

Union Pacific Railroad Company

Public Comment Period for a Legal Agreement

Contamination:

Creosote, pentachlorophenol, metals

Party responsible:

Union Pacific Railroad Company

Comments accepted:

June 8 – July 7, 2020

How to comment:

Online at:

<http://tcp.ecology.commenting.net.com/?id=gGVhM>

Or by mail to:

Rebecca S. Lawson, PE, LHG
 Cleanup Project Manager
 WA Department of Ecology
 PO Box 47775
 Olympia, WA 98504

Site info:

Facility Site ID: 1019
 Site Cleanup ID: 3020

Website:

<https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3020>

Repositories:

Due to COVID-19, site documents will not be available at repositories or by mail. If you are unable to view information online at the Ecology website and have questions, please feel free to contact Rebecca Lawson, Cleanup Project Manager at (360) 407-6241 or Sheila Coughlan, Public Involvement Coordinator at (360) 407-6255.

Public comment for a De Minimis Consent Decree

Union Pacific Railroad (Union Pacific) and Department of Ecology (Ecology) are entering into a [De Minimis Consent Decree](https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=92273) (https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=92273). This legal agreement requires Union Pacific to pay for a portion of the cleanup cost and will settle Union Pacific's liabilities at the Pacific Wood Treating (PWT) site.

The public comment period begins on June 8 and ends on July 7, 2020.

Ecology invites you to submit comments and questions about the De Minimis Consent Decree. After the comment period ends, Ecology will respond in a responsiveness summary.

Site history

From 1964 to 1993, PWT pressure-treated lumber wood products. The plant operated in the general area of 111 West Division Street in Ridgefield, Washington. During its operations, PWT owned over 11 acres of land and leased:

- about 2 acres from Union Pacific
- 24 acres from the Port of Ridgefield (port)
- 0.5 acres from the City of Ridgefield (City).

PWT pressure treated lumber wood products and poles. Their operations and waste disposal methods released wood treating hazardous substances that contaminated soil, groundwater, storm water, and sediments. PWT stopped wood treating operations in 1993 when the company declared bankruptcy.

After PWT's bankruptcy, the port bought the PWT property and the property owned by Union Pacific. With the oversight and funding from Ecology, the port has been cleaning up the site since 1996. While cleanup is mostly completed, there is still some ongoing work in the off-port property (OPP) residential area.

In April 2015, Ecology gave Union Pacific a de minimis status and, in September 2015, they agreed on a settlement amount of \$2,264,037. In February 2019, following a trial, a federal District Court upheld Ecology's de minimis determination and found it was the appropriate settlement amount for Union Pacific to pay to Ecology. *Port of Ridgefield v. Union Pacific Railroad Company*, No. C14-6024-RBL (W.D. Wash.). Union Pacific also had provided the port with funding and technical assistance for the cleanup on the former Union Pacific property.

Site description

Figure 1 shows the PWT site, which includes the Lake River Industrial Site (LRIS), Carty Lake, the port's Railroad Avenue marina and railroad overpass properties, the OPP, a portion of McCuddy's marina, and a portion of Lake River. The former Union Pacific property is located on

Who pays for cleanup?

In general, anyone with a past or present relationship with a contaminated site may be responsible for cleanup.

What is a site?

A site is the extent of contamination caused by a release of a hazardous substance.

What is Washington's Cleanup Law?

The Model Toxics Control Act (MTCA) is a public-initiated environmental law that defines the cleanup process. It sets strict cleanup standards to ensure the protection of human health and the environment. Ecology enacts MTCA and regulates the cleanup process.

What is a De Minimis Consent Decree?

A De Minimis Consent Decree is a legal agreement for cleanup issued to a responsible party that contributed a relatively small amount of contamination at a cleanup site. This type of agreement is typically used at large sites where there are other responsible parties taking the lead on a cleanup.

Where can I find more information about cleanup sites in my neighborhood?

Go to What's in my Neighborhood on the Ecology website:

<https://apps.ecology.wa.gov/neighborhood/>

the eastern side of the LRIS and is about 1.4 percent of the total area of the LRIS excluding the OPP residential areas to the east (Figure 1).

Contamination

PWT pressure-treated wood products with solutions containing creosote, pentachlorophenol, chromium, copper, and arsenic. Through drips, spills, wastewater discharge, stormwater runoff and leaks, chemicals were released to the environment.

