

**STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY**

In the Matter of Remedial Action by:

G B H Investments, LLC

AGREED ORDER

No. DE 5235

TO: Richard LeMieux
G B H Investments, LLC
5005 9th East
Idaho Falls, ID 83404

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EXHIBITS

- EXHIBIT A: Site Location Map, Diagrams, and Site/Property Location Information
- EXHIBIT B: Ecology Policy 840: Data Submittal Requirements
- EXHIBIT C: Public Participation Plan
- EXHIBIT D: Schedule

ATTACHMENTS

- ATTACHMENT A: Historical Releases and Site Investigations

I. INTRODUCTION

The mutual objective of the State of Washington, Department of Ecology (Ecology) and G B H Investments, LLC (GBH) under this Agreed Order (Order) is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. This Order requires GBH to perform the actions listed below.

A. Site Preparation: Finish the work of fencing the property (including the placement of warning signs) and clearing as much concrete/re-bar and other physical hazards as possible.

B. Remedial Investigation/Feasibility Study (RI/FS): Perform an RI/FS that will provide sufficient information to develop a draft cleanup action plan (CAP) for the Site.

1. Draft, draft final, and final RI/FS Work Plans will be produced prior to initiating the RI/FS study.

2. Produce draft, draft final, and final RI/FS reports for the Site.

C. Draft CAP: Produce a draft CAP report (including draft, draft final, and final versions of the draft CAP) for the Site.

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

II. JURISDICTION

This Agreed Order is issued pursuant to the Model Toxics Control Act (MTCA), RCW 70.105D.050(1).

III. PARTIES BOUND

This Agreed Order shall apply to and be binding upon the Parties to this Order, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Order and to execute and legally bind such party to comply with this Order. GBH agrees to undertake all actions required by the terms and conditions of this Order. GBH shall provide a copy of this Order to all agents, contractors, and subcontractors retained to perform work required by this Order, and shall ensure that all work undertaken by such agents, contractors, and subcontractors complies with this Order.

IV. DEFINITIONS

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

A. Site: The Site is referred to as Custom Plywood Mill and is generally located at the intersection of 35th and V Avenue (general location of the former mill office) on the western shore of Fidalgo Bay in Skagit County. The Site is defined by the extent of contamination—not limited by property boundaries—caused by the release of hazardous substances at the Site. Based upon factors currently known to Ecology, the Site is more particularly described in **Exhibit A** to this Order, which includes a site location map, detailed site diagrams, and a description of the Site and property locations. The Site constitutes a Facility under RCW 70.105D.020(5).

B. Parties: Refers to the State of Washington, Department of Ecology, and GBH.

C. Potentially Liable Person (PLP): Refers to GBH.

D. Agreed Order or Order: Refers to this Order and each of the exhibits and attachments to this Order. All exhibits and attachments are integral parts of this Order. In addition, Exhibits A through D are enforceable. The terms “Agreed Order” or “Order” shall include all exhibits and attachments to this Order.

V. FINDINGS OF FACT

Ecology makes the following findings of fact, without any express or implied admissions of such facts by GBH:

A. Site Description and Ownership History: The former Custom Plywood Mill is located within the city limits of Anacortes, Washington at the intersection of 35th and V Avenue on the western shore of Fidalgo Bay in Skagit County (the “Site”). The property owned by GBH is bounded by the inner harbor line within Fidalgo Bay on the east, a hiking trail (Tommy Thompson Trail; former Burlington Northern Railroad corridor) on the west and southwest sides, undeveloped land used for boat storage on the north, V Place road on the northwest, and an undeveloped embankment leading up to Fidalgo Bay Road on the south. The Site was used for

the operation of a sawmill (including box factory and planing mill), and later a plywood mill, under various owners from the early 1900s until 1992 as described in the paragraph below.

The property currently owned by GBH was originally a sawmill and box factory (including a planing mill) operated by Fidalgo Lumber and Box Company from around 1900 until it burned down sometime after 1925 and prior to 1937. Bill Morrison acquired the property in 1913 and owned it until it was purchased around 1937 by Anacortes Plywood Company. The newly incorporated plywood company failed early on, but was able to reorganize as the Anacortes Veneer Company on April 4, 1939. Anacortes Veneer Company operated on the property until it was sold to Publisher's Forest Products in 1969. In 1984, Anacortes Plywood assumed control of the plant, until Brent Homes assumed title out of bankruptcy proceedings in 1991. Custom Plywood became the operating entity sometime prior to 1991 and continued to use the facility until 1992, when the mill went out of business and the wooden structures burned. Anacortes Joint Venture, consisting of eight partners, acquired the property in 1999. Concorde, Inc. purchased the property in 2006 and sold it to GBH in December 2007 (see Exhibit A for a legal description of the property).

B. Site Operations: The facility dried veneer, purchased from Canada, Oregon, Montana, and eastern Washington, in one of two large kiln driers heated by hog-fuel boiler steam. The graded veneer then was put through a series of gluing processes, and the final plywood sheets were placed into large hydraulic presses (Press Pits #1 through #3) for the final step of the process. A wax coating was applied to the glue rollers to minimize the use of solvents for cleaning purposes. Toluene was used to clean out the glue application nozzles and tips. The wash water was pumped into a 10,000-gallon tank located outside the press pits, and was recycled and reused on site.

The glue-making process used phenolic resin and caustic, shipped in by truck and stored in the above ground storage tanks (ASTs) which were located in the shed adjoining the former maintenance shop. The former maintenance shop and former AST shed are currently located off the property owned by GBH. Three tanks were used in the glue-making process: one mixing

tank, one intermediate process tank, and one finished product tank. The finished product tank was connected to a pump to supply the glue to the mill. Approximately 20,000 gallons of phenolic resins and caustic were used each month in the glue-making process in the main plant building.

C. Site Features: Primary historical site features include the following: a hog-fueled boiler located in a boiler house, a compressor building, three known outfalls, a drum storage tank area, three press pits, a mixed glue tank surrounded by a concrete pad, a transformer yard, a pitch collection tank, a former hardboard plant, numerous ASTs (containing fuel oil, gasoline, diesel, and/or propane), a resin/caustic tank storage shed with tanks, a machine shop, a metal shop with oil storage, an area for paint and oil spraying, piers, several unidentified concrete structures, and a railroad spur (*See Exhibit A*). Site features were present until 1992, when a fire destroyed most of the mill. Current site features consist of numerous concrete structures/foundations and exposed re-bar, a large concrete slab located on pilings in the intertidal area (the area exposed to the air at low tide and submerged at high tide), discarded brick and concrete along the intertidal area, the mixed glue tank, the resin/caustic tank storage shed and former machine shop, the former hardboard plant which is now a boat building facility, the former mill office, wood debris, the former railroad spur (now used as a recreational hiking trail; Tommy Thompson Trail), the three press pits (two of which Ecology observed filled with standing water and the other of which intermittently has water in it), and dilapidated piers.

D. Historical Releases: Some of the releases that have been documented at the Site include the discharge of non-contact cooling water and boiler blowdown water overland to Fidalgo Bay, cracked hydraulic line(s) in the press area, dumping of oils on the Site including light lubricating oils and reportedly oils from transformers, caustic spills, various forms of wood debris including but not limited to lumber, pilings, and sawdust, and discharges of phenolic formaldehyde resin glue wastewater into Fidalgo Bay. Deep pools of heavy oil have been identified under the main building where machinery had leaked through over the years (see

details below). Information summarizing releases at the Site is included as Attachment A to this Order.

E. Sediment Management Standards: Data from several studies conducted at this Site indicate relatively high concentrations of Total Organic Carbon (TOC) compared with designated Puget Sound Reference locations. High TOC has shown to be indicative of high volumes of wood debris in the marine environment. Wood debris was also identified in near shore sediment at the Custom Plywood Mill Site during a site visit conducted by Ecology on August 1, 2007. Significant volumes of wood debris in the marine environment have often resulted in adverse effects to biological resources per the Sediment Management Standards (Chapter 173-204 WAC) (SMS) and can also cause or contribute to releases or threatened releases of hazardous substances (including but not limited to ammonia, hydrogen sulfide, phenol, 4-methylphenol, and 2, 4 dimethylphenol).

VI. ECOLOGY DETERMINATIONS

A. GBH is an “owner or operator” as defined in RCW 70.105D.020(12), of a “facility” as defined in RCW 70.105D.020(5) because it is the current owner of the Site.

B. Based upon all factors known to Ecology, a “release” or “threatened release” of “hazardous substance(s)” as defined in RCW 70.105D.020(20) and RCW 70.105D.020(7), respectively, has occurred at the Site.

C. Based upon credible evidence, Ecology issued a preliminary PLP status letter to GBH dated February 4, 2008, pursuant to RCW 70.105D.040, RCW 70.105D.020(21), and WAC 173-340-500. GBH chose to waive its right to notice and comment and accept its status as a PLP for the Site. After concluding that credible evidence supported a finding of potential liability, Ecology issued a determination that GBH is a PLP under RCW 70.105D.040 and notified GBH of this determination by letter dated February 6, 2008.

D. Pursuant to RCW 70.105D.030(1) and RCW 70.105D.050(1), Ecology may require PLPs to investigate or conduct other remedial actions (e.g., interim remedial actions) with respect to any release or threatened release of hazardous substances, whenever it believes

such action to be in the public interest. Based on the foregoing facts, Ecology believes that the remedial action(s) required by this Order are in the public interest.

VII. WORK TO BE PERFORMED

Based on the Findings of Fact and Ecology Determinations, it is hereby ordered that GBH take the following remedial actions at the Site, and that these actions be conducted in accordance with Chapters 173-340 and 173-204 WAC unless otherwise specifically provided for herein:

A. As part of site preparation activities, GBH shall construct a fence around the property, place warning signs, and clear as much concrete/re-bar and other physical hazards as possible. This is required to protect the public from physical hazards on the Site (including hazards due to surficial contamination), provide easier access for RI sampling, and reduce the visual appearance of blight.

B. GBH shall develop an RI/FS Work Plan (including draft, draft final, and final versions) that includes a scope of work to delineate and quantify (i.e., identify the levels of contamination) the contaminants of potential concern (COPCs) in all media (e.g., soil, groundwater, surface water and sediments) and any toxic effects or other deleterious substances in sediment. The work plan shall also include the proper handling of waste (e.g., sludge, free product). In addition, exempt permits or approvals and the applicable substantive requirements of those permits or approvals will be identified in the work plan. Note, all draft documents for Ecology review may be submitted in redline strikeout format to facilitate the review. The RI/FS Work Plan will include the elements listed below.

1. A site-specific health and safety plan (HASP) and a sampling and analysis plan (SAP), which includes quality assurance/quality control requirements, will be included in the RI/FS Work Plan. These plans shall conform to the requirements specified in WAC 173-340-810 and 173-340-820, respectively.

2. The RI/FS Work Plan shall be conducted meeting the requirements of WAC 173-350 and should include the sections listed below.

a. Site Background and Setting: This section will include detailed descriptions of the following: (1) the property and site operational history (including current and previous ownership), (2) previous investigations, (3) historical sources and releases of contamination (include a review of historical photos and Sanborn Maps), (4) current site conditions (including descriptions of surface features, geology, soil and the vadose zone, surface-water hydrology, hydrogeology, and meteorology), (5) current and future land and water use (including descriptions of human populations), and (6) the terrestrial/aquatic ecological setting including a description of ecological receptors and potentially threatened/endangered species.

b. Past Remedial Actions: Describe in detail all remedial actions that have taken place on the Site (which includes any off-property cleanups related to the operation of the Custom Plywood Mill) prior to the finalization of this RI/FS Work Plan including locations of excavations and types and volumes of wastes removed.

c. Initial Evaluation: The initial evaluation will consist of the development of a conceptual site model (CSM), identification of preliminary cleanup levels, and an evaluation of the existing analytical data.

i. CSM: The CSM should describe release mechanisms from the potential primary sources of hazardous substances to secondary and tertiary sources, the exposure media and routes, and the potential human and ecological receptors. The CSM should reflect both current conditions and possible future development in assessing exposure pathways.

ii. Preliminary Cleanup Levels: Based on the CSM, identify appropriate preliminary cleanup levels (e.g., levels established under MTCA [see WAC 173-340-700 through 173-340-760], Chapter 173-204 WAC, Sediment Management Standards for Puget Sound Marine

sediments, and applicable state and federal laws) under a residential (unrestricted) land use scenario. Note that the cleanup levels must consider all applicable pathways including direct contact (including inhalation), media transfer pathways (e.g., leaching to groundwater, groundwater migration to surface water, and sediment, etc.), and exposure to terrestrial and/or aquatic ecological and human receptors.

iii. Evaluation of Existing Data: The existing analytical data, including data points impacted by prior interim remedial actions, should be plotted (as accurately as possible) on both historical and current aerial photographs using georeferencing techniques. Review the sample locations with respect to identified sources and areas where suspected releases (e.g., outfalls, spills, dumping, leaks, etc.) have occurred. All of the existing analytical data (including data impacted from past interim remedial actions) collected at the Site should be evaluated in terms of data usability (analytical methods used to evaluate the effectiveness of a cleanup action shall comply with the requirements in WAC 173-340-830) and screened against the most protective preliminary cleanup levels identified under an unrestricted land use scenario including submerged lands. Both non-detect and detected data should be included in the screening. Identify sample points containing exceedances on a map and also discuss the adequateness of the reporting limits in terms of achieving the preliminary cleanup levels. Chemicals exceeding the preliminary cleanup levels should be identified as COPCs.

d. RI Approach: Based on the background information gathered, past interim remedial actions at the Site, and the evaluation of existing data, discuss by media (e.g., soil, sediment, surface water, etc.) the data required to complete an RI for the Custom Plywood Mill Site. The RI approach should be consistent with

WAC 173-340-350. Identify data gaps (e.g., establishment of “natural” background levels for metals according to WAC 173-340-709, characterization of on-site groundwater, etc.) and the overall approach for conducting the RI. The Sampling and Analysis Plan(s) will provide the details on numbers and locations of samples for each media and the analytical requirements.

The RI field investigation should be conducted in two phases. The first phase of the investigation will be designed to identify the full nature and extent of contaminants and toxic effects in upland and offshore areas. Media evaluated will include waste (e.g., free product, sludge), soil, sediment, groundwater, and surface water. GBH shall provide Ecology with the results of the Phase 1 investigation so that a determination can be made with regard to whether a Phase 2 investigation is required to define the full nature and extent of contamination. The information provided to Ecology should describe the analytical results of the Phase 1 field activities including the identification of COPCs, the affected media, preliminary cleanup levels, the extent of contamination (plotted on maps), and any data gaps that need to be filled to define the nature and extent of contamination and toxic effects. A Phase 2 field investigation (if necessary based on Phase 1 results) will be conducted to further define the nature and extent of contamination and toxic effects based on findings during Phase 1.

e. FS Approach: This section should provide an overview of the methods that will be used in conducting the FS for the Custom Plywood Mill Site. The FS approach should be consistent with WAC 173-340-350 and should consist of the following sections:

- i. Establishment of Cleanup Levels, Points of Compliance, and Remediation Levels.
- ii. Delineation of Media Requiring Remedial Action.
- iii. Development of Remedial Action Objectives.

iv. Applicable or Relevant and Appropriate Requirements.

v. Screening of Cleanup Alternatives.

vi. Evaluation of Cleanup Alternatives.

vii. Habitat Restoration: The Site is being overseen by Ecology and work is being done in an expedited manner under the Governor's Puget Sound Initiative. The Initiative focuses on cleaning up contamination as well as restoring Puget Sound. Ecology recognizes that site cleanups can be designed and implemented in a manner that improves habitat values and provides for shoreline restoration in conjunction with remedial actions. While planning the cleanup, and making cleanup decisions, Ecology and GBH will evaluate opportunities to perform remedial actions in a fashion that coincidentally enhances habitat. Elements of the remedial action will be evaluated for restoration opportunities in consultation with Ecology as plans for cleanup are developed.

f. Public Participation: A Public Participation Plan (see WAC 173 340-600) will be developed by Ecology and included as Exhibit C of the Agreed Order. The Public Participation Plan provides the public with timely information and meaningful opportunities to participate in the cleanup process. See Section VIII, Item H for more details on the Public Participation Plan.

g. Schedule and Reporting: This section should contain the schedule and reporting requirements for the RI/FS project.

h. References

C. RI/FS Report: A draft, draft final, and final RI/FS report meeting the requirements of WAC 173-340-350 shall be prepared presenting the results of remedial investigation that provides information regarding the full nature and extent of soil, groundwater, surface water, and sediment contamination and toxic effects and provides potential alternatives and a preferred alternative for the cleanup of the contamination present at the Site. Also the

alternatives evaluation and the preferred cleanup alternative must meet the requirements of WAC 173-340-360.

