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STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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In the Matter of Remedial Action by: )  
University of Washington ) AGREED ORDER  
Tacoma Branch Campus ) No. DE 97HW-S238

TO: University of Washington

TABLE OF CONTENTS

I. JURISDICTION .....2  
II. DEFINITIONS.....2  
III. FINDINGS OF FACT.....5  
IV. ECOLOGY DETERMINATIONS .....7  
V. WORK TO BE PERFORMED .....8  
VI. TERMS AND CONDITIONS OF ORDER.....13  
VII. STIPULATED PENALTIES .....20  
VIII. SATISFACTION OF THIS ORDER.....21  
IX. ENFORCEMENT .....21

ATTACHMENTS

- Number 1: Boundary of Dangerous Waste Management Facility
- Number 2: SWMUs and AOCs Located Within the Dangerous Waste Management Facility
- Number 3: Substantive Requirements of Local Government Permits or Approvals

**ORIGINAL**

1 I. JURISDICTION

2 This Agreed Order (Order) is issued pursuant to the authority of Revised Code of Washington  
3 (RCW) 70.105D.050(I).

4 II. DEFINITIONS

5 Unless otherwise specified, the definitions set forth in Chapter 70.105D RCW and Chapter 173-  
6 340 Washington Administrative Code (WAC) shall control the meanings of the terms used in this Order.

7 Additional definitions are as follows:

8 1. Agreed Order or Order means this Order issued under WAC 173-340-530. The term  
9 includes the text of this Order, all Attachments to this Order, and all Department of Ecology- (Ecology)  
10 approved submittals required pursuant to this Order. Order Attachments and Ecology-approved  
11 submittals are incorporated into this Order by this reference and are enforceable parts of this Order as if  
12 fully set forth herein.

13 2. Area of Concern (AOC) means any area of the facility, other than Solid Waste  
14 Management Units (SWMUs), where a release of hazardous substances (including dangerous waste and  
15 dangerous constituents) has occurred, is occurring, is suspected to have occurred, or threatens to occur.

16 3. Cleanup Action Plan (CAP) means the document issued by Ecology under WAC 173-  
17 340-360 which selects facility specific corrective measures and specifies cleanup standards (cleanup  
18 levels, points of compliance and other requirements for the corrective measures).

19 4. Cleanup Standards means the standards promulgated under RCW 70.105D.030(2)(d) and  
20 include (1) hazardous substance concentrations (cleanup levels) that protect human health and the  
21 environment; (2) the location at the facility where those cleanup levels must be attained (points of  
22 compliance); and (3) additional regulatory requirements that apply to a cleanup because of the type of  
23 action and/or the location of the facility.

1           5.       Corrective Action means any activities including investigations, studies,  
2 characterizations and corrective measures, including actions taken pursuant to Chapter 70.105D RCW  
3 and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-  
4 646.

5           6.       Corrective Measure means any measure or action to control, prevent, or mitigate releases  
6 and/or potential releases of hazardous substances (including dangerous waste and dangerous  
7 constituents) reviewed and approved by Ecology for the facility and set forth in a facility specific  
8 Cleanup Action Plan (CAP) prepared in compliance with the requirements of Chapter 173-340 WAC,  
9 including WAC 173-340-360. Corrective measures may include interim actions as defined by Chapter  
10 173-340 WAC. Interim actions will not necessarily be set forth in a facility specific CAP.

11           7.       Dangerous Constituent means any constituent identified in WAC 173-303-9905 or 40  
12 CFR Part 264 Appendix IX, any constituent which caused a waste to be listed or designated as dangerous  
13 under the provisions of Chapter 173-303 WAC, and any constituent defined as a hazardous substance at  
14 RCW 70.105D.020(7).

15           8.       Dangerous Waste means any solid waste designated in WAC 173-303-070 through 173-  
16 303-100 as dangerous or extremely hazardous or mixed waste. Dangerous wastes are considered  
17 hazardous substances under RCW 70.105D.020(7).

18           9.       Dangerous Waste Constituent means any constituent listed in WAC 173-303-9905 and  
19 any other constituent that has caused a waste to be a dangerous waste under Chapter 173-303 WAC.  
20 Dangerous waste constituents are considered hazardous substances under RCW 70.105D.020(7).

