

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial)	Enforcement Order
Action by:)	
Cascade Pole Company)	No. DE 92TC-S299

To: Cascade Pole Company, Inc.
Post Office Box 1496
Tacoma, WA 98401-1496

I.

Jurisdiction

This Order is issued pursuant to the authority of RCW 70.105D.050(1).

II.

Statement of Facts

1. The project area in this matter (the "Site") is known as the Cascade Pole Site, and is situated in Olympia, Washington. The location and boundaries of the Site are depicted by the diagram that is Exhibit A to this Order.

2. Cascade Pole Company, Inc. (Cascade Pole), one of the several companies doing business as McFarland Cascade, leased a portion of the Site from the Port of Olympia between 1967 and 1986. The Port of Olympia is the owner of this property and has been since the 1930's.

3. The leased area of the Site was utilized as a wood treating facility for more than forty (40) years. Various other operators, which are no longer in

business, utilized this Site prior to Cascade Pole. Prior to the early 1960s, creosote was the primary chemical used for treating wood at the Site. In the early 1960s pentachlorophenol became the primary treatment chemical used at the Site. However, creosote remained in use at the Site until it closed in 1986. It is also possible that a copper-based treatment process was used at the Site for a period of time.

4. In December 1982, an environmental complaint was filed with the Washington Department of Ecology (Ecology) regarding the release of oily material from the storm drain which discharges to Budd Inlet southwest of the Site, and the presence of similar oily material in the soils at the southern boundary of the Site. A preliminary investigation prompted by this complaint confirmed contamination of soils and ground water by wood treating chemicals along the southern boundary of the Site.

5. In 1985, Ecology performed several studies at and in the vicinity of the Site. The purpose of these studies was to gather information regarding the concentration and sources of contamination at the Site. Soil, intertidal sediment, and ground water analytic data obtained during these and subsequent investigations indicate that hazardous substances have been, and continue to be, released from the Site, including release of contaminants to the water and sediments of adjacent Budd Inlet. Concentrations of a number of these contaminants, including pentachlorophenol (PCP) and polynuclear aromatic hydrocarbons (PAH), are present

on site at concentrations which would be regulated as extremely hazardous wastes per Chapter 173-303 WAC.

6. In 1986, Cascade Pole submitted a Remedial Investigation (RI) report to Ecology, summarizing the findings of field investigations they had conducted at the Site. During a review of this report, Ecology staff identified major data gaps in the investigation; therefore, no approval was granted for the RI. In 1988, Cascade Pole submitted a Feasibility Study (FS) proposing a remedial plan for the Site. Upon review of this report, Ecology determined that the FS was incomplete, omitted information required by the agency, biased the conclusions, and promoted a preferred alternative which failed to protect human health and the environment and was inconsistent with state and federal laws. On this basis, the FS report was not approved by Ecology.

7. In May 1990, Ecology, Cascade Pole, and the Port of Olympia entered into a Consent Decree under the authority of the Model Toxics Control Act (MTCA)(RCW 70.105D). The Consent Decree (No. 90-2-01183-3) outlines the steps necessary to complete remedial investigations at the site, and select a long-term remedial alternative that will fulfill the criteria defined by MTCA for site cleanup.

8. The Consent Decree also identifies several interim remedial actions that will be implemented at the Site prior to the final remedy selection. The construction and operation of a ground water extraction and treatment system for the shallow aquifer throughout the central portion of the Site was identified as one of these interim actions. The Consent Decree identified extraction and treatment as the

appropriate long-term technology for the remediation of floating and dissolved phase ground water contamination for the shallow aquifer; therefore, this system will ultimately be incorporated into the final cleanup plan for the Site. The primary goal of the interim action is to provide hydraulic gradient reversal and containment of ground water contaminants throughout the central portion of the Site area. Storm water infiltration control and floating phase contaminant recovery are also key goals of this interim action.

9. In order to fulfill the goals outlined in the Consent Decree for the interim extraction and treatment system, Cascade Pole and Ecology have agreed to a ground water treatment system design that incorporates phase separation, biological treatment, and polishing by granular activated carbon. According to the timelines established in the Consent Decree, the final date for full operation of the extraction and treatment system is November 26, 1992. Construction and startup of the extraction and treatment system will occur throughout the months of October and November 1992, including acclimatization of the treatment system bioreactors. This system is expected to operate at a flow rate of approximately 30 gallons per minute (gpm) during normal operation.

10. Cascade Pole has gained permission from the Lacey, Olympia, Tumwater and Thurston County (LOTT) Wastewater Management Partnership to discharge treated effluent from the on-site ground water treatment system to the LOTT municipal wastewater treatment plant outfall line. As currently constructed,

the LOTT outfall line passes through the Site, and ultimately discharges to Budd Inlet at the northern end of the Port of Olympia peninsula.

