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Department of Ecology
Industrial Section
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TO: Paul Skyllingstad
Department of Ecology - Industrial Section
P.O. Box 47706
Olympia, WA 98504-7706

DATE: 9/9/98

RE: Comments from Beazer East Inc.

WE ARE SENDING:

QUANTITY	DESCRIPTION
1	September 3, 1998 letter from Beazer East Inc to Stuart Triolo (Weyerhaeuser) related to Beazer review of Mill E/Koppers documents

For You:

USE

APPROVAL

REVIEW/COMMENT

INFORMATION

OTHER

Sent By:

REGULAR MAIL

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COMMENTS: we are forwarding these comments on to you directly, in light of timely discussion on the consent decree process.

CC: File MLEKOP1
Jane Patarcity
Joe Jackowski
Mark Schneider

BY: Stuart Triolo
Stuart Triolo

Beazer

BEAZER EAST, INC., ONE OXFORD CENTRE, SUITE 3000, PITTSBURGH, PA 15219

September 3, 1998

Mr. Stuart Triolo
Weyerhaeuser
101 East Marine View Drive
Everett, WA 98201

Re: Weyerhaeuser Everett Mill E -
Draft Consent Decree Mill E/Koppers
Site, Everett, Washington, revision
August 13, 1998

Cleanup Action Plan, Weyerhaeuser
Company, Everett Mill E/Koppers
Site, Everett, Washington,
August 12, 1998

Performance and Compliance
Monitoring Plan, Former Mill
E/Koppers Facility, Everett,
Washington

Dear Mr. Triolo:

The following are two general comments to the above documents on the specific subjects indicated.

Cleanup Action Plan.

Beazer has doubts regarding the applicability and cost estimate for the GSE Gundwall barrier system. Our experience at other sites indicate that installation will be problematic through the fill and mixed fill materials.

Performance and Compliance Monitoring Plan:

The proposed primary measure of performance for the vertical barrier wall is that the water level within the containment system will decrease and be in equilibrium with the lower sand aquifer. This is based on the assumption that the containment system, both cap and barrier wall will be completely impermeable. We believe that this assumption from a practical constructability perspective is unachievable. This is in no way meant to diminish the effectiveness of the proposed remedy. Beazer believes that an alternative monitoring program, such as constructing discrete monitoring

Post-it® Fax Note	7671	Date	9/3/98	# of pages	4
To	STUART TRIOLO	From	ANL GIARLA		
Co./Dept.		Co.			
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Mr. Stuart Triolo

September 3, 1998

Page 2

points on the exterior of the wall much like a secondary containment system, could prove to be less problematic in the future.

Set forth below are a number of specific, line-by-line comments to the Draft Consent Decree for the site.

- 1 On page 5, in section V. Statement of Facts, subsection A. Site Description, in the last full line, strike "always" and insert "for many years".
- 2 On page 13, in section VI. Work to be Performed, subsection C. Scope of Work, part 3., in the first line, delete "contaminated materials" and after "handling plan" insert "for materials impacted by IHSs".
- 3 On page 13, in section VI. Work to be Performed, subsection C. Scope of Work, part 3., in the second line, delete "contaminated materials" and after "handling plan" insert "for materials impacted by IHSs".
- 4 On page 13, in section VI. Work to be Performed, subsection C. Scope of Work, part 5., in the first line, delete "contaminated materials" and after "handling plan" insert "for materials impacted by IHSs".
- 5 On page 14, in section VI. Work to be Performed, subsection C. Scope of Work, part 8., on page 12, in the third line, delete "contaminants" and replace with "chemicals".
- 6 On page 17, in section X. Sampling, Data Reporting and Availability, insert "provided it does not interfere with Weyerhaeuser's sampling" in the tenth line after "Decree".
- 7 On page 17, in section X. Sampling, Data Reporting and Availability, in the last line, insert "seven (7) days" after "Weyerhaeuser Company" and before "prior".
- 8 On page 19, in section XIV. Resolution of Disputes, in subsection A. 1., delete "fourteen (14)" and insert "thirty (30)".
- 9 On page 20, in section XIV. Resolution of Disputes, in subsection A. 3., delete "fourteen (14)" and insert "twenty-one (21)".

Mr. Stuart Triolo

September 3, 1998


Page 3

- 10 On page 20, in section XIV. Resolution of Disputes, in subsection B., in the last full line, delete "arbitrary and capricious" and insert "against the weight of the scientific and other evidence."
- 11 On page 22, in section XVI. Extension of Schedule, in subsection B., delete "to the satisfaction of Ecology".
- 12 On page 22, in section XVI. Extension of Schedule, in subsection C., on the second line, after the work "except" insert "that Ecology may extend the schedule for more than 90 days".
- 13 On page 23, in section XVI. Extension of Schedule, after subsection 3., insert after "decision" (the last word in the paragraph) the following sentence: "Disagreement over a request for extension may be addressed through the dispute resolution procedures described in Section XIV of this decree."
- 14 On page 23, in section XVII. Endangerment, in the second paragraph, in the ninth line, delete "twenty-four (24) hours" and insert "two (2) days".
- 15 On page 24, in section XVIII. Other Actions, in the first paragraph, in the fourth line, after the word "authority" insert a comma.
- 16 On pages 26 and 27, in section XX. Compliance with Applicable Laws, subsections B. and C. are confusing. Subsection C refers to an exemption, but the exemption is never affirmatively stated in subsection B. The following sentence should be inserted at the end of the first paragraph of subsection B: "The procedural requirements of such laws and regulations are waived for the purposes of the remedial work under this Decree."
- 17 On page 27, in section XXI. Remedial and Investigative Costs, in the fourth and fifth lines, delete the words "investigations, remedial actions, and". Weyerhaeuser is to be doing that work under this Decree.
- 18 On page 27, in section XXI. Remedial and Investigative Costs, in the thirteenth line, before the word "quarterly" insert "and provided to Weyerhaeuser".

Mr. Stuart Triolo
September 3, 1998
Page 4

- 19 On page 27, in section XXI. Remedial and Investigative Costs, in the twelfth line, insert the following sentence after "quarterly.": "Adequate supporting documentation will be provided upon request."
- 20 On page 27, in section XXI. Remedial and Investigative Costs, in the twelfth line, before the sentence beginning "Failure..." insert the following sentence: "Weyerhaeuser shall have the right to audit and dispute Ecology costs."
- 21 On page 28, in section XXI. Remedial and Investigative Costs, after the last sentence, insert the following sentence: "Disagreement over Ecology costs may be addressed through the dispute resolution procedures described in Section XIV of this decree."
- 22 On page 28, in section XXII. Implementation of Remedial Action after the last sentence, insert the following sentence: "Disagreement over Ecology's determination that Weyerhaeuser has failed without good cause to implement the remedial action may be addressed through the dispute resolution procedures described in Section XIV of this decree."
- 23 On page 29, in section XXIII. Performance and Confirmational Monitoring, in the last full line, delete "contaminated" and insert "impacted".
- 24 On page 31, in section XXVII. Duration of Decree, in the fourth line, after the word "completed" and before the period, insert ", which decision and notification by Ecology will not be unreasonably withheld".

Please feel free to call me if you have any questions or comments concerning the above.

Yours very truly,

William F. Giarla

WFG:kem

cc: Jane Patarcity