21           10.      Dangerous Waste Management Facility (DWMF) means the Cragle parcel, formerly  
22 operated by Arrcom, Inc., and Ramcor Oil Company, and the properties owned by the University which

1 are contiguous to the Cragle parcel. The boundaries of the DWMF are identified in Attachment 1 based  
2 on those properties owned by the University on the effective date of this agreed order.

3 11. Facility means the DWMF and all property, regardless of ownership, affected by releases  
4 or threatened releases of hazardous substances, including dangerous wastes and dangerous constituents,  
5 at and from the DWMF.

6 12. Feasibility Study (FS) means the investigation and evaluation of potential corrective  
7 measures performed in accordance with the FS requirements of WAC 173-340-350 which includes the  
8 requirements for a RCRA Corrective Measures Study, and undertaken in whole or in part to fulfill the  
9 corrective action requirements of WAC 173-303-646.

10 13. Permit or Permitting Requirement, unless otherwise specified, means the requirements  
11 of Chapter 173-303 WAC for applying for, obtaining, maintaining, modifying, and terminating  
12 dangerous waste management facility permits.

13 14. RCRA Facility Assessment (RFA) means the Environmental Protection Agency (EPA)  
14 conducted investigation of releases and potential release at the dangerous waste management facility, and  
15 the information contained in the report entitled RCRA Facility Assessment Report, University of  
16 Washington Tacoma Branch (RFA Report). The RFA Report is incorporated into this Order by this  
17 reference as if fully set forth herein.

18 15. Release means the definition of release in RCW 70.105D.020(19), which includes any  
19 intentional or unintentional spilling, leaking, pouring, emitting, emptying, discharging, injecting,  
20 pumping, escaping, leaching, dumping, or disposing of hazardous substances, including dangerous waste  
21 and dangerous constituents into the environment. It also includes the abandonment or discarding of  
22 barrels, containers, and other receptacles containing hazardous substances, including dangerous waste  
23 and dangerous constituents.



1 the properties subject to this Order. These investigations have documented the presence of hazardous  
2 substances that exceed MTCA Method A soil and groundwater cleanup standards.

3 4. The University of Washington is and has been the owner of the Cragle parcel since it  
4 was purchased by the University in September 3, 1993.

5 5. The Cragle parcel was formerly operated as a dangerous waste management facility by  
6 Arrcom, Inc., and Ramcor Oil Company on or after November 19, 1980, the date which subjects  
7 facilities to RCRA permitting requirements, including interim status requirements pursuant to Section  
8 3005 of RCRA and implementing regulations thereunder, and including authorized state regulations  
9 promulgated in Chapter 173-303 WAC.

10 6. On December 15, 1981, Arrcom, Inc., notified EPA of its dangerous waste management  
11 activities. In the notification, Arrcom, Inc., identified itself as managing D001, F003, and F005  
12 dangerous wastes at the Cragle parcel.

13 7. Pursuant to the notification, Arrcom, Inc., was issued identification number  
14 WAD980664718 by EPA.

15 8. On December 15, 1981, Arrcom, Inc., submitted to EPA Part A of the RCRA permit  
16 application. In the Part A Application, Arrcom, Inc., identified itself as managing the following  
17 quantities of dangerous wastes at the Cragle parcel: 500,000 pounds of D001 waste; 25,000 pounds of  
18 F003 waste; and 5,000 pounds of F005 waste. Arrcom, Inc., ceased operations on December 30, 1981.

19 9. In 1996, EPA performed a RCRA Facility Assessment (RFA) at the dangerous waste  
20 management facility. The purpose of an RFA is to identify those areas at the dangerous waste  
21 management facility where releases of hazardous substances, as defined in RCW 70.105D.020(7) of this  
22 Order, may have occurred or may be occurring.







1 corrective action requirements contained in this Order. Following a thirty- (30) day public comment  
2 period and Ecology's written approval, the University of Washington shall complete implementation of  
3 the approved closure plan according to the schedule and conditions in the approved plan including any  
4 modifications contained in Ecology's approval letter.

5 3. Within thirty (30) calendar days from the effective date of this Order, the University of  
6 Washington shall submit to Ecology for review and approval a draft Work Plan for conducting the RI/FS  
7 and preparing a draft CAP. The Work Plan shall take into account and incorporate, where applicable, the  
8 results of previous environmental investigations and shall include the following items:

9 a) Activities to characterize the hydrologic and hydraulic properties of the  
10 unsaturated and saturated zones underlying the DWMF including the identification and determination of  
11 the horizontal and vertical extent of the aquifer(s) underlying the DWMF. This characterization shall  
12 include an assessment of the seasonal variation of groundwater levels and groundwater flow direction.