D. Cleanup Action Plan (CAP): Upon the approval of the final RI/FS report, GBH shall prepare a draft CAP in accordance with WAC 173-340-380 and WAC 173-204-580 that provides a proposed cleanup action to address the contamination present on the Site. The draft CAP shall include a general description of the proposed cleanup action, results of any remedial technology pilot studies, cleanup standards from the RI/FS report and rationale regarding their selection, a schedule for implementation, descriptions of any institutional controls proposed, and a summary of applicable, local, state and federal laws pertinent to the proposed cleanup action.

E. GBH shall perform the actions required by this Order according to the schedule in Exhibit D.

F. If, at any time after the first exchange of comments on drafts, Ecology determines that insufficient progress is being made in the preparation of any of the deliverables required by this Section, Ecology may complete and issue the final deliverable.

VIII. TERMS AND CONDITIONS OF ORDER

A. Public Notice

RCW 70.105D.030(2)(a) requires that, at a minimum, this Order be subject to concurrent public notice. Ecology shall be responsible for providing such public notice and reserves the right to modify or withdraw any provisions of this Order should public comment disclose facts or considerations which indicate to Ecology that this Order is inadequate or improper in any respect.

B. Remedial Action Costs

GBH shall pay to Ecology costs incurred by Ecology pursuant to this Order and consistent with WAC 173-340-550(2). These costs shall include work performed by Ecology or its contractors for, or on, the Site under Chapter 70.105D RCW, including remedial actions and Order preparation, negotiation, oversight, and administration. These costs shall include work performed both prior (retroactive to June 1, 2007) to and subsequent to the issuance of this

Order. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). GBH shall pay the required amount within ninety (90) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

Pursuant to RCW 70.105D.055, Ecology has authority to recover unreimbursed remedial action costs by filing a lien against real property subject to the remedial actions.

C. Implementation of Remedial Action

If Ecology determines that GBH has failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to GBH, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of GBH's failure to comply with its obligations under this Order, GBH shall reimburse Ecology for the costs of doing such work in accordance with Section VIII.B (Remedial Action Costs), provided that GBH is not obligated under this Section to reimburse Ecology for costs incurred for work inconsistent with or beyond the scope of this Order.

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

D. Designated Project Coordinators

The project coordinator for Ecology is:

Sandra Caldwell
Toxics Cleanup Program
PO Box 47600
Olympia, WA 98504-7600
(360) 407-7209
E-mail: saca461@ecy.wa.gov

The project coordinator for GBH is:

Kathleen Goodman
Geomatrix
One Union Square
600 University Street, Suite 1020
Seattle, WA 98101-4107
(206) 342-1780
E-mail: kgoodman@geomatrix.com

Each project coordinator shall be responsible for overseeing the implementation of this Order. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and GBH, and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Order shall be directed through the project coordinators. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Order.

Any party may change its respective project coordinator. Written notification shall be given to the other party at least ten (10) calendar days prior to the change.

E. Performance

All geologic and hydrogeologic work performed pursuant to this Order shall be under the supervision and direction of a geologist licensed in the State of Washington or under the direct supervision of an engineer registered in the State of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW.

All engineering work performed pursuant to this Order shall be under the direct supervision of a professional engineer registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

All construction work performed pursuant to this Order shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

Any documents submitted containing geologic, hydrologic or engineering work shall be under the seal of an appropriately licensed professional as required by Chapter 18.220 RCW or RCW 18.43.130.

GBH shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and others to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

F. Access

Ecology or any Ecology authorized representative shall have the full authority to enter and freely move about all property at the Site that GBH either owns, controls, or has access rights to at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Order; reviewing GBH's progress in carrying out the terms of this Order; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Order; and verifying the data submitted to Ecology by GBH. GBH shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by GBH where remedial activities or investigations will be performed pursuant to this Order. Ecology or any Ecology authorized representative shall give reasonable notice before entering any Site property owned or controlled by GBH unless an emergency prevents such notice. All persons who access the Site pursuant to this Section shall comply with any applicable Health and Safety Plan(s). Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access.

G. Sampling, Data Submittal, and Availability

With respect to the implementation of this Order, GBH shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf available to Ecology. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section VII (Work to be Performed),

Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal. Attached as Exhibit B is Ecology Policy 840, Data Submittal Requirements.

If requested by Ecology, GBH shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by GBH pursuant to implementation of this Order. GBH shall notify Ecology seven (7) days in advance of any sample collection or work activity at the Site. Ecology shall, upon request, allow GBH and/or its authorized representative to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Order, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section VIII.F (Access), Ecology shall notify GBH prior to any sample collection activity unless an emergency prevents such notice.

In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under Chapter 173-50 WAC for the specific analyses to be conducted, unless otherwise approved by Ecology.

H. Public Participation

A Public Participation Plan, which is required for the Site, has been developed and is included as Exhibit C. Ecology shall maintain the responsibility for public participation at the Site. However, GBH shall cooperate with Ecology, and shall:

1. If agreed to by Ecology, develop appropriate mailing list, prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

2. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before major meetings with the interested public and local governments. Likewise, Ecology shall notify GBH prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press

releases, fact sheets, meetings, and other outreach efforts by GBH that do not receive prior Ecology approval, GBH shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

3. When requested by Ecology, participate in public presentations on the progress of the remedial action RI/FS work at the Site. Participation may be through attendance at public meetings to assist in answering questions or as a presenter.

4. When requested by Ecology, arrange and/or continue information repositories to be located at the following locations:

- a. Anacortes Public Library
1220 10th Street
Anacortes, WA 98221
- b. Washington Department of Ecology
Headquarters Office
300 Desmond Drive
Lacey, WA 98503

At a minimum, copies of all public notices, fact sheets, and press releases; all quality assured monitoring data; remedial action plans and reports, supplemental remedial planning documents, and all other similar documents relating to performance of the remedial action required by this Order shall be promptly placed in these repositories.

I. Retention of Records

During the pendency of this Order, and for ten (10) years from the date of completion of work performed pursuant to this Order, GBH shall preserve all records, reports, documents, and underlying data in its possession relevant to the implementation of this Order and shall insert a similar record retention requirement into all contracts with project contractors and subcontractors. Upon request of Ecology, GBH shall make all records available to Ecology and allow access for review within a reasonable time.

J. Resolution of Disputes

1. In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's project coordinator, or an itemized billing statement under

Section VIII.B (Remedial Action Costs), the Parties shall utilize the dispute resolution procedure set forth below.

a. Upon receipt of Ecology's project coordinator's written decision or the itemized billing statement, GBH has fourteen (14) days within which to notify Ecology's project coordinator in writing of its objection to the decision or itemized statement.

b. The Parties' project coordinators shall then confer in an effort to resolve the dispute. If the project coordinators cannot resolve the dispute within fourteen (14) days, Ecology's project coordinator shall issue a written decision.

c. GBH may then request regional management review of the decision. This request shall be submitted in writing to the Toxics Cleanup Land & Aquatic Lands Cleanup Section Manager within seven (7) days of receipt of Ecology's project coordinator's written decision.

d. The Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of GBH's request for review. The Section Manager's decision shall be Ecology's final decision on the disputed matter.

2. The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used.

3. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Order, unless Ecology agrees in writing to a schedule extension.

K. Extension of Schedule

1. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

a. The deadline that is sought to be extended;

- b. The length of the extension sought;
- c. The reason(s) for the extension; and
- d. Any related deadline or schedule that would be affected if the extension were granted.

2. The burden shall be on GBH to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but may not be limited to:

- a. Circumstances beyond the reasonable control and despite the due diligence of GBH including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by GBH;
- b. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or
- c. Endangerment as described in Section VIII.M (Endangerment).

However, neither increased costs of performance of the terms of this Order nor changed economic circumstances shall be considered circumstances beyond the reasonable control of GBH.

3. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give GBH written notification of any extensions granted pursuant to this Order. A requested extension shall not be effective until approved by Ecology. Unless the extension is a substantial change, it shall not be necessary to amend this Order pursuant to Section VIII.L (Amendment of Order) when a schedule extension is granted.

4. An extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:

- a. Delays in the issuance of a necessary permit which was applied for in a timely manner;

- b. Other circumstances deemed exceptional or extraordinary by Ecology; or
- c. Endangerment as described in Section VIII.M (Endangerment).

L. Amendment of Order

The project coordinators may verbally agree to minor changes to the work to be performed without formally amending this Order. Minor changes will be documented in writing by Ecology within seven (7) days of verbal agreement.

Except as provided in Section VIII.N (Reservation of Rights), substantial changes to the work to be performed shall require formal amendment of this Order. This Order may only be formally amended by the written consent of both Ecology and GBH. GBH shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to this Order represents a substantial change, Ecology will provide public notice and opportunity to comment. Reasons for the disapproval of a proposed amendment to this Order shall be stated in writing. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section VIII.J (Resolution of Disputes).

M. Endangerment

In the event Ecology determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment on or surrounding the Site, Ecology may direct GBH to cease such activities for such period of time as it deems necessary to abate the danger. GBH shall immediately comply with such direction.

In the event GBH determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment, GBH may cease such activities. GBH shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction, GBH shall provide Ecology with documentation of the basis for the

determination or cessation of such activities. If Ecology disagrees with GBH's cessation of activities, it may direct GBH to resume such activities.

If Ecology concurs with or orders a work stoppage pursuant to Section VIII.M (Endangerment), GBH's obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended in accordance with Section VIII.K (Extension of Schedule) for such period of time as Ecology determines is reasonable under the circumstances.

Nothing in this Order shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

N. Reservation of Rights

This Order is not a settlement under Chapter 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or a compromise of any of Ecology's rights or authority. Ecology will not, however, bring an action against GBH to recover remedial action costs paid to and received by Ecology under this Order. In addition, Ecology will not take additional enforcement actions against GBH regarding remedial actions required by this Order, provided GBH complies with this Order.

Ecology nevertheless reserves its rights under Chapter 70.105D RCW, including the right to require additional or different remedial actions at the Site should it deem such actions necessary to protect human health and the environment, and to issue orders requiring such remedial actions. Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural resources resulting from the release or threatened release of hazardous substances at the Site.

O. Transfer of Interest in Property

No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by GBH without provision for continued

implementation of all requirements of this Order and implementation of any remedial actions found to be necessary as a result of this Order.

Prior to GBH's transfer of any interest in all or any portion of the Site, and during the effective period of this Order, GBH shall provide a copy of this Order to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, GBH shall notify Ecology of said transfer. Upon transfer of any interest, GBH shall restrict uses and activities to those consistent with this Order and notify all transferees of the restrictions on the use of the property.

P. Compliance with Applicable Laws

1. All actions carried out by GBH pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. At this time, no federal, state or local requirements have been identified as being applicable to the actions required by this Order.

2. Pursuant to RCW 70.105D.090(1), GBH is exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, GBH shall comply with the substantive requirements of such permits or approvals. The exempt permits or approvals and the applicable substantive requirements of those permits or approvals have not been identified at this time, but will be identified in the RI/FS Work Plan (see VII.B).

GBH has a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order. In the event either Ecology or GBH determines that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly notify the other party of its determination. Ecology shall determine whether Ecology or GBH shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, GBH shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the

substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by GBH and on how GBH must meet those requirements. Ecology shall inform GBH in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order. GBH shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

3. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the State to administer any federal law, the exemption shall not apply and GBH shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

Q. Indemnification

GBH agrees to indemnify and save and hold the State of Washington, its employees, and agents harmless from any and all claims or causes of action for death or injuries to persons or for loss or damage to property to the extent arising from or on account of acts or omissions of GBH, its officers, employees, agents, or contractors in entering into and implementing this Order. However, GBH shall not indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Order.

IX. SATISFACTION OF ORDER

The provisions of this Order shall be deemed satisfied upon GBH's receipt of written notification from Ecology that GBH has completed the remedial activity required by this Order, as amended by any modifications, and that GBH has complied with all other provisions of this Agreed Order.

X. ENFORCEMENT

Pursuant to RCW 70.105D.050, this Order may be enforced as follows:

A. The Attorney General may bring an action to enforce this Order in a state or federal court.

B. The Attorney General may seek, by filing an action, if necessary, to recover amounts spent by Ecology for investigative and remedial actions and orders related to the Site.

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

1. Up to three (3) times the amount of any costs incurred by the State of Washington as a result of its refusal to comply; and

2. Civil penalties of up to twenty-five thousand dollars (\$25,000) per day for each day it refuses to comply.

D. This Order is not appealable to the Washington Pollution Control Hearings Board.

This Order may be reviewed only as provided under RCW 70.105D.060.

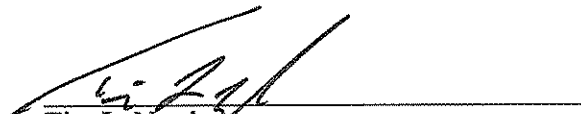
Effective date of this Order: March 11, 2008

G B H Investments, LLC



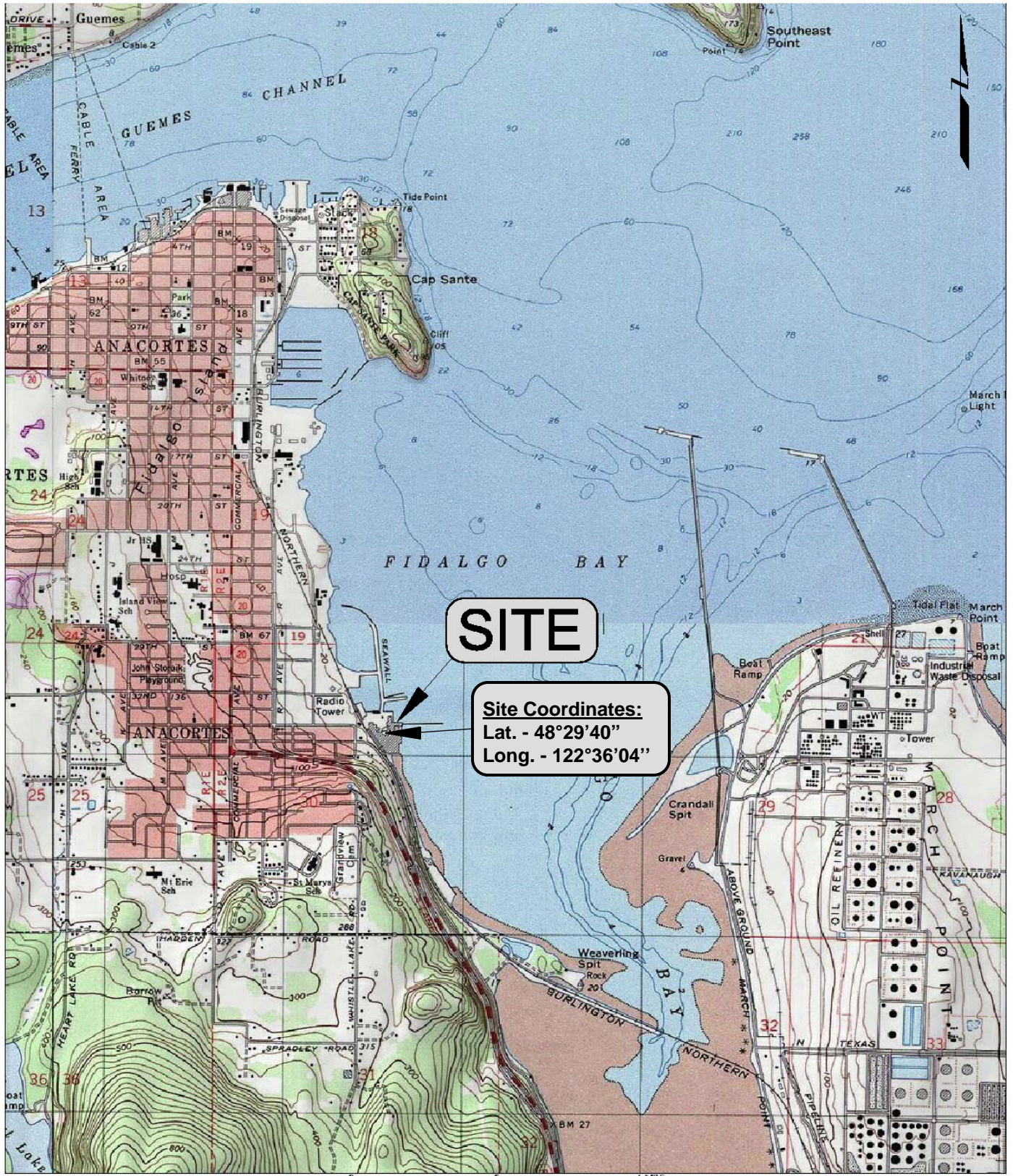
Mr. Richard LeMieux
G B H Investments, LLC

