

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

**USG Interiors, Inc.
Port of Tacoma**

**AMENDMENT TO
AGREED ORDER**

No. DE 3405

TO:

USG Interiors, Inc.
550 West Adams Street
Chicago, IL 60661
Attn: Kimberly Peterson, Senior Manager, Safety Operations

Port of Tacoma
P. O. Box 1837
Tacoma, WA 98401-1837
Attn: Scott Hooton, Project Manager, Environmental Programs

I. BACKGROUND

Agreed Order No. DE 3405 (Order), was entered into by the State of Washington, Department of Ecology (Ecology), Port of Tacoma (the Port), and USG Interiors, Inc. (USG) on August 31, 2006. The subject site of the Order is the former USG Plant Site at 2301 Taylor Way, in Tacoma, Washington, identified as Thermafiber, LLC on Ecology's Hazardous Sites List (Facility/Site ID 1260). The Port and USG are collectively referred to as "the PLPs" in this Order amendment. The Order requires the PLPs to conduct a supplemental remedial investigation and prepare a feasibility study. The supplemental remedial investigation is to augment earlier site investigation work that had occurred under a previous Agreed Order (No. DE 93TC).

The PLPs partially completed the tasks in the Order. They submitted a draft supplemental investigation report in 2010. Subsequent to submittal of that draft report, Ecology requested, and the PLPs have obtained, additional data to better define the nature and extent of contamination at the Site.

Ecology has determined this amendment is necessary to require a more comprehensive supplemental RI report be prepared that includes the newer data, to revise and update the schedule for completion of the feasibility study, and to add a requirement for a draft cleanup action plan.

Ecology believes the actions required by this Amendment are in the public interest.

Those provisions of Agreed Order No. DE 3405 that are not specifically changed by this Amendment remain in full force and effect.

II. JURISDICTION

This Amendment to Agreed Order No. DE 3405 is issued pursuant to the authority of the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

III. AMENDMENTS

Section VII. (Work to be Performed) of the Order is hereby amended as follows:

1. Under subsection 1 (Supplemental Remedial Investigations), A (Scope of Work), add the following paragraph:

The PLPs shall produce a final supplemental remedial investigation report, in accordance with WAC 173-340-350 that summarizes and explains data generated during all phases of remedial investigations on the site.

2. Under subsection 1 (Supplemental Remedial Investigations), B (Deliverables and Schedules), add paragraph “f)” to subsection 1.B. 1. as follows:

f) Final Supplemental Remedial Investigation Report. The PLPs shall submit an agency review draft report by March 9, 2015. The PLPs shall submit a public review draft,

which shall incorporate revisions requested by Ecology on the agency review draft, within 45 days from receiving Ecology comments on the agency review draft.

3. Under subsection 2 (Feasibility Study), B (Deliverables and Schedule), delete paragraph 2.B.1 and replace with the following:

1. Feasibility Study Report Outline and Schedule. The PLPs shall submit an outline for a Feasibility Study report to Ecology by April 6, 2015. The outline shall include a list of cleanup alternatives that the PLPs intend to evaluate, a description of proposed bench scale studies or other evaluations needed to complete the feasibility study, and the rationale for any alternatives that were screened from detailed evaluation. The outline shall also include a proposed schedule for conducting the Feasibility Study and providing a draft report to Ecology. The PLPs shall submit a final outline and schedule for a Feasibility Study report to Ecology within 14 days of receiving Ecology's comments on the draft outline.

4. Under Subsection 2 (Feasibility Study), B (Deliverables and Schedule), delete paragraph 2.B.2. and replace with the following:

2. Feasibility Study Report. The PLPs shall submit an agency review draft feasibility study report, developed according to the procedures in WAC 173-340-350(8), to Ecology in accordance with the schedule in the approved Feasibility Study Outline. The PLPs shall submit a public review draft feasibility study report, which shall incorporate revisions requested by Ecology on the agency review draft, within 45 days of receiving Ecology comments on the agency review draft feasibility study report.

5. Add a new subsection VII. 4 as follows:

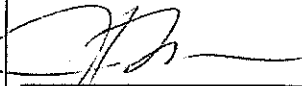
<p>4. Draft Cleanup Action Plan</p> <p style="padding-left: 40px;">A. Scope of Work: The PLPs shall produce a draft cleanup action plan that includes each of the elements required by WAC 173-340-380(1)(a). The draft cleanup action plan shall also include a description of how the proposed cleanup action(s) comply with the expectation set out in WAC 173-340-360.</p> <p style="padding-left: 40px;">B. Schedule: The PLPs shall submit an initial draft cleanup action plan to Ecology by within 60 days of receiving Ecology comments on the agency review draft Feasibility Study. The PLPs shall submit a revised draft cleanup action plan, which shall incorporate revisions requested by Ecology on the initial draft, within 30 days of receiving Ecology comments on the initial draft cleanup action plan.</p>

6. Add a new subsection VII. 5 as follows:

Summary of Schedule for Final Supplemental RI Report, FS Report, and draft CAP		
TASK	DELIVERABLE	DUE DATE
VII. 1 B. 1. f)	Final Supplemental Remedial Investigation Report - Agency Review Draft	March 9, 2015
VII. 1 B. 1. f)	Final Supplemental Remedial Investigation Report - Public Review Draft	Within 45 days of receiving Ecology comments on Agency Review Draft Final Supplemental Remedial Investigation Report.
VII. 2 B. 1.	Feasibility Study – Draft Outline and Schedule	April 6, 2015
VII. 2 B. 1.	Feasibility Study - Final Outline and Schedule	Within 14 days of receiving Ecology comments on the draft Feasibility Study Outline
VII. 2. B. 2.	Feasibility Study - Agency Review Draft	According to approved schedule in Feasibility Study Outline/Schedule

VII. 2. B. 2.	Feasibility Study - Public Review Draft	Within 45 days of receiving Ecology comments on Agency Review Draft Feasibility Study
VII. 4. A	Initial Draft Cleanup Action Plan	Within 60 days of receiving Ecology Comments on the Agency Review Draft Feasibility Study
VII. 4. A	Revised Draft Cleanup Action Plan	Within 30 days of receiving Ecology comments on Initial Draft Cleanup Action Plan

The Effective Date of this Amendment is the date signed by Ecology.

USG INTERIORS, INC.  Jeff Russart Vice President - Manufacturing Date 11/27/15	STATE OF WASHINGTON DEPARTMENT OF ECOLOGY Rebecca S. Lawson, P.E. Regional Section Manager Toxics Cleanup Program Southwest Regional Office (360) 407-6241 Date
PORT OF TACOMA John Wolfe Chief Executive Officer Date	

