

Recd in files
7/28/98

file
file

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial) Enforcement Order
Action by:)
)
ITT Rayonier Inc.) No. DE 92TGI029
Port Angeles Pulp Division)
Pulp Mill Finishing Room Area)

To: Mr. Jeff Rosbach
Mill Manager,
ITT Rayonier, Inc.
Port Angeles Pulp Division
P. O. Box 191
Port Angeles, WA 98362

I.

Jurisdiction

This Order is issued pursuant to the authority of RCW 70.105D.050(1)

II.

Statement of Facts

1. ITT Rayonier, Inc. Port Angeles Pulp Division (ITT) presently owns property at 700 North Ennis St., Port Angeles, Washington. The property contains a paper and pulp mill.
2. The facility is known as the pulp mill finishing room site and is located in the northeast portion of the pulp mill area. The location of the site is depicted on the diagram attached as Exhibit A to this Order.
3. Studies conducted at the facility have found free hydraulic oil in ground water and surface water at the site. Hydraulic oil is also present under the pulp finishing room building on the site. The source of the oil is presumably two baling presses located in the finishing room. Oil is found as a sheen on the western side of Ennis Creek at eastern boundary of the site. Sampling of ground water in 1989 and 1990 confirm this contamination.
4. The contamination is found in the local aquifer. Up to four feet of hydraulic oil is floating on top of the ground water at the site. Sampling of oil and ground water in 1989 and 1990 confirm the

contamination. At the time of the sampling oil had spread onto the surface of the ground water and covered an area of approximately 160 feet long and 65 feet wide with the widest point in the vicinity of the bailing presses.

5. Concentrations of Total Petroleum Hydrocarbons (TPH) in soil samples from beneath the finishing room range from 74 ppm to 50,000 ppm. The highest concentrations are in the vicinity of the bailing presses.
5. PCB concentrations of up to 56 ppm have been reported by ITT in oil from the site. No PCB's were detected in oil samples that were collected by the Department of Ecology. No PCB's have been detected in the ground water or surface water from the creek at the site.
7. A remedial investigation/feasibility study has not been completed for the site; however, several investigations and design reports have been completed. An oil removal system has been installed at the site. The system does not adequately address the problem of oil flowing into Ennis Creek. The removal system did not create the hydraulic barrier needed to keep oil from entering the creek.

III.

Ecology Determinations

1. The ITT is an owner or operator as defined at RCW 70.105D.020(6) of a facility as defined in RCW 70.105D.020(3).
3. The substances found at the facility as described above are "hazardous substances" as defined at RCW 70.105D.020(5).
4. Based on the presence of these hazardous substances at the facility and all factors known to the Department, there is a release or threatened release of hazardous substances from the facility, as defined at RCW 70.105D.020(10).
5. By letters dated May 21, 1991 and July 2, 1991, Ecology notified ITT of its status as a "potentially liable person" under RCW 70.105D.040 after notice and opportunity for comment.
6. Pursuant to RCW 70.105D.030(1) and 70.105D.050, the department may require potentially liable persons to investigate or conduct other remedial actions with respect to the release or threatened release of hazardous substances, whenever it believes such action to be in the public interest.
7. Based on the foregoing facts, Ecology believes the remedial action required by this Order is in the public interest.

IV.

Work to be Performed

Based on the foregoing Facts and Determinations, it is hereby ordered that ITT take the following remedial actions and that these actions be conducted in accordance with Chapter 173-340 WAC unless otherwise specifically provided for herein.

1. Within ninety calendar days of the effective date of this Order, ITT shall submit to Ecology for approval a draft work plan for implementing cleanup actions at the site. The draft work plan shall consist of:

- a. **Engineering Design Report.** The engineering design report shall describe the proposed remedial action alternative for clean up of petroleum and PCB contamination at the site. Specifically, the report shall propose methods to: stop the flow of oil into Ennis Creek, remediate contaminated groundwater, and remediate contaminated soils (particularly those soils that are directly contributing to the contamination of surface water or groundwater). The report shall provide plans and specifications for the proposed remedial action. The report will provide a work schedule for the remedial action. The report shall be prepared under the supervision of a Professional Engineer registered in the State of Washington. The report shall comply with cleanup action provisions described in WAC 173-340-400.

The report will also propose ground water and soil cleanup levels that are consistent with the cleanup standards for ground water, surface water, soils, and air presented in WAC 173-340-700 through 750.

- b. **Health and Safety Plan.** The work plan shall include a health and safety section that is prepared in accordance with all state (49.17 RCW) and federal (29 CFR 1910) regulations for performing work at hazardous waste sites.
- c. **Sampling and Compliance Monitoring Plan.** The work plan shall include a sample and analysis plan combined with a compliance monitoring plan. The sample and analysis plan shall include procedures for testing of hazardous waste identified during remedial actions. The compliance monitoring plan shall provide a method of determining the effectiveness of the proposed remedial action. The sample plan shall comply with the applicable provisions of WAC 173-340-410 and 820.

