



## **RESPONSIVENESS SUMMARY**

**Port Angeles Rayonier Mill Site  
February 1 – March 5, 2010 Public Comment Period**

**Agreed Order  
Planning for Interim Actions in the Study Area**

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## **More Information**

The Remedial Investigation for the Uplands Environment of the Former Rayonier Mill Site, and other site materials are available at these information repositories:

North Olympic Library System  
Reference Desk  
2210 South Peabody Street  
Port Angeles, WA 98362  
(360) 417-8500

Peninsula College Library  
Reference Desk  
1502 East Lauridsen  
Port Angeles, WA 98362  
(360) 452-9277

Washington Department of Ecology  
Southwest Regional Office  
300 Desmond Drive SE  
Lacey WA 98503  
(360) 407-6243

Selected documents are also available on the Washington Department of Ecology's Web site at [http://www.ecy.wa.gov/programs/tcp/sites/rayonier/rayonier\\_hp.htm](http://www.ecy.wa.gov/programs/tcp/sites/rayonier/rayonier_hp.htm).

The Washington Department of Ecology (Ecology) has compiled a list of interested parties, organizations, agencies, and residents. If you would like to be added to the mail list, please contact Hannah Aoyagi at 360-407-6790 or [haoy461@ecy.wa.gov](mailto:haoy461@ecy.wa.gov).

## **Acronyms and Abbreviations**

CSO	Combined Sewer Overflow
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
Harbor-Works	Port Angeles Harbor-Works Public Development Authority
MTCA	Model Toxics Control Act
PLP	Potentially Liable Person
Rayonier	Rayonier Properties LLC
SEPA	State Environmental Policy Act
Tribe	Lower Elwha Klallam Tribe

## **Introduction**

Ecology is overseeing cleanup at the Port Angeles Rayonier Mill Site. The cleanup is currently being conducted by Rayonier Properties LLC (Rayonier), a wholly owned subsidiary of Rayonier, Inc. On January 19, 2010, Rayonier signed a new Agreed Order to plan for Interim Actions – partial cleanup actions – in the Study Area (Figure 1). The Study Area consists of the upland property and parts of the marine environment.

This responsiveness summary addresses comments received during the public comment period for the Agreed Order. The public comment period was open from February 1 to March 5, 2010. No changes were made to the Agreed Order based on public comment. However, Ecology plans to incorporate a number of public concerns into how the Rayonier cleanup is managed. This responsiveness summary addresses these concerns and answers key questions about next steps in the cleanup process.

### **Format of the Responsiveness Summary**

Ecology has reviewed all comments received. Comments from different reviewers often covered the same topics. Ecology has responded to these common concerns in this responsiveness summary, organized into the seven following sections:

- **Summary of Public Involvement**
- **List of Commenters**
- **Acronyms and Abbreviations**
- **Responses to Common Concerns** – Comments from different public reviewers often covered the same topics. To reduce redundancy, comments addressing the same topic were grouped and addressed under a set of common themes.
- **Responses to Specific Concerns**
- **Appendix A: Comments**
- **Appendix B: History of Disposal from Interim Actions at the Rayonier Mill Site**

