

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF REMEDIAL)	
ACTION AT:)	AGREED ORDER
International Paper, Inc.)	No. 96HS-S437
10 International Way)	
Longview, WA 98632)	

BY: Mr. Richard D. Russell
 General Manager Pole and Piling
 International Paper, Inc.
 6600 LBJ Freeway
 P.O. Box 809024
 Dallas, TX 75240

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ATTACHMENTS

- Attachment 1: Map of facility
- Attachment 2: List of documents submitted by International Paper that satisfy the substantive requirements of WAC 173-340-350(6) for contents of a state remedial investigation/feasibility study
- Attachment 3: Table of contents for focused feasibility study
- Attachment 4: "Guidelines and Specifications for Preparing Quality Assurance Project Plans," Ecology Publication No. 91-16, May 1991

1 I. JURISDICTION

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

4 II. DEFINITIONS

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

7 Additional definitions are as follows:

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

13 2. Area of Concern (AOC) means any area of the facility, other than the 34 solid waste
14 management units (SWMUs) identified by the U.S. Environmental Protection Agency (EPA) in the 1991
15 Resource Conservation and Recovery Act (RCRA) Facility Assessment (RFA) report, where a release of
16 dangerous constituents (including dangerous waste and hazardous substances) has occurred, is occurring,
17 is suspected to have occurred, threatens to occur, or has come to be located.

18 3. Cleanup Action Plan (CAP) means the document issued by Ecology under WAC 173-
19 340-360 that selects facility-specific remedial measures and specifies cleanup standards (cleanup levels,
20 points of compliance, and other requirements for the remedial measures).

21 4. Cleanup Standards means the standards promulgated under RCW 70.105D.030(2)(d) and
22 include (1) hazardous substance concentrations (cleanup levels) that protect human health and the
23 environment, (2) the location at the facility where those cleanup levels must be attained (points of

1 compliance), and (3) additional regulatory requirements that apply to a cleanup because of the type of
2 action and/or the location of the facility.

3 5. Corrective Action means any activities including investigations, studies,
4 characterizations, and remedial measures, including actions taken pursuant to Chapter 70.105D RCW
5 and Chapter 173-340 WAC, undertaken in whole or in part to fulfill the requirements of WAC 173-303-
6 646.

7 6. Remedial Measure means any measure or action to control, prevent, or mitigate releases
8 and/or potential releases of hazardous substances (including dangerous waste and dangerous
9 constituents) reviewed and approved by Ecology for the facility and set forth in a facility-specific
10 Cleanup Action Plan (CAP) prepared in compliance with the requirements of Chapter 173-340 WAC,
11 including WAC 173-340-360. Remedial measures may include interim actions as defined by Chapter
12 173-340 WAC. Interim actions will not necessarily be set forth in a facility-specific CAP

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

17 8. Dangerous Waste means any solid waste designated in WAC 173-303-070 through 173-
18 303-100 as dangerous or extremely hazardous or mixed waste. Dangerous wastes are considered
19 hazardous substances under RCW 70.105D.020(7).

20 9. Dangerous Waste Constituent means any constituent listed in WAC 173-303-9905 and
21 any other constituent that has caused a waste to be a dangerous waste under Chapter 173-303 WAC.

1 10. Dangerous Waste Management Unit (DWMU) is a contiguous area of land on or in
2 which dangerous waste is placed, or the largest area in which there is a significant likelihood of mixing
3 dangerous waste constituents in the same area.

4 11. Facility means the property owned and controlled by International Paper located at 10
5 International Way, Longview, Washington, where dangerous constituents have been deposited, stored,
6 disposed of, or placed, or otherwise come to be located, and all property affected by releases or
7 threatened releases of dangerous constituents at and from these areas. (See Attachment 1 for facility
8 map.)

9 12. Feasibility Study (FS) and Focused Feasibility Study (FFS) mean the investigation and
10 evaluation of potential corrective measures performed in accordance with the FS requirements of WAC
11 173-340-350 and the Table of Contents for FFS (attachment Number 3 to this Order), and is to fulfill the
12 corrective action requirements of WAC 173-303-646.

13 13. Permit or Permitting Requirement, unless otherwise specified, means the requirements
14 of Chapter 173-303 WAC for applying for, obtaining, maintaining, modifying, and terminating facility
15 permits.

16 14. RCRA Facility Assessment (RFA) means the EPA-conducted investigation of releases
17 and potential releases at the facility and the information contained in the report entitled "RCRA
18 FACILITY ASSESSMENT, May, 1991" (1991 RFA Report). The 1991 RFA Report is incorporated into
19 this Order by this reference as if fully set forth herein.

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

1 barrels, containers, and other receptacles containing hazardous substances, including dangerous waste
2 and dangerous constituents.

3 16. Remedial Investigation (RI) means a facility-wide investigation and characterization
4 performed in accordance with the requirements of Chapter 173-340 WAC, and undertaken in whole or in
5 part to fulfill the corrective action requirements of WAC 173-303-646.