13 b) Activities to investigate and determine the nature and vertical and horizontal  
14 extent of all known releases to the soil and groundwater from sources within the DWMF. This shall  
15 include on-site and off-site migration and potential migration routes and exposure pathways of dangerous  
16 wastes and/or dangerous constituents including any dense nonaqueous phase liquids and/or light  
17 nonaqueous phase liquids. In particular, the extent of soil and groundwater contamination underlying the  
18 19th and C Street right-of-ways and the extent of soil and groundwater contamination adjacent to and  
19 underlying the former powerhouse building shall be investigated.

20 c) Soil sampling locations shall be identified. Sample depth(s), sampling  
21 frequency, and analytical parameters shall be specified for each soil sample location.

22 d) Groundwater sampling locations shall be identified. This shall include locations  
23 of previously constructed groundwater monitoring wells that will be utilized and locations of new

1 groundwater monitoring wells to be installed. The Work Plan shall evaluate the status of previously  
2 constructed groundwater monitoring wells being considered for use in the remedial investigation for their  
3 suitability for the investigative activities defined in the Work Plan. This assessment will include an  
4 evaluation of their location, screen depths, and physical condition. The location and screen intervals  
5 shall be specified and justified for all proposed new monitoring wells as well as criteria that will be used  
6 to determine the location of potential additional monitoring wells as the remedial investigation proceeds.

7 e) All existing and proposed monitoring wells to be used in the remedial  
8 investigation shall be assigned a unique identifying number. The Work Plan shall specify the monitoring  
9 frequency and the analytical parameters to be sampled for each monitoring well used in the remedial  
10 investigation.

11 f) The analytical method, detection limits, preservation method, and maximum  
12 holding time for each parameter to be analyzed for shall be specified. The laboratory performing the  
13 analyses shall be identified. Quality assurance/quality control procedures shall be specified according to  
14 Ecology's publication "Guidelines and Specifications for Preparing Quality Assurance Project Plans,"  
15 Publication No. 91-16.

16 g) The format that will be used by the University to submit environmental sampling  
17 data to Ecology.

18 h) Identification of alternative cleanup actions to be evaluated for feasibility that  
19 will protect human health and the environment by eliminating, reducing or otherwise controlling  
20 potential risks resulting from identified migration routes and exposure pathways. Alternative cleanup  
21 actions identified shall be consistent with the University of Washington's projected short- and long-term  
22 utilization of the properties within the DWMF and take into account the previous remedial activities  
23 performed independently by the University of Washington. Criteria to be used in evaluating the

1 alternative cleanup actions and selecting a recommended alternative should be specified in the Work  
2 Plan.

3 4. The Work Plan shall include a schedule for implementing all activities identified in the  
4 Work Plan. The schedule shall be consistent with the construction schedule for those areas of the  
5 Tacoma Branch Campus anticipated to be impacted by the investigation and remedial activities  
6 addressed under this Order.

7 Once approved by Ecology, modifications to the schedule in the approved Work Plan must be  
8 requested and justified in writing by the University and must be approved in writing by Ecology.

9 5. Within thirty (30) days of receiving Ecology's comments on the draft Work Plan, the  
10 University shall submit two copies of a revised Work Plan to Ecology to address all Ecology comments.  
11 Once approved or modified in writing by Ecology, the Work Plan and all other submittals are  
12 incorporated by reference and become enforceable parts of this Order as if fully set forth herein.

13 Verbal field modifications to this Section of the Order including the approved Work Plan may be  
14 made with the agreement of all parties provided that the modifications are confirmed in writing within  
15 seven (7) days.

16 6. Within thirty (30) days of the effective date of this Order, the University of Washington  
17 shall prepare a site-specific Health and Safety Plan. The Health and Safety Plan shall be retained on site  
18 and made available to Ecology upon request.