11. A National Pollutant Discharge Elimination System (NPDES) permit application for discharge of treated effluent has been submitted by Cascade Pole to Ecology. A draft NPDES permit has been prepared (NPDES Permit No. WA 004053-3), and is currently open to public comment per the requirements outlined in Chapter 173-220 WAC. When adopted as final by Ecology, this permit will establish the effluent standards, conditions, and monitoring and reporting requirements that must be met in order for Cascade Pole to discharge treated water to the LOTT outfall line, and ultimately to Budd Inlet. It is anticipated that the permit will be adopted as final by December 1992.

III.

Ecology Determinations

1. Cascade Pole is an "owner or operator" as defined at RCW 70.105D.020(6) of a "facility" as defined in RCW 70.105D.020(3).
2. The facility is known as the Cascade Pole Site, and is located at 1412 North Washington Street, Olympia, Washington.
3. The substances found at the facility as described above are "hazardous substances" as defined at RCW 70.105D.020(5).
4. Based on the presence of these hazardous substances at the facility and all factors known to Ecology, there is a release or threatened release of hazardous substances from the facility, as defined at RCW 70.105D.020(10).

5. Ecology has notified Cascade Pole, as set forth in RCW 70.105.020(8), of its determination that Cascade Pole is a potentially liable party for the Site, and Cascade Pole has been given notice of the release of hazardous substances at the Site.

6. Pursuant to RCW 70.105D.030(1) and 70.105D.050, Ecology may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances, whenever it believes such action to be in the public interest.

7. Based on the foregoing facts, Ecology believes the remedial action required by this Order is in the public interest.

IV.

Work to be Performed

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

1. All treated water discharging from the Cascade Pole ground water treatment plant to the LOTT outfall line during and following startup of the on site extraction and treatment system will meet the following conditions:

a. Temporary Discharge Limitations. All treated water discharged from the Site to the LOTT outfall line will meet all of the effluent limitations outlined below, until such time as the NPDES permit referred to above has undergone public

review and comment, and has been adopted as final by Ecology.

EFFLUENT LIMITATIONS

<u>Parameter</u>	<u>Monthly Average</u>	<u>Daily Maximum</u>
Total Polynuclear Aromatic Hydrocarbons (PAH) ¹	150 ug/l	300 ug/l
Pentachlorophenol	6.5 ug/l	13 ug/l
Tetrachlorophenol	219 ug/l	440 ug/l
pH	7.0 - 8.5 at all times	

The monthly average is defined as the average of the measured values obtained over a calendar month.

The daily maximum is defined as the greatest allowable value for any calendar day.

¹Total polynuclear aromatic hydrocarbons are defined as the summation of the 16 following polynuclear hydrocarbons:

Naphthalene
Acenaphthene
Phenanthrene
Fluoranthene
Benzo(a)anthracene
Benzo(b)fluoranthene
Benzo(a)pyrene
Benzo(ghi)perylene

Acenaphthylene
Fluorene
Anthracene
Pyrene
Chrysene
Benzo(k)fluoranthene
Dibenzo(a,h)anthracene
Indeno(1,2,3-cd)pyrene

b. Testing Schedule. Cascade Pole shall monitor the wastewater according to the following schedule:

<u>Tests</u> ¹	<u>Sampling Frequency</u>	<u>Sample Type</u>
Discharge Flow ²	Continuous	Recording
Total Polynuclear Aromatic Hydrocarbons (PAH) ³	Once per week	24-hour composite ⁴
Pentachlorophenol ⁵	Once per week	24-hour composite
Tetrachlorophenol ⁵	Once per week	24-hour composite
Copper ⁶	Once per week	24-hour composite
pH	Once per week	Grab
Dissolved Oxygen (DO)	Once per week	Grab
Temperature	Once per week	Grab
Total Suspended Solids (TSS)	Once per week	24-hour composite
Total Dissolved Solids (TDS)	Once per week	Grab

¹All samples shall be collected from the sample point located in the treatment system final effluent line prior to the tie-in to the LOTT discharge line.

²Flow shall be measured by a continuous flow meter or other methods of similar accuracy (within ± 5 percent).

³Each of the 16 priority pollutant Polynuclear Aromatic Hydrocarbons (PAH) identified in Section IV(1)(a) above, shall be quantified and reported separately using EPA Method 610, HPLC option with UV and fluorescence detection. The 16 individual PAHs shall be summed to arrive at a Total PAH value. A non-detect value shall be reported as half the detection limit for the purposes of determining compliance with the total Polynuclear Aromatic Hydrocarbon limit.

⁴A composite sample means a set of eight individual grab samples taken a minimum of two hours apart within a 24-hour period.

