



Second Periodic Review

Inland Empire Paper
3320 North Argonne Road
Spokane, Washington 99212

Facility Site ID#: 81484342
Cleanup Site ID#: 4681

Prepared by:
Washington State Department of Ecology
Eastern Regional Office
Toxics Cleanup Program

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1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup site conditions and monitoring data to assure human health and the environment are being protected at the Inland Empire Paper site (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC). This is the second periodic review conducted for this Site. The first periodic review was completed in August 2010. This periodic review will evaluate the period from August 2010 through December 2015.

Cleanup activities at this Site were completed under the Voluntary Cleanup Program. The cleanup actions resulted in residual concentrations of metals that exceeded MTCA Method A cleanup levels for soil established under WAC 173-340-740(2). It was determined that institutional controls in the form of a restrictive covenant (Covenant) would be required for the site to be eligible for a No Further Action (NFA) determination. WAC 173-340-420(2) requires Ecology to conduct a periodic review of a site every five years under the following conditions:

1. Whenever Ecology conducts a cleanup action;
2. Whenever Ecology approves a cleanup action under an order, agreed order or consent decree;
3. Or, as resources permit, whenever Ecology issues a no further action opinion;
4. And, one of the following conditions exists:
 - (a) Institutional controls or financial assurance are required as part of the cleanup.
 - (b) Where the cleanup level is based on a practical quantitation limit.
 - (c) Where, in the department's judgment, modifications to the default equations or assumptions using site-specific information would significantly increase the concentration of hazardous substances remaining at the site after cleanup, or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors Ecology shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions.
- (b) New scientific information for individual hazardous substances of mixtures present at the Site.
- (c) New applicable state and federal laws for hazardous substances present at the Site.
- (d) Current and projected Site use.
- (e) Availability and practicability of higher preference technologies.
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

Ecology shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

2.0 SUMMARY OF SITE CONDITIONS

2.1 Site History

The Inland Empire Paper (IEP) newsprint manufacturing plant is located at 3320 North Argonne in Spokane. The Site is located on the south bank of the Spokane River in a mixed commercial/residential area. The Site is bounded by North Argonne Road to the west, East Empire Avenue and railroad tracks to the south, and residential properties to the east.

The IEP Company recycles paper and processes raw materials into pulp to generate over 500 tons of newsprint every day. The plant has operated at this location since 1911. The Spokane River is located about 400 feet north of the Site. Groundwater beneath the Site is at approximately 37 feet below grade and flows in a westerly direction.

On January 31, 2001, a small pool of oil was observed in a pipe tunnel beneath a 20,000-gallon fuel oil storage tank located in a concrete vault at the IEP plant. IEP implemented activities to identify the source of the release, and by February 2, 2001, a leak was identified on the east end of the tank. IEP estimated that about 600 gallons of product were released from the tank based on a product inventory review.

A vicinity map is available as Appendix 6.1 and a Site plan is available as Appendix 6.2.

2.2 Remedial Actions

In February 2001, sludge was removed from the fuel oil storage tank, and the tank was removed. IEP personnel noted that the floor of the vault was not concrete, as specified in the blueprints, but was compacted gravel.

Excavation of contaminated soil began in March 2001. Soil was excavated to a depth of 14 feet. Approximately 100 cubic yards of soil were removed and disposed of at the Graham Road Landfill in Spokane County. Soil samples collected from the perimeter of the excavation exceeded Method A cleanup levels for total petroleum hydrocarbons (TPH) and polycyclic aromatic hydrocarbons.

Later in 2001, six soil borings were drilled, and groundwater monitoring wells were installed in three of the borings near the former tank. Soil samples were analyzed for gasoline-, diesel-, and oil-range hydrocarbons (TPH-G, TPH-D and TPH-O, respectively); results indicated that concentrations of TPH-O exceeded cleanup levels in the boring completed beneath the former tank. TPH-O concentrations were 4,710 mg/kg at 15.6 feet below grade. Results from all other borings were non-detect. The remaining contaminated soil was adjacent to the boiler house building and could not be removed due to potential damage to the building.