19 7. Two (2) copies of the draft RI/FS report shall be submitted to Ecology for approval  
20 according to the schedule in the approved Work Plan. The RI/FS report shall address the items specified  
21 in this Order and in the approved Work Plan. Within thirty (30) days of receiving Ecology's comments  
22 on the draft RI/FS report, the University shall, if requested by Ecology, submit a revised RI/FS to  
23 Ecology to address all Ecology comments.

1           8.       Within thirty (30) days of receipt of Ecology's written approval the final RI/FS, the  
2 University of Washington shall prepare and submit to Ecology a draft CAP to satisfy the requirements of  
3 WAC 173-340-360 and to concurrently satisfy the corrective action requirements of WAC 173-303-646.

4           9.       The University of Washington will assume State Environmental Policy Act (SEPA) lead  
5 agency status for the SEPA review of the draft CAP. Concurrently with development of the draft CAP,  
6 the University will prepare the SEPA checklist and SEPA threshold determination and submit these  
7 documents to Ecology.

8           10.      Following Ecology approval of the draft CAP and concurrence with the associated SEPA  
9 documents, Ecology will submit the RI/FS, draft CAP, and associated SEPA documents for public  
10 review and comment.

11          11.      Following the thirty- (30) day public comment period and Ecology's written approval,  
12 the University shall modify the draft CAP if necessary according to any conditions specified in  
13 Ecology's approval letter. The University of Washington will then be required to design, construct,  
14 operate, and monitor the selected cleanup or corrective actions via an amendment to this Order or a new  
15 order as determined by Ecology.

16          12.      Should the RI/FS or construction-related activities identify the need for an interim  
17 action, the University of Washington shall implement the interim action in accordance with WAC 173-  
18 340-430. Interim actions may include, but not be limited to, removal of newly identified leaking  
19 underground tanks and/or piping, excavation of soils containing contaminants above MTCA cleanup  
20 levels, installation of monitoring well(s), and continued monitoring of existing groundwater monitoring  
21 wells at the Facility.



1           2.     Remedial and Investigative Costs: The University of Washington agrees to pay costs  
2 incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or  
3 Ecology's contractors since July 1, 1996, for investigations, remedial actions, and Order preparation,  
4 negotiations, oversight, and administration. Ecology costs shall include costs of direct activities and  
5 support costs of direct activities as defined in WAC 173-340-550(2). The University of Washington  
6 agrees to pay the required amount within ninety (90) days of receiving from Ecology an itemized  
7 statement of costs that includes a summary of costs incurred, an identification of involved staff, and the  
8 amount of time spent by involved staff members on the project. A general description of work  
9 performed will be provided upon request. Itemized statements will be prepared quarterly.

10           3.     Designated Project Coordinators: The project coordinator for Ecology is:

11                   Name:           Leon J. Wilhelm, P.E.  
12                   Address:         Department of Ecology  
13   Southwest Regional Office  
14   P.O. Box 47775  
15   Olympia, Washington 98504-7775  
16                   Telephone:       (360) 407-6362  
17                   FAX:            (360) 407-6305  
18                   E-mail:         leow461@ecy.wa.gov

19           The project coordinator for the University of Washington is:

20                   Name:           David Ogradnik, Senior Facilities Engineer  
21                   Address:         Engineering Services Department  
22   Box 352210  
23   University of Washington  
24   Seattle, WA 98195  
25                   Telephone:       (206) 543-3535 Ext. 285  
26                   FAX:            (206) 543-1277

1           The project coordinator(s) shall be responsible for overseeing the implementation of this Order.  
2           To the maximum extent possible, communications between Ecology and the University of Washington,  
3           and all documents including reports, approvals, and other correspondence concerning the activities  
4           performed pursuant to the terms and conditions of this Order, shall be directed through the project  
5           coordinator(s). Should Ecology or the University of Washington change project coordinator(s), written  
6           notification shall be provided to Ecology or the University at least ten (10) calendar days prior to the  
7           change if possible.

8           4.       Performance: All work performed by the University of Washington pursuant to this  
9           Order shall be under the direction and supervision, as necessary, of a professional engineer or  
10          hydrogeologist, or similar expert, with appropriate training, experience, and expertise in hazardous waste  
11          facility investigation and cleanup. The University of Washington shall notify Ecology as to the identity  
12          of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying  
13          out the terms of this Order, in advance of their involvement at the facility. The University shall provide  
14          a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by  
15          this Order and shall ensure that all work undertaken by such agents, contractors, and subcontractors will  
16          be in compliance with this Order.

