

WAC 197-11-970 Determination of nonsignificance (DNS).

DETERMINATION OF NONSIGNIFICANCE

Description of proposal: Superlon Plastics Company, Inc. – MTCA Interim Remedial Action.

Proponent: White Birch Group, LLC
c/o Ms. Sandy Rovai and Mr. Brad Jones
Gordon, Thomas, Honeywell, Malanca, Peterson & Daheim, LLP
PO Box 1157
Tacoma, WA 98401-1157 and,

E.I. du Pont de Nemours and Company
c/o Maria Angelo
DuPont Legal
DuPont Building D-7086
1007 Market Street
Wilmington, DE 19898

Location of proposal, including street address, if any: The Site boundaries are currently undefined, but include a property located at 2116 Taylor Way, Tacoma, WA. This property covers 3.1 acres and is listed as tax parcel number 0321351042. This property is currently owned by White Birch Group, LLC and operated by Superlon Plastics Company, Inc., an extruded plastic pipe manufacturer. Taylor Way borders the northeast edge of the property. Beyond Taylor Way is a Port of Tacoma property. The property is bounded to the north by curved rail road right-of-way owned by the City of Tacoma Public Works (Figure 2, Parcel D). Beyond this right-of-way is a vacant triangle-shaped parcel of land owned by the Port of Tacoma (Figure 2, Parcel C). To the northwest are Lincoln Avenue and a warehouse operation. To the south and southwest is Port of Tacoma property, which is operated as Haub Log Yard. The property to the southeast (Figure 2, Parcel B) is owned by RTH Tacoma, LLC and leased and operated by Fields Products, a roofing and waterproofing products manufacturing business.

Section 35, Township 21 North, Range 3 East.

Lead agency: Washington State Department of Ecology.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period for this DNS.

This DNS is issued after using the optional DNS process in WAC 197-11-355. There is no further comment period on the DNS.

This DNS is issued under WAC 197-11-340(2); the lead agency will not act on this proposal for 14 days from the date below. Comments must be submitted by November 2, 2011.

Responsible official: Rebecca S. Lawson, P.E., LHG

Position/title: Section Manager, Toxics Cleanup Program, Southwest Regional Office

Phone: (360) 407-6241

Address: Department of Ecology, Southwest Regional Office, P.O. Box 47775, Olympia, WA 98504-7775

Date: 10/13/11 Signature: Rebecca S. Lawson

PART ELEVEN - FORMS

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A) BACKGROUND

- 1) Name of proposed project, if applicable: **SUPERLON PLASTICS INTERIM ACTION**
- 2) Name of applicants: **White Birch, LLC and E.I. du Pont de Nemours and Company**
- 3) Address and phone number of applicant and contact person:
2116 Taylor Way, Tacoma, WA 98421
Attn: Eivor Donahue

1108 Ohio River Blvd., Suite #801 Sewickley, PA 15143
Attn: Timothy Bingman
- 4) Date checklist prepared: **10/07/2011**
- 5) Agency requesting checklist: **Washington State Department of Ecology (Ecology)**
- 6) Proposed timing or schedule (including phasing, if applicable): **Interim Action work will begin within 45 days of the approval of all necessary permits. Based on our understanding of the permit requirements work is planned to begin in November 2011.**
- 7) Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. **No.**
- 8) List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.
 - **Pacific Environmental and Redevelopment, 2011, *DRAFT Interim Action Work Plan – Sludge Excavation and Disposal Program for the Superlon Plastics Site, Tacoma, Washington, September 23, 2011***
 - **Pacific Environmental and Redevelopment, 2010, *Interim Action Work Plan for the Superlon Plastics Site Tacoma, January 12, 2010***
 - **Pacific Environmental and Redevelopment, 2009, *DRAFT Sampling and Analytical Plan & Quality Assurance Project Plan for the Superlon Plastics Site Tacoma, August 25, 2009***
 - **Pacific Environmental and Redevelopment, 2009, *DRAFT Remedial Investigation Work Plan for the Superlon Plastics Site Tacoma, August 25, 2009***
 - **Pacific Environmental and Redevelopment, 2009, *DRAFT Health and Safety Plan for the Superlon Plastics Site Tacoma, Washington, August 27, 2009***
 - **Ecology and Environment, Inc. 1991. *Technical Assistance Team Report on Taylor Way Drums. February 28, 1991.***
 - **Landau and Associates. 2008. *Phase I Environmental Site Assessment, 2116 Taylor Way, Tacoma, Washington. February 26, 2008.***