- metals (chromium, copper, and arsenic)
- granular pentachlorophenol
- semi-volatile and volatile organic compounds
- diesel and gasoline
- dioxins
- polycyclic hydrocarbons

Most of the contamination at the site occurred during the "Vietnam Order," which was an intense 2 to 3 year period in the mid-1960s. During this time, PWT operated 24 hours a day, 7 days a week to supply treated lumber and plywood for construction projects in Vietnam. Contamination occurred primarily in areas of wood treatment and treated lumber storage.

The Union Pacific property was used for storing and shipping treated poles. It included a rail spur, an office, and tram tracks used to transport poles from the active treatment area.

Chemical treatment of poles did not occur on Union Pacific property. Most of the contamination there happened when excess wood preservative dripped from the treated poles to the ground during transfer and storage. In 1988, PWT installed a drip trough to collect excess preservative.

Cleanup settlement

Based on what Ecology concluded and the federal District Court decided, the amount and toxicity of hazardous substances from PWT operations on the former Union Pacific property were insignificant compared to the hazardous substances released elsewhere at the PWT site. The draft De Minimis Consent Decree and settlement proposal of \$2,264,037 will:

- Lead to faster cleanup of hazardous substances.
- Meet MTCA cleanup standards and requirements issued by Ecology for the site.
- Be practicable and in the public interest.
- Include funds that could address unknown issues about the cost of the cleanup of Lake River sediment and dioxin contamination in the OPP residential area.
- Settle Union Pacific's MTCA liability with the State.

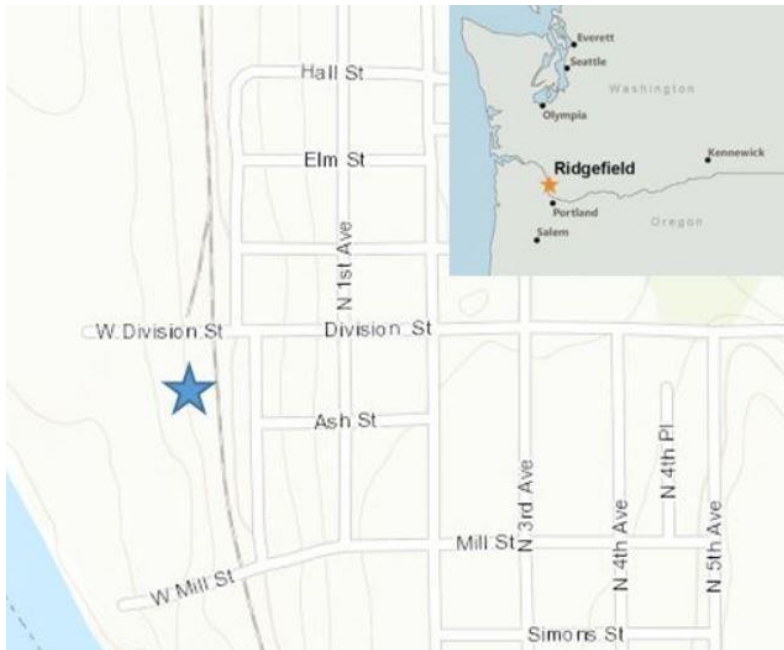
Next steps

After receiving your comments, Ecology will finalize the De Minimis Consent Decree and Union Pacific's settlement will go towards the remaining cost for cleanup of the site.



Toxics Cleanup Program
PO Box 47775
Olympia, WA 98504-7775

Union Pacific Railroad Company Legal Agreement



Public comment period

June 8 – July 7, 2020

Why did I receive this mailing?

You live near the Pacific Wood Treating (PWT) site or have expressed interest in the cleanup. Union Pacific Railroad Company has entered into a De Minimis Consent Decree with Ecology to pay for a portion of the PWT cleanup. This fact sheet informs you about the legal agreement and the opportunity for public comment.

What can I do?

Please review the site documents and submit your comments, questions, and concerns.

To be removed from this mailing list, please call Sheila Coughlan at (360) 407-6255 or email Sheila.Coughlan@ecy.wa.gov.

Site Cleanup ID: 3020

Facility Site ID: 1019

Accommodation Requests: To request ADA accommodation including materials in a format for the visually impaired, call Ecology (360) 407-6831 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at (877) 833-6341