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY



Tim L. Nord
Section Manager
Toxics Cleanup Program
Land & Aquatic Lands Cleanup Section
Telephone: (360) 407-7226

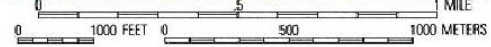
EXHIBIT A:
SITE LOCATION MAP, DIAGRAMS,
AND SITE/PROPERTY LOCATION INFORMATION



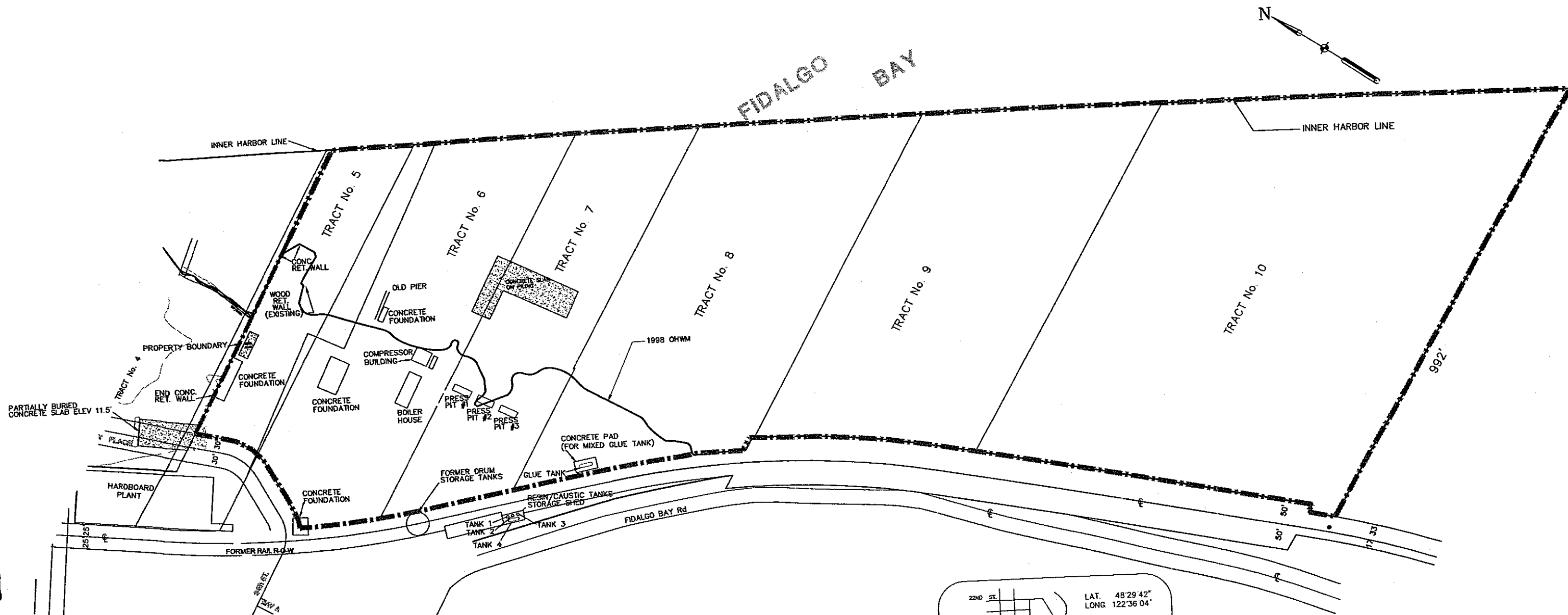
SITE

Site Coordinates:
 Lat. - 48°29'40"
 Long. - 122°36'04"

TN ↗ MN
 18 1/2°

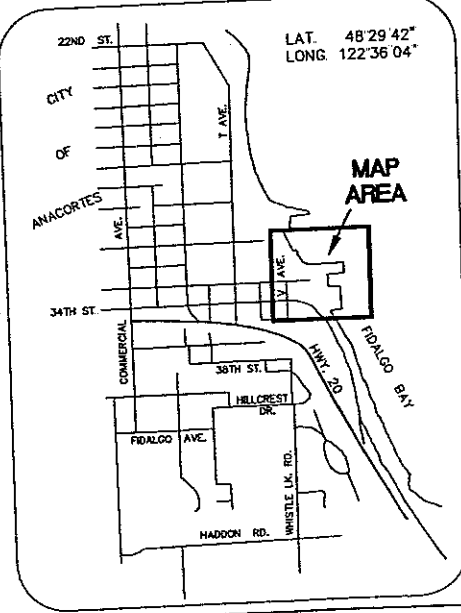
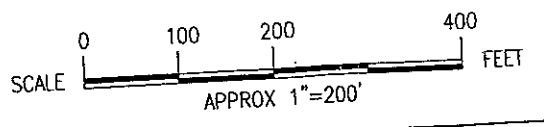


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LEGEND
 - - - - - PROPERTY BOUNDARY (UPLAND AND TIDELAND)
 ——— OHWM ORDINARY HIGH WATER MARK

NOTE - SITE FEATURES FROM LARRY STEELE AND ASSOCIATES, BELLINGHAM, WA



FILENAME: Q:\Geo\ANACORTE\2002\An-2002-34 SITE MAP.dwg
 EDIT DATE: 01/07/03 AT: 1:54:44

Figure 2-2
 Site Map

Custom Plywood
 Anacortes, Washington

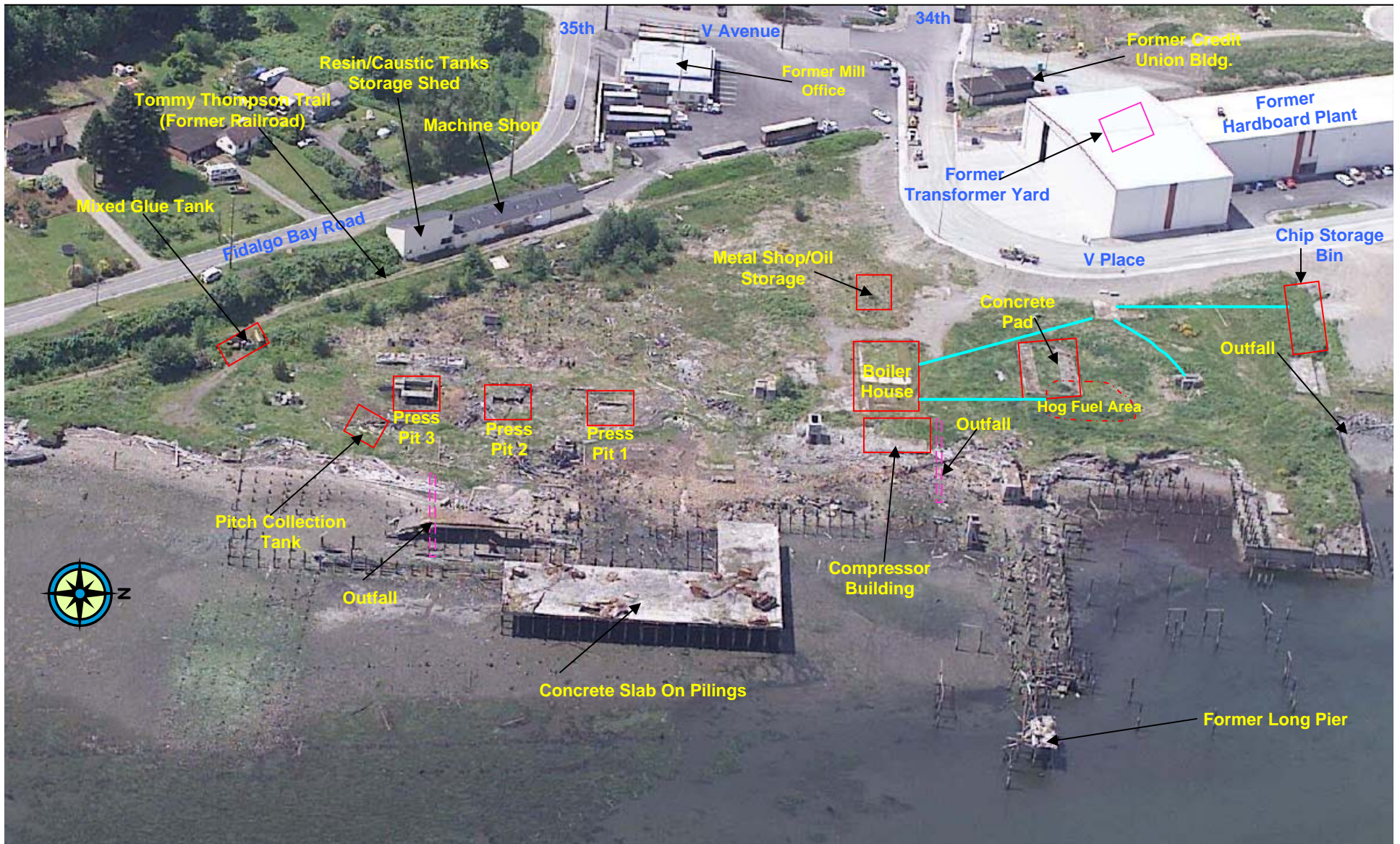
1966 Aerial Photograph Custom Plywood Mill Site



Notes:

1. Site features were identified based on an historic Sanborn Map (1940), information in Ecology Files, an EPA Site Map (Figure 1-3) generated during the 2000 PA/SI, and, a site map (Figure 3) generated by Enviro, Inc. as part of their 1995 Phase I and Limited Phase II Investigation.
2. R.R. ROW = Former Burlington Northern Railroad Road Right of Way.
3. The photograph was obtained from the Washington State Department of Transportation.
4. Locations of site features will need to be independently confirmed using historical records, photos, and Sanborn Maps along with georeferencing techniques.

2000 Aerial Photograph Custom Plywood Mill Site



- Notes:**
1. Locations of site features will need to be independently confirmed using historical records, photos, and Sanborn Maps along with georeferencing techniques.
 2. Photo Source – Ecology Shorelands & Environmental Assistance Program. Oblique Aerial Photos, 2000 Series.
- Conveyors (e.g., wood chips, hog fuel).

CUSTOM PLYWOOD MILL

SITE/PROPERTY LOCATION INFORMATION

The Custom Plywood Mill Site is located within the city limits of Anacortes, Washington at the intersection of 35th and V Avenue on the western shore of Fidalgo Bay in Skagit County. Site coordinates associated with the former Boiler House, a legal description, and county assessor's parcel numbers for Concorde, LLC are provided below.

Coordinates: Latitude: 48°29'40" North; Longitude: 122°36'04" West

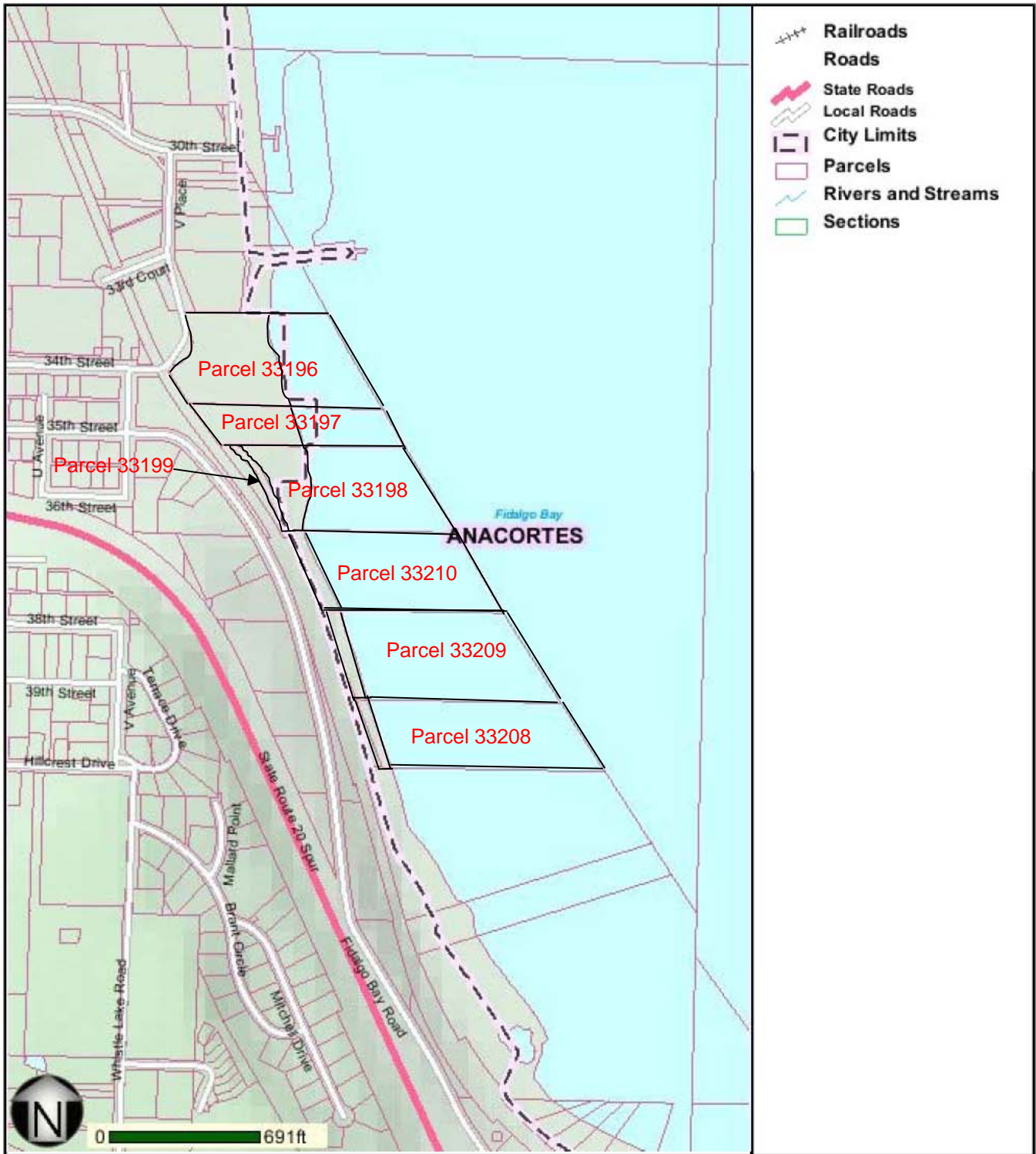
Latitude/Longitude Reference Point: Location of the former boiler house (see Site Location Map).

Legal Description: Section 30, Township 34 North, Range 2 East

County Assessor's Parcel Numbers (Concorde, LLC Property): 33196 through 33199 and 33208 through 33210

Information from the County Assessor's office is attached to this site description.