- **Landau and Associates. 2008. *Soil and Groundwater Investigation, Superlon Pipe Property, 2116 Taylor Way, Tacoma, Washington. February 29, 2008.***

- 9) Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. **Yes. A building permit is being sought by E.I. DuPont de Nemours and Company.**
- 10) List any government approvals or permits that will be needed for your proposal, if known.
- **Dept. of Ecology Approval of Work Plans**
 - **Dept. of Ecology SEPA Checklist**
- 11) Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

White Birch, LLC (White Birch) and E. I. duPont de Nemours and Company (DuPont) (hereafter referred to as the “Companies”) have entered into an agreed order (AO Number DE 5940 and available at <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2096>) with the Washington State Department of Ecology (Ecology). The AO requires the Companies to conduct an Interim Action (IA) in accordance with the State of Washington Model Toxics Control Act (MTCA), Chapter 173-340 of the Washington Administrative Code (WAC). The interim action will encompass approximately one acre of the property, and will include:

- **Excavation, segregation and stockpiling overlying gravel and soils for reuse after removal of underlying sludges;**
 - **Excavate sludges containing volatile organic compounds expected to total up to 500 cubic yards of material;**
 - **Either direct load or temporarily stockpile the excavated materials on site for its subsequent loading, hauling and disposal at the Chemical Waste Management facility in Arlington, Oregon;**
 - **Backfill the excavation with stockpiled soil, supplemented with imported soil to the level of the current land surfaces. Replace and re-grade the surface gravel layer, as required by the Site’s stormwater permit.**
- 12) Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

The work will be conducted at the Superlon Plastics Property (the Property), located at 2116 Taylor Way, Tacoma, Washington. This property covers 3.1 acres and is listed as tax parcel number 0321351042. The boundaries of the Site, as defined by Ecology, are currently undefined, but include the Superlon Property (Figure 1). Figure 2 presents a site map and topographic map.

The Property is currently owned by White Birch, LLC and operated by Superlon Plastics Inc., an extruded plastic pipe manufacturer. Taylor Way borders the northeast edge of the property. Beyond Taylor Way is a property owned by the Port of Tacoma. The property is bounded to the north by a railroad right-of-way owned by the City of Tacoma Public Works. Beyond this right-of-way is a vacant triangle-shaped parcel of land owned by the Port of Tacoma. To the northwest is Lincoln Avenue and a warehouse operation. To the south and southwest is Port of Tacoma property, which is leased and operated as the Haub Log Yard. The property to the southeast is owned by RTH Tacoma, LLC and leased and operated by Fields Products, a roofing and waterproofing products manufacturing business.

B) ENVIRONMENTAL ELEMENTS

1) Earth

- a) General description of the site: **Flat**
- b) What is the steepest slope on the site (approximate percent slope)? **<1%**
- c) What general types of soils are found on the site? **Fill Material with underlying silts and sands**
- d) Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. **No**
- e) Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate the source of fill: **Up to 500 cy of fill consisting of clean soil removed from the excavation and imported soil sufficient to bring the excavation back up to existing grade**
- f) Could erosion occur as a result of clearing, construction, or use? If so, generally describe. **Negligible – Flat surface**
- g) About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? **90%**
- h) Proposed measures to reduce or control erosion, or other impacts to the earth, if any: **Silt fencing will be installed along the southeastern property boundary adjacent to the described drainage ditch to control any potential erosion.**