⁵Pentachlorophenol and tetrachlorophenol shall be quantified using EPA Method 604 with required use of capillary columns DB1 and DB1301 with an ECGC detector and derivation using diazomethane. For the purpose of this monitoring, a detection limit of 0.1 ppb shall be achieved with calibration at 0.2, 1, 5, 10, and 20 ppb.

⁶All metals shall be reported as total recoverable metals. All metal analytic methods shall be sensitive enough to detect compliance or noncompliance with saltwater ambient water quality criteria.

c. **Monitoring and Reporting.** Cascade Pole shall monitor the operations of the ground water treatment plant, and the quantity and quality of the waste discharged. A record of all such data shall be maintained. Cascade Pole will monitor the parameters as specified in Section IV (1)(b) of this order. Monitoring shall begin upon startup of the ground water extraction and treatment system.

i. **Reporting.** Monitoring results obtained during the month shall be summarized on the Discharge Monitoring Report (DMR) Form (EPA 3320-1) and submitted no later than the 15th day of the following month. The report(s) shall be sent to the Department of Ecology, Southwest Regional Office, Olympia, Washington 98504-7775. Monitoring shall begin upon start up of the treatment plant and the first report is due on the 15th day of the following month.

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

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

iv. Test Procedures. All sampling and analytical methods used to meet the monitoring requirements specified in this permit shall, unless approved otherwise in writing by Ecology, conform to the Guidelines Establishing Test Procedures for the Analysis of Pollutants, contained in 40 CFR Part 136.

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

d. Solid and untreated liquid waste disposal. Cascade Pole shall handle and dispose of all solid and untreated liquid waste material in such a manner as to prevent its entry into state ground or surface waters. All solid and untreated liquid waste material will be disposed of in accordance with all applicable state and federal regulations.

e. Spent Granular Activated Carbon. Spent granular activated carbon shall be disposed of or regenerated in accordance with all applicable state and federal regulations. Copies of any test results required by these regulations shall be provided to Ecology.

2. Upon finalization of the NPDES permit, all requirements of this current order will terminate, to be replaced in entirety by the requirements, conditions, and schedules of that permit.

3. The Cascade Pole ground water extraction and treatment system will not discharge any effluent that fails to meet the limitations outlined in Section IV (1)(a) above. Notification of any shutdown of the treatment system, or loss of gradient control, will be provided to the Ecology project coordinator within 24 hours of discovery, and steps will be taken to restore gradient reversal and effluent quality as soon as possible.

4. If for any reason, Cascade Pole does not comply with the temporary discharge limitations or other conditions specified in this order, Cascade Pole shall, at a minimum, provide Ecology with the following information:

- a. A description of the nature and cause of noncompliance including the quality and quantity of any unauthorized waste discharges;
- b. The period of noncompliance, including exact dates and times, and/or the anticipated time when Cascade Pole will return to compliance;
- c. The steps taken, or to be taken, to reduce, eliminate, and prevent recurrence of the noncompliance.

In addition, Cascade Pole shall take immediate action to stop, contain, and clean up any unauthorized discharges and take all reasonable steps to minimize any adverse impacts to waters of the State and correct the problem. In the event of any unauthorized discharges, Cascade Pole shall notify the Ecology Southwest Regional

Office by telephone immediately so that an investigation can be made to evaluate any resulting impacts and the corrective actions taken and to determine if additional action should be taken.

In case of any discharge subject to any applicable toxic pollutant effluent standard under Section 307(a) of the Clean Water Act, or which could constitute a threat to human health, welfare or the environment, WAC 173-303-145 requires that the information specified in sections IV (4) (a), (b) and (c), above, shall be provided to Ecology immediately from the time that Cascade Pole Company becomes aware of the circumstances. If this information is provided orally, a written submission covering these points shall be provided within five days of the time Cascade Pole becomes aware of the circumstances, unless Ecology waives or extends this requirement on a case-by-case basis. Compliance with these requirements does not relieve the defendants from responsibility to maintain continuous compliance with the conditions of this order or the resulting liability for failure to comply.

V.

Terms and Conditions of Order

1. Definitions

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

2. 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 the Order is inadequate or improper in any respect.

3. Remedial Action Costs

Cascade Pole shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors for investigations, remedial actions, and Order preparation, oversight and administration. Ecology costs shall include costs of direct activities; e.g., employee salary, laboratory costs, travel costs, contractor fees, and employee benefit packages; and agency indirect costs of direct activities.

Cascade Pole shall pay the required amount within 90 days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general description of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Failure to pay Ecology's costs within 90 days of receipt of the itemized statement of costs will result in interest charges.