Skagit County GIS Map



Skagit County iMap

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Map Scale:

1 inch = 691 Feet
 (1 inch = 0.1 Miles)

Skagit County GIS Map (Parcel 33196)



- County Boundary
- Railroads
- Roads
- State Roads
- Local Roads
- City Limits
- Parcels
- Rivers and Streams
- Sections



0 0.1 mi

Skagit County iMap

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Map Scale:

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Assessor: Mark Leander

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Fax: (360) 336 - 1

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Improvements	Land Segments	Account History	Sales History	Tax Statement	Permits	Print Version
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Parcel Number	XrefID	Quarter	Section	Township	Range
P33196	350230-0-213-0012	01	30	35	02

[Zoom to this Parcel on iMap](#)

View Assessor Parcel Map of this section: [\(PDF\)](#) [\(DWF\)](#)

Owner Information

G B H INVESTMENTS LLC
5005 S 9TH EAST
Idaho Falls, Id 83404

Site Addresses

35th & V
Anacortes, WA 98221

2008 Value Breakdown

Building Market Value	\$0.00
Land Market Value	\$610,700.00
Total Market Value	\$610,700.00
Assessed Value	\$610,700.00
Taxable Value	\$610,700.00

[View Value History](#)

2008 Property Tax Summary

2008 Taxable Value	\$610,700.00
General Taxes	\$4,571.52
Special Assessments	\$0.00
Total Taxes	\$4,571.52

[View Tax Statement](#)

Legal Description [Abbreviation Definitions](#)

ACREAGE ACCOUNT, ACRES 7.56, ALL THAT PORTION OF TRACTS 5 AND 6, PLATE 11, ANACORTES TIDELANDS, ACCORDING TO THE OFFICIAL MAP THEREOF, ON FILE IN THE OFFICE OF THE COMMISSIONER OF PUBLIC LANDS, AT OLYMPIA, WASHINGTON, BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF LOT 3A, AS SAID POINT IS SHOWN ON THAT CERTAIN BOUNDARY LINE ADJUSTMENT MAP RECORDED IN BOOK 18 OF SURVEYS AT PAGES 106 AND 107, UNDER AUDITOR'S FILE NO. 9606110020, RECORDS OF SAID COUNTY AND STATE, SAID POINT LYING ON THE EASTERLY LINE OF SAID TRACT 5; THENCE SOUTH 30 DEGREES 20' 05" EAST ALONG THE EASTERLY LINE OF SAID TRACTS 5 AND 6 FOR A DISTANCE OF 497.69 FEET TO THE SOUTHEAST CORNER OF SAID TRACT 6; THENCE SOUTH 89 DEGREES 55' 55" WEST ALONG THE SOUTH LINE OF SAID TRACT 6 FOR A DISTANCE OF 875.31 FEET TO ITS INTERSECTION WITH THE EASTERLY RIGHT-OF-WAY MARGIN OF THE BURLINGTON NORTHERN RAILROAD, SAID POINT LYING ON A CURVE TO THE RIGHT, THE CENTER OF WHICH BEARS NORTH 53 DEGREES 33' 40" EAST AND IS 1885.08 FEET DISTANT; THENCE NORTHERLY, FOLLOWING SAID EASTERLY RIGHT-OF-WAY MARGIN ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 05 DEGREES 05' 23" FOR AN ARC DISTANCE OF 167.46 FEET TO THE SOUTHERLY MARGIN OF 34TH STREET AS DEDICATED AND SHOWN ON THAT CERTAIN BOUNDARY LINE ADJUSTMENT MAP RECORDED IN BOOK 19 OF SURVEYS AT PAGES 67 AND 68, UNDER AUDITOR'S FILE NO. 9702200104, RECORDS OF SAID COUNTY AND STATE, SAID POINT LYING ON A CURVE TO THE LEFT, THE CENTER OF WHICH BEARS NORTH 40 DEGREES 36' 36" WEST AND IS 115.00 FEET DISTANT; THENCE NORTHERLY, FOLLOWING SAID SOUTHERLY MARGIN ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 17 DEGREES 14' 24" FOR AN ARC DISTANCE OF 34.60 FEET TO THE END OF SAID CURVE; THENCE NORTH 32 DEGREES 09' 00" EAST ALONG SAID SOUTHERLY MARGIN FOR A DISTANCE OF 7.62 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, THE CENTER OF WHICH BEARS NORTH 04 DEGREES 26' 00" WEST AND IS 90.00 FEET DISTANT; THENCE NORTHERLY, FOLLOWING SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 109 DEGREES 24' 19" FOR AN ARC DISTANCE OF 171.85 FEET TO THE END OF SAID CURVE; THENCE NORTH 23 DEGREES 50' 19" WEST FOR A DISTANCE OF 134.34 FEET TO THE SOUTH LINE OF SAID LOT 3A; THENCE NORTH 89 DEGREES 08' 12" EAST ALONG SAID SOUTH LINE FOR A DISTANCE OF 669.75 FEET TO THE POINT OF BEGINNING. AKA ANACORTES JOIN VENTURE PROPERTY ON SURVEY RECORDED UNDER AF# 200005190013.

Levy Code 0900		Neighborhood INDUSTRIAL BLDG		
City District ANACORTES		School District SD103	Fire District	Utilities
Year Built	Acres 7.56	Living Area	Number Of Rooms	Bdrms
Construction Style	Foundation	Exterior Walls	Roof Covering	Roof Style
Interior Finish	Floor Covering	Floor Construction	Plumbing	
Appliances		Heat-AirCond	Fireplace	
Sale Deed Type REAL ESTATE CONTRACT		Sale Date 12/12/2007	Sale Price \$1,600,000.00	
View Sales History				

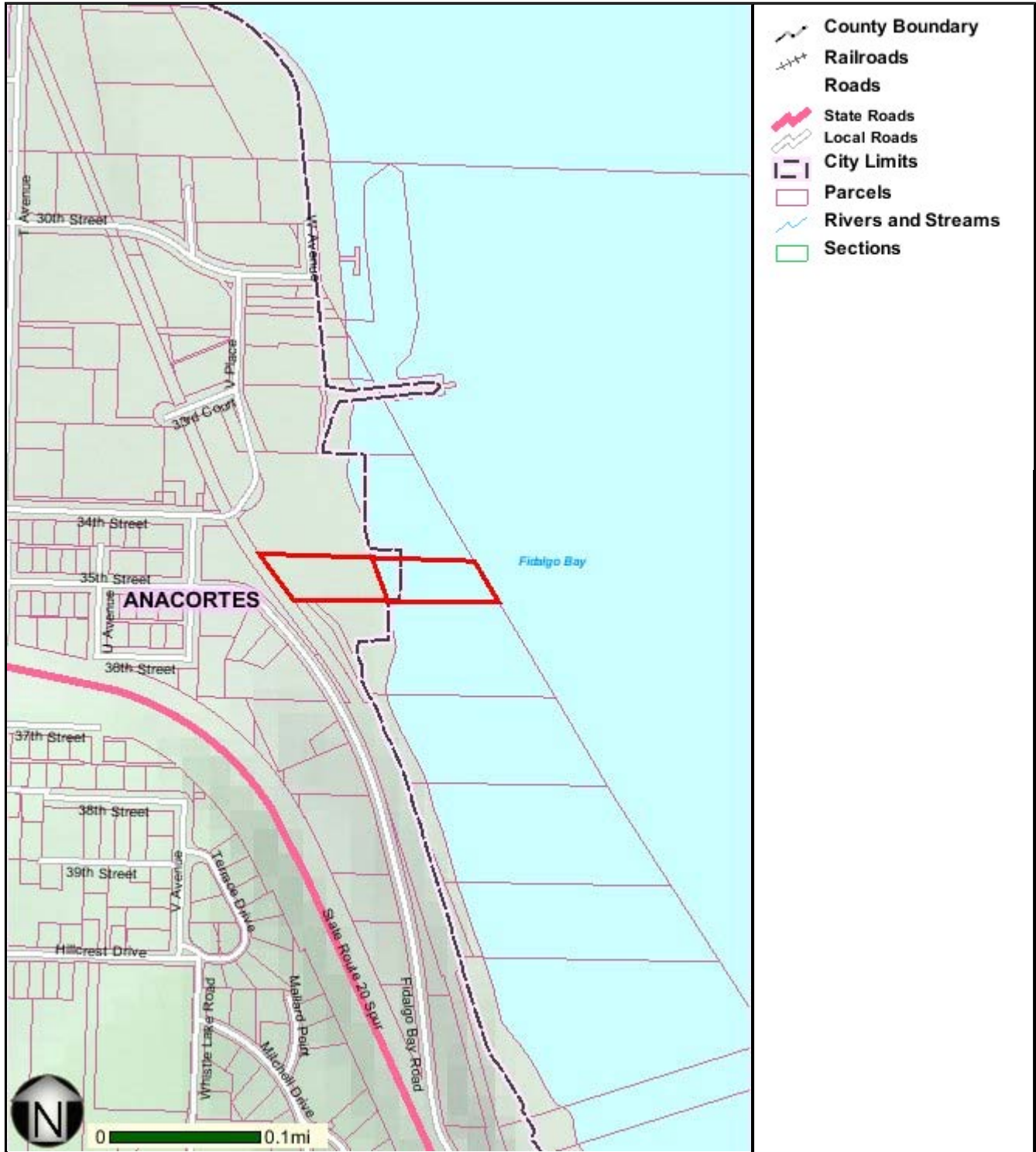
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Skagit County GIS Map (Parcel 33197)



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Map Scale:

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Fax: (360) 336 - 1

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Parcel Number	XrefID	Quarter	Section	Township	Range
P33197	350230-0-214-0003	00	30	35	02
Zoom to this Parcel on iMap		View Assessor Parcel Map of this section: (PDF) (DWF)			

Owner Information	Site Addresses
G B H INVESTMENTS LLC	
5005 S 9TH EAST	
Idaho Falls, Id 83404	

2008 Value Breakdown		2008 Property Tax Summary	
Building Market Value	\$.00	2008 Taxable Value	\$281,600.00
Land Market Value	\$281,600.00	General Taxes	\$2,107.97
Total Market Value	\$281,600.00	Special Assessments	\$.00
Assessed Value	\$281,600.00	Total Taxes	\$2,107.97
Taxable Value	\$281,600.00		
View Value History		View Tax Statement	

Legal Description [Abbreviation Definitions](#)
ANACORTES TIDE LANDS TR 7 PL 11

Levy Code	Neighborhood			
0900	MFG. - ACREAGES; NO IMPROVEMENTS			
City District	School District	Fire District	Utilities	
ANACORTES	SD103			
Year Built	Acres	Living Area	Number Of Rooms	Bdrms
	4.15			
Construction Style	Foundation	Exterior Walls	Roof Covering	Roof Style
Interior Finish	Floor Covering	Floor Construction	Plumbing	
Appliances	Heat-AirCond		Fireplace	

Sale Deed Type	Sale Date	Sale Price
REAL ESTATE CONTRACT	12/12/2007	\$1,600,000.00
View Sales History		

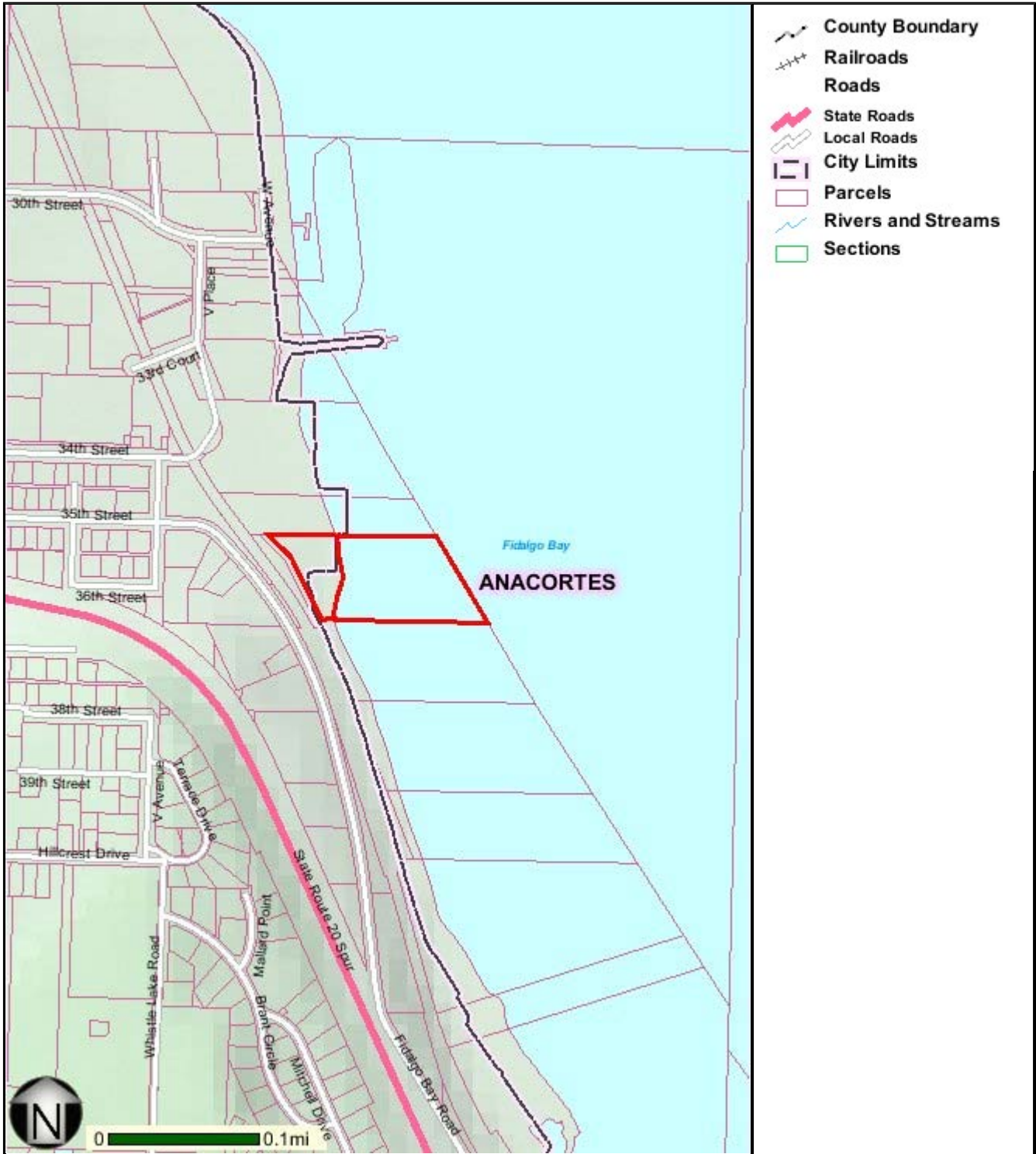
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Skagit County GIS Map (Parcel 33198)



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Fax: (360) 336 - 1

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Improvements	Land Segments	Account History	Sales History	Tax Statement	Permits	Print Version
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Parcel Number	XrefID	Quarter	Section	Township	Range
P33198	350230-0-215-0002	00	30	35	02
Zoom to this Parcel on iMap		View Assessor Parcel Map of this section: (PDF) (DWF)			

Owner Information	Site Addresses
G B H INVESTMENTS LLC 5005 S 9TH EAST Idaho Falls, Id 83404	

2008 Value Breakdown		2008 Property Tax Summary	
Building Market Value	\$.00	2008 Taxable Value	\$198,100.00
Land Market Value	\$198,100.00	General Taxes	\$1,482.92
Total Market Value	\$198,100.00	Special Assessments	\$.00
Assessed Value	\$198,100.00	Total Taxes	\$1,482.92
Taxable Value	\$198,100.00		
View Value History		View Tax Statement	

Legal Description [Abbreviation Definitions](#)
ANACORTES TIDE LANDS LESS WLY 30FT TR 8 PL 11

Levy Code	Neighborhood			
0900	INDUSTRIAL BLDG			
City District	School District	Fire District	Utilities	
ANACORTES	SD103			
Year Built	Acres	Living Area	Number Of Rooms	Bdrms
Construction Style	Foundation	Exterior Walls	Roof Covering	Roof Style
Interior Finish	Floor Covering	Floor Construction	Plumbing	
Appliances		Heat-AirCond	Fireplace	

Sale Deed Type	Sale Date	Sale Price
REAL ESTATE CONTRACT	12/12/2007	\$1,600,000.00

[View Sales History](#)

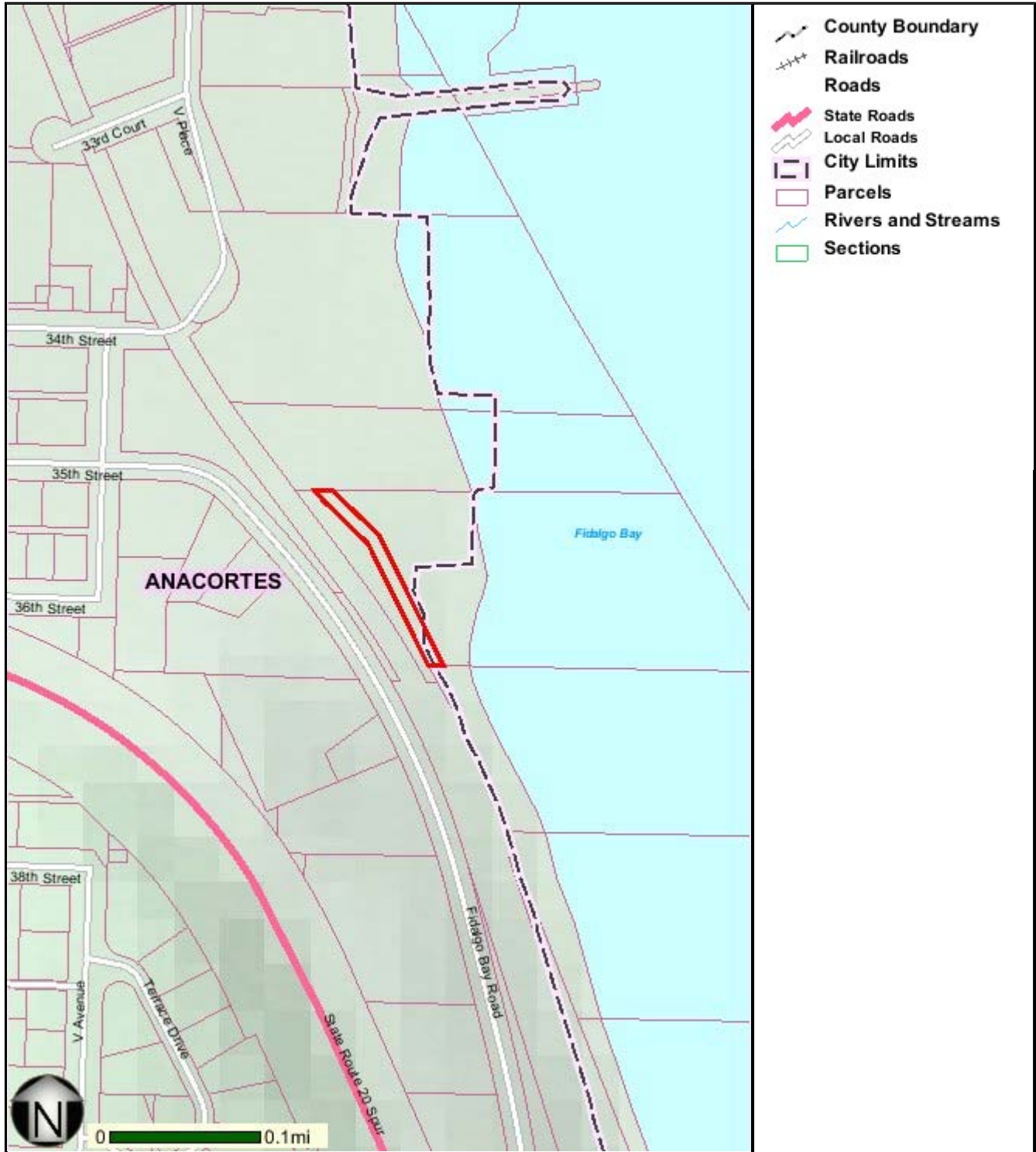
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Skagit County GIS Map (Parcel 33199)