2. Upon receipt of the Engineering Design Report, Health and Safety Plan, Sampling and Compliance Monitoring Plan, Ecology will prepare a draft Cleanup Action Plan for public comment.
3. Within 120 days of the publication of the final Cleanup Action Plan by Ecology, ITT shall submit to the appropriate agencies applications for all applicable permits necessary for implementing the remedial actions described in the Cleanup Action Plan.
4. ITT shall implement the remedial actions described in the Cleanup Action Plan upon receipt of necessary permits and approval of final project plans by Ecology.
5. The schedule for the implementation of the selected remedy shall be set forth in the Engineering Design Report. Ecology will grant extensions in the schedule provided in the Engineering Design Report only when a request for an extension is submitted in a timely fashion and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify the reason(s) for the extension. An extension shall be granted only for such a period as Ecology determines is reasonable under the circumstances. A requested extension shall not be effective until approved by Ecology in writing. Ecology shall act upon all extensions within 15 working days. The burden shall be on ITT to demonstrate to the satisfaction of Ecology that good cause exists for granting an extension.
6. ITT shall provide the Ecology project manager quarterly progress reports, beginning on the date three months after the effective date of this Order. The reports shall describe the actions taken during the previous quarter to implement the requirements of this Order. The progress reports shall include at a minimum the following:
 - a. A list of on-site activities that have taken place during the prior three months;
 - b. A detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests;
 - c. A description of all deviations from the schedule during the previous three months and any planned deviations in the upcoming three months;
 - d. All raw data received by ITT during the past three months, all quality assured data received by ITT during the past three months, and an identification of the source of the samples;
7. ITT shall within 30 days of the effective date of this Order, record with the Office of the Clallam County Auditor the restrictive covenant attached to this Order as Exhibit B. The covenant is executed in compliance with WAC 173-340-440, and restricts further use of the site.

With Ecology's written approval after completion of the remedial actions required by this Order, and when cleanup standards listed in WAC 173-340-720, 730, 740 and 745 have been reached, ITT may record an instrument providing that the restrictive covenant attached to this Order as Exhibit B shall no longer limit the use of the Site or be of any further force or effect. Ecology shall not grant approval until soils beneath the site are found to contain less than 200 ppm Total Petroleum Hydrocarbons and 10 ppm PCB mixture.

8. ITT shall continue to operate the existing oil recovery system as an interim action. This action will reduce the amount of oil entering Ennis Creek. The water discharge from the oil recovery system to the mill treatment system will be monitored for oil and grease five days a week. The effluent limits for the recovery system will be 20 mg/L monthly average oil and grease with a daily maximum not to exceed 25 mg/L oil and grease. The sampling point for oil and grease will be after treatment by the recovery system but prior to discharge to the plant waste water treatment system. ITT will submit to Ecology monthly reports showing oil and grease levels entering the waste water treatment system from the oil recovery system. Ecology will review and may alter the monitoring schedule after 30 days of data have been reported. Any changes in system operation will be reported to Ecology. The recovery system will continue to operate until the remedial action described in Cleanup Action Plan of this Order is implemented.
9. In accordance with WAC 173-340-840(5), sampling data shall be submitted according to Exhibit C: Site Description And Data Submittal Requirements. These submittals shall be provided to Ecology as required under the schedule established in provision 1(c), above.

V.

Terms and Conditions of Order

1. Definitions Unless otherwise specified, the definitions set forth in ch. 70.105D RCW and ch. 173-340 WAC shall control the meanings of the terms used in this Order. All exhibits to this Order are incorporated by this reference and are integral and enforceable parts of this Order.
2. 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 the Order is inadequate or improper in any respect.
3. Remedial Action Costs. ITT shall pay to Ecology costs incurred by Ecology pursuant to this Order. These costs shall include work performed by Ecology or its contractors for investigations, remedial

actions, and Order preparation, oversight and administration. Ecology costs shall include costs of direct activities; e.g., employee salary, laboratory costs, travel costs, contractor fees, and employee benefit packages; and agency indirect costs of direct activities. ITT shall pay the required amount within 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 description of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Failure to pay Ecology's costs within 90 days of receipt of the itemized statement of costs may result in interest charges.

ITT shall pay wastewater discharge permit fees under Ch. 173-224 WAC rather than through cost recovery under RCW 70.105(d).

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

Name Paul Skyllingstad
Address Department of Ecology.
Industrial Section
Mail Stop FZ-14
Olympia, WA 98504-8711

Telephone 206-586-0583

The project coordinator for ITT is:

Name Brian Jones
Address ITT Rayonier, Inc.
Port Angeles Pulp Division
Post Office Box 191
Port Angeles, WA 98362

Telephone 206-457-3391

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

5. Performance. All work performed pursuant to this Order shall be under the direction and supervision, as necessary, of a professional engineer or hydrogeologist, or similar expert, with appropriate training, experience and expertise in hazardous waste site investigation and cleanup. ITT 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.

Except when necessary to abate an emergency situation, ITT shall not perform any remedial actions at pulp mill finishing room site outside that required by this Order unless Ecology concurs, in writing, with such additional remedial actions.