GeoEngineers surveyed, developed, and sampled the monitoring wells for TPH-D and TPH-O on July 17, 2001. GeoEngineers performed a second sampling event on October 17, 2001. Results from both events indicated that samples collected from MW-1, MW-2, and MW-3 did not contain detectable concentrations of TPH-D or TPH-O.

2.3 Cleanup Levels and Points of Compliance

WAC 173-340-704 states MTCA Method A may be used to establish cleanup levels at sites that have few hazardous substances, are undergoing a routine cleanup action, and where numerical standards are available for all indicator hazardous substances in the media for which the Method A cleanup level is being used.

MTCA Method A cleanup levels for unrestricted land use were determined to be appropriate for contaminants at this Site. The cleanup actions conducted at the Site were determined to be routine, few hazardous substances were found at the Site, and numerical standards were available in the MTCA Method A table for each hazardous substance.

For soil, the point of compliance is the area where the soil cleanup levels shall be attained. For soil cleanup levels based on the protection of groundwater, as they are for this Site, the point of compliance is established as soils throughout the Site.

2.4 Restrictive Covenant

Following remediation, it was determined that the Site would be eligible for an NFA determination with the implementation of institutional controls in the form of a Covenant. A Covenant was recorded for the Site in 2003. The Covenant imposes the following limitations:

1. A portion of the Property contains petroleum hydrocarbon contaminated soil located under the fuel oil storage tank located in front of the boiler house. The Owner shall not alter, modify, or remove the existing structure(s) in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.
2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.
3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.
4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

5. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.
6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Covenant. Ecology may approve any inconsistent use only after public notice and comment.
7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.
8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

A copy of the Covenant is available as Appendix 6.3.

3.0 PERIODIC REVIEW

3.1 Effectiveness of Completed Cleanup Actions

During the Site visit conducted on December 2, 2015, there were no indications that the integrity of the remedial action has been compromised. There was no evidence of undocumented Site excavation or disturbance activities, and no visual indications of disturbance of the Site surface. The Site continues to be occupied by IEP Company, and is surrounded by a mix of residential and commercial use properties. The IEP facility has security personnel and restricted access, further reducing the possibility of public exposure to residual contamination at the Site. A photo log is available as Appendix 6.4.

3.1.1 Direct Contact

Cleanup actions at the Site were intended to eliminate human exposure to contaminated soils at the Site. Exposure pathways to contaminated soils (ingestion, direct contact) were reduced by remedial excavation and by the protective Site surfaces, including asphalt, building foundations, and concrete.

3.1.2 Protection of Groundwater

Soils with TPH at concentrations exceeding MTCA Method A cleanup levels remain at the Site; however, the majority of the contaminated soil source material has been removed. Two groundwater monitoring events were conducted from three wells in the vicinity of the release. TPH was not detected above laboratory detection limits during either event. This provided an empirical demonstration that residual soil contamination is not impacting groundwater quality.

Due to the removal of significant source material, the age of the release, and the empirical demonstration provided by groundwater monitoring, residual contaminated soils are not likely to pose a threat to groundwater quality in the future.

3.1.3 Institutional Controls

Institutional controls in the form of a Covenant were implemented at the Site in 2003. The Covenant remains active and discoverable through the Spokane County Auditor's Office. There is no evidence a new instrument has been recorded that limits the effectiveness or applicability of the Covenant. This Covenant prohibits activities that will result in the release of contaminants contained as part of the cleanup without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Covenant serves to assure the long-term integrity of the surface cover and the remedial action.

3.2 New Scientific Information for Individual Hazardous Substances or Mixtures Present at the Site

There is no new relevant scientific information for the hazardous substances remaining at the Site.

3.3 New Applicable State and Federal Laws for Hazardous Substances Present at the Site

There are no new applicable or relevant state or federal laws for hazardous substances remaining at the Site.