### **Details of the Agreed Order**

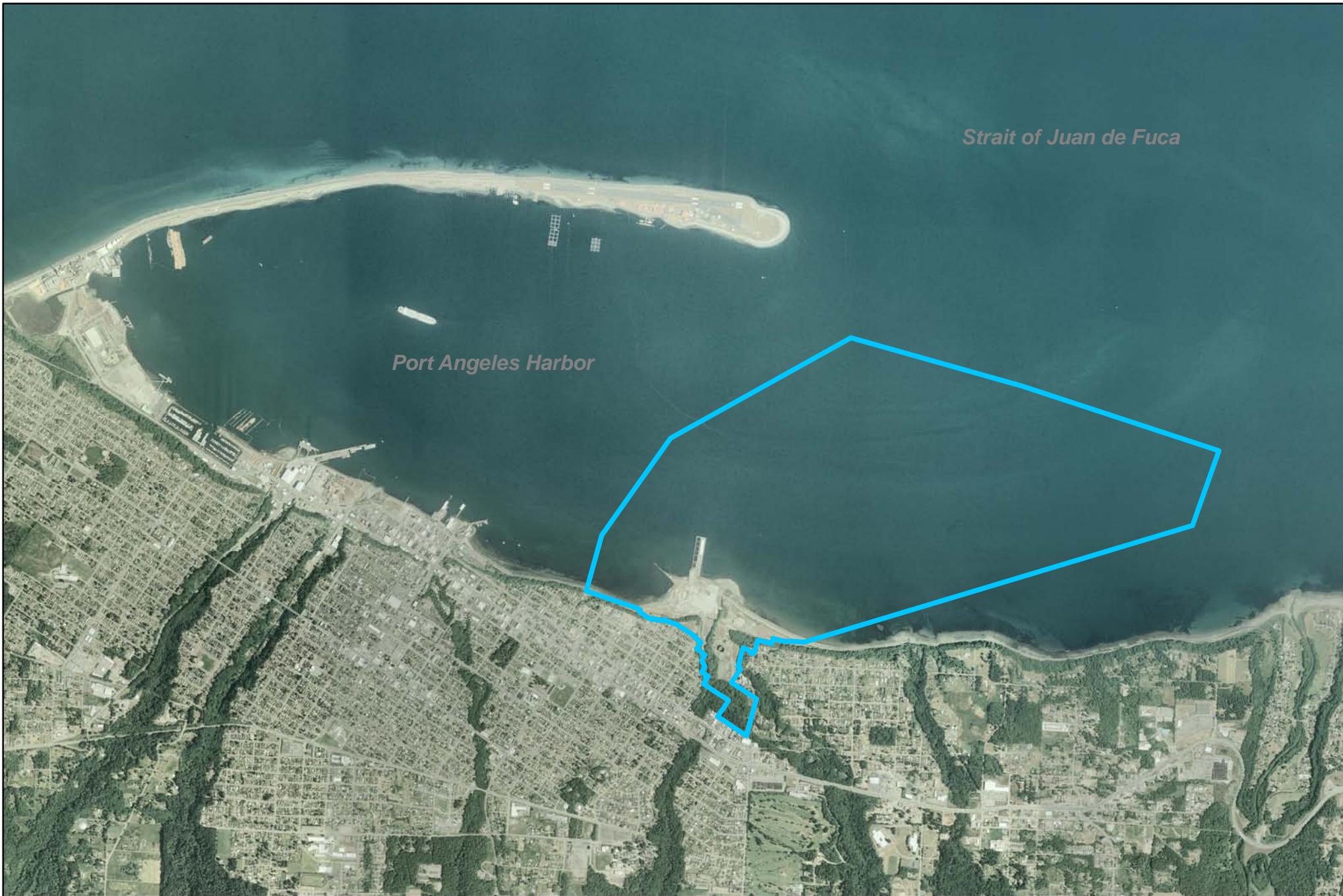
This Agreed Order replaces several older agreements for the Rayonier Mill site. It accounts for the past work done by Rayonier and asks the company to compile existing information in several reports. The document details additional sampling to fill data gaps identified by Ecology. Rayonier and Ecology will then use existing and new information to establish preliminary cleanup levels, determine what cleanup is needed, and evaluate cleanup methods.

Over a three year timeline, Rayonier will complete five tasks for the Study Area:

- **Task 1** – Collect soil and groundwater data on the upland portion.
- **Task 2** – Develop a report describing all data for the upland.
- **Task 3** – Develop a report describing all data for the marine portion.

- **Task 4**—Evaluate options for cleaning up both the upland and marine portions.
- **Task 5**—Develop a cleanup plan for the entire Study Area. This work will be called an Interim Action because it only addresses part of the overall site.

This Agreed Order addresses the Study Area, which is only a portion of the site. Once the full extent of contamination is defined, the need for additional cleanup will be evaluated.



 StudyArea boundary

Figure 1. Rayonier Mill Study Area

## **Summary of Public Involvement**

The Model Toxics Control Act (MTCA) mandates public involvement in the site cleanup process. The public involvement process for this site provides for participation through stakeholder input, periodic distribution of fact sheets and other outreach materials, public meetings and presentations, and formal public comment periods.

### **Fact Sheets and Other Outreach**

Ecology made the following documents available during the public comment period for the 2010 Agreed Order:

- January 20, 2010 – Mail fact sheet, announcing comment period and public meeting notice (distributed to approximately 450 addresses).
- January 22, 2010 – Ecology news release notifying media outlets of the Agreed Order signature, public comment period, and date of public meeting.
- January 22, 2010 – E-mail sent to mailing list and stakeholders: Rayonier Signs New Agreed Order.
- January 28, 2010 – Notice of public comment period and public meeting on Ecology's Public Involvement Calendar.
- January 28, 2010 – Notice of public comment period in Ecology Site Register. (Notices also ran in the February 11 and February 25, 2010 issues of the Site Register.)
- February 8, 2010 – E-mail sent to mailing list and stakeholders: Rayonier Open House Reminder and Clarification.
- February 22, 2010 – Blog posted and sent to e-mail list, with follow-up information and a list of questions from the public open house.