17          Except where necessary to abate an emergency situation, the University shall not perform any  
18          remedial actions at the Facility other than those required by this Order unless Ecology concurs, either  
19          orally or in writing, prior to such additional remedial actions.

20          WAC 173-340-400(7)(b)(i) requires that "construction" performed on the facility must be under  
21          the supervision of a professional engineer registered in Washington.

22          The University of Washington shall provide seven (7) days notice to Ecology's project  
23          coordinator prior to conducting work activities that Ecology identifies on-site.

1 All sampling, analysis, and reporting of analytical results conducted under this Order shall be  
2 consistent with the quality assurance and quality control procedures described in the Ecology publication  
3 "Guidelines and Specifications for Preparing Quality Assurance Project Plans," Publication No. 91-16.  
4 All monitoring wells constructed or abandoned under this Order shall comply with the applicable  
5 requirements specified in Chapter 173-160 WAC.

6 5. Access: Ecology or any Ecology authorized representative shall have the authority to  
7 enter and freely move about the facility at all reasonable times for the purposes of, among other things,  
8 inspecting records, operation logs, construction, and contracts related to the work being performed  
9 pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such  
10 tests or collecting samples as Ecology or the project coordinator may deem necessary; using a camera,  
11 sound recording, or other documentary type equipment to record work done pursuant to this Order; and  
12 verifying the data submitted to Ecology by the University. By signing this Order, the University of  
13 Washington agrees that this Order constitutes reasonable notice of access and agrees to allow Ecology or  
14 any Ecology authorized representative access to the facility at all reasonable times for purposes of  
15 overseeing work performed under this Order. Ecology shall allow split or replicate samples to be taken  
16 by the University of Washington during an inspection unless doing so interferes with Ecology's  
17 sampling. The University of Washington shall allow split or replicate samples to be taken by Ecology  
18 and shall provide seven (7) days notice before any sampling activity.

19 6. Public Participation: Ecology will prepare a public participation plan including a public  
20 notice and a fact sheet and will have the responsibility for public participation. The University will assist  
21 in coordinating and implementing public participation in cooperation with Ecology. This will include  
22 providing Ecology a sufficient number of copies of all environmental documents referenced in this Order  
23 as needed to facilitate the public comment periods described in this Order.



1           7.       Retention of Records: The University of Washington shall preserve in a readily  
2 retrievable fashion, during the pendency of this Order and for ten (10) years from the date of issuance by  
3 Ecology of written notification that all requirements of this Order have been satisfactorily completed,  
4 reports, documents, and underlying data in its possession relevant to this Order. Should any portion of  
5 the work performed hereunder be undertaken through contractors or agents of the University, then the  
6 University agrees to include in its contract with such contractors or agents, a record retention  
7 requirement meeting the terms of this paragraph.

8           8.       Dispute Resolution: The University of Washington may request Ecology to resolve  
9 disputes which may arise during the implementation of this order. Ecology resolution of the dispute  
10 shall be binding and final. The University of Washington is not relieved of any requirement of this  
11 Order during the pendency of the dispute and remains responsible for timely compliance with the terms  
12 of the Order unless otherwise provided by Ecology in writing. In the event a dispute arises as to an  
13 approval, disapproval, proposed modification, or other decision or action by Ecology's project manager,  
14 the parties shall utilize the dispute resolution procedure set forth below:

15                   a)       Upon receipt of the Ecology project manager's decision, the University has  
16 fourteen (14) days within which to notify Ecology's project manager of its objection to the decision.

17                   b)       The parties' project managers shall then confer in an effort to resolve the  
18 dispute. If the project managers cannot resolve the dispute within fourteen (14) days of Ecology's  
19 receipt of the written objection, Ecology's project manager shall issue a written decision.

20                   c)       The University may then request Ecology management review of the decision.

21 This request shall be submitted in writing to the Hazardous Waste and Toxics Reduction Program  
22 Manager within fourteen (14) days of receipt of Ecology's project manager's decision.

1                   d)       Ecology's Program Manager shall conduct a review of the dispute and shall  
2 issue a written decision regarding the dispute within thirty (30) days of the University's request for  
3 review. The Program Manager's decision shall be binding and final.