3.4 Current and Projected Site Use

The Site is currently used for commercial purposes. There have been no changes in current or projected future Site or resource uses. The current Site use is not likely to have a negative impact on the protectiveness of the remedy.

3.5 Availability and Practicability of Higher Preference Technologies

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

3.6 Availability of Improved Analytical Techniques to Evaluate Compliance with Cleanup Levels

The analytical methods used at the time of the remedial action were capable of detection below MTCA Method A cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

4.0 CONCLUSIONS

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soil cleanup levels have not been met at the Site; however, the cleanup action for the Site is determined to comply with cleanup standards under WAC 173-340-740(6) (f), since the long-term integrity of the containment system is ensured and the requirements for containment technologies have been met.
- The Covenant for the property is in place and will be effective in protecting public health and the environment from exposure to hazardous substances, and protecting the integrity of the cleanup action.

Based on this periodic review, Ecology has determined the requirements of the Covenant are being followed. No additional remedial actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure the integrity of the cap is maintained.

4.1 Next Review

The next review for the Site will be scheduled five years from the date of this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

5.0 REFERENCES

Ecology. *VCP Review*. September 24, 2002.

Ecology. *Restrictive Covenant*. February 12, 2003.

GeoEngineers. *Ground Water Monitoring*. February 13, 2003.

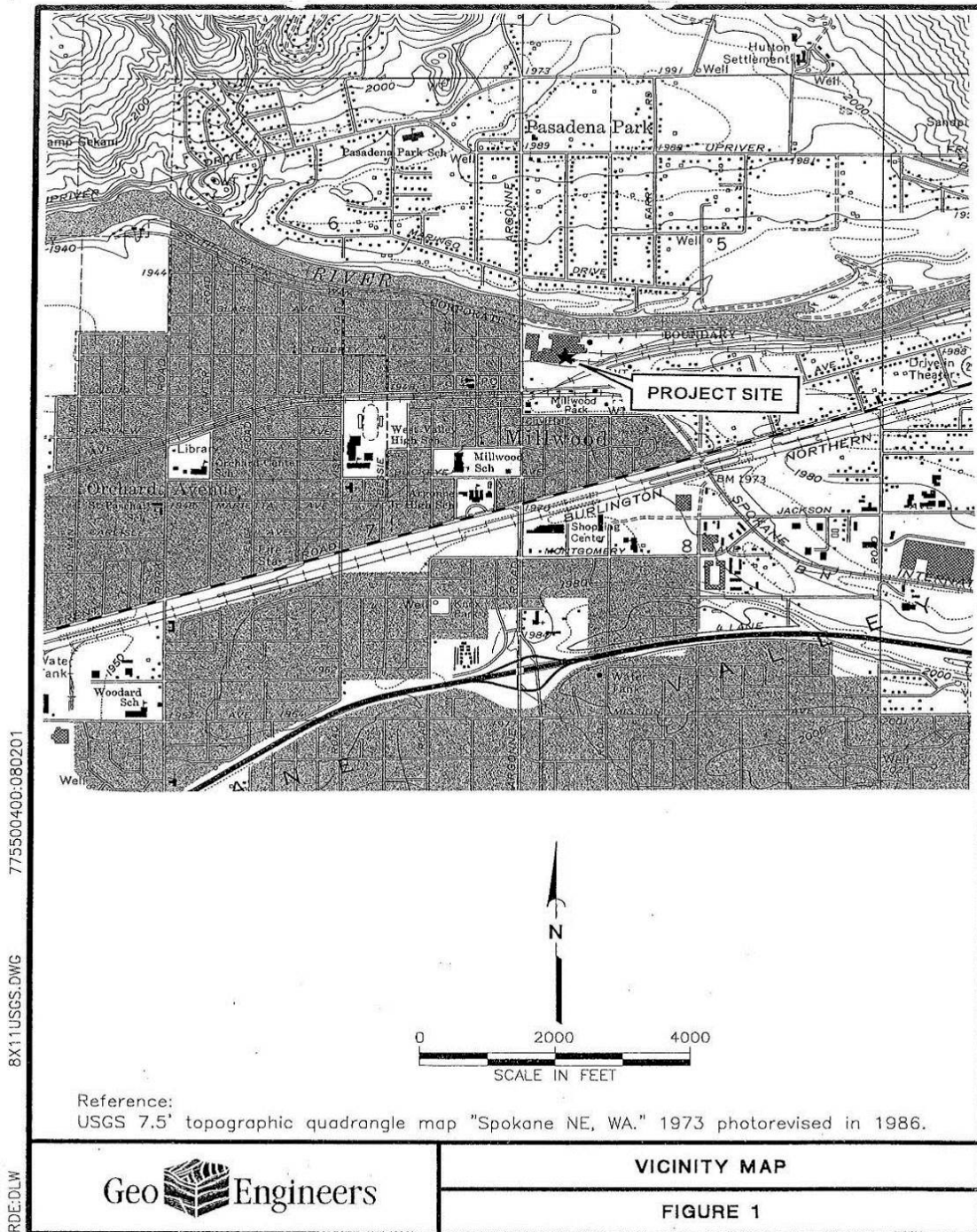
Ecology. *No Further Action Determination Letter*. March 12, 2003.