### **Public Outreach Meetings/Presentations**

Ecology hosted a public open house on the Agreed Order on February 10, 2010 at the Port Angeles Senior Center. Approximately 75 members of the community attended.

### **Public Comment Period**

The public comment period was open from February 1 through March 5, 2010.

## List of Commenters

Date	Name	Affiliation
2-2-10	Port Angeles City Council	City of Port Angeles
2-4-10	Hap and Janis Carpenter	Port Angeles residents
2-8-10	Joe Schmitt	Whiskey Creek Marine Services
2-10-10	Kaj Ahlburg	Port Angeles Harbor-Works Public Development Authority Board of Directors
2-10-10	Ron Richards	Port Angeles resident
2-11-10	Barbara Trejo	WA Department of Health
2-13-10	Edwin Johnson	Port Angeles resident
2-16-10	Pat Milliren	Port Angeles resident
2-16-10	Peter DeFur	Environmental Stewardship Concepts on behalf of Olympic Environmental Council
2-22-10	James Michel	
2-23-10	Kathy Duff	Sequim resident
2-23-10	Robbie Mantooth	Port Angeles resident
2-25-10	Jeffery Robb	Port of Port Angeles
2-25-10	Lionel Klikoff	WA Department of Natural Resources
2-26-10	Carol Johnson	North Olympic Timber Action Committee
2-27-10	Charles Strickland	Port Angeles resident
3-1-10	Harry Branch	Olympia resident
3-1-10	Janet Marx	Port Angeles resident
3-2-10	Bob Lynette	Sequim resident
3-3-10	Jeff Lincoln	Port Angeles Harbor-Works Public Development Authority
3-3-10	D.G. Hendricks	Port Angeles resident
3-3-10	Kaj Ahlburg	Port Angeles Business Association
3-3-10	Shirley Nixon	Port Angeles resident
3-4-10	Jim Mantooth	Port Angeles resident
3-4-10	Sue Chickman	Port Angeles resident
3-5-10	Gretchen Brewer	
3-5-10	Darlene Schanfald	Olympic Environmental Council Coalition
3-5-10	Jane Vanderhoof	WestWind Farm
3-5-10	Russ Veneema	Port Angeles Chamber of Commerce
3-5-10	Alan Zachwieja	Port Angeles resident
3-5-10	Paul Perlwitz	Nippon Paper Industries USA Co., Ltd.
3-5-10	Kent Myers	City Manager, Port Angeles
3-5-10	Heather Trim	People for Puget Sound
3-5-10	Sharon Nelson Cone	Port Angeles resident
3-6-10*	Judy Larson	Sequim resident

*\*accepted late due to e-mail problems*

## Responses to Common Concerns

### I. Agreed Order Timeline

Several commenters shared their concerns with the length of time needed to plan for Interim Actions. Some expressed that this timeline prevents timely reuse of the site and acquisition of a water tank the City of Port Angeles needs to help reduce the number of Combined Sewer Overflow events. Ecology estimates that it will take three years to complete the tasks in the Agreed Order and have a draft Interim Action Plan for cleanup of the Study Area. Actual cleanup of the Study Area will occur when the Interim Action Plan is finalized and implemented under a subsequent legal agreement.

Over the past month, Ecology and Rayonier reviewed the work required under the Agreed Order and concluded that the schedule was reasonable and necessary. The two parties specifically discussed whether tasks could be eliminated or done in parallel, but did not identify tasks that could be eliminated. Ecology does not support doing data collection in parallel to evaluating cleanup alternatives. Understanding the nature and extent of contamination within the Study Area is necessary to evaluate cleanup alternatives for this area. Ecology and Rayonier also revisited how the schedule was originally developed during negotiations. Three key principles guided this process:

- All of the work in the Agreed Order was required by MTCA;
- The schedule had to be achievable by both parties, including any consultants and contractors; and
- The collaboration built during the negotiation would be critical to the successful cleanup of the site.

There were many specific questions about the timeline, which should be addressed.

Can the timeframe be condensed from three years to one and a half? No. During the three years, Rayonier will have to collect upland data, write marine and upland data summary reports, and evaluate and select cleanup options. Each task has several steps, usually involving a work plan, an agency review draft, and a public review draft. Ecology has built in adequate time to review each deliverable, meet with Rayonier, and provide detailed comments. Some portions of the schedule may proceed more quickly than anticipated, but there could also be unexpected delays. This schedule is the shortest realistic timeframe for the volume of work, and the level of detailed review Ecology needs to ensure a complete investigation, evaluation of alternatives, and interim action plan for the Study Area.