4           9.       Reservation of Rights/No Settlement: This Order is not a settlement under Chapter  
5 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a  
6 compromise of any Ecology rights or authority. Ecology will not, however, bring an action against the  
7 University of Washington to recover remedial action costs paid to and received by Ecology under this  
8 Order. In addition, Ecology will not take additional enforcement actions against the University to  
9 require those remedial actions required by this Order, provided the University complies with this Order.

10           Ecology reserves the right, however, to require additional remedial actions at the Facility should  
11 it deem such actions necessary.

12           Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural  
13 resources resulting from the releases or threatened releases of hazardous substances from the DWMF.

14           In the event Ecology determines that conditions at the Facility are creating or have the potential  
15 to create a threat to the health or welfare of the people on the Facility or in the surrounding area or to the  
16 environment, Ecology may order the University of Washington to stop further implementation of this  
17 Order for such period of time as needed to abate the threat.

18           10.       Transference of Property: Prior to any voluntary or involuntary conveyance or  
19 relinquishment of title, easement, leasehold, or other interest in any portion of the Facility, the University  
20 of Washington shall provide for continued implementation of all requirements of this Order and  
21 implementation of any remedial actions found to be necessary as a result of this Order.

22           Prior to transfer of any legal or equitable interest, the University of Washington may have in the  
23 Facility or any portions thereof, the University shall serve a copy of this Order upon any prospective

1 purchaser, lessee, transferee, assignee, or other successor in such interest. At least ninety (90) days prior  
2 to finalization of any transfer, the University of Washington shall notify Ecology of the contemplated  
3 transfer.

4 11. Compliance with Other Applicable Laws:

5 a) All actions carried out by the University of Washington pursuant to this Order  
6 shall be done in accordance with all applicable federal, state, and local requirements, including  
7 requirements to obtain necessary permits, except as provided in paragraph b) of this section.

8 b) Pursuant to RCW 70.105D.090(l), the substantive requirements of chapters  
9 70.94, 70.95, 70.105, 75.20, 90.48, and 90.58 RCW are incorporated by reference and the substantive  
10 requirements of any laws requiring or authorizing local government permits or approvals for the  
11 remedial action under this Order that are known to be applicable at the time of issuance of the Order  
12 have been included in Attachment Number 3 and are binding and enforceable requirements of the Order.

13 The University of Washington has a continuing obligation to determine whether  
14 additional permits or approvals addressed in RCW 70.105D.090(l) would otherwise be required for the  
15 remedial action under this Order. In the event the University determines that additional permits or  
16 approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under  
17 this Order, it shall promptly notify Ecology of this determination. Ecology shall determine whether  
18 Ecology or the University of Washington shall be responsible to contact the appropriate state and/or local  
19 agencies. If Ecology so requires, the University of Washington shall promptly consult with the  
20 appropriate state and/or local agencies and provide Ecology with written documentation from those  
21 agencies of the substantive requirements those agencies believe are applicable to the remedial action.  
22 Ecology shall make the final determination on the additional substantive requirements that must be met  
23 by the University of Washington and on how the University must meet those requirements. Ecology

1 shall inform the University of Washington in writing of these requirements. Once established by  
2 Ecology, the additional requirements shall be enforceable requirements of this Order. The University of  
3 Washington shall not begin or continue the remedial action potentially subject to the additional  
4 requirements until Ecology makes its final determination.

5 Ecology shall ensure that notice and opportunity for comment is provided to the public  
6 and appropriate agencies prior to establishing the substantive requirements under this section.

7 c) Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the  
8 exemption from complying with the procedural requirements of the laws referenced in RCW  
9 70.105D.090(l) would result in the loss of approval from a federal agency which is necessary for the state  
10 to administer any federal law, the exemption shall not apply and the University of Washington shall  
11 comply with both the procedural and substantive requirements of the laws referenced in RCW  
12 70.105D.090(l), including any requirements to obtain permits.

13 VII. STIPULATED PENALTIES

14 1. For each day the University of Washington fails to comply with any time schedules  
15 contained within Section V of this Order, or any other time schedules approved or modified in writing by  
16 Ecology, the University stipulates and agrees that Ecology may, at its discretion, assess a stipulated  
17 penalty. The penalties to be assessed are \$1,000 for the first day and \$2,000 for each additional day of  
18 noncompliance. Should a penalty be assessed under this Part, the penalty shall accrue from the date on  
19 which the work was to have been performed, or the submittal was to have been made, and shall cease to  
20 accrue on the date when the University of Washington performs the required work or delivers the  
21 required submittal to Ecology. If imposed, all penalties will be payable within thirty (30) days of  
22 assessment to the Department of Ecology, Cashiering Section, P.O. Box 5128, Lacey, Washington  
23 98509-5128.