6 17. Solid Waste Management Unit (SWMU) means any discernible location at the facility
7 where solid wastes have been placed at any time, irrespective of whether the location was intended for
8 the management of solid or dangerous waste. Such locations include any area at the facility at which
9 solid wastes, including spills, have been routinely and systematically released and include regulated units
10 as defined by Chapter 173-303 WAC. This Order addresses all known SWMUs at the facility which are
11 enumerated in the 1991 RFA Report.

12 18. Treated Wood Products (IWP) Area means the site of the former wood treatment
13 facility at the southwestern corner of the International Paper facility, encompassing the retort building,
14 associated structures (e.g., tanks, sheds, wastewater treatment facilities), and the locations of the former
15 Ponds 1 and 2. The IWP area includes the following SWMUs previously identified by EPA in the 1991
16 RFA Report:

<u>SWMU Number</u>	<u>SWMU Name</u>
3	Infiltration Ditch
5	Boiler Blowdown Water Ditch
9	Retort Loadout Area
11	Storage Tank Off-load Area
12	Cylinder House Sumps and Basement
13	Creosote API Separator
14	Creosote API Separator

<u>SWMU Number</u>	<u>SWMU Name</u>
15	Recovery Tank
16	Recovery Tank
17	Penta API Separator
18	Nash Separator
19	Pipe from API Separator to Pond 1
20	Buried Pipe from Pond 1 to Pond 2
21	Pond 1
22	Pond 2
27	Storage Tanks
28	Work Tank Farm
31	Prill Shed

1 For the purposes of implementing the remediation described in this agreed order, all contiguous
2 areas associated with the TWP, including all the SWMUs identified above, will constitute one dangerous
3 waste management unit, thereby eliminating the need to comply with RCRA land ban requirements.

4 III. FINDINGS OF FACT

5 Ecology makes the following Findings of Fact without admission of such facts by International
6 Paper.

7 1. International Paper is and has been the owner and operator of the wood treating facility
8 since 1956.

9 2. International Paper owned and operated the Longview facility as a facility on or after
10 November 19, 1980, the date that subjects facilities to RCRA permitting requirements, including interim
11 status requirements pursuant to Section 3005 of RCRA and implementing regulations thereunder, and
12 including authorized state regulations promulgated in Chapter 173-303 WAC.

1 3. On October 22, 1980, International Paper notified EPA of its dangerous waste
2 management activities. In the notification, International Paper identified itself as managing the
3 following dangerous wastes at the Longview facility:

- 4 • F001 and F002 (spent halogenated solvents)
- 5 • F003 and F005 (spent non-halogenated solvents)
- 6 • U239 (xylene)
- 7 • K001 (bottom sediment sludges from wastewater treatment for wood preserving
8 processes using creosote and pentachlorophenol)

9 4. Pursuant to the October 22, 1980, notification, International Paper was issued
10 identification number WAD 010745917 by EPA.

11 5. On November 18, 1980, International Paper submitted Part A of the RCRA permit
12 application to EPA. On October 8, 1981, EPA notified International Paper that the facility had qualified
13 for interim status for the following waste types:

- 14 • K001 (bottom sediment sludges from wastewater treatment for wood preserving
15 processes using creosote and pentachlorophenol)
- 16 • F003 (non-halogenated solvents)
- 17 • U051 (creosote)
- 18 • U242 (warfarin)

19 The processes and design capacities were as follows:

<u>Process</u>	<u>Design Capacity</u>
D83 (Surface Impoundment)	300,000 gallons
S01 (Storage)	1,000 gallons

1 6. EPA prepared a RCRA Facility Assessment (RFA) dated May 1991 for the facility. The
2 purpose of the 1991 RFA Report was to identify SWMUs, characterize wastes managed at the SWMUs,
3 and to assess the potential for releases of dangerous waste constituents.

4 7. Pursuant to the 1991 RFA Report and other information, Ecology has identified the
5 following Solid Waste Management Units (SWMUs) and Areas of Concern (AOCs) which warrant
6 further investigation at the facility:

<u>SWMU Number</u>	<u>SWMU Name</u>
1	Perimeter Ditch
5	Boiler Blowdown
6	Site C
8	Drum Burial Area
9	Retort Loadout Area
10	Poleyard
11	Storage Tank Off-load Area
12	Cylinder House Sumps and Basement
13, 14, 15, 16, 17, and 18	Wastewater Treatment System
21 and 22	Ponds 1 and 2
28	Work Tank Farm
29	Elevated Diesel Fuel Tank
30	Solvent Tanks
31	Prill Shed
<u>AOC Number</u>	<u>AOC Description</u>
23	Flakeboard plant sump

1 8. Releases and/or potential releases of dangerous waste constituents including, but not
2 limited to, creosote and pentachlorophenol from SWMUs and AOCs at the facility are documented in the
3 1991 RFA Report and by the RCRA Part B Post-closure Permit Application dated January 1996.