Can the marine and upland work be separated in order to speed up the cleanup process or allow for redevelopment of the former mill property? Ecology understands the community's interest in putting the property back into productive use as quickly as possible. However, Ecology's top priority is the protection of human health and the environment, for the long-term. Rayonier must fully investigate the nature and extent of

contamination throughout the Study Area before effective cleanup can begin. The primary reasons are that contamination on the upland may be impacting the marine environment, and because marine cleanup may affect the upland.

Can review times for specific tasks be shortened? In reality, some reviews may take less time than expected, and Ecology will continue to look for ways throughout the process to move as quickly as possible. However, Ecology feels the cleanup and the public are best served by setting realistic deadlines.

Has the length of the cleanup put human and environmental health at risk? Rayonier has completed a number of Interim Actions during the cleanup process. Each action has removed some contamination from the environment—a step towards protecting human and environmental health. We do know that many contaminants within the Study Area remain in concentrations above state cleanup levels which, while posing little immediate risk, could pose a long term threat to human health and the environment. Ecology continues to prioritize work both within and outside of the Study Area so that a final cleanup can be achieved as soon as possible.

Could the U.S. Environmental Protection Agency (EPA) take over cleanup? EPA deferred cleanup to the state under a 2000 agreement. EPA has indicated that it is generally supportive of Ecology's efforts to move forward with a realistic, enforceable schedule.

What has taken so long to get this far on the Rayonier Mill cleanup? Toxics Cleanup Program took over management of the cleanup in late 2007. At that time, the major barrier to moving forward was disagreement with Rayonier over the extent of the site. However, a great deal of investigation and cleanup has already been done through a partial Remedial Investigation and through Interim Actions. More background on Interim Actions is available at:

<http://www.ecy.wa.gov/programs/tcp/sites/rayonier/2008/interimActions.htm>.

Can Ecology expedite work outside of the Study Area, as well? Ecology is expediting work outside of the Study Area. The agency has been moving forward the Rayonier Mill Off-Property Soil Dioxin Study and the Port Angeles Harbor Sediment Investigation. Ecology is expecting a draft soil dioxin report from its consultant around the time that it signs the Agreed Order. That report, and the Sediment Investigation Report, will go out for public comment. The results of these two studies will be incorporated into a strategy for addressing the whole Rayonier site. This work will move forward concurrently with the Study Area work. The Agreed Order came out for public comment in February because it was ready. Ecology did not feel that it was necessary to hold up work in the Study Area to wait for the Sediment Investigation Report or soil dioxin study report.

Ecology also received a number of suggestions for specific areas where the Agreed Order schedule could be shortened. The agency is relying on the professional judgment of its staff regarding the time needed to complete each task and whether the schedule is achievable by both parties.

\* \* \*

Ecology has determined it is not appropriate to amend the Agreed Order to make changes to the estimated three year timeline. However, public concern bolsters the agency's decision to make the Rayonier Mill cleanup a priority, and to continue to move the cleanup forward as expeditiously as possible. Ecology will consider proposals to do cleanup in conjunction with construction or restoration work within the next three years. These proposals may include Ennis Creek restoration and the City of Port Angeles' combined sewer overflow realignment project. Future owners of the site could be added to the Agreed Order as appropriate, and could have input in the process. However, Ecology does not intend to let any side negotiations or property transactions slow cleanup.

## **II. Agreed Order Enforcement and Language**

Many members of the community are concerned with Ecology's ability and motivation to enforce the Agreed Order. This is the first agreement in quite some time where Ecology has had an enforceable schedule with Rayonier, and both parties are committed to meeting the deadlines for each task. More concretely, Ecology has several enforcement tools outlined in the Agreed Order. This may require legal action, as suggested by several commenters, and Rayonier may incur civil penalties. This site is a high priority for the agency, and the Toxics Cleanup Program staff is motivated to complete the cleanup.

Several commenters had questions about language in the Agreed Order—many of the phrases or words are standard, “boilerplate” legal language used in most Ecology orders. Other comments revolve around specific procedures for dispute resolution and deadline extensions.

**Could Ecology amend the Agreed Order to include more specific language about deadlines and consequences for missing them?** The Agreed Order already provides clarity about deadlines for Rayonier. Each deadline is triggered by a specific event, such as the effective date of the order, or receiving comments from Ecology. Although Ecology has enforcement tools under MTCA if Rayonier breaches the terms of the Agreed Order, Ecology would likely step in and take over the cleanup (and cost-recover) to ensure the cleanup keeps moving forward.