1 (2) civil penalties of up to \$25,000 per day for each day it refuses to  
2 comply.

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

5 Effective date of this Order October 1, 1997 :

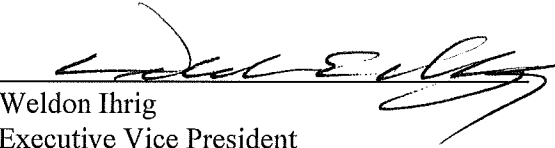
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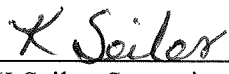
STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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BY   
Weldon Ihrig  
Executive Vice President

BY   
K Seiler, Supervisor  
Hazardous Waste and Toxics  
Reduction Section  
Southwest Regional Office

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Approved as to Form Only:

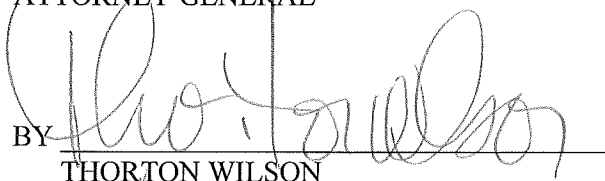
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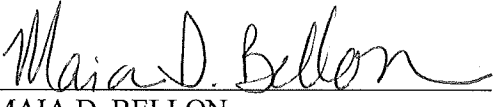
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## Attachment Number 2

### SWMU's and AOCs Located Within the Dangerous Waste Management Facility

| SWMU/AOC NUMBER | LOCATION<br>(PARCEL)                    | DESCRIPTION   |
|-----------------|---|---|
| SWMU 1          | Cragle                                  | 19,500 gallon waste oil underground storage tank                        |
| SWMU 2          | Cragle                                  | 19,500 gallon waste oil underground storage tank                        |
| SWMU 3          | Cragle                                  | 15,500 gallon waste oil underground storage tank                        |
| SWMU 4          | Cragle                                  | Storm sewer   |
| SWMU 5          | Cragle                                  | Waste storage area  |
| SWMU 6          | Shaub-Ellison                           | Lube pits and floor drain   |
| SWMU 7          | Shaub-Ellison                           | Retreading dust collection system and contaminated soil at loading dock |
| SWMU 8          | Power Station                           | Waste storage area  |
| SWMU 9          | Bleckert                                | Sink  |
| SWMU 10         | Jet Parking                             | Petroleum contaminated soil treatment area                              |
| SWMU 11         | Cragle                                  | Petroleum contaminated soil treatment area                              |
| SWMU 12         | Williams Oil<br>Filter                  | Used batteries  |
| AOC 1           | Cragle                                  | Aboveground storage tanks   |
| AOC 2           | Power Station                           | Heating oil underground storage tank                                    |
| AOC 3           | Power Station                           | Gasoline underground storage tank                                       |
| AOC 4           | Bleckert                                | 500 Gal. heating oil underground storage tank                           |
| AOC 5           | Cragle                                  | 2,500 gallon diesel underground storage tank                            |
| AOC 6           | Cragle                                  | 2,500 gallon diesel underground storage tank                            |
| AOC 7           | Cragle                                  | 2,500 gallon gasoline underground storage tank                          |
| AOC 8           | Cragle                                  | 1,000 gallon underground storage tank                                   |
| AOC 9           | Cragle                                  | 550 gallon underground storage tank                                     |
| AOC 10          | Jet Parking                             | 500 gallon underground storage tank                                     |
| AOC 11          | Shaub-Ellison                           | 1,000 gallon underground storage tank                                   |
| AOC 12          | Shaub Ellison                           | 8,000 gallon underground storage tank                                   |
| AOC 13          | Shaub-Ellison                           | 500 gallon underground storage tank                                     |
| AOC 14          | Shaub-Ellison                           | 500 gallon underground storage tank                                     |
| AOC 15          | Power Station                           | 950 gallon underground storage tank                                     |
| AOC 16          | Williams Oil<br>Filter                  | 1,800 gallon heating oil underground storage tank                       |
| AOC 17          | 1706 Jefferson<br>Street<br>Association | Potential underground storage tanks                                     |
| AOC 19          | Office<br>Furniture<br>Discount         | 575 gallon heating oil underground storage tank                         |
| AOC 20          | Howe                                    | Cistern   |
| AOC 23          | Howe - Subsurface Pipe                  |   |