4. Designated Project Coordinators

The project coordinator for Ecology is:

Mr. Charles F. Pitz
Washington Department of Ecology
Southwest Regional Office
Post Office Box 47775
Olympia, WA 98504-7775

The project coordinator for Cascade Pole is:

Mr. Les Lonning
Cascade Pole Company
Post Office Box 1496
Tacoma, WA 98401-1496

The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and Cascade Pole, 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 coordinator(s).

Should Ecology or Cascade Pole change project coordinator(s), written notification shall be provided to Ecology or Cascade Pole at least ten (10) calendar days prior to the change.

5. Performance

All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or similar expert, with appropriate training, experience and expertise in hazardous waste site investigation and cleanup.

Cascade Pole shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying

out the terms of this Order, in advance of their involvement at the Site. Cascade Pole shall provide a copy of this Order to all agents, contractors and subcontractors retained to perform work required by this Order and shall ensure that all work undertaken by such agents, contractors and subcontractors will be in compliance with this Order.

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

6. Access

Ecology or any Ecology authorized representative shall have the authority to enter and freely move about all property at the Site at all reasonable times for the purposes of, inter alia: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by Cascade Pole. When entering the Site under Chapter 70.105D RCW, Ecology shall provide reasonable notice prior to entering the Site unless an emergency prevents notice. Ecology shall allow split or replicate samples to be taken by Cascade Pole during an inspection unless doing so would interfere with Ecology's sampling. Cascade Pole shall allow split or replicate

samples to be taken by Ecology and shall provide Ecology seven (7) days notice before any sampling activity.

7. Public Participation

Ecology shall maintain the responsibility for public participation at the Site. Cascade Pole shall help coordinate and implement public participation for the Site.

8. Retention of Records

Cascade Pole shall preserve in a readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of Cascade Pole, a record retention requirement meeting the terms of this paragraph shall be required of such contractors and/or agents.

9. Dispute Resolution

Cascade Pole may request Ecology to resolve factual or technical disputes which may arise during the implementation of this Order. Such request shall be in writing and directed to the signatory, or his/her successor(s), of this Order. Ecology resolution of the dispute shall be binding and final. Cascade Pole is not relieved of any requirement of this Order during the pendency of the dispute and remains responsible for timely compliance with the terms of the Order unless otherwise provided by Ecology in writing.

10. Reservation of Rights

Ecology reserves all rights to issue additional orders or take any action authorized by law in the event or upon the discovery of a release or threatened release of hazardous substances not addressed by this Order, upon discovery of any factors not known at the time of issuance of this Order, in order to abate an emergency, or under any other circumstances deemed appropriate by Ecology.

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 from the Site.

In the event Ecology determines that conditions at the Site are creating or have the potential to create a danger to the health or welfare of the people on the Site or in the surrounding area or to the environment, Ecology may Order Cascade Pole to stop further implementation of this Order for such period of time as needed to abate the danger.

11. Transference of Property

No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by Cascade Pole 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 transfer of any legal or equitable interest Cascade Pole may have in the Site or any portions thereof, Cascade Pole shall serve a copy of this Order upon

any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to finalization of any transfer, Cascade Pole shall notify Ecology of the contemplated transfer.

12. Compliance With Other Applicable Laws

All actions carried out by Cascade Pole pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements.

VI.

Satisfaction of this Order

The provisions of this Order shall be deemed satisfied upon finalization and adoption of the NPDES permit (No. WA004053-3) by Ecology, and that all other provisions of this Order have been complied with.

VII.

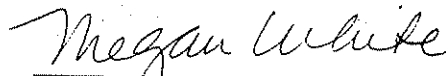
Enforcement

1. 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.
 - C. In the event Cascade Pole refuses, without sufficient cause, to comply with any term of this Order, Cascade Pole will be liable for:

- (1) up to three times the amount of any costs incurred by the state of Washington as a result of its refusal to comply; and
- (2) civil penalties of up to \$25,000 per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board. This Order may be reviewed only as provided under RCW 70.105D.060.

Effective date of this Order: 11/12/92.



Megan White, P.E.
Section Supervisor
Toxics Cleanup Program

EXHIBIT A
Cascade Pole - Olympia
SITE MAP

EUDD
INLET

N

Intertidal
Sediments

Approximate Boundary
of Intertidal Sediments

Approximate Location
of the 1930-1980
Shoreline

Approximate Location
of Historic Log Pond

Approximate Area
Requiring Shorelines
Permit

Approximate Location
of Historic "Sand Pit"

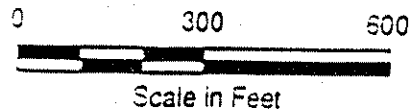
Treatment
Plant

Approximate Boundary of
Southwest Corner Study Area

KEY

----- Approximate CPC Lease
and Core Site Boundary

==== Road Surface



Note: Base map from the Port of Olympia,
February 29, 1988.