2) Air

- a) What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known. **Possible dust generation during demolition and grading; exhaust from construction vehicles. Quantities of emissions not known.**
- b) Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. **No**
- c) Proposed measures to reduce or control emissions or other impacts to air, if any: **Water will be used to control visible dust, if warranted.**
- 3) **Water**
- a) Surface:
- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. **A drainage ditch is located along the southwest boundary of the work area, which eventually flows into the Hylebos or Blair Waterway.**
 - (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. **Proposed work will be done within 40 feet of the described drainage ditch. See Figure 3.**
 - (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. **None**
 - (4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. **None**
 - (5) Does the proposal lie within a 100-year floodplain? **No.**
 - (6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. **NO – note: property is a hazardous waste cleanup site with groundwater containing concentrations of constituents of concern greater than those allowed under the Washington State Department of Ecology’s Model Toxic Control Act (MTCA)**
- b) Ground:
- (1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known. **None is anticipated. Ground water will not be withdrawn, nor will any water be discharged into ground water.**
 - (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the

following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. **None**

c) Water runoff (including stormwater):

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. **Most stormwater will naturally infiltrate Site soils. Any excess will be directed to the “sump” formed by the former basement of building B, as described in the 2010 interim action workplan.**
- (2) Could waste materials enter ground or surface waters? If so, generally describe. **The property is a hazardous waste cleanup site with soils containing concentrations of constituents of concern greater than Washington State Department of Ecology’s Model Toxic Control Act (MTCA) cleanup levels. These constituents have impacted ground water and surface water at the site. This project is not expected to result in any further impacts to ground or surface waters, and will improve the environmental quality of the property.**
- (3) Proposed measures to reduce or control surface, ground, and runoff water impacts, if any: **Silt fencing will be installed along the southeastern property boundary adjacent to the described drainage ditch.**

4) **Plants**

a) Check or circle types of vegetation found on the site:

- _____ deciduous tree: alder, maple, aspen, other
_____ evergreen tree: fir, cedar, pine, other
 _____ shrubs
 _____ grass
_____ pasture
_____ crop or grain
 _____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
_____ water plants: water lily, eelgrass, milfoil, other
 _____ other types of vegetation: **Blackberry bushes**

b) What kind and amount of vegetation will be removed or altered? **None**

c) List threatened or endangered species known to be on or near the site. **None known**

d) Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: **N/A**

5) **Animals**

- a) Circle (or highlight) any birds and animals which have been observed on or near the site or are known to be on or near the site:
birds: hawk, heron, eagle, songbirds, other:
mammals: deer, bear, elk, beaver, other:
fish: bass, salmon, trout, herring, shellfish, other:
- b) List any threatened or endangered species known to be on or near the site. **None known**
- c) Is the site part of a migration route? If so, explain. **N/A**
- d) Proposed measures to preserve or enhance wildlife, if any: **N/A**

6) **Energy and natural resources**

- a) What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.: **Earth moving and excavation equipment will be using diesel fuel and other vehicles will be using gasoline.**
- b) Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe: **No**
- c) What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: **N/A**

7) **Environmental health**

- a) Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. **The property is a Washington State Department of Ecology's Model Toxic Control Act (MTCA) hazardous waste cleanup site with soils containing concentrations of constituents greater than cleanup levels. Environmental technicians and scientists may come into contact with soils. A comprehensive Health and Safety Plan (HASP) has been prepared. All work will be conducted in a safe manner and workers will be appropriately trained (e.g., 40 hour HAZWOPER trained) and will work using the appropriate personal protective equipment (PPE).**
- (1) Describe special emergency services that might be required. **A Health and Safety Plan (HASP) has been developed for the project describing emergency procedures. The only emergency services that might be required would be emergency medical services if someone were injured.**

(2) Proposed measures to reduce or control environmental health hazards, if any: **A Health and Safety Plan (HASP) has been developed for the project describing safe work place practices and the appropriate PPE to be used during work.**

b) **Noise**

(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? **None**

(2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. **Equipment noise will be present. Work hours will be from 8:00 am to 4:30 pm**

(3) Proposed measures to reduce or control noise impacts, if any: **None. Noise associated with construction equipment is not expected to be excessive.**