### **Attachment Number 3**

#### **Substantive Requirements of Local Government Permits or Approvals**

Substantive requirements of local government approvals or permits that have been identified as pertinent to implementation of this agreed order and that shall be complied with are described below:

##### 1. Tacoma-Pierce County Health Department, Underground Storage Tank Removal/Abandonment

- A site assessment to investigate for the presence of a release of a regulated substance must be performed by a person registered with the Department of Ecology to perform site assessments under WAC 173-360-610.
- The UST removal firm will be responsible for temporary storage of contaminated soil during excavation. This storage shall be on an impervious surface and proper measures shall be taken to ensure that contamination does not migrate (e.g. by covering the soil with plastic to prevent rainwater from washing petroleum out of the soil).
- The registered site assessor must be prepared to transport soil samples by keeping a cooler with ice on hand during the excavation.

##### 2. City of Tacoma, Underground Storage Tank Removals, Ordinance 24101

- An authorized representative of the Tacoma-Pierce County Health Department shall be present during any or all of the tank and contamination removal process.
- Safe access shall be provided in accordance with Washington State Department of Labor and Industries Standards to all areas of the facility necessary for inspection of the tank's removal.
- Soil samples shall be taken and shall be analyzed for all constituents of the previously-stored hazardous materials and their transformation or breakdown products.
- If the authorized representative of the Tacoma-Pierce County Health Department finds the facility to be free of contaminants, the tank hole shall be backfilled with clean fill material.

3. City of Tacoma, Grading Excavation and Clearing, Ordinance 25825

Any excavation, filling or grading pertinent to implementation of this agreed order shall be performed according to the applicable substantive requirements in the City of Tacoma's Ordinance 25825 dated January 23, 1996. These requirements include the requirement that any grading, excavation, filling or clearing to take place between October 1st through March 31st shall be performed according to a plan which specifically addresses the winter rain season and associated erosion problems. This plan shall be prepared by a licensed Civil or Geotechnical Engineer and must be approved by the City of Tacoma Building Official.

4. City of Tacoma, Sewage Disposal, Tacoma Municipal Code, Chapter 12.08

Any discharge of groundwater or stormwater to any sanitary sewer pertinent to implementation of this agreed order must be performed in accordance with the substantive requirements in Chapter 12.08 of the City of Tacoma's Municipal Code revised February, 1995. These requirements include the requirement that any discharge of groundwater or stormwater through direct or indirect connection to any sanitary sewer must be approved by an authorized representative of the City of Tacoma's Public Works Department and shall be subject to all conditions issued with this approval.

5. Puget Sound Air Pollution Control Agency - Emission Standards

- Implementation of this agreed order shall be conducted such that toxic air contaminant emissions will not result in the exceedance of acceptable source impact levels listed in Appendix A of Regulation III.
- Implementation of this agreed order shall be performed so as to not allow the emission of any air contaminants in violation of the visual standard established by Section 9.03 of Regulation I.
- Implementation of this agreed order shall be performed so as to not allow the deposition or emission of particulate matter in violation of Section 9.04 or 9.09 of Regulation I.
- Implementation of this agreed order shall be conducted so as to not allow the emission of air contaminants in violation of Section 9.11 of Regulation I.

- Implementation of this agreed order shall be performed so as to not allow the emission of fugitive dust in violation of Section 9.15 of Regulation I.
- Equipment utilized on-site to implement this agreed order shall be maintained in a manner so as not to be in violation of Section 9.20(b) of Regulation I.

6. Puget Sound Air Pollution Control Agency - Asbestos Control Standards

Demolition of any structures containing asbestos pertinent to implementation of this agreed order shall be performed according to the applicable substantive requirements in Article 4 of Regulation III.

7. Local Health Department - Solid Waste Disposal

Any disposal of debris or soils at a landfill in the state of Washington pertinent to implementation of this agreed order must comply with local Health Department requirements according to criteria developed for the specific facility.