Ecology. *Periodic Review*. August 2010.

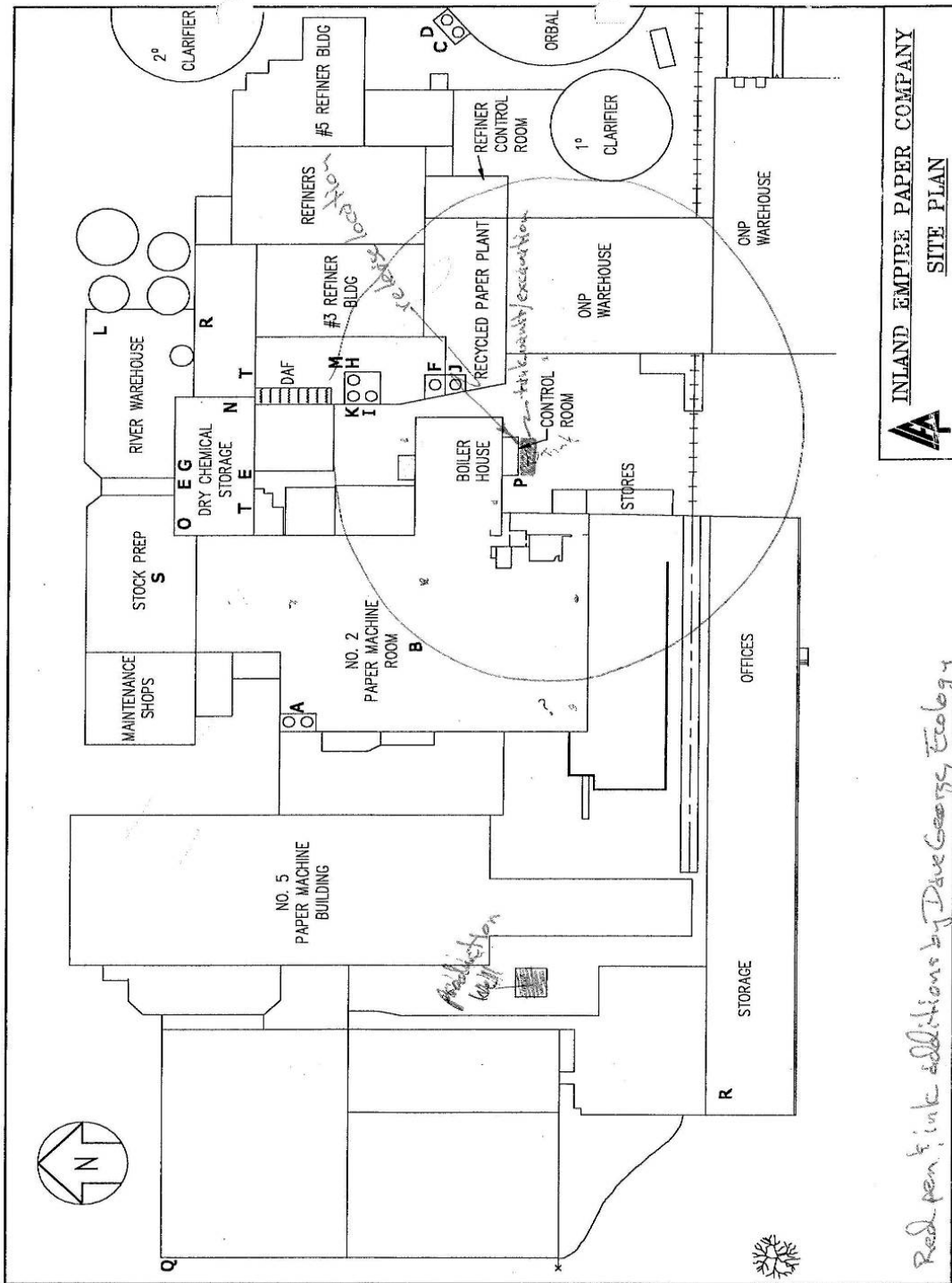
Ecology. *Site Visit*. December 2, 2015.