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Improvements	Land Segments	Account History	Sales History	Tax Statement	Permits	Print Version
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Parcel Number	XrefID	Quarter	Section	Township	Range
P33199	350230-0-216-0001	00	30	35	02
Zoom to this Parcel on iMap		View Assessor Parcel Map of this section: (PDF) (DWF)			

Owner Information	Site Addresses
G B H INVESTMENTS LLC	
5005 S 9TH EAST	
Idaho Falls, Id 83404	

2008 Value Breakdown		2008 Property Tax Summary	
Building Market Value	\$.00	2008 Taxable Value	\$44,400.00
Land Market Value	\$44,400.00	General Taxes	\$332.37
Total Market Value	\$44,400.00	Special Assessments	\$.00
Assessed Value	\$44,400.00	Total Taxes	\$332.37
Taxable Value	\$44,400.00		
View Value History		View Tax Statement	

Legal Description [Abbreviation Definitions](#)
ANACORTES TIDE LANDS WLY 30FT TR 8 PL 11

Levy Code	Neighborhood			
0900	INDUSTRIAL BLDG			
City District	School District	Fire District	Utilities	
ANACORTES	SD103			
Year Built	Acres	Living Area	Number Of Rooms	Bdrms
	0.34			
Construction Style	Foundation	Exterior Walls	Roof Covering	Roof Style
Interior Finish	Floor Covering	Floor Construction	Plumbing	
Appliances	Heat-AirCond		Fireplace	

Sale Deed Type	Sale Date	Sale Price
REAL ESTATE CONTRACT	12/12/2007	\$1,600,000.00
View Sales History		

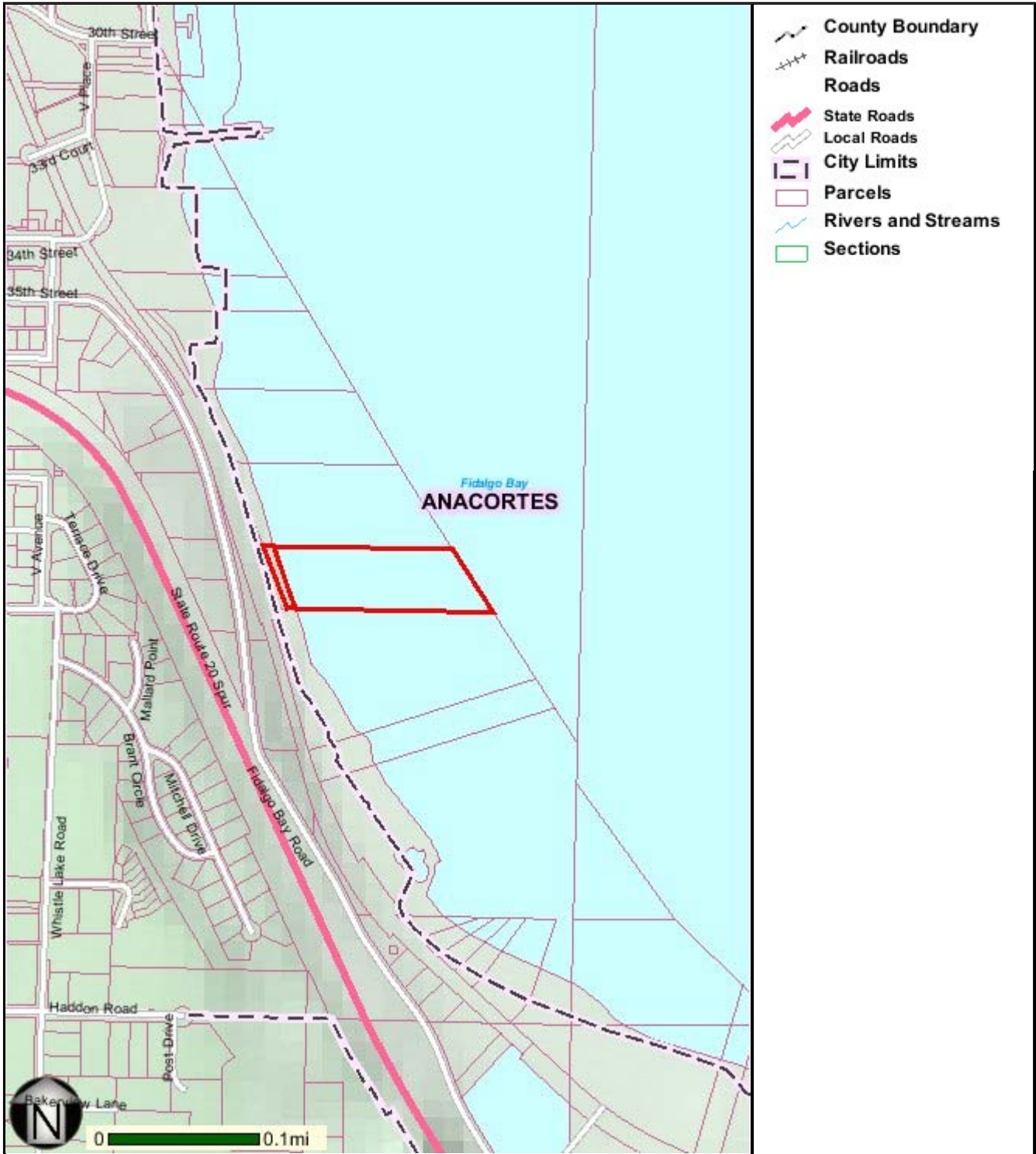
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(1 inch = 0.1 Miles)



Skagit County
Assessors Office
Assessor: Mark Leander

Office Hours: 8:30 to
Monday through Fr
700 South 2nd Street, Room
Mount Vernon, WA 98
Phone: (360) 336 - 1
Fax: (360) 336 - 1

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Improvements	Land Segments	Account History	Sales History	Tax Statement	Permits	Print Version
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Parcel Number	XrefID	Quarter	Section	Township	Range
P33208	350230-0-220-0005	00	30	35	02
Zoom to this Parcel on iMap		View Assessor Parcel Map of this section: (PDF) (DWF)			

Owner Information

Site Addresses

G B H INVESTMENTS LLC
5005 S 9TH EAST
Idaho Falls, Id 83404

2008 Value Breakdown

2008 Property Tax Summary

Building Market Value	\$0.00
Land Market Value	\$187,300.00
Total Market Value	\$187,300.00
Assessed Value	\$187,300.00
Taxable Value	\$187,300.00

2008 Taxable Value	\$187,300.00
General Taxes	\$1,402.07
Special Assessments	\$0.00
Total Taxes	\$1,402.07

[View Value History](#)

[View Tax Statement](#)

Legal Description [Abbreviation Definitions](#)

TAX 17 BAAP BTW TRS 10 & 11 PL 11 TH NW LY ALG MEAN LI OF TR 10 PL 11 402.83FT TH E PLW S LI SD TR 10 TO INNER HARBOR LI OF SD TR TH ALG SD HARBOR LI SELY TO BOUND LI BTW TRS 10 & 11 TH W ALG SD BD YTPB BEING PTN TR 10 PL 11

Levy Code

Neighborhood

0900

INDUSTRIAL BLDG

City District

School District

Fire District

Utilities

ANACORTES

SD103

Year Built

Acres

Living Area

Number Of Rooms

Bdrms

8.6

Construction Style

Foundation

Exterior Walls

Roof Covering

Roof Style

Interior Finish

Floor Covering

Floor Construction

Plumbing

Appliances

Heat-AirCond

Fireplace

Sale Deed Type	Sale Date	Sale Price
REAL ESTATE CONTRACT	12/12/2007	\$1,600,000.00

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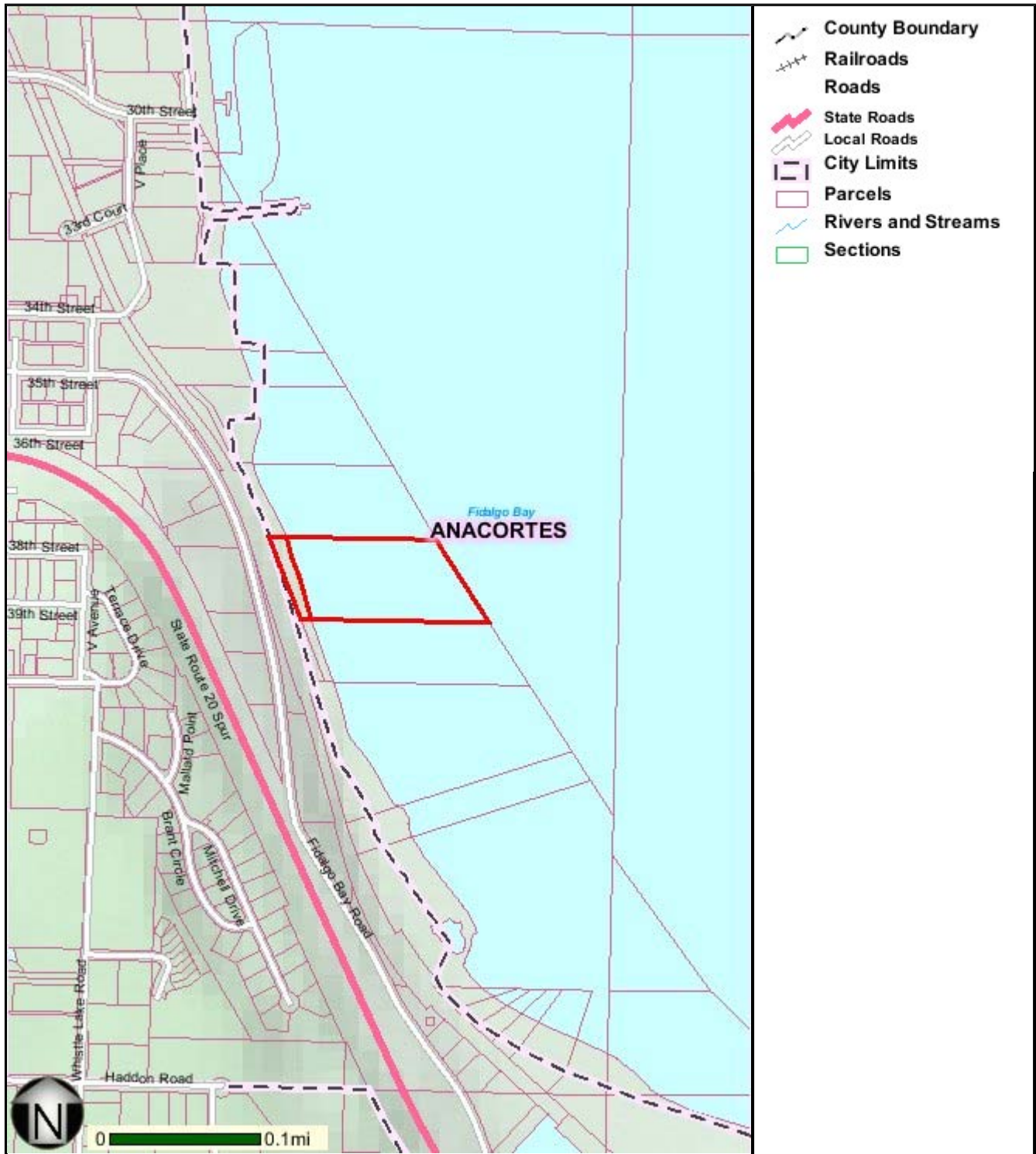
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Skagit County GIS Map (Parcel 33209)



Skagit County iMap

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Map Scale:

1 inch = 753 Feet
(1 inch = 0.1 Miles)



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Improvements	Land Segments	Account History	Sales History	Tax Statement	Permits	Print Version
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Parcel Number	XrefID	Quarter	Section	Township	Range
P33209	350230-0-221-0004	00	30	35	02
Zoom to this Parcel on iMap		View Assessor Parcel Map of this section: (PDF) (DWF)			

Owner Information	Site Addresses
G B H INVESTMENTS LLC	
5005 S 9TH EAST	
Idaho Falls, Id 83404	

2008 Value Breakdown		2008 Property Tax Summary	
Building Market Value	\$0.00	2008 Taxable Value	\$145,700.00
Land Market Value	\$145,700.00	General Taxes	\$1,090.67
Total Market Value	\$145,700.00	Special Assessments	\$0.00
Assessed Value	\$145,700.00	Total Taxes	\$1,090.67
Taxable Value	\$145,700.00		
View Value History		View Tax Statement	

Legal Description [Abbreviation Definitions](#)
TAX 18 & 18A BEG 402.83FT SELY FR PT BT WTRS 8 & 9 PL 11 TH SLY ALG MEAN LI 402. 83FT TH ELY PLW N LI TR 10 TO INNER HAR -BOR LI TH NWLY ALG SD LI TAP E OF TPB BEING PTN TR 9 & N 350.66FT OF TR 10 PL 11

Levy Code	Neighborhood			
0900	MFG. - ACREAGES; COMMERCIAL IMPROVEMENT			
City District	School District	Fire District	Utilities	
ANACORTES	SD103			
Year Built	Acres	Living Area	Number Of Rooms	Bdrms
	6.69			
Construction Style	Foundation	Exterior Walls	Roof Covering	Roof Style
Interior Finish	Floor Covering	Floor Construction	Plumbing	
Appliances	Heat-AirCond		Fireplace	

Sale Deed Type	Sale Date	Sale Price
REAL ESTATE CONTRACT	12/12/2007	\$1,600,000.00
View Sales History		

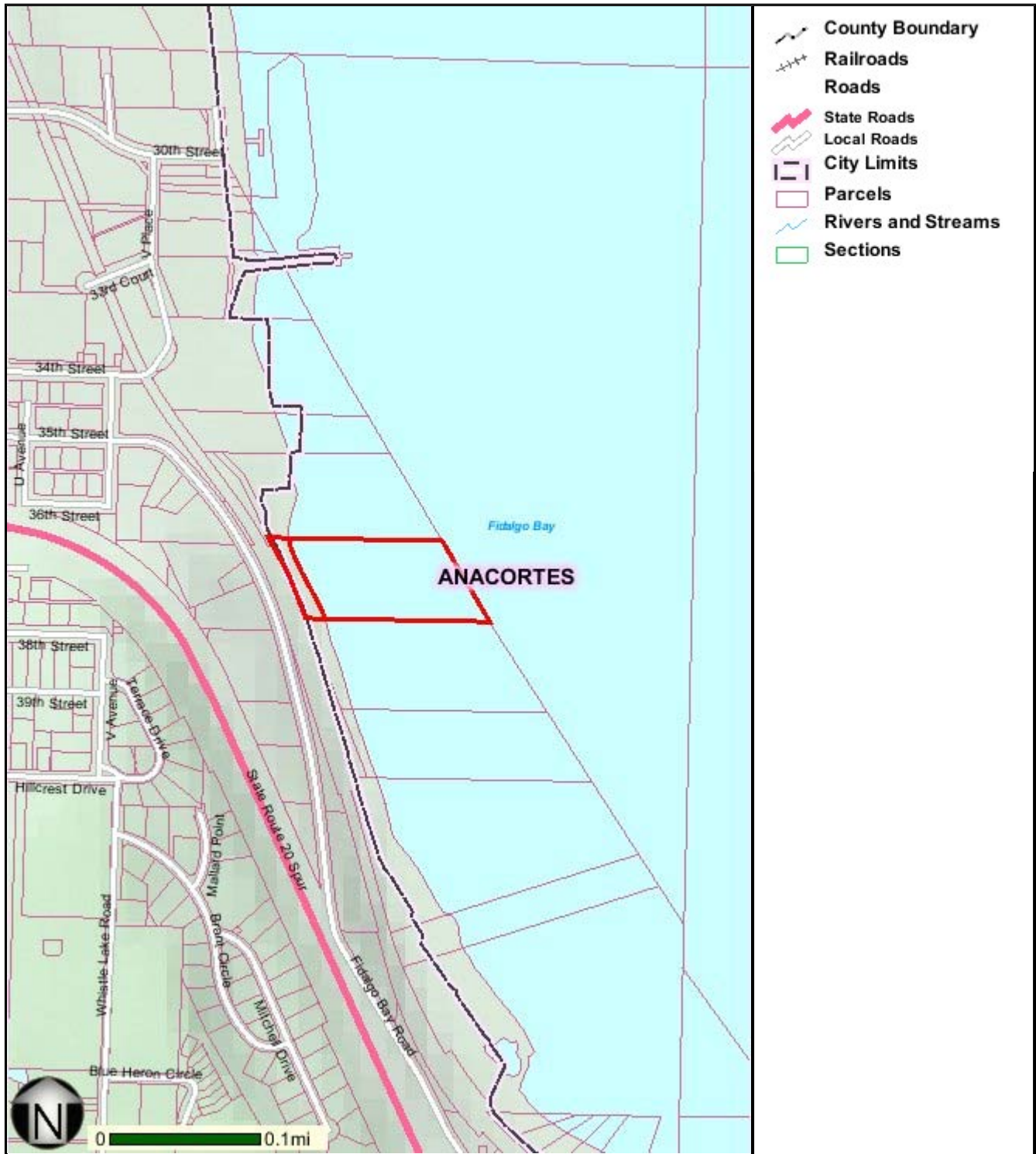
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Skagit County GIS Map (Parcel 33210)