8) **Land and shoreline use**

a) What is the current use of the site and adjacent properties? **Industrial**

b) Has the site been used for agriculture? If so, describe. **No**

c) Describe any structures on the site. **Two sheet metal/wood framed buildings**

d) Will any structures be demolished? If so, what? **One of the three sheet metal/wood framed buildings, Building B, was demolished (see the 2010 interim action plan); no demolition is proposed for this phase of work.**

e) What is the current zoning classification of the site? **Industrial**

f) What is the current comprehensive plan designation of the site? **Industrial**

g) If applicable, what is the current shoreline master program designation of the site? **N/A**

h) Has any part of the site been classified as an "environmentally sensitive" area? If so, specify. **Yes. An area adjacent to the described drainage ditch is identified on City of Tacoma maps as a wetland area.**

i) Approximately how many people would reside or work in the completed project? **No one would reside in the project area. Superlon currently employees approximately 18 people some of which may work in the project area upon completion of the MTCA process.**

j) Approximately how many people would the completed project displace? **None**

k) Proposed measures to avoid or reduce displacement impacts, if any: **N/A**

- l) Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: **The project will have no impact on the existing land uses. The project will be consistent with future industrial use of the land.**

9) **Housing**

- a) Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. **N/A**
- b) Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. **N/A**
- c) Proposed measures to reduce or control housing impacts, if any: **N/A**

10) **Aesthetics**

- a) What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? **N/A**
- b) What views in the immediate vicinity would be altered or obstructed? **N/A**
- c) Proposed measures to reduce or control aesthetic impacts, if any: **N/A**

11) **Light and glare**

- a) What type of light or glare will the proposal produce? What time of day would it mainly occur? **None. Work hours will be 8:00 am to 4:30 pm**
- b) Could light or glare from the finished project be a safety hazard or interfere with views? **NO**
- c) What existing off-site sources of light or glare may affect your proposal? **None**
- d) Proposed measures to reduce or control light and glare impacts, if any: **None**

12) **Recreation**

- a) What designated and informal recreational opportunities are in the immediate vicinity? **None**
- b) Would the proposed project displace any existing recreational uses? If so, describe. **No**

- c) Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: **None**

13) **Historic and cultural preservation**

- a) Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe. **No.**
- b) Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site. **N/A**
- c) Proposed measures to reduce or control impacts, if any: **N/A**

14) **Transportation**

- a) Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any. **The site is served by Taylor Way and Lincoln Avenue.**
- b) Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop? **Pierce Transit Route 60 serves the site. The nearest stop is at the Lincoln Avenue and Taylor Way Intersection.**
- c) How many parking spaces would the completed project have? How many would the project eliminate? **The project will not have an impact on parking spaces.**
- d) Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private). **No**
- e) Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. **No**
- f) How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur. **Approximately ten trips, at the times between 7:00 and 8:00 am, and 4:30 to 5:00 pm.**
- g) Proposed measures to reduce or control transportation impacts, if any: **None**

15) **Public services**

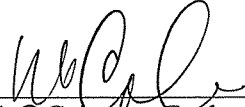
- a) Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe. **NO**
- b) Proposed measures to reduce or control direct impacts on public services, if any. **N/A**

16) **Utilities**

- a) Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b) Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. **The proposed work does not include the installation of new utilities**

C) SIGNATURES

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 
Marv Coleman, Ecology Site Manager

Date Submitted: 10/11, 2011

D) SUPPLEMENTAL SHEET FOR NON-PROJECT ACTIONS (do not use this sheet for project actions).

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise? **The proposed action will not increase releases to environmental media. The interim action work will improve the environmental condition of the site.**

Proposed measures to avoid or reduce such increases are: **N/A**

2. How would the proposal be likely to affect plants, animals, fish, or marine life? **No impact is expected**

Proposed measures to protect or conserve plants, animals, fish, or marine life are: **None**

3. How would the proposal be likely to deplete energy or natural resources? **N/A**

Proposed measures to protect or conserve energy and natural resources are: **N/A**

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands? **No impacts anticipated.**

Proposed measures to protect such resources or to avoid or reduce impacts are: **Appropriate measures, such as erosion and sedimentation fences, will be used to protect the adjacent ditch from any impacts associated with interim action.**

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans? **This proposal will not impact land or shoreline use.**

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities? **This proposal will not have long term impacts on transportation or public services.**

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment. **Completing the interim action will**

require earth movement within the setback distance from the drainage ditch. Otherwise, all activities will be in accordance with local, state and federal regulations.