4 9 Hazardous substances have been, and may continue to be released from the facility into
5 the environment including surface water drainage areas; groundwater beneath and beyond the facility;
6 air; human work areas; and floral and faunal habitats.

7 10. International Paper has submitted the following reports to Ecology:

- 8 • Letter report to Dave Bartus, EPA, regarding investigation and remediation at elevated
9 diesel tank area (SWMU 29); February 6, 1996.
- 10 • Letter report to Howard Steeley, Ecology, regarding investigations of drum burial area
11 (SWMU 8); September 6, 1996.
- 12 • Data Report, "Retort Loadout Area (SWMU 9) and Poleyard (SWMU 10);"
13 August 1996.
- 14 • Data Report, "Solvent Tank Area (SWMU 30);" August 1996.
- 15 • Data Report, "Perimeter Ditch (SWMU 1);" November 1996.

16 Ecology has conducted a preliminary review of the reports and data provided by International
17 Paper and has, on the basis of that preliminary data, made a tentative determination that no further action
18 is required at SWMU 29, SWMU 10, or SWMU 8. Final determination regarding the status of these
19 SWMUs will be made after the public participation requirements are satisfied under WAC 173-340-600.

20 11. International Paper plans to conduct an additional investigation of Site C (SWMU 6) and
21 has submitted a work plan and schedule (October 1996) to Ecology for this investigation.

22 12. Final determination regarding the status of the perimeter ditch will be made after the
23 public participation requirements are satisfied under WAC 173-340-600. Remediation of the perimeter
24 ditch may be dealt with under a separate order/decreed or independent action.

1 The first phase will use existing wells to recover NAPL from identified sources. The second phase will
2 be implemented as part of the final remedial action and will be described in the CAP.

3 3. Excavation and Disposal of Contaminated Soil: A work plan and schedule titled "Work
4 Plan for Soil Removal at SWMUs 9 and 30 and AOC 23" was prepared by International Paper and
5 submitted on October 25, 1996, for Ecology review, approval, and/or modification. The work plan
6 described the surficial excavation and off-site disposal of total petroleum hydrocarbon (TPH)
7 contaminated soil from SWMU 30 (solvent tank area), SWMU 9 (retort loadout area), and AOC 23
8 (Sump in Flakeboard Plant). Following excavation, according to the Ecology-approved work plan, soil
9 samples were collected from both excavations to demonstrate that MTCA Method C cleanup standards
10 had been achieved. The concrete sump was cleaned to a clean debris surface.

11 4. FFS and CAP for the Former TWP Area: In accordance with the schedule in the
12 approved work plan, International Paper will prepare and submit for Ecology review, approval, and/or
13 modification a FFS and CAP for the former TWP area. The purpose of the FFS will be to briefly
14 describe the nature and extent of soil and groundwater contamination in the area, evaluate the three most
15 practicable and feasible remedial alternatives, and document the decision-making process for selecting
16 the most appropriate remedial measure(s) for the site (see Attachment 3 for Table of Contents). The
17 cleanup objectives will be based on industrial site use and the practicable and technological limitations of
18 proven available remedial technology in accordance with WAC 173-340-360. The three remedial
19 alternatives to be considered by the FFS are:

- 20 • Alternative 1 -- Physical containment with *in situ* bioremediation and NAPL recovery.
- 21 • Alternative 2 -- Physical containment with NAPL recovery.
- 22 • Alternative 3 -- *In situ* bioremediation with NAPL recovery.

23 The final CAP for the former TWP Area shall be negotiated by the parties and enforced through
24 entry of a separate consent decree.

1 of an RI (see Attachment 2 to this Order) and has determined that a separate RI will not be required.
2 Ecology also recognizes that a considerable amount of work has already been satisfactorily completed by
3 International Paper in identifying appropriate remedial measures for the TWP area, as required under
4 MTCA and Chapter 173-340 WAC.

5 **V. WORK TO BE PERFORMED**

6 Based on the foregoing Facts and Determinations, it is hereby ordered that International Paper
7 take the following remedial actions and that these actions be conducted in accordance with Chapter 173-
8 340 WAC and applicable provisions of Chapter 173-303 WAC, unless otherwise specifically provided
9 for herein.

10 1. **Focused Feasibility Study (FFS)**: A FFS investigation work plan and schedule titled
11 “Southern Treated Wood Products Area Investigation Work Plan” was prepared by International Paper
12 and submitted on November 1, 1996, for Ecology review, approval, and/or modification. The work plan
13 was limited to the following work elements:

- 14 • Abandonment of five production wells (labeled PW-1 through PW-5) and other wells as
15 appropriate.
- 16 • Investigation of Pond 2 and the former creosote tank area to evaluate the footprint of
17 slurry wall containment.
- 18 • Placement of groundwater monitoring wells to the northwest of the TWP area.

19 2. **Nonaqueous-Phase Liquid (NAPL) Recovery System**: A work plan and schedule for the
20 conceptual design of a NAPL recovery system titled “LNAPL Recovery Evaluation for the Treated
21 Wood Products Area” was prepared by International Paper and submitted November 11, 1996, for
22 Ecology review, approval, and/or modification for the installation of a nonaqueous-phase liquid (NAPL)
23 recovery system in the TWP area. The objective of this project is to remove as much NAPL as is
24 practicable and technically feasible. The NAPL recovery system will be implemented in two phases.

1 5. Preliminary Investigation of Site C: International Paper will perform a preliminary
2 investigation on Site C (SWMU 6) in accordance with the approved "Work Plan - Site C Investigation
3 (SWMU 6)." If the available data demonstrate chemicals of potential concern are present in
4 concentrations that pose risks to human health and the environment, the appropriate investigation or
5 remedial work will be separately negotiated and incorporated in a modification of this order, or separate
6 order or decree.

7 6. Submittals: Once approved or modified and approved in writing by Ecology, submittals
8 are incorporated by reference and become enforceable parts of this Order as if fully set forth herein.

9 7. New SWMUs or AOCs: International Paper shall notify Ecology's project coordinator in
10 writing of any newly-identified SWMU(s), newly-discovered releases from known SWMU(s), and
11 newly-discovered AOCs at the facility no later than fifteen days after discovery, and shall investigate and
12 report on these areas as directed by Ecology's project coordinator. If required, the investigation
13 (assessment) and reporting shall be done in accordance with Chapter 173-340 WAC. If additional
14 SWMUs or areas of concern become known, Ecology will determine if an investigation is required under
15 Chapter 173-340 WAC.

16 8. Progress Reports: Progress reports on the work completed and to be performed will be
17 prepared and submitted to Ecology quarterly. Progress reports will begin one quarter after the effective
18 date of this Order and will continue until Ecology notifies International Paper that this Order has been
19 satisfied. These progress reports will include: (1) brief descriptions of all activities related to this Order
20 at the facility during the past quarter; (2) all actions related to this Order scheduled for the next quarter;
21 and (3) any problems or other information related to this Order that may arise and steps taken or being
22 taken to correct such problems. Data packages prepared by International Paper will be included as part
23 of the draft/final reports. Progress reports will be provided by the 15th day following the end of each
4 quarterly reporting period.

1 VI. TERMS AND CONDITIONS OF ORDER

2 1. Public Notices: WAC 173-340-600(10)(c) requires a 30-day public comment period
3 before this Agreed Order becomes effective. Ecology shall be responsible for providing such public
4 notice and reserves the right to modify or withdraw any provisions of this Order should public comment
5 disclose facts or considerations that indicate to Ecology that the Order is inadequate or improper in any
6 respect.

7 2. Remedial and Investigative Costs: International Paper agrees to pay costs incurred by
8 Ecology pursuant to this Order starting October 15, 1995. These costs shall include work performed by
9 Ecology or Ecology's contractors for investigations, remedial actions, and Order preparation,
10 negotiations, oversight, and administration. Ecology costs shall include costs of direct activities and
11 support costs of direct activities as defined in WAC 173-340-550(2). International Paper agrees to pay
12 the required amount within 30 days of receiving, from Ecology, an itemized statement of costs that
13 includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by
14 involved staff members on the project. A general description of work performed will be provided.
15 Ecology will prepare itemized statements on a quarterly basis. Failure to pay costs incurred by Ecology
16 within 30 days of receipt of the itemized statement of costs will result in interest charges to International
17 Paper. Payments will be sent to the Department of Ecology, Cashiering Section, P.O. Box 5128, Lacey,
18 Washington 98509-5128.

19 3. Financial Assurance: International Paper shall establish and maintain financial
20 assurance by either a trust fund or a financial test in the amount necessary to implement the CAP, as
21 provided in WAC 173-340-440(6) and required by WAC 173-303-646. International Paper shall provide
22 Ecology's project coordinator documentation of this financial assurance within 60 days of Ecology's
23 issuance of the final CAP. International Paper shall adjust the financial assurance coverage for changes
24 in cost estimates and/or for inflation within 30 days after each anniversary of the date the preceding costs

1 were first prepared, and shall provide documentation of the updated financial assurance to Ecology's
2 project coordinator.

3 International Paper shall notify Ecology's project coordinator by certified mail of the
4 commencement of a voluntary or involuntary bankruptcy proceeding under Title 11, United States Code,
5 naming the International Paper, within ten days after commencement of the proceeding. In the event of
6 bankruptcy of the trustee, or a suspension or revocation of the authority of the trustee institution to act as
7 a trustee, International Paper must establish financial assurance (trust fund) with another authorized
8 trustee institution within 60 days after such an event.

9 4. Designated Project Coordinators: The project coordinator for Ecology is:

10 Name: Howard R. Steeley, P.E.

11 Address: Washington State Department of Ecology
12 Southwest Regional Office
13 P.O. Box 47775
14 Olympia, WA 98504-7775

15 Street Address: 300 Desmond Drive
16 Lacey, WA 98503

17 Telephone: (360) 407-6463

18 FAX: (360) 407-6305

19 E-Mail: hste461@ecy.wa.gov

20 The project coordinator for International Paper is:

21 Name: RueAnn Thomas

22 Address: International Paper
23 International Place II
24 6400 Poplar Avenue T25-132
25 Memphis, IN 38197

26 Telephone: (901) 763-6524

27 Fax: (901) 763-6939
28
29

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

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

16 Except where necessary to abate an emergency situation, International Paper shall not perform
17 any remedial actions at the Longview facility other than those required by this Order unless Ecology
18 concur, in writing, with such additional remedial actions.

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

21 International Paper shall provide seven days notice to Ecology's site manager prior to conducting
22 work activities that Ecology identifies on-site.

23 All sampling and analysis plans prepared under this Order shall include data collection quality
24 assurance consistent with "Guidelines and Specifications for Preparing Quality Assurance Project Plans,"

1 Ecology Publication No. 91-16, May 1991 (Attachment 4 to this Order). All monitoring wells under this
2 Order shall be constructed or abandoned in accordance with the requirements of Chapter 173-160 WAC
3 and practices recommended by EPA's "RCRA Ground-Water Monitoring: Draft Technical Guidance,"
4 November 1992, unless a waiver is requested and obtained from Ecology.

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

18 7. Public Participation: International Paper shall prepare and/or update a public
19 participation plan for the facility. The plan will identify the information repository, key contacts, and
20 opportunities for public participation. Ecology will review and approve the plan and will maintain the
21 responsibility for public participation at the facility. International Paper shall help coordinate and
22 implement public participation for the facility in cooperation with Ecology.

23 8. Retention of Records: International Paper shall preserve in a readily, retrievable fashion
24 during the pendency of this Order and for ten years from the date of issuance by Ecology of written

1 notification that all requirements of this Order have been satisfactorily completed, reports, documents,
2 and underlying data in its possession relevant to this Order. Should any portion of the work performed
3 hereunder be undertaken through contractors or agents of International Paper, then International Paper
4 agrees to include in its contract with such contractors or agents a record retention requirement. At the
5 conclusion of the project, the contractor or agents will return all relevant records to International Paper,
6 where such records will be retained by International Paper to meet the requirements of this paragraph.

7 9. Dispute Resolution: International Paper may request Ecology to resolve disputes which
8 may arise during the implementation of this Order. Such requests shall be in writing and directed to the
9 signatory, or his/her successor(s), to this Order. Ecology resolution of the dispute shall be binding and
10 final. International Paper is not relieved of any requirement of this Order during the pendency of the
11 dispute and remains responsible for timely compliance with the terms of the Order unless otherwise
12 provided by Ecology in writing.

13 10. Reservation of Rights/No Settlement: This Agreed Order is not a settlement under
14 Chapter 70.105D RCW. Ecology's signature on this Order in no way constitutes a covenant not to sue or
15 a compromise of any Ecology rights or authority. Ecology will not, however, bring an action against
16 International Paper to recover remedial action costs paid to and received by Ecology under this Agreed
17 Order. In addition, Ecology will not take additional enforcement actions against International Paper to
18 require those remedial actions stipulated by this Agreed Order, provided International Paper complies
19 with this Agreed Order.

20 Ecology reserves the right, however, to require additional remedial actions at the facility should
21 it deem such actions necessary.

22 Ecology also reserves all rights regarding the injury to, destruction of, or loss of natural
23 resources resulting from the releases or threatened releases of hazardous substances from the Longview
24 facility.

1 In the event Ecology determines that conditions at the facility are creating or have the potential
2 to create a threat to the health or welfare of the people on the facility or in the surrounding area or to the
3 environment, Ecology may order International Paper to stop further implementation of this Order for
4 such period of time as needed to abate the threat.

5 11. Transference of Property: Prior to any voluntary conveyance or relinquishment of title,
6 easement, leasehold, or other interest in any portion of the facility, International Paper shall provide for
7 continued implementation of all requirements of this Order and implementation of any remedial actions
8 found to be necessary as a result of this Order.

9 Prior to transfer of any legal or equitable interest, International Paper may have in the facility or
10 any portions thereof, International Paper shall serve a copy of this Order upon any prospective purchaser,
11 lessee, transferee, assignee, or other successor in such interest. Where possible, International Paper will
12 notify Ecology of any contemplated transfer at least 90 days prior to finalization of such transfer by
13 submission of a revised Part A RCRA permit application and updated ownership map. If the 90-day time
14 period cannot be met, International Paper shall provide a minimum of 30 days notice prior to any transfer
15 and shall provide notice as early as possible.

16 12. Compliance with Other Applicable Laws:

17 A. All actions carried out by International Paper pursuant to this Order shall be
18 done in accordance with all applicable federal, state, and local requirements, including requirements to
19 obtain necessary permits, except as provided in paragraph B of this section.

20 B. International Paper has a continuing obligation to determine whether permits or
21 approvals addressed in RCW 70.105D.090(I) would otherwise be required for the remedial action under
22 this Order. In the event International Paper determines that permits or approvals addressed in RCW
23 70.105D.090(1) would otherwise be required for the remedial action under this Order, it shall promptly
24 notify Ecology of this determination. Ecology shall determine whether Ecology or International Paper

1 shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires,
2 International Paper shall promptly consult with the appropriate state and/or local agencies, and provide
3 Ecology with written documentation from those agencies of the substantive requirements those agencies
4 believe are applicable to the remedial action. Ecology shall make the final determination on the
5 substantive requirements that must be met by International Paper and on how International Paper must
6 meet those requirements. Ecology shall inform International Paper in writing of these requirements.
7 Once established by Ecology, the requirements shall be enforceable requirements of this Order.
8 International Paper shall not begin or continue the remedial action potentially subject to the additional
9 requirements until Ecology makes its final determination.

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

12 C. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the
13 exemption from complying with the procedural requirements of the laws referenced in RCW
14 70.105D.090(1) would result in the loss of approval from a federal agency which is necessary for the state
15 to administer any federal law, the exemption shall not apply and International Paper shall comply with
16 both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1),
17 including any requirements to obtain permits.

18 D. Some requirements herein are based on, and therefore, support the applicable
19 requirements of Chapter 70.105 RCW and Chapter 173-303 WAC.

20 VII. STIPULATED PENALTIES

21 1. For each day International Paper fails to comply with any time schedules contained
22 within Section V of this Agreed Order, or any other time schedules approved or modified in writing by
23 Ecology, International Paper stipulates and agrees that Ecology may, at its discretion, assess a civil
24 penalty. The penalties to be assessed are \$2,000 for the first day and \$2,000 for each additional day of

1 noncompliance. Should a penalty be assessed under this Part, the penalty shall accrue from the date on
2 which the work was to have been performed, or the submittal was to have been made, and shall cease to
3 accrue on the date when International Paper performs the required work or delivers the required
4 submittal to Ecology. If imposed, all penalties will be payable within 30 days of assessment to the
5 Department of Ecology, Cashiering Section, P.O. Box 5128, Lacey, Washington 98509-5128.

6 2. International Paper shall not be liable for payment under this Section if International
7 Paper has submitted a timely request to Ecology for an extension of schedules under Section V this
8 Agreed Order, and if Ecology has not denied the request.

9 3. Any penalty assessed pursuant to this section does not cover any environmental damages
10 that may result from International Paper's failure to comply with a required time schedule, nor does it
11 impair Ecology's rights to issue another penalty for the environmental damages or for other actions not
12 covered by this section.

13 VIII. SATISFACTION OF THIS ORDER

14 The provisions of this Order shall be deemed satisfied upon International Paper's receipt of written
15 notification from Ecology that International Paper has completed the corrective actions required by this
16 Order, as amended by any modifications, and that all other provisions of this Order have been complied
17 with.

18 IX. ENFORCEMENT

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

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

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

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

3 (1) up to three times the amount of any costs incurred by the state of
4 Washington as a result of its refusal to comply; and

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

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

9

10 Effective date of this Order March 12, 1997 _____;

11

12

13

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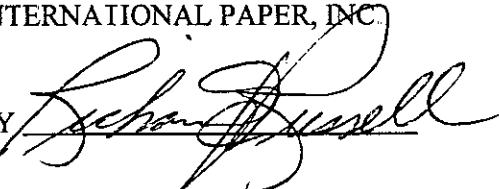
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INTERNATIONAL PAPER, INC.

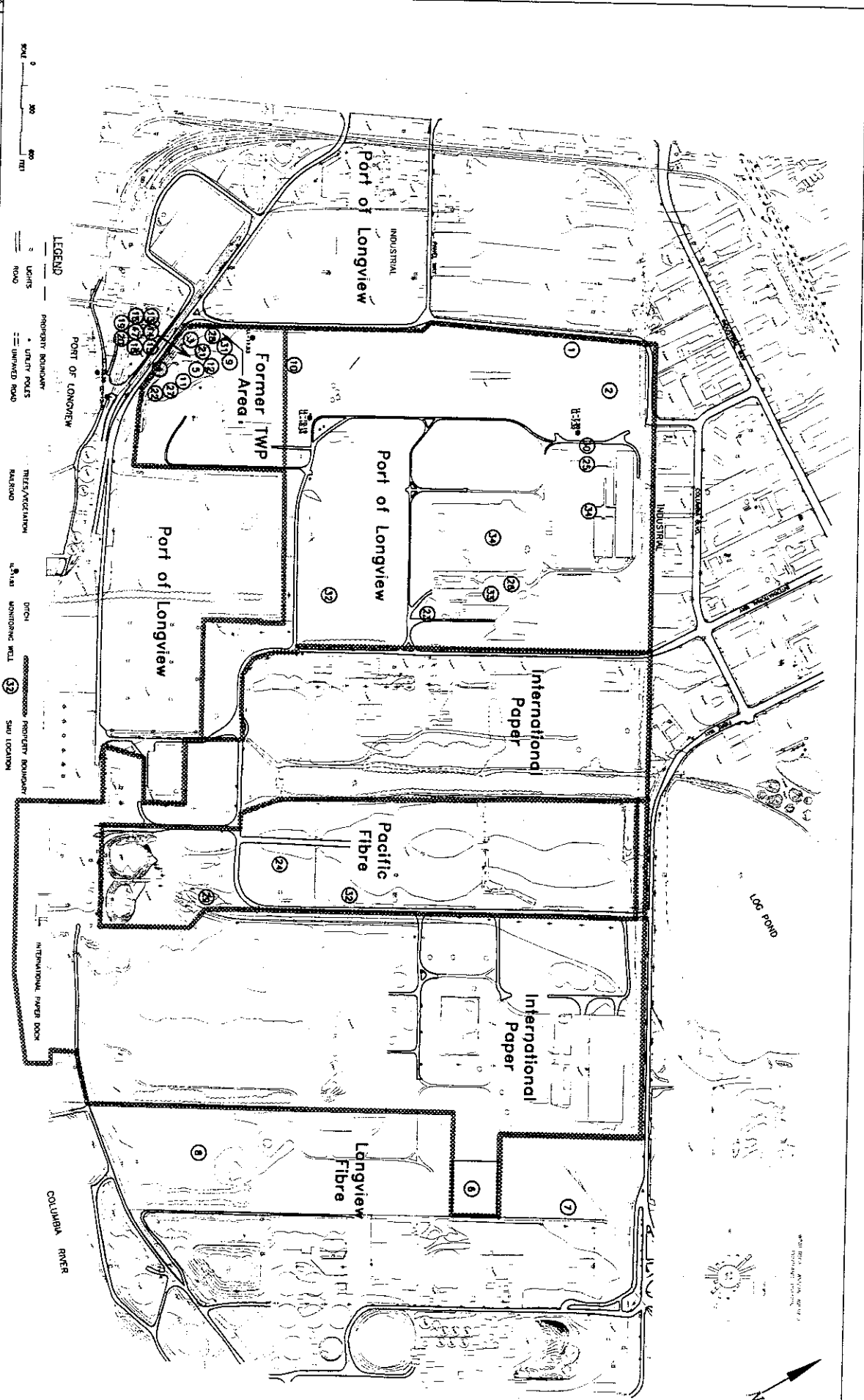
BY



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

BY





0 30 60 90
 FEET
 LEGEND
 PROPERTY BOUNDARY
 UTILITY POLES
 UNPAVED ROAD
 TRUCK/VEGETATION
 RAILROAD
 OTHER MONITORING WELL
 SMI LOCATION
 PORT OF LONGVIEW
 PORT OF LONGVIEW

International Paper
 Woodward-Clyde
 Consultants

WARNING:
 THIS MAP DOES NOT WARRANT THE ACCURACY OF THE INFORMATION SHOWN HEREON. THE USER SHALL BE RESPONSIBLE FOR OBTAINING NECESSARY SURVEY DATA AND FOR VERIFYING THE ACCURACY OF THE INFORMATION SHOWN HEREON.

International Paper
 Longview, Washington
 Property Map

PROJECT: 54011A
 SHEET NO.: 1

ATTACHMENT 2 TO THE AGREED ORDER
MTCA REMEDIAL INVESTIGATION REPORT DELIVERABLES

WAC 173-340-350 Remedial Investigation	International Paper Document
(6)(a) General facility information	Part B, SCR
(6)(b) Site conditions map	Part B, SCR
(6)(c) Field investigations	
(i) Surface water and sediments	SCR, SCR95, TSSR, SWMU1
(ii) Soils	SCR, SCR95, SP2, SIBW, SWMU9, SWMU10
(iii) Geology and groundwater	SCR, SCR95, TSSR, SP2, SIBW, 95GW, SWMU1
(iv) Air	SCR, SCR95, SEPA
(v) Land use	Part B, CAP, SEPA, SCR, SCR95
(vi) Natural resources and ecology	EERA, SCR, SCR95
(vii) Hazardous substance sources	Part B, SCR, SCR95
(viii) Regulatory classifications	Part B, CAP
(6)(d) <i>Risk Assessment (optional)</i>	
(6)(e) Cleanup action alternatives	FFS, CAP, 50DR, PCMP
(6)(f) Work plans	CAP, PCMP, Part B
(6)(g) <i>Treatability studies (optional)</i>	
(6)(h) SEPA information	SEPA, Part B, SCR, SCR95

Note:

50DR	-	50 Percent Design Report, Groundwater Containment System, November 1995 and 50% Design Technical Specifications, Interim Corrective Action Groundwater Containment System, and Figures, December 1995
95GW	-	Groundwater Quality Assessment 1995 Annual Report, March 1996
CAP	-	Draft Corrective Action Plan, Subpart F Regulated Units, Former Treated Wood Products Area, January 1996
EERA	-	Potential Ecological and Environmental Receptor Analysis, May 1996
FFS	-	Focused Feasibility Study, to be completed January 1997
Part B	-	Final Resource Conservation and Recovery Act Part B Post-Closure Permit Application, February 1996
PCMP	-	Draft Corrective Action Performance and Compliance Monitoring Plan, January 1996
SCR	-	Site Characterization Report, Treated Wood Products Area, February 1994
SCR95	-	Final 1995 Update to Site Characterization Report, Treated Wood Products Area, January 1996
SEPA	-	State Environmental Policy Act Environmental Checklist, April 1996
SIBW	-	Draft Subsurface Investigation for Design of a Soil/Bentonite Barrier Wall, November 1995
SP2	-	South Pond 2 Investigation Data Summary, May 1996
SWMU1	-	Perimeter Ditch (SWMU 1) Investigation Report, November 1996
SWMU9	-	Retort Loadout Area (SWMU 9) Investigation Report, to be completed, December 1996
SWMU10	-	Poleyard (SWMU 10) Investigation Report, November 1996
TSSR	-	Final Tidal Study Summary Report, August 1996

ATTACHMENT 3 TO AGREED ORDER

FOCUSED FEASIBILITY STUDY TABLE OF CONTENTS

- 1 0 INTRODUCTION
 - 1.1 Purpose of Focused Feasibility Study
 - 1.2 FFS Approach and Organization

- 2 0 BRIEF SUMMARY OF RI
 - 2.1 Site Description and History
 - 2.2 Land Uses
 - 2.3 Nature and Extent of Contamination
 - Brief Summaries of:
 - soils and stratigraphy
 - soil chemistry
 - NAPL
 - groundwater flow and tidal studies
 - groundwater chemistry
 - 2.4 New Information

- 3 0 CONCEPTUAL FATE, TRANSPORT, AND RISK MODEL
 - 3.1 Chemicals of Concern
 - 3.2 Fate and Transport
 - 3.3 Risk Evaluation Industrial Scenario
 - 3.4 Risk-Based Clean-up Objectives

- 4 0 IDENTIFICATION AND SCREENING OF REMEDIAL TECHNOLOGIES AND PROCESS OPTIONS
 - 4.1 ARARs
 - 4.2 Clean-up Goals
 - 4.3 Points of Compliance
 - 4.4 Action and Location-Specific Regulatory Requirements

- 5 0 DEVELOPMENT OF ALTERNATIVES
 - 5.1 Focused Approach
 - 5.2 Alternatives

- 6 0 COMPARATIVE ANALYSIS OF ALTERNATIVES
 - 6.1 Overall Protection to Human Health and the Environment
 - 6.2 Attainment of Clean-up Goals and Compliance with Applicable State and Federal Laws and Local Requirements
 - 6.3 Short-Term Effectiveness
 - 6.4 Long-Term Effectiveness
 - 6.5 Permanent Reduction of Toxicity, Mobility, and Volume Through Treatment

- 6.6 Implementability
- 6.7 Cost
- 6.8 Community Acceptance
- 6.9 The Degree to Which Recycling, Reuse, and Waste Minimization are Employed
- 6.10 Selection Criteria

7.0 CONCLUSIONS

8.0 PROPOSED CLEAN-UP ACTION PLAN

9.0 PERFORMANCE AND COMPLIANCE MONITORING

10.0 POST-CLOSURE PLAN



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

March 12, 1997

CERTIFIED MAIL

Mr. Richard D. Russell
General Manager Pole and Piling
International Paper, Inc
6600 LBJ Freeway
P.O. Box 809024
Dallas, TX 75240

Dear Mr. Russell:

Re: Agreed Order No. DE 96HS-S437 for Facility ID WAD010745917

Enclosed is the subject agreed order which has been issued with effective date today, March 12, 1997. No changes have been made as a result of the public review.

Another copy of Attachment Number 4 has not been included as it was provided with the original draft order. Please let us know if you need additional copies.

We appreciate your signing the agreed order and we look forward to completing the corrective action process as expeditiously as possible. If you have any questions regarding the content of the agreed order, please contact Howard Steeley, Project Manager. You can call Howard at (360) 407-6463, or fax him at (360) 407-6305.

Sincerely,

K Seiler, Supervisor
Hazardous Waste & Toxics Reduction Program
Southwest Regional Office

HS:dn
Enclosure

cc: RueAnn Thomas, International Paper
Shawn Severn, PTI Environmental Services
Gary Dupuy, Woodward-Clyde
Beth Ginsberg, Bogle & Gates
Tom Morrill, Assistant Attorney General
Dave Bartus and Diane Richardson, EPA Region 10
Jack Boller, EPA Washington Operations Office
Judy Grigg, Port of Longview
Willard Walker
Brad Jones, Gordon, Thomas, Honeywell