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(1 inch = 0.1 Miles)



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Assessor: Mark Leander

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Improvements	Land Segments	Account History	Sales History	Tax Statement	Permits	Print Version
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Parcel Number	XrefID	Quarter	Section	Township	Range
P33210	350230-0-222-0003	00	30	35	02
Zoom to this Parcel on iMap		View Assessor Parcel Map of this section: (PDF) (DWF)			

Owner Information	Site Addresses
G B H INVESTMENTS LLC	
5005 S 9TH EAST	
Idaho Falls, Id 83404	

2008 Value Breakdown		2008 Property Tax Summary	
Building Market Value	\$.00	2008 Taxable Value	\$145,900.00
Land Market Value	\$145,900.00	General Taxes	\$1,092.16
Total Market Value	\$145,900.00	Special Assessments	\$.00
Assessed Value	\$145,900.00	Total Taxes	\$1,092.16
Taxable Value	\$145,900.00		
View Value History		View Tax Statement	

Legal Description [Abbreviation Definitions](#)
ANACORTES TIDE LANDS TAX 19 BAT PT BTW TRS 8 & 9 PL 11 TH SE LY ALG MEAN LI 402.83FT TH E PLW N LI T R9 TO INNER HARBOR LI TH NWLY ALG SD LI TO N LI TR 9 TH W TPB BEING PTN TR 9 PL 11

Levy Code	Neighborhood			
0900	INDUSTRIAL BLDG			
City District	School District	Fire District	Utilities	
ANACORTES	SD103			
Year Built	Acres	Living Area	Number Of Rooms	Bdrms
	6.7			
Construction Style	Foundation	Exterior Walls	Roof Covering	Roof Style
Interior Finish	Floor Covering	Floor Construction	Plumbing	
Appliances	Heat-AirCond		Fireplace	

Sale Deed Type	Sale Date	Sale Price
REAL ESTATE CONTRACT	12/12/2007	\$1,600,000.00
View Sales History		

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EXHIBIT B
ECOLOGY POLICY 840 –
DATA SUBMITTAL REQUIREMENTS



Toxics Cleanup Program Policy

Policy 840

Resource Contact: Policy and Technical Support Staff *Effective:* August 1, 2005

References: WAC 173-340-840(5) *Revised:* September 9, 2005

<http://www.ecy.wa.gov/eim/>

<http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm>

<http://www.ecy.wa.gov/biblio/0309043.html>

Replaces: Procedure 840

Policy 840: Data Submittal Requirements

Purpose: Contaminated site investigations and cleanups generate a large volume of environmental monitoring data that need to be properly managed to facilitate regulatory decisions and access to this data by site owners, consultants, and the general public. The purpose of this policy is to describe the requirements for submitting environmental monitoring data generated/collected during the investigation and cleanup of contaminated sites under the Model Toxics Control Act (MTCA) and the Sediment Management Standards.

Application: This policy applies to Ecology staff, potentially liable parties, prospective purchasers, state and local agencies, and Ecology contractors that investigate or manage the cleanup of contaminated sites.

1. Unless Otherwise Specified by Ecology, all Environmental Monitoring Data Generated during Contaminated Site Investigations and Cleanups shall be Required to be Submitted to Ecology in both a Written and Electronic Format.

Environmental monitoring data include biological, chemical, physical, and radiological data generated during site investigations and cleanups under the Model Toxics Control Act Cleanup Regulation (WAC 173-340) and the Sediment Management Standards (WAC 173-204).

Data generated/collected during site investigations and cleanups conducted under an order, agreed order or consent decree, permit, grant, loan, contract, interagency agreement, memorandum of understanding or during an independent remedial action, are considered environmental monitoring data under this policy.

Data generated/collected for non site-specific studies, site hazard assessments that result in no further action and initial site investigations are not considered environmental monitoring data under this policy.

2. Orders, Agreed Orders, Consent Decrees, or Permits Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data be Submitted in Compliance with this Policy.

Reports on such work that do not include documentation that the data have been submitted in compliance with this policy shall be deemed incomplete and a notice of such provided to the

submitter. These reports generally should not be reviewed until that information is provided. The assistant attorney general assigned to the site should be consulted in these situations.

3. Reports on Independent Remedial Actions Submitted for Review After October 1, 2005, Under Ecology's Voluntary Cleanup Program Shall Not be Reviewed Until the Data Have Been Submitted in Compliance with this Policy.

Such reports shall be deemed incomplete, and a notice to this effect provided to the submitter.

4. Grants, Contracts, Interagency Agreements or Memoranda of Understanding Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data be Submitted in Compliance with this Policy.

Reports on such work shall not be accepted as complete until the data have been submitted in compliance with this policy. If a payment or transfer of funds is involved in the transaction, the relevant payment or transfer shall be withheld until this requirement has been met.

Example language to include in these documents is attached in Appendix A.

5. Data Generated During Upland Investigations and Cleanups Shall be Submitted Electronically Using Ecology's Environmental Information Management System (EIM).

EIM is Ecology's main database for environmental monitoring data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

Additional information on EIM, including instructions for data submittal, can be found on Ecology's EIM web site at <http://www.ecy.wa.gov/eim/>. TCP's EIM Coordinator also is available for technical assistance to site managers and consultants using EIM.

6. Data Submitted Electronically Using EIM Shall be Checked by the Toxics Cleanup Program's EIM Coordinator Prior to Loading the Data into EIM.

Normally, notice that data have been submitted through EIM will come to TCP's EIM Coordinator. Upon receipt of such a notice the EIM Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a notice of an EIM submittal, they should notify TCP's EIM Coordinator. Upon receipt of the data, TCP's EIM Coordinator reviews the submittal for quality control and officially loads the data into the system.

7. Data Generated During Sediment Investigations and Cleanups shall be Submitted Electronically Using Ecology's Sediment Quality Information System (SEDQUAL).

SEDQUAL is Ecology's data management system for sediment-related data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

8. Sediment Sampling Data Shall be Submitted to Ecology Using the SEDQUAL Data Entry Templates.

At a minimum, the following SEDQUAL data entry templates must be completed:

1. **Reference & Bibliography:** Describes lab reports and publications that relate to the data being entered;
2. **Survey:** Sample number;
3. **Station:** Specifies geographic location of the sediment sample. Sample latitude/longitude coordinates must be entered using the North American Datum of 1983 in U.S. Survey feet (NAD 83, U.S. feet);
4. **Sample:** Describes sample characteristics such as depth; and
5. **Sediment Chemistry:** Reports chemical concentration data in dry weight units.

The following additional templates must also be completed where these measurements/observations have been made:

1. **Bioassay:** Bioassay test results;
2. **Bioassay Control:** Bioassay control test results;
3. **Benthic Infauna:** Species abundance & diversity;
4. **Tissue:** Describes the organism collected;
5. **Bioaccumulation:** Reports tissue chemical concentrations; and
6. **Histopathology:** Reports tissue pathology such as tumors or lesions.

9. Electronic Data Formats Shall be Verified to be Compatible with SEDQUAL Prior to Submittal.

Because SEDQUAL uses ASCII protocol and comma delimited text files, data format verification shall be conducted prior to submittal to Ecology. Data shall be verified by downloading the SEDQUAL database, importing the data into the database, correcting errors, and then exporting the corrected templates.

For additional information on sediment sampling and analysis plan requirements, see Ecology publication 03-09-043 "Sediment Sampling and Analysis Plan Appendix", April, 2003. A copy of this document can be obtained from Ecology's publication office or downloaded from the following web site: <http://www.ecy.wa.gov/biblio/0309043.html>

Additional information on SEDQUAL can be found at:

<http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm>. ICP's SEDQUAL Coordinator is also available for technical assistance to site managers and consultants using SEDQUAL.

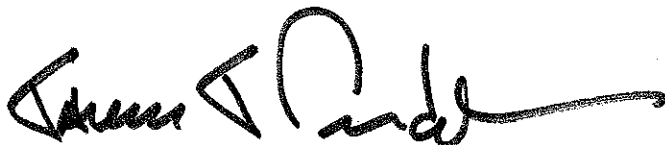
10. Sediment Sampling Data Shall Also be Submitted to Ecology in a Printed Report.

Printed reports shall present the data in both dry weight and total organic carbon normalized units in data tables that compare the results to applicable state regulatory criteria.

11. Data Submitted Electronically Using SEDQUAL Shall be Checked by the Toxics Cleanup Program's SEDQUAL Coordinator Prior to Loading the Data into SEDQUAL.

Normally, SEDQUAL data submittals will come to TCP's SEDQUAL Coordinator. Upon receipt of a submittal, the Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a SEDQUAL submittal, they should notify TCP's SEDQUAL Coordinator. Upon receipt of the data, TCP's SEDQUAL Coordinator reviews the submittal for quality control and officially loads the data into the system.

Approved



James J. Pendowski, Program Manager
Toxics Cleanup Program

Policy Disclaimer: This policy is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this policy depending on site-specific circumstances, or modify or withdraw this policy at any time.

APPENDIX A: MODEL GRANT AND PERMIT CONDITION

The following condition is to be inserted in permits, grants, loans, contracts, interagency agreements, memorandum of understandings where site-specific environmental monitoring data is expected to be generated:

All sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840: Data Submittal Requirements. Electronic submittal of data is not required for site hazard assessments that result in no further action and initial site investigations. (FOR GRANTS & CONTRACTS ADD: Failure to properly submit sampling data will result in Ecology withholding payment and could jeopardize future grant funding)

EXHIBIT C:
PUBLIC PARTICIPATION PLAN

Site Cleanup:

CUSTOM PLYWOOD MILL SITE

35th Street and V Avenue
Anacortes, Washington

DRAFT PUBLIC PARTICIPATION PLAN

Prepared by:

Washington State Department of Ecology



WASHINGTON STATE
DEPARTMENT OF
E C O L O G Y

November 2007

This plan is for you!

This public participation plan is prepared for the Custom Plywood Mill site cleanup as part of the requirements of the Model Toxics Control Act (MTCA). The plan provides information about MTCA cleanup actions and requirements for public involvement, and identifies how Ecology and will support public involvement throughout G B H Investments, LLC the cleanup. The plan is intended to encourage coordinated and effective public involvement tailored to the community's needs at Custom Plywood Mill.

For additional copies of this document, please contact:

Washington State Department of Ecology
Sandra Caldwell, Ecology Project Coordinator
Toxics Cleanup Program
PO Box 47600
Olympia, WA 98504-7600
(360) 407-7209
Email: saca461@ecy.wa.gov

If you need this publication in an alternate format, please call the Toxics Cleanup Program at (360) 407-7170. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341 (TTY).

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4.0: Public Participation Opportunities.....	5
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Appendix A: Fact Sheet for Agreed Order and Public Participation Plan	

1.0: Introduction and Overview of the Public Participation Plan

A site investigation and cleanup effort is about to begin at a waterfront contaminated site in Anacortes, Washington, called the Custom Plywood Mill site. As the cleanup process moves forward, this Public Participation Plan is intended to allow you to become involved, helping improve the health of your community. It describes public participation opportunities that will be conducted during the cleanup as part of a cooperative agreement between the Washington State Department of Ecology (Ecology) and G B H Investments, LLC (GBH), the site owner. This agreement, called an Agreed Order, is a legal document in which GBH and Ecology agree on remedial actions to be conducted by GBH at the Custom Plywood Mill site. The Custom Plywood Mill site is located at 35th Street and V Avenue, in Anacortes. These remedial actions, and the public participation process that helps guide them, are established in Washington's Model Toxics Control Act (MTCA).¹

Under MTCA, Ecology is responsible for providing timely information and meaningful chances for the public to learn about and comment on important cleanup decisions before they are made. The goals of the public participation process are:

- To promote understanding of the cleanup process so that the public has the necessary information to participate.
- To encourage involvement through a variety of public participation opportunities.

This Public Participation Plan provides a framework for open dialogue about the cleanup among community members, Ecology, cleanup site owners, and other interested parties. It outlines basic MTCA requirements for community involvement activities that will help ensure that this exchange of information takes place during the investigation and cleanup, which include:

- Notifying the public about available reports and studies about the site.
- Notifying the public about review and comment opportunities during specific phases of the cleanup investigation.
- Providing appropriate public participation opportunities such as fact sheets to learn about cleanup documents, and if community interest exists, holding meetings to solicit input and identify community concerns.
- Considering public comments received during public comment periods.

¹ The Model Toxics Control Act (MTCA) is the contaminated site cleanup law for the State of Washington. The full text of the law can be found in Revised Code of Washington (RCW), Chapter 70.105D. The legal requirements and criteria for public notice and participation during MTCA cleanup investigations can be found in Washington Administrative Code (WAC), Section 173-340-600.

In addition to these basic requirements, the plan may include additional site-specific activities to meet the needs of your community. Based upon the type of the proposed cleanup action, the level of public concern, and the risks posed by the site, Ecology may decide that more public involvement opportunities are appropriate.

These opportunities form the basis for the public participation process. The intent of this plan is to:

- Provide complete and current information to all interested parties.
- Let you know when there are opportunities to provide input.
- Listen to concerns.
- Address those concerns.

Part of the Puget Sound Initiative

Custom Plywood Mill is one of a number of sites in the Anacortes area and is part of a larger cleanup effort called the Puget Sound Initiative (PSI). Governor Chris Gregoire and the Washington State Legislature authorized the PSI as a regional approach to protect and restore Puget Sound. The PSI includes cleaning up 50-60 contaminated sites within one-half mile of the Sound. These sites are grouped in several bays around the Sound for “baywide” cleanup efforts. As other sites in the Anacortes baywide area move forward into investigation and cleanup, information about them will be provided to the community as well as to interested people and groups.

Roles and Responsibilities

Ecology will lead public involvement activities, with support from GBH. Ecology maintains overall responsibility and approval authority for the activities outlined in this plan. Both Ecology and GBH are responsible for cleanup at this site. GBH will conduct, and Ecology will oversee, all remedial activities. Ecology will ultimately ensure that contamination on this site is reduced to concentrations that are established in state regulations and that protect human health and the environment, known as cleanup levels.

Organization of this Public Participation Plan

The sections that follow in this plan provide:

- Section 2: Background information about the Custom Plywood Mill site.
- Section 3: An overview of the local community that this plan is intended to engage.
- Section 4: Public involvement opportunities in this cleanup.

This Public Participation Plan addresses current conditions at the site, but it is intended to be a dynamic working document that will be reviewed at each phase of the cleanup, and

updated as needed. Ecology and GBH urge the public to become involved in the cleanup process.

2.0: Site Background

Site Description and Location

The Custom Plywood Mill site is located at 35th Street and V Avenue in Anacortes, Skagit County, Washington (see Figure 1). It is currently vacant property, approximately 35 acres in size, with some abandoned buildings and debris. It is bounded on the east by Fidalgo Bay, on the west and southwest by the Tommy Thompson hiking trail, on the north and south by undeveloped land, on the northwest by V Place Road.



Figure 1: The Custom Plywood Mill site is shown in the above map, located at 35th Street and V Avenue, in Anacortes, WA.