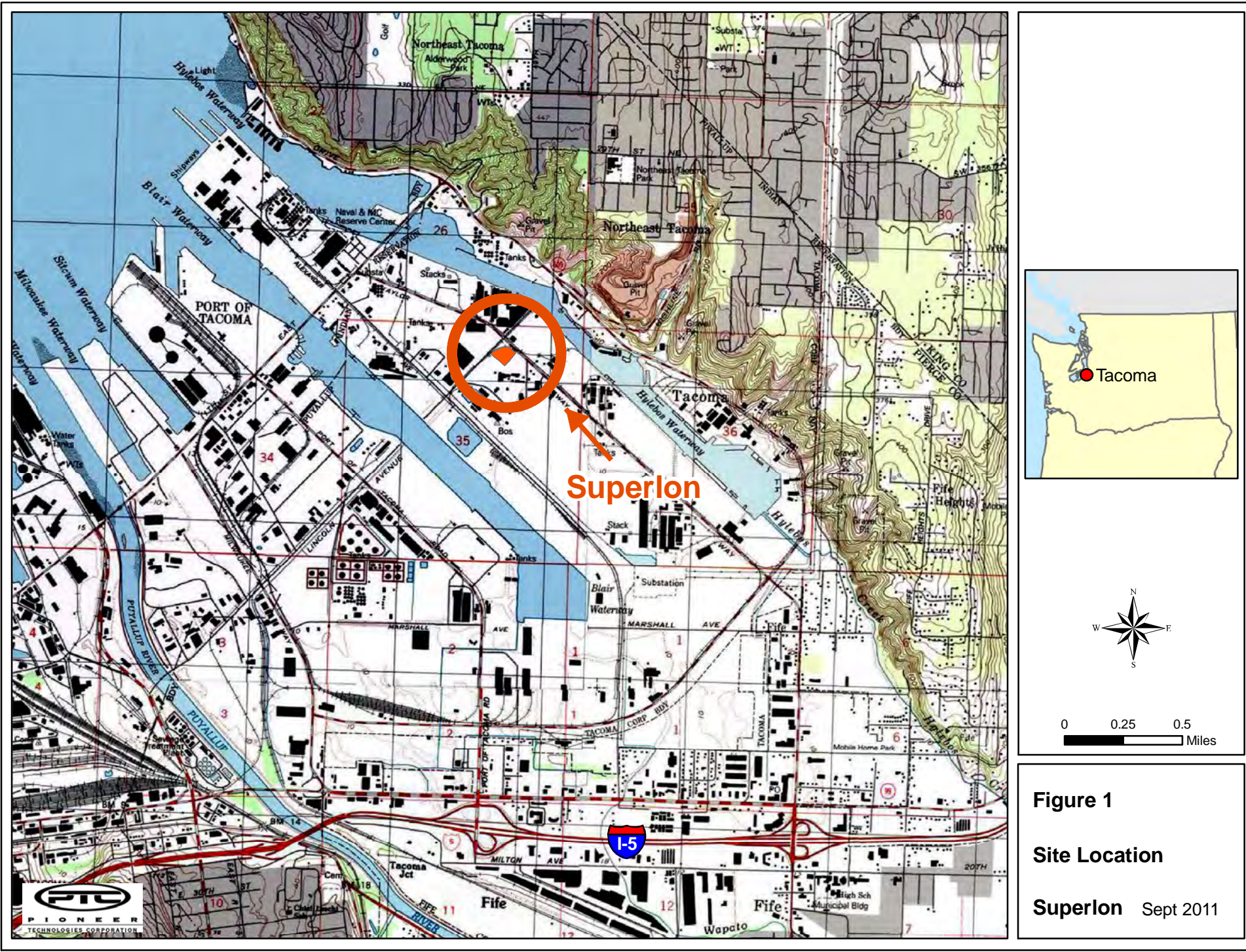


Figure 1
Site Location
Superlon Sept 2011