6.0 APPENDICES

6.1 Vicinity Map



6.2 Site Plan



Red pen ink additions by Dave George, Ecology

6.3 Restrictive Covenant



RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:
Attn: Wayne D. Andresen
INLAND EMPIRE PAPER COMPANY
3320 N. Argonne Road
Spokane, WA 99212

RESTRICTIVE COVENANT

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Inland Empire Paper Company, its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

An independent remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents:

1. 03/30/01 – Chronology of Fuel Oil Storage Tank Leak, Rick Fink, IEP.
2. 07/09/01 – Results of Soil Sampling from Boreholes, Jeff Lambert, Lambert Group.
3. 08/06/01 – Ground Water Monitoring Report, GeoEngineers.
4. 11/02/01 – Ground Water Monitoring Report, GeoEngineers.
5. 02/13/02 – Ground Water Monitoring Report, GeoEngineers.

These documents are on file at Ecology's Eastern Regional Office (ERO).

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of petroleum hydrocarbons which exceed the Model Toxics Control Act Method A Residential Cleanup Level for soil established under WAC 173-340-740.

The undersigned, Inland Empire Paper Company, is the fee owner of real property (hereafter "Property") in the County of Spokane, State of Washington that is subject to this Restrictive Covenant. The Property is a portion of the SW1/4, SW1/4, Sec. 5, T. 25 N., R. 45 E., W.M., Spokane County Tax Parcel #45053.0001 and is legally described in ATTACHMENT A of this RESTRICTIVE COVENANT and made a part hereof by reference.

Inland Empire Paper Company makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. A portion of the Property contains petroleum hydrocarbon contaminated soil located under the fuel oil storage tank located in front of the boiler house. The Owner shall not alter, modify, or remove the existing structure[s] in any manner that may result in the release or exposure to the environment of that contaminated soil or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.



Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

INLAND EMPIRE PAPER COMPANY

Wayne D. Andresen
 Wayne D. Andresen, President and General Manager

2/4/03
 Date

STATE OF WASHINGTON)
) ss.
 County of Spokane)

On this 4th day of February, 2003, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared WAYNE D. ANDRESEN, to me known to be the President and General Manager of INLAND EMPIRE PAPER COMPANY, the corporation that executed the foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said corporation, for the uses and purposed therein mentioned, and on oath stated that he was authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.



Reuben W. Streifel
 NOTARY PUBLIC in and for the State of
 Washington, residing at Spokane
 My appointment expires: 1-18-08

6.4 Photo Log

Photo 1: Boiler Room East Side - from the southeast



Photo 2: Boiler Room West Side - from the southwest



Photo 3: Site Entrance and Front of IEP - from the southwest



Photo 4: Boiler Room and Surrounding Area – from the south