General Site History and Contaminants

A sawmill and wood-box factory, and then a plywood mill, operated on the Custom Plywood Mill site for almost a century. Site features included a hog-fuel boiler, drum storage tank area, transformer yard, above-ground storage tanks containing fuel oil, gasoline, diesel and/or propane, phenolic formaldehyde resin and caustic storage tanks (both used to make plywood glue), a machine shop, a metal shop, and an area for spraying paint and oil. Contaminants from these operations may be present in site soil, sediments, and water.

Investigations on the site in 1995 and 1997 found the following contaminants at concentrations above MTCA cleanup levels in soil:

- Gasoline and oil
- PCBs
- Metals (arsenic, cadmium, chromium, and lead)

Contamination has also been detected in marine sediments and groundwater.

Further investigation will be done to fully characterize the contamination at the Custom Plywood Mill site.

The Cleanup Process

Washington State's cleanup process and key chances for you to provide input are outlined in Figure 2. The general cleanup process includes the following steps:

- Remedial investigation (RI) - investigates the site for types, locations, and amounts of contaminants.
- Feasibility study (FS) - identifies cleanup options for those contaminants.
- Cleanup Action plan (CAP) – selects the preferred cleanup option and explains how cleanup will be conducted.

Each of these steps will be documented in reports and plans that will be available for public review. Public comment periods of at least 30 calendar days are usually conducted for the following documents:

- Agreed Order and draft Public Participation Plan
- RI report
- FS report
- Draft CAP

These cleanup steps and documents are described in greater detail in the following subsections.

Interim Actions

Interim actions may be conducted during the cleanup if required by Ecology. An interim action partially addresses the cleanup of a site, and may be required if:

- It is technically necessary to reduce a significant threat to human health or the environment.
- It corrects a problem that may become substantially worse or cost substantially more to fix if delayed.
- It is needed to complete another cleanup activity, such as design of a cleanup plan.

Interim actions are not currently anticipated on the Custom Plywood Mill site.

Remedial Investigation/Feasibility Study Report

GBH and Ecology have agreed to conduct an RI on the site. The RI determines which contaminants are on the site, where they are located, and whether there is a significant threat to human health or the environment. The RI report provides baseline data about environmental conditions that will be used to develop cleanup options. The FS report then identifies and evaluates cleanup options, in preparation for the next step in the process.

The RI and FS processes typically include several phases:

- Scoping
- Site characterization
- Development and screening of cleanup alternatives
- Treatability investigations (if necessary to support decisions)
- Detailed analysis

The RI and FS reports are expected to be combined into a Custom Plywood Mill RI/FS report. The report will be made available for public review and comment upon completion. Public participation will continue to be invited as the site moves into construction of a selected cleanup remedy; this plan will be updated at that time.

Cleanup Action Plan

GBH and Ecology have agreed to develop a draft CAP for the site. After public comment on the RI/FS report, a preferred cleanup alternative will be selected. The draft CAP will explain the cleanup standards that will be applied at the site, select the preferred cleanup alternative(s), and outline the work to be performed during the actual site remediation. The draft CAP may also evaluate the completeness and effectiveness of any interim actions that were performed on the site. The draft CAP will be available for public review and comment along with the RI/FS report. Once public comments are reviewed and any changes are made, Ecology will provide final approval and site cleanup can begin.

3.0: Community Profile

Community Profile

Anacortes is Skagit County's second largest city and its largest seaport. It is the principal city on Fidalgo Island. The current population is approximately 16,300 people (about 7,200 households) situated within about 12 square miles. Located on Fidalgo Bay, Anacortes has 12.5 miles of saltwater shoreline, giving rise to three Port of Anacortes marine terminals, a shipyard, several yacht and mid-size boat building and sales operations, and four private marinas. Four freshwater lakes and 3300 acres of city-owned forestland and parks create a rural feeling, but the City also has modern educational and health care facilities. The city's 2006 labor workforce was more than 7,000, predominantly employed in manufacturing, accommodations/food service, retail, and health care².

Key Community Concerns

An important part of the Public Participation Plan is to identify key community concerns for each cleanup site. The Custom Plywood Mill site is located along a well-used waterfront and near a residential area. The proximity of the community to the site is likely to raise concerns about how daily life and the future of the community will be affected during and after cleanup of the site.

Many factors may contribute to concerns, such as the amount of contamination, how the contamination will be cleaned up, or future use of the site. Community concerns often change over time, as new information is learned and questions are answered. Identifying site-specific community concerns at each stage of the cleanup process will be helpful to ensure that they are adequately addressed. On-going key community concerns will be identified for the Custom Plywood Mill site through public comments and other opportunities as outlined in Section 4.

² Anacortes Chamber of Commerce web site, *available at* <http://www.anacortes.org/pdf/AnacortesCommunityProfileMarch2007.pdf>; Accessed 11/12/07.

4.0: Public Participation Opportunities

Ecology and GBH invite you to share your comments and participate in the cleanup in your community. As we work to meet our goals, we will evaluate whether this public participation process is successful. This section describes the public participation opportunities for this site.

Measuring Success

We want this public participation process to succeed. Success can be measured, at least in part, in the following ways:

- Number of written comments submitted that reflect understanding of the cleanup process and the site.
- Direct, in-person feedback about the site cleanup or public participation processes, if public meetings are held.
- Periodic updates to this plan to reflect community concerns and responses.

If we are successful, this process will increase:

- Community awareness about plans for cleanup and opportunities for public involvement.
- Public participation throughout the cleanup.
- Community understanding regarding how their input will be considered in the decision-making process.

Activities and Information Sources

Ecology Contacts

Ecology is the lead contact for questions about the cleanup in your community. The Ecology staff identified in this section are familiar with the cleanup process and activities at the site. For more information about public involvement or about technical aspects of the cleanup, please contact:

For technical questions
or comments:

Hun Seak Park
Ecology Site Manager
WA State Dept. of Ecology
Toxics Cleanup Program
P.O. Box 47600
Olympia, WA 98504-7600
Phone: (360) 407-7189
E-mail: hparl461@ecy.wa.gov

For public involvement
questions or comments:

Sandra Caldwell
Ecology Project Coordinator
WA State Dept. of Ecology
Toxics Cleanup Program
P.O. Box 47600
Olympia, WA 98504-7600
Phone: (360) 407-7209
E-mail: saca461@ecy.wa.gov

Ecology's Webpage

Ecology has created a webpage to provide convenient access to information. Documents such as the Agreed Order, draft reports, and cleanup plans, are posted as they are issued during the investigation and cleanup process. Visitors to the webpage can find out about public comment periods and meetings; download, print, and read information; and submit comments via e-mail. The webpage also provides links to detailed information about the MTCA cleanup process. The Custom Plywood Mill site webpage is available at the following address: http://www.ecy.wa.gov/programs/tcp/sites/custom_ply/custom_ply_hp.htm

Information Centers/Document Repositories

The most comprehensive source of information about the Custom Plywood Mill site is the information center, or document repository. Two repositories provide access to the complete list of site-related documents. All Custom Plywood Mill investigation and cleanup activity reports will be kept in print at those two locations and will be available for your review. They can also be requested on compact disk (CD). Document repositories are updated before public comment periods to include the relevant documents for review. Documents remain at the repositories throughout the investigation and cleanup. For the Custom Plywood Mill site, the document repositories and their hours are:

- **Anacortes Public Library**
1220 10th Street
Phone: (360) 293-1910
Hours: Mon.-Thurs. 11 a.m.-8 p.m., Fri. 11 a.m.-5 p.m., Sat.-Sun. noon-5 p.m.
- **WA Department of Ecology Headquarters**
300 Desmond Dr.
Lacey, WA 98503
By appointment. Please contact Carol Dorn at (360) 407-7224 or cesg461@ecy.wa.gov.

Public Comment Periods

Public comment periods provide opportunities for you to review and comment on major documents, such as the Agreed Order, draft Public Participation Plan, draft RI/FS report, and the draft CAP. The typical public comment period is 30 calendar days.

Notice of Public Comment Periods

Notices for each public comment period will be provided by local newspaper and by mail. These notices indicate the timeframe and subject of the comment period, and explain how you can submit your comments. For the Custom Plywood Mill site, newspaper notices will be posted in The Anacortes American.

Notices are also sent by regular mail to the local community and interested parties. The community typically includes all residential and business addresses within one-quarter mile of the site, as well as potentially interested parties such as public health entities, environmental groups, and business associations.

Fact Sheets

One common format for public comment notification is the fact sheet. Like the newspaper notice, fact sheets explain the timeframe and purpose of the comment period, but also provide background and a summary of the document under review. One fact sheet has been prepared for the Custom Plywood Mill site. It explains the Agreed Order and this Public Participation Plan (See Appendix A). Future fact sheets will be prepared at key milestones in the cleanup process.

MTCA Site Register

Ecology produces an electronic newsletter called the MTCA Site Register. This semi-monthly publication provides updates of the cleanup activities occurring throughout the state, including public meeting dates, public comment periods, and cleanup-related reports. Individuals who would like to receive the MTCA Site Register can sign up three ways:

- Call (360) 407-6069
- Send an email request to ltho461@ecy.wa.gov
- Register on-line at
http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html

Mailing Lists

Ecology maintains both an e-mail and regular mail distribution list throughout the cleanup process. The list is created from carrier route delineations for addresses within one-quarter mile of the site, potentially interested parties, public meeting sign-in sheets, and requests made in person, or by regular mail or e-mail. You may request to be on the mailing list by contacting Ecology's public involvement staff person listed earlier in this section.

Optional Public Meetings

A public meeting will be held during a comment period if requested by ten or more people, or if Ecology decides it would be useful. Public meetings provide additional opportunities to learn about the investigation or cleanup, and to enhance informed comment. If you are interested in a public meeting about the Custom Plywood Mill site, please contact the Ecology staff listed earlier in this section.

Submitting Comments

You may submit comments by regular mail or e-mail during public comment periods to the Ecology Project Manager and technical staff person listed earlier in this section.

Response to Comments

Ecology will review all comments submitted during public comment periods, and will modify documents as necessary. You will receive notice by regular mail or e-mail that Ecology has received your comments, along with a general explanation about how the comments were addressed, and where the revised document can be found.

Other

Ecology and GBH are committed to the public participation process and will consider additional means for delivering information and receiving comments.

Notification to Neighborhood Organizations

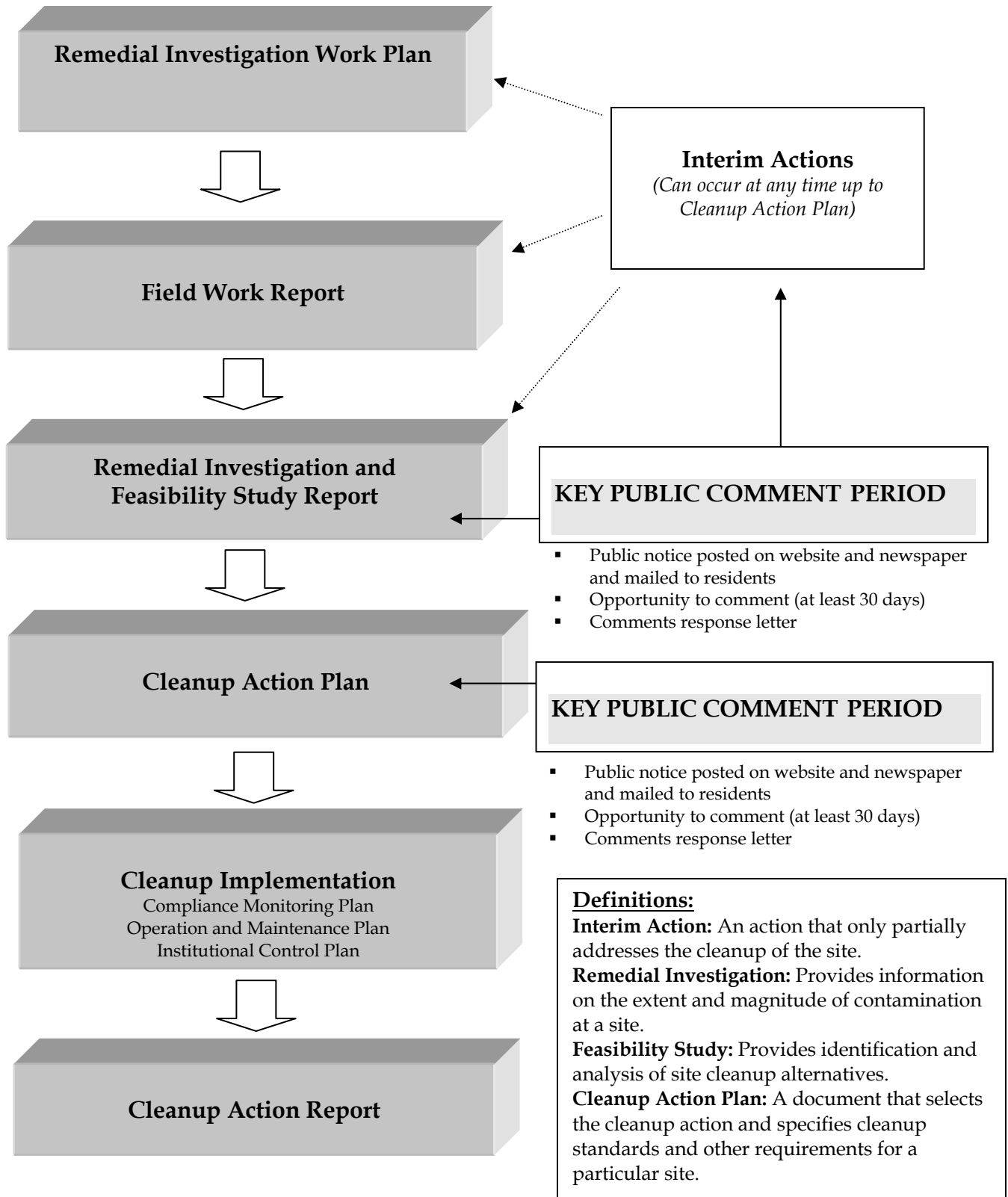
In addition to notification about cleanup activities, special notification to the community is triggered if GBH chooses to take land use actions. Local neighborhood organizations will be notified by telephone or by e-mail within one week of occurrence or confirmation of the following:

- Notification of the intent to transfer properties;
- Notification of public comment periods for development actions that will trigger State Environmental Policy Act (SEPA) and permitting requirements. All major documents will be submitted to the official document repositories; and
- Notification and stop work for any activities performed on the site that are not allowable under a restrictive covenant for the site.

Public Participation Grants

You are eligible to apply for a Public Participation Grant from Ecology to provide additional public participation activities. Those additional activities will not reduce the scope of the activities defined by this plan. Activities conducted under this plan would coordinate with the additional activities defined under the grant.

Figure 2: Washington State Cleanup Process



Glossary

Cleanup: The implementation of a cleanup action or interim action.

Cleanup Action: Any remedial action except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup levels; utilizes permanent solutions to the maximum extent practicable; and includes adequate monitoring to ensure the effectiveness of the cleanup action.

Cleanup Action Plan: A document that selects the cleanup action and specifies cleanup standards and other requirements for a particular site. The cleanup action plan, which follows the remedial investigation/feasibility study report, is subject to a public comment period. After completion of a comment period on the cleanup action plan, Ecology finalizes the cleanup action plan.

Cleanup Level: The concentration (or amount) of a hazardous substance in soil, water, air, or sediment that protects human health and the environment under specified exposure conditions. Cleanup levels are part of a uniform standard established in state regulations, such as MTCA.

Cleanup Process: The process for identifying, investigating, and cleaning up hazardous waste sites.

Contaminant: Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

Feasibility Study: Provides identification and analysis of site cleanup alternatives and is usually completed within a year. The entire Remedial Investigation/Feasibility Study process takes about two years and is followed by the cleanup action plan. Remedial action evaluating sufficient site information to enable the selection of a cleanup action plan.

Hazardous Site List: A list of ranked sites that require further remedial action. These sites are published in the Site Register.

Interim Action: Any remedial action that partially addresses the cleanup of a site. It is an action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility; an action that corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed; an action needed to provide for completion of a site hazard assessment, state remedial investigation/feasibility study, or design of a cleanup action.

Model Toxics Control Act: Refers to RCW 70.105D. Voters approved it in November 1988. The implementing regulation is WAC 173-340 and was amended in 2001.

Public Notice: At a minimum, adequate notice mailed to all persons who have made a timely request of Ecology and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and the opportunity for interested persons to comment.

Public Participation Plan: A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

Release: Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

Remedial Action: Any action to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance, and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

Remedial Investigation: Any remedial action that provides information on the extent and magnitude of contamination at a site. This usually takes 12 to 18 months and is followed by the feasibility study. The purpose of the Remedial Investigation/Feasibility Study is to collect and develop sufficient site information to enable the selection of a cleanup action.

