett sampled visible soil contamination that was found while repairing a stormwater pipeline located near the North Marina Ameron/Hulbert and TC Systems property line. Test results showed that the concentrations of polycyclic aromatic hydrocarbons (PAHs), polychlorinated biphenyls (PCBs), and arsenic in soil were greater than state Model Toxics Control Act (MTCA) cleanup levels. Concentrations of arsenic in groundwater were also greater than MTCA cleanup levels. The North Marina Ameron/Hulbert site is currently being investigated under a separate Agreed Order with Ecology.

A sample of the settled material (i.e., sediment) in a stormwater catchbasin on the Site was collected in 2009. Test results showed that the concentrations of five metals (cadmium, chromium, copper, lead, and zinc) and two different PCBs were greater than state sediment management standards for these pollutants.

TC Systems conducted Phase I and Phase II site investigations of soil and groundwater on the Site in 2009. The test results of one groundwater sample showed that total petroleum hydrocarbons (TPH), specifically diesel and oil, were greater than MTCA cleanup levels for groundwater.

More study is needed to fully characterize the contamination at the TC Systems, Inc. Site.

### Overview of the Agreed Order

The proposed agreement, called an Agreed Order, is a legal document between Ecology, and Norton Industries and TC Systems. These two companies are Potentially Liable Persons, or PLPs, at the Site. The Agreed Order describes the studies that the PLPs agree to perform on the Site.

The Agreed Order covers the following studies and documents:

- Remedial Investigation and Feasibility Study (RI/FS). It explains the work needed to look for and analyze contamination in Site media (e.g., soil and groundwater).
- RI/FS report. It presents the results of the study and proposes alternatives for cleanup actions.
- Draft Cleanup Action Plan (CAP). It uses RI/FS information to identify a preferred cleanup action and a schedule to remediate the contamination.

The purpose of the Agreed Order is to protect human health and the environment by ensuring that remedial actions will be conducted at a site where a release of hazardous substances has occurred. It also ensures that cleanup happens in a timely manner and according to Washington State's MTCA cleanup law.

### Overview of the draft Public Participation Plan

Ecology and the PLPs are committed to providing the public with timely information and meaningful opportunities to participate in the cleanup process. As part of this commitment, Ecology and the



## TC Systems, Inc. Site

PLPs agreed to provide a Public Participation Plan. This Plan outlines how citizens and interested parties can learn about and provide input on the cleanup.

Your comments and ideas are needed to improve the cleanup. The Public Participation Plan explains how Ecology will do the following:

- Notify the public when and where documents are available for review and comment.
- Notify the public about how they can become involved.
- Provide public participation opportunities.
- Consider public comments in cleanup decisions.

### Why This Cleanup Matters

#### Protecting and restoring Puget Sound

Governor Chris Gregoire and the Washington State Legislature approved the Puget Sound Initiative. One of the objectives of the Initiative is to protect and restore Puget Sound, cleaning up 50-60 sites within one-half mile of the Sound. One of these is the TC Systems, Inc. Site. These cleanup actions will help reduce pollution and restore habitat and shorelines in Puget Sound.

Several baywide areas in the Sound have been identified as high-priority cleanup areas as part of this Initiative, including: Port Gamble; Dumas Bay; Padilla and Fidalgo Bays; Port Angeles; and Budd Inlet.

Other Port Gardner Puget Sound Initiative sites that are currently under Agreed Orders for cleanup include:

- JELD-WEN Site: A former wooden door plant, located at 300 West Marine View Drive.
- Everett Shipyard Site: A ship repair facility, located at 1016 14th Street.
- North Marina West End Site: A former marine services and general industrial site, located between 11th and 14th Streets at West Marine View Drive.
- North Marina Ameron/Hulbert: A former sawmill and current concrete pole manufacturing facility, located between 11<sup>th</sup> and 13<sup>th</sup> Streets at West Marine View Drive.
- Bay Wood Products: A former sawmill and log storage facility, located at 200 West Marine View Drive.
- ExxonMobil ADC: A former petroleum storage and distribution facility, located at 2717 and 2731 Federal Avenue.

For more information about the sites in Port Gardner Bay, contact Andy Kallus at (360) 407-7259 or [andrew.kallus@ecy.wa.gov](mailto:andrew.kallus@ecy.wa.gov), or go to: [http://www.ecy.wa.gov/programs/tcp/sites/psi/everett/psi\\_everett.html](http://www.ecy.wa.gov/programs/tcp/sites/psi/everett/psi_everett.html).

### What Happens Next?

Once the public comment period ends, Ecology will review and consider all comments that have been received. The documents may be modified based upon your comments.

As future documents on the Site are developed, you will be notified of additional public comment periods.

## TC Systems, Inc. Site

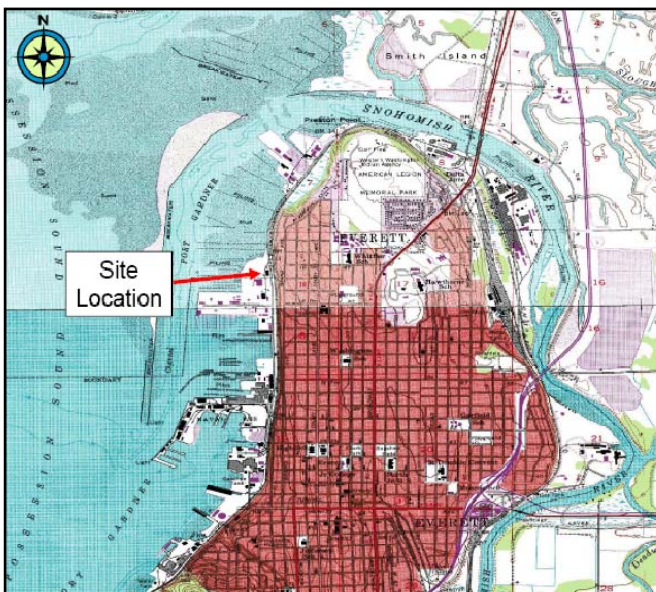
For information about other Ecology public comment periods, meetings, workshops, hearings, and open houses, please visit Ecology's public events calendar at: <http://apps.ecy.wa.gov/pubcalendar/calendar.asp>

**The TC Systems, Inc. Site is generally located between 10<sup>th</sup> and 11<sup>th</sup> Streets off West Marine View Drive, on Port Gardner Bay, Everett, WA.** (Map Sources: USGS 7.5 Minute Quadrangle Maps, Everett and Marysville Quadrangles, Photo Revised, 1968 and 1973; and 2009 Google Imagery)

### What can you do?

1. Read about the cleanup in this handout.
2. Get more detailed information by reviewing the supporting documents at the locations listed on the first page.
3. Write down your comments and questions. Send them to the Department of Ecology at the address shown on the back page.

**We appreciate your comments and concerns. Thank you.**





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PO Box 47600  
Olympia, WA 98504-7600

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**TC Systems, Inc., Everett  
Snohomish County, WA**

**Ecology Seeks Public Comment on Draft  
Site Investigation Documents**

**Public Comment Period:  
June 30 through August 2, 2010**

**Facility Site ID #: 10587741**

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