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

6. Access Ecology or any Ecology authorized representative shall have, the authority to enter and freely move about all property at the Site 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 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 ITT. Ecology shall provide reasonable notice before entering property unless an emergency prevents notice. Ecology shall allow split or replicate samples to be taken by ITT during an inspection unless doing so would interfere with Ecology's sampling. ITT shall allow split or replicate samples to be taken by Ecology and shall provide Ecology seven (7) days notice before any sampling activity.
7. Public Participation ITT and Ecology shall prepare and/or update a public participation plan for the Site. Ecology shall maintain the responsibility for public participation at the Site. ITT shall help coordinate and implement public participation for the Site.
8. Retention of Records ITT shall preserve in a 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 ITT, a record retention requirement meeting the terms of this paragraph shall be required of such contractors and/or agents.
9. Dispute Resolution ITT may request Ecology to resolve factual or technical disputes which may arise during the implementation of this Order. Such request shall be in writing and directed to the signatory of this Order. Ecology resolution of the dispute shall be binding and final. ITT 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.

10. Reservation of Rights Ecology reserves all rights to issue additional orders or take any action authorized by law in the event or upon the discovery of a release or threatened release of hazardous substances not addressed by this Order, upon discovery of any factors not known at the time of issuance of this Order, in order to abate an emergency, or under any other circumstances deemed appropriate by Ecology.

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 from the pulp mill finishing room Site.

In the event Ecology determines that conditions at the Site 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 environment, Ecology may Order ITT to stop further implementation of this Order for such period of time as needed to abate the danger.

11. Transference of Property No voluntary or involuntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by ITT 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 transfer of any legal or equitable interest ITT may have in the Site or any portions thereof, ITT shall serve a copy of this Order upon any prospective purchaser, lessee, transferee, assignee, or other successor in such interest. At least thirty (30) days prior to finalization of any transfer, ITT shall notify Ecology of the contemplated transfer.

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

VI.

Satisfaction of this Order

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

VII.

Enforcement

1. 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 ITT refuses, without sufficient cause, to comply with any term of this Order, ITT will be liable for:
 - 1) up to three 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 \$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: February 10, 1992.



Richard A. Burkhalter, P. E.
Supervisor, Industrial Section

ITT Rayonier Port Angeles Finishing Room Site



Proposed Enforcement Order For Site Cleanup

[The Department of Ecology has proposed, under terms of the Model Toxics Control Act (Chapter 70.105D), an enforcement order requiring ITT Rayonier, Inc. to clean up petroleum contamination of ground water, surface waters and soil at the company's pulp mill located at 700 North Ennis Street in Port Angeles, Washington. This fact sheet has been prepared to inform you about the proposed enforcement order and a public comment period on that order.]

Public Comment Period February 10, 1992 - March 10, 1992

Facility Description

ITT Rayonier owns and operates a pulp mill at Port Angeles, Washington. The mill was constructed in 1937 and occupies approximately 15 acres of land next to the Strait of Juan de Fuca. The mill produces three different grades of pulp (cellophane grade, acetate grade, and viscous grade). The mill uses the sulfite pulping process to produce 170,000 tons of pulp per year.

Contamination History

Oil was first found in Ennis Creek in 1989 by an Ecology Inspector. The Inspector directed personnel from the Port Angeles mill to determine the source of the oil release. The seepage appeared to originate from riprap located on the west side of Ennis Creek next to the pulp finishing room. Investigations by ITT Rayonier determined that the release was

a result of years of hydraulic fluid leakage from several pulp bailing presses in the finishing building. The company constructed containment around the bailing presses and started a site characterization study. The seepage area on Ennis Creek was contained using oil absorbent booms.

During the site characterization, mill employees were interviewed; air photos were examined; the shoreline of Ennis Creek was "lamped" using ultraviolet light to identify oil seepage locations in the creek bank and bed; 13 monitoring wells, 2 staff gauges, and other monitoring points were installed; soil, oil and ground water samples were collected and analyzed; water levels were measured; and a short pumping test was conducted.

The site characterization determined that the largest amount of hydraulic oil floats on the ground water under the finishing room bailing presses. Up to four feet of oil is found on the ground water. Both Ennis Creek and the aquifer beneath the finishing room are tidally influenced. The company installed an oil recovery system and began to remove oil from the water table in January of 1991. The system was designed to remove oil from the ground water and intercept oil that was seeping into Ennis Creek.

February 1992

INFORMATION/MAILING LIST-FACT SHEET

Dawn Hooper (Public Involvement)
Department of Ecology
Mail Stop PV-11
Olympia, WA 98504-7600
(206) 438-3300 or 1-800-456-6920

SUBMIT COMMENTS TO:

Paul Skyvingstad (Site Manager)
Department of Ecology
Industrial Section, Mail Stop FZ-14
P.O. Box 47600
Olympia, WA 98504-7706
(206) 588-0583

INFORMATION REPOSITORIES:

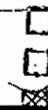
Paul Skyvingstad (Site Manager)
Department of Ecology
Industrial Section, Mail Stop FZ-14
P.O. Box 47600
Olympia, WA 98504-7706
(206) 588-0583

FILE COPY

AIR
WATER/SOLID
HAZ. WASTE
HWCU

continued on Page 2

printed on recycled paper



Pulp Mill

Finishing Room Site