EXHIBIT D:
WORK SCHEDULE

EXHIBIT D SCHEDULE

- **Perform Site Preparation** – Site preparation activities are to be completed by late spring/early summer of 2008, prior to RI sampling.
- **Draft RI/FS Work Plan** – The draft RI/FS Work Plan shall be due on February 20, 2008.
- **Final RI/FS Work Plan** – The final RI/FS Work Plan shall be due on May 16, 2008, which is 86 calendar days after submittal of the draft work plan. This includes 30 days for Ecology to review the draft RI/FS Work Plan, and 21 days for Ecology to review the draft final RI/FS Work Plan.
- **RI/FS Study**
 - **Phase 1 RI/FS Study** – Begin Late Spring/Early Summer 2008.
 - **Phase 1 Field Investigation Results** – The Phase 1 field investigation results (as discussed previously under the RI Approach) should be provided to Ecology 45 calendar days after the receipt of all Phase 1 RI/FS analytical data.
 - **Phase 2 RI/FS Study** – Fall 2008.
- **Draft RI/FS Report** – The draft RI/FS report shall be due 100 calendar days after receipt of all analytical data collected during the RI/FS study.
- **Final RI/FS Report** – The final RI/FS report shall be due 115 days after submittal of the draft RI/FS report. This includes 30 days for Ecology to review the Draft RI/FS report, 21 days for Ecology to review the draft Final RI/FS report, and 30 days for a public comment period.
- **Draft Cleanup Action Plan (CAP)** – The draft CAP is due 45 days after finalization of the RI/FS Report.

**ATTACHMENT A:
HISTORICAL RELEASES AND
SITE INVESTIGATIONS**

ATTACHMENT A

Historical Releases & Site Investigations

Historical Releases -- The following is a summary of historical releases as reported in documents in Ecology's files.

- National Pollutant Discharge Elimination System (NPDES) 1974 Application
 - Outfall 001 – Discharged 32,000 gallons of plywood dryer discharge water (once per week). Water was sprayed on the dryer doors and rolls. Compounds in the water included: phosphorous, sodium, oil and grease and phenols. The discharge went into Fidalgo Bay in the vicinity of where the existing building foundation is currently located in the intertidal area.
 - Another discharge contained boiler heat exchanger cooling water.
- January 25, 1979 Ecology Memorandum – Other sources of water from the plywood mill include boiler blowdown which was discharged to a drainfield, and water condensate from the plywood dryer which was sent to the boilers for preheating purposes.
- March 14, 1988 Letter From Anacortes Plywood, Inc. – A cracked hydraulic line under and behind Press Pit Number 2 resulted in a release.
- April 5, 1989 Ecology Memorandum – Approximately 60 gallons of light lubricating oils had been dumped at the north end of the mill yard where hog fuels and veneer were stored. Also, several five gallon containers full and overflowing with glue were noted in the area where laminating glue was offloaded from tank trucks at the south end of the mill complex.

- October 10, 1989 Ecology Inspection Report
 - An Ecology inspection found problems with the glue wastewater and dried resin solids from the raw material holding tank. There was a stain on the ground coming from the containment around the glue machine wash water holding tank.
 - Ecology noticed that solids that are cleaned out of the raw phenolic resin glue tank were removed from the tank and some were left outside the building. Rain dissolved some of the chunks resulting in purple puddles.
 - There were multiple discharge points for the non-contact cooling water. Some were from the boiler area that discharged across the ground and into the bay, while other points in the plant discharged wherever the machinery was located, usually to the intertidal area.
- November 27, 1989 Ecology Notice of Violation – Custom Plywood, Inc. discharged phenolic formaldehyde resin glue wastewater into the waters of Fidalgo Bay.
- September 26, 1990 Ecology Inspection Report – Several of the press pits were observed to be discharging cooling water directly to the tidal flats.
- March 24, 1992 Ecology Inspection Report – Caustic spills on the floor were observed being washed away by the boiler blowdown and into the bay.
- Ecology Environmental Response Team (ERT) November 30, 1992 Report – A caller stated that there was a fire at the Custom Plywood Mill Site and noticed oil pools under the main building where machinery had leaked through over the years. The caller described it as deep pools of heavy oil.
- Ecology Environmental Response Team (ERT) June 10, 1993 Report – Ecology received a call indicating that contractors working at the Custom Plywood Mill Site

were dumping chemicals onto the ground including the oil out of old electrical transformers.

- December 9, 1994 Site Visit – Soils in the vicinity of the former presses were noted to be very oily in places.

Previous Investigations -- The following are summaries of investigations previously conducted as documented in Ecology's files.

A. **1993 John A. Pinner and Associates Investigation** – In 1993, John A. Pinner and Associates collected samples at the Custom Plywood Mill Site for the site owner. A total of two water samples and one soil sample were collected. The soil sample (Sample #1) was collected from the immediate area of hydraulic press #3 and was analyzed for heavy metals, heavy oil, phenolic compounds, and polynuclear aromatic hydrocarbons (PAHs). The first water sample (Sample #2) was collected from the press pit area and was analyzed for heavy oil. The second water sample (Sample #3) was collected 50 feet south of the sander and was analyzed for heavy oil. Results for soil Sample #1 indicated the presence of heavy oils (4,200 mg/kg) and several metals including lead (48 mg/kg), chromium (7.1 mg/kg), copper (120 mg/kg), and zinc (750 mg/kg). The water samples #2 and #3 revealed the presence of heavy oil (380 ug/L and 80 ug/L, respectively). The description above was taken from the 2000 U.S. Environmental Protection Agency (EPA) Preliminary Assessment/Site Inspection Report (see Item G below) as an original report was not found in the Ecology files.

B. **1995 Enviros, Inc Phase I and II Investigations** – Enviros, Inc. conducted a Phase I and Limited Phase II Environmental Site Assessment (ESA) of the Site in 1995. Concentrations of petroleum hydrocarbons exceeding MTCA A cleanup levels in the gasoline and heavy oil ranges were found in near-surface soils around the press pits and the compressor house in the central part of the site. Concentrations of metals including arsenic, cadmium,

chromium, and lead also exceeded MTCA A cleanup levels. Detected concentrations of PAHs were associated with the areas most highly impacted by the heavy oil. Polychlorinated biphenyls (PCBs), diesel-range hydrocarbons, formaldehyde, and phenols were analyzed but were not positively detected above their reporting limits.

C. **1995 Enviros, Inc. Sediment Sampling Investigation** – In September 1995, a preliminary characterization study of the sediment chemistry was conducted in the near shore area of the Site by Enviros, Inc. A total of 12 samples were collected in near shore areas and analyzed for base/neutral/acid compounds (BNAs; a.k.a. SVOCs), PAHs, PCBs, and metals. Analytes positively detected in sediment included PAHs, several phthalates, BNAs including dibenzofuran, hexachlorobutadiene, phenol, 4-methylphenol, benzoic acid, PCB Aroclor 1254, and metals. Total PCBs and Benzoic Acid were above Sediment Management Standards when TOC normalized. All but one sample had TOC values above the guidelines for normalizing, indicating high volumes of wood waste and requiring the use of non-normalized data (dry weight) for comparison.

D. **1996 HartCrowser Sediment Quality Assessment** – In 1996, HartCrowser completed a sediment quality assessment of Fidalgo Marina. Ten sediment samples were collected from a 41.4-acre area and analyzed for metals, PAHs, PCBs, limited semivolatile organic compounds (SVOCs), and phenols. Samples HC-SS-04 and HC-SS-05 were collected in front of the Custom Plywood Mill Site; samples HC-SS-01, HC-SS-02, and HC-SS-03 were collected south of the site; and the remaining samples were collected north of the site. Analytical results indicated that all sediment samples contained metals and resin acid concentrations above reporting limits, an indication of high wood debris. PAHs were detected in concentrations above reporting limits in all samples except HC-SS-01 and HC-SS-02. PCBs and SVOCs were not positively detected in any of the sediment samples. Phenols were detected in sample HC-SS-04. Several samples did not meet minimum detection limits for various benzenes, therefore by default exceed sediment management standards (WAC 173-204-320).

E. **May 1997 Woodward-Clyde Sampling Investigation** – Soil sampling was performed in May 1997 by Woodward-Clyde to investigate the presence of PCBs in the upland portion of the Site. This investigation was reportedly conducted at the direction of the EPA after transformers located on the south side of the Hardboard Plant had been removed from the site improperly. Sample locations were selected with assistance from Mike Burnett of the EPA. Results indicated that PCBs were present in the form of Aroclor 1254 near the boiler house and the compressor building above MTCA A cleanup levels, which were former locations of transformers at the time of the plant operation. Samples were also collected near the Hardboard Plant where the transformers were moved and stored after the 1992 fire. These sample results indicated the presence of PCBs, but at concentrations below MTCA Method A cleanup levels.

In addition to PCBs, this investigation characterized the contents of three of four ASTs located in the resin/caustic shed; one tank could not be opened. This resin/caustic shed is now located on the property owned by Ray Sizemore of Cimarron Trucking. Anacortes Plywood, Inc. sold the property in 1984 and Ray Sizemore purchased it in 1998. Laboratory results indicate the presence of formaldehyde in two of the resin tanks and a low concentration of phenols in one of the tanks. The sample taken from the sodium hydroxide tank (caustic tank) returned results indicating a low concentration of chromium (0.19 mg/kg) and 210,000 mg/kg of sodium. The pH for all samples from the tanks was below the Dangerous Waste criterion of 12.5.

E. **August 1997 Woodward-Clyde Sampling Investigation** – In August 1997, Woodward-Clyde conducted sampling of soils to delineate the extent of petroleum hydrocarbon impacted soils at the Site in the vicinity of the former Hardboard Plant and adjacent to V Place street. The purpose of this investigation was to determine the extent of petroleum hydrocarbon contamination in the area just east of the Hardboard Plant. This heavy oil contamination was related to a waste oil AST that was reported to be formerly located in this area and to the former discharge of oil from piping emanating from the Hardboard Plant. The results of this investigation indicated that the highest concentration of total petroleum hydrocarbons (TPH) as

diesel in the area immediately southeast of V Place Street was 82 mg/kg in soil sample ANA-TP9. This concentration is below the MTCA Method A cleanup level of 2,000 mg/kg.

High concentrations of TPH-diesel in soil (6,800 mg/kg) associated with Test Pit 1 (ANA-TP1) were identified on the northwest side of V Place street and adjacent to the Hardboard Plant. It is noted that extensive removal of contaminated soil adjacent to and along the northeast portion of the former Hardboard Plant was reportedly conducted in August 1998.

F. Woodward-Clyde October 1997 Site Investigation And Remedial Options Evaluation – An additional upland investigation was conducted in October 1997 by Woodward-Clyde to delineate the extent of petroleum-impacted soil and groundwater in the press pit area, potentially impacted soil in the vicinity of the resin/caustic shed and mixed glue tank, and quality of surface water contained in the press pits. Soil results revealed high concentrations of petroleum hydrocarbons (primarily as diesel and oil) and the presence of SVOCs (5 of which are PAHs). High concentrations of petroleum hydrocarbons (as gasoline, diesel, and oil) were identified in groundwater including the presence of 6 SVOCs (one of which is a PAH; phenanthrene). Surface water samples collected from Press Pits 2 and 3 revealed concentrations of petroleum hydrocarbons as diesel and oil.

A preliminary evaluation of remedial options was developed for the Site. Based on previous investigations at the Site, four areas of concern, where petroleum hydrocarbons were found in significant concentrations, were identified. In addition, there are several small areas where low concentrations of PCBs and metals were found. The areas of concern include TPH Areas #1 through #4, and PCB Areas #1 and #2. Based on the sampling and analysis of petroleum hydrocarbons at the Site and the evaluation of cleanup standards under the Interim TPH Policy, the preferred remedial alternative identified as part of the investigation was to excavate and remove soil above the water table in the areas of concern identified above. In addition, the interim action was to also include extracting the press pit water and cleaning the petroleum stained concrete walls in preparation for demolition.

G. July 2000 EPA Preliminary Assessment/Site Inspection (PA/SI) – In July 2000, the EPA conducted a PA/SI of the Custom Plywood Site under the Brownfields Targeted Site Assessment program. The PA/SI involved the collection of samples from potential sources containing hazardous substances and from targets potentially impacted through contaminant migration. A total of 79 samples, including background samples, were collected during the PA/SI. Samples were collected from Site soils, groundwater (using direct push methods), and from sediments in target areas. Samples were analyzed by commercial laboratories under subcontract to EPA and by EPA Contract Laboratory Program (CLP) laboratories. It is noted that TPH was not analyzed as part of the PA/SI due to EPA's Petroleum Exclusion Policy identified in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) sections 101 (14) and (33). The exclusion applies to petroleum, including crude oil or any fraction thereof. A summary of the sampling results is provided below.

Surface Soil (0 to 1 Foot Depth Interval)

Surface soil samples collected at the Site contained positive detections of organic chemicals including 33 SVOCs (10 of which were PAHs), 8 pesticides, several PCBs (Aroclor-1248, -1254, and -1260), 10 volatile organic compounds (VOCs), and 22 metals.

Subsurface Soil (Fill Material)

Subsurface soil samples collected at the Site and ranging in depths between 5 and 11.5 feet below ground surface (bgs) contained positive detections of organic chemicals including 21 SVOCs (15 of which were PAHs), dioxins and furans, 6 VOCs, and 22 metals.

Subsurface Soil (Native Material)

Subsurface soil samples collected at the Site and ranging in depths between 7.5 and 19 feet bgs contained positive detections of organic chemicals including 3 SVOCs (4-methylphenol, bis[2-ethylhexyl]phthalate, and naphthalene), 5 VOCs, and 21 metals.

On-Site Groundwater (Sampled Using Direct Push Methods)

Groundwater samples collected at the Site using direct push methods contained positive detections of 19 SVOCs (10 of which were PAHs), 2 VOCs (1,2-dichloroethane and methylene chloride), and 23 metals.

Near Shore Sediment Samples

Near Shore sediment samples contained positive detections of organic chemicals including 29 SVOCs (16 of which were PAHs), 1 pesticide (heptachlor epoxide), 1 PCB (Aroclor-1254), dioxins and furans, 2 VOCs (2-butanone and carbon disulfide), and 21 metals. Neither report text nor tables indicate TOC normalization for Sediment Management Standards comparisons for SVOCs, making definitive assessment of exceedances difficult in these circumstances. Assuming no TOC normalization, several compound analyses did not meet method detection limits, including but not necessarily limited to 4-methylphenol and phenol, therefore by default these compounds exceed sediment management standards (WAC 173-204-320). Several metals including copper, lead, mercury, and zinc exceeded Sediment Quality Standards while cadmium was not measured. Total organic carbon content in several samples exceeded Puget Sound Reference background values by more than double, indicating high volumes of organic debris. No associated ammonia or sulfide data was collected.

H. 2003 Draft Engineering Evaluation/Cost Analysis And Cleanup Action Plan (EE/CA/CAP) – The Draft EE/CA/CAP, prepared by URS Consultants, provides a summary of earlier site characterization studies, and an evaluation of several remedial options for the identified potential contaminants of concern at the Site.

Five areas were identified for remediation due to exceedances of MTCA industrial cleanup levels that occurred in soil and/or groundwater (Attachment I, Figure 5-1). With the exception of one area (the area associated with the resin/caustic storage tank area), these areas are similar to the areas previously identified as part of the Woodward-Clyde October 1997 *Site Investigation And Remedial Options Evaluation* (see Item K above). The resin/caustic storage tank area (which was identified as being a TPH-impacted area) is located adjacent to the former

railroad right-of-way and is currently owned by Mr. Ray Sizemore of Cimarron Trucking. According to the EE/CA/CAP report, Mr. Sizemore and/or the City of Anacortes (which owns the former railroad right-of-way) were to excavate the impacted soil to an approximate depth of 3 feet, and dispose of the soil at an approved landfill. It was also indicated that Mr. Sizemore would decommission and remove the caustic and resin ASTs. These ASTs held up to 20,000 gallons of phenolic resin and caustic each month during operations. Ecology currently does not have documentation of the remediation activities that were to have taken place at the resin/caustic storage tank area.

Based on the previous sampling and analysis of petroleum hydrocarbons at the site and the evaluation of cleanup standards under MTCA, the preferred remedial alternative identified involved excavating soil above the water table in Areas 1, 2, and 5 identified on Figure 5-1 of Attachment I; and Areas 3 and 4 would be excavated to remove the elevated concentrations of inorganics and PCBs. All of the excavated soil would be disposed at a Subtitle D landfill.

The major work elements listed below were identified as part of the selected remedial strategy.

- Demolition of concrete structures and debris removal.
- Installation of a temporary sheet pile wall.
- Soil excavation and disposal.
- Free product (and limited groundwater) extraction and disposal.
- Backfilling excavations with clean fill.
- Construction of an armored shoreline in Area 1.
- Monitoring well installation and groundwater monitoring.
- Institutional controls.