**How will the schedule be impacted by dispute resolution?** The dispute resolution process begins at the project coordinator level and then moves up to Ecology's Section Manager if it cannot be resolved within 14 days. The Agreed Order clearly states that this process should not delay work unless Ecology agrees to a schedule extension. In other words, Ecology will still hold Rayonier to their deadlines and will continue with any review or oversight work at that point in the schedule. Ecology has enforcement tools under MTCA if Rayonier breaches the terms of the Agreed Order. If Rayonier is not making sufficient progress or has failed without good cause to meet the requirements of the Agreed Order, Ecology reserves the right to take over the work and

cost recover. This would allow the agency to keep this high priority cleanup moving forward.

**How do schedule extensions work with a 21 day notice requirement?** Ecology can only extend the Agreed Order schedule when Rayonier makes their request in a timely fashion. This is *generally* 21 days before the deadline. There may be situations where this is not possible and Ecology has some flexibility in granting extensions. The request must also include a good reason and the burden is on Rayonier to demonstrate this.

**Which party would implement or continue the cleanup if Rayonier were to sell the property?** Regardless of any future property transaction, under MTCA Rayonier will continue to be liable to the state for the cleanup of the site as a whole. The current Agreed Order will remain in effect. It is not possible to divvy up cleanup liability before a definite buyer has been identified. It will likely depend on the nature of the transaction—whether the buyer tries to define their liability through a tool like a Prospective Purchaser Consent Decree. If the property is sold, the Agreed Order could be amended as appropriate at that time, to add a new owner.

**What happens if Ecology or the Lower Elwha Klallam Tribe causes delays?** Both Ecology and the Tribe are committed to timely review of cleanup documents in order to move cleanup forward quickly. However, the Agreed Order contains a section that addresses extensions of schedule. One of the examples in the Agreed Order of good cause for an extension are circumstances beyond the reasonable control and despite the due diligence of Rayonier including delays caused by unrelated third parties or by Ecology. Also, while the Tribe has a concurrence role, it is not a signatory to the Agreed Order. So, the Agreed Order does not address consequences for the Tribe's actions.

**Should Rayonier pay their cleanup costs in advance?** Ecology usually tries to work with PLPs to complete cleanups, like it has here with the Agreed Order, rather than requiring payments and conducting the work itself. Ecology would be able to address far fewer cleanups throughout the state if it chose to conduct all the work itself. MTCA also allows for Ecology to conduct the work and address cost recovery later, as Ecology has chosen to do for this site with the Rayonier Mill Off-Property Soil Dioxin Study and the Port Angeles Harbor Sediments Investigation. This approach allows the cleanup to move forward without first requiring Ecology to reach agreement with Rayonier on the scope or projected cost of Ecology's work.

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The Washington State Department of Natural Resources has requested that special attention be paid to the extent and source of a variety of pesticides found at the site. Under this Agreed Order, Rayonier is obligated to fully characterize all contaminants within the Study Area, including pesticides.

### **III. Cleanup Levels and Future Uses of the Mill Property**

Ecology received a large number of comments about the future use of the Rayonier Mill property. Most who expressed a *specific* vision for the property requested that all fill materials should be removed and the original shoreline restored. These recommendations were linked with concerns over the effects of climate change and the risk of events such as floods, earthquakes, and tsunamis. Several people commented on the need for concurrent actions to restore Ennis Creek and protect salmon habitat. Many commenters presented their position on cleanup levels and how they relate to future land uses of the mill property. Most who expressed a specific opinion on cleanup levels felt that it should allow for unrestricted future use of the property.

**Can Ecology influence future land use?** Under the Model Toxics Control Act (MTCA), Ecology does not direct the future land use at a site through the cleanup process. Rather, Ecology considers the site's current uses, projected future uses, and local zoning designations in determining appropriate cleanup levels. Typically, Ecology will consult with the owner of the property and local land use planning authorities on the range of future uses of a site. The Rayonier Mill property is now vacant, and therefore offers a wide range of potential future uses. The City of Port Angeles has land use jurisdiction over the Rayonier Mill property. City zoning on this property remains unchanged since the Mill closure in 1997. In accordance with Title 17 of the City of Port Angeles Municipal Code the property is mostly zoned "industrial heavy." Adjoining Rayonier-owned properties are also zoned "industrial light," "residential low density" (RS-7), "public buildings and parks," and "commercial arterial."

**Can Ecology encourage concurrent projects such as the restoration of Ennis Creek?** Yes, Ecology is expecting to receive proposed plans for restoration work on Ennis Creek. Ecology will evaluate plans to make sure human health and the environment are protected, and that the plans will not interfere with Rayonier's work or with reