

8048 GM  
SN 1227

TO: General Metals of Tacoma

This Agreed Order ("Order") is issued pursuant to the authority of RCW 70.105D.050.

Ecology makes the following Findings of Fact without admission of any such facts by General Metals of Tacoma.

2. The Site has been operated as a scrap metal recycling facility since 1965. Mr. and Mrs. Leslie Sussman and S R S. Properties currently own the property. Mr. Leslie Sussman was the site operator from 1965 through 1980. Since 1981, General Metals has leased the property to conduct its ferrous scrap metal recycling operations.

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4. A remedial investigation has been conducted at the Site in two phases. A report documenting the first phase was submitted to Ecology on July 18, 1988. A draft report documenting the second phase was submitted to Ecology on May 31, 1989. A final phase two report was submitted on August 10, 1989. Results of the remedial investigation conducted on-site showed contamination of the surface soils with heavy metals (including arsenic, copper, lead, and zinc) and PCBs. Arsenic, copper, lead, zinc, and total PCBs were measured at concentrations from 4 to 439, 25 to 7180, 58 to 7180, 134 to 11200, and 0.07 to 56 ppm, respectively. EP Toxicity analyses were conducted on six soil samples as part of the remedial investigation. Although water quality criteria are not specifically intended to evaluate soil toxicity, cadmium, copper, lead, nickel, and zinc were detected consistently in EP Toxicity leachates at concentrations over marine chronic water quality criteria.

5. As part of the remedial investigation conducted on-site, surface water (stormwater) contamination was found to exist site-wide in varying concentrations. PCBs, copper, lead, and zinc were consistently measured at concentrations over marine acute water quality criteria. Barium, cadmium, nickel, and mercury were also measured at concentrations over marine acute criteria in some samples. Total PCBs, copper, lead, and zinc were measured at concentrations from 0.0014 to 0.271, 0.055 to 8.50, 0.061 to 21.4, and 0.292 to 31.2 mg/l, respectively.

### III ECOLOGY DETERMINATIONS

1. The General Metals site is a "facility" as defined in RCW 70.105D.020(3).

2. General Metals is an "owner or operator" as defined in RCW 70.105D.020(6).

3. Arsenic, lead, zinc, and PCBs are "hazardous substances" as defined in the RCW 70.105D.020(5).

4. The presence of arsenic, lead, zinc, and PCBs in the soil and surface water runoff at the Site constitutes a "release" as defined in RCW 70.105D.020(10).

5. By letter of February 21, 1990, Ecology notified General Metals of its status as a "potentially liable person" under RCW 70.105D.040, after notice and opportunity to comment.

6. Pursuant to RCW 70.105D.030(1) and 050, Ecology may require potentially liable persons to investigate or conduct remedial actions with respect to the release or threatened release of hazardous substances.

Based on the foregoing facts and in the best interests of the public, Ecology has determined that General Metals must conduct interim remedial actions, as set forth below, on the Site

#### IV. WORK TO BE PERFORMED

Based on the foregoing Facts and Determinations, it is hereby Ordered and Agreed that General Metals perform the interim remedial action described in the scope of work included in this Order as Exhibit A. Exhibit A is incorporated by this reference and also includes the schedule for activities

#### V. TERMS AND CONDITIONS OF ORDER

Public Notices 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 the Order is inadequate or improper in any respect.

Remedial Action Costs. General Metals agrees to pay to Ecology costs incurred by Ecology pursuant to this Agreed Order. These costs shall include work performed by Ecology or its contractors for investigations, remedial actions, and Order preparation, negotiations, oversight, and administration. Ecology costs shall include costs of direct activities; e.g., employee salary, laboratory costs, contractor fees, and employee benefit packages; and agency indirect costs of direct activities. General Metals agrees to pay the required amount within 90 calendar 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. Failure to pay Ecology's costs within 90 days of receipt of the itemized statement of costs may result in interest charges.

Designated Project Coordinators. The project coordinator for Ecology is:

Megan White  
Mailstop LU-11  
7272 Cleanwater Lane  
Olympia, Washington 98504-6811

The project coordinator for General Metals is:

Norm Webb  
MMI  
4927 NW Front Avenue  
Portland, Oregon 97210-1199

The project coordinator(s) shall be responsible for overseeing the implementation of this Order. To the maximum extent possible, communications between Ecology and General Metals, 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 coordinator(s). Should Ecology or General Metals change project coordinator(s), written notification shall be provided to Ecology or General Metals at least ten (10) calendar days prior to the change.

Performance. All work performed pursuant to this Order shall be under the direction and supervision, as per WAC 173-340-400(7)(b)(i), of a professional engineer or certified hydrogeologist, or similar expert, with appropriate training, experience, and expertise in hazardous waste site investigation and cleanup. General Metals shall notify Ecology as to the identity of such engineer(s) or hydrogeologist(s), and of any contractors and subcontractors to be used in carrying out the terms of this Order, in advance of their involvement at the Site.

Access. Ecology or any Ecology authorized representative shall have the authority to enter and freely move about the site at all reasonable times for the purposes of, inter alia: inspecting records, operations logs, and contracts related to the work being performed pursuant to this Order; reviewing the progress in carrying out the terms of this Order; conducting such tests or collecting samples as Ecology or the project coordinator 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 General Metals. By signing this Agreed Order, General Metals agrees that this Order constitutes reasonable notice of access, and agrees to allow access to the Site at all reasonable times for purposes of overseeing work performed under this Order. Ecology shall provide General Metals an opportunity to split any samples taken during an inspection unless doing so interferes with Ecology's sampling. All parties with access to the

Site pursuant to this paragraph shall comply with the health and safety plan. Except in emergency situations, Ecology personnel and authorized representatives shall sign in at General Metals' front desk prior to entering the Site.

Retention of Records. General Metals shall preserve in the readily retrievable fashion, during the pendency of this Order and for ten (10) years from the date of completion of the work performed pursuant to this Order, all records, reports, documents, and underlying data in its possession relevant to this Order. Should any portion of the work performed hereunder be undertaken through contractors or agents of General Metals, then General Metals agrees to include in their contract with such contractor or agents a record retention requirement meeting the terms of this paragraph.

Dispute Resolution. General Metals may request Ecology to resolve disputes which may arise during the implementation of this Order. Such request shall be in writing. Ecology resolution of the dispute shall be binding and final. General Metals is not relieved of any requirement of this Order during the pendency of the dispute and remains responsible for timely compliance with the terms of the Order unless otherwise provided by Ecology in writing.

Reservation of Rights/No Settlement. This Agreed 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 Ecology rights or authority. Ecology will not, however, bring an action against General Metals to recover remedial action costs paid to and received by Ecology under this Agreed Order. In addition, Ecology will not take additional enforcement actions against General Metals to require those remedial actions required by

this Agreed Order, provided General Metals complies with this Agreed Order. Ecology reserves the right, however, to require additional remedial actions at the Site should it deem such actions necessary.

In the event Ecology determines that activities pursuant to this Order are creating or have the potential to create a danger to the health or welfare of the people on the Site or in the surrounding area or to the condition of the environment, Ecology may order General Metals to stop further implementation of this Order for such period of time as needed to abate the danger.

Compliance with Other Applicable Laws. All actions carried out by General Metals pursuant to this Order shall be done in accordance with all applicable federal, state, and local requirements.

Modification. Ecology and General Metals may modify this Order by amendment.

#### VI. SATISFACTION OF THIS ORDER

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

#### VII. ENFORCEMENT

In the event General Metals refuses, without sufficient cause, to comply with any term of this Order, this Order may be enforced as follows:

1. The Attorney General may bring an action to enforce this Order in state court.

2. In any such action, General Metals may be liable for up to three times the amount of any costs incurred by the State of Washington as a result of the refusal to comply.

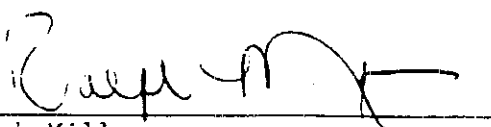
3. Additionally, in any such action, General Metals may be liable for civil penalties of up to \$25,000 per day for each day they refuse to comply

4. Should Ecology conduct or provide for conducting the remedial action, the Attorney General will bring an action to recover all costs incurred by the state for such action.

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

Effective date of this Order: OCTOBER 23, 1990

GENERAL METALS  
OF TACOMA

By   
Ralph Miller

STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

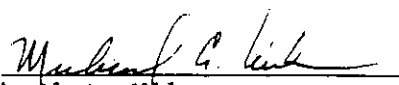
By   
Michael A. Wilson  
Section Supervisor  
Toxics Cleanup Program  
Southwest Regional Office



EXHIBIT A  
SCOPE OF WORK AND SCHEDULE

All work performed at and around the site pursuant to the Agreed Order shall be accomplished in accordance with Chapter 173-340 WAC and work plans which shall be prepared by General Metals and submitted for review and approval by Ecology.

Task 1 - Health and Safety Plan

All work, including sampling and other field data gathering activities, shall be performed under an appropriate health and safety plan for the protection of workers and the surrounding community in accordance with Ecology and WISHA requirements. General Metals shall submit this plan to Ecology prior to commencing any action on the site. General Metals shall be solely responsible for ensuring that the plan satisfies applicable laws and regulations.

Schedule: Within two (2) months after the effective date of this Agreed Order.

Task 2 - Draft Sampling and Analysis Plan

Sampling and analysis is required, as part of the PCB removal design, to define the extent of soil contaminated with over 50 ppm PCBs. A draft sampling and analysis plan shall be prepared for all sampling activity required. This draft sampling and analysis plan shall be submitted to Ecology for comment.

The plan shall include, at a minimum, a description of procedures used for field sampling and data analysis; location of sample collection; a schedule for sample collection; laboratory analysis procedures; detection limits; laboratory and field quality assurance/quality control procedures; data reduction, validation and reporting procedures; and preventative maintenance requirements for the equipment used in field sampling and/or field analysis.

Schedule: Within two (2) months after the effective date of this Agreed Order.

Task 3 - Draft PCB Soils Removal Remedial Design Work Plan

Prepare a draft remedial design work plan for excavation and off-site disposal of soil contaminated with over 50 ppm PCBs. Disposal shall be in an approved hazardous waste disposal facility. This draft work plan shall be submitted to Ecology for comment.

At a minimum, the remedial design shall address, as applicable, preparation of relevant designs, plans and specifications; construction sequence and schedule; construction quality control/quality assurance and as-built documentation (as-built documentation shall consist of location and areal extent of soil removed, depth of soil removed at various excavation locations, and volume of soil removed); and monitoring requirements.

The remedial design work plan shall specify a schedule for excavation and off-site disposal of PCB contaminated soils.

Schedule: Within two (2) months after the effective date of this Agreed Order.

Task 4 - Final Sampling and Analysis Plan

Submit a final sampling and analysis plan, which addresses Ecology's comments on the draft plan, for Ecology approval.

Schedule: Within three (3) weeks after Ecology provides comments on the draft plan.

Task 5 - Implement Final Sampling and Analysis Plan

Implement the approved final sampling and analysis plan.

Schedule: Sampling and analysis shall be implemented in accordance with the schedule contained in the approved final sampling and analysis plan.

Task 6 - Final PCB Soils Removal Remedial Design Work Plan

Submit a final remedial design work plan, which addresses Ecology's comments on the draft document, for Ecology approval.

Schedule: Within three (3) weeks after Ecology provides comments on the draft work plan.

Task 7 - Draft PCB Soils Removal Design

Submit draft PCB soils removal remedial design documents, in accordance with the approved remedial design work plan, for Ecology comment.

This task shall consist of preparation of an engineering report and construction plans and specifications. Preparation of remedial design documents shall be in accordance with WAC 173-340-400. The engineering report shall contain all assumptions used as a basis for design, calculations, and other engineering support materials, as appropriate; a detailed map illustrating the proposed location of cleanup actions; results of pertinent sampling analyses addressed under Task 2 above; a detailed schedule of remedial actions to be implemented; and a monitoring plan which describes monitoring to be performed during the remedial action.

The monitoring plan, included in the engineering report, shall be designed to assess protectiveness of remedial actions during the construction phase of the cleanup. Sampling will be required to confirm that cleanup actions have resulted in the attainment of cleanup standards. The monitoring plan shall contain all appropriate elements listed under Task 2 (Sampling and Analysis Plan).

The engineering report shall include requirements for a construction documentation report to be prepared within two months after the remedial action is completed.

Schedule: Within five (5) weeks after Ecology approval of the PCB removal remedial design work plan.

Task 8 - Final PCB Soils Removal Design

Submit a final PCB soils removal design, which addresses Ecology's comments on the draft document, for Ecology approval.

Schedule: Within three (3) weeks after Ecology provides comments on the draft PCB soils removal design.

Task 9 - Implement Remedial Action

General Metals is required to fully implement the remedial action in accordance with approved remedial design documents. Modifications to the final design, if necessary, must be approved by all parties to this order.

Schedule: Implement the PCB soils removal action in accordance with the approved PCB removal remedial design documents. This action shall begin no later than one (1) month after Ecology approval of the PCB removal remedial design.

Task 10 - Construction Documentation Report

Prepare a construction documentation report for the excavation/removal action as specified in the approved remedial design engineering report. This document shall include as-built plans.

Schedule: Within two (2) months after the excavation/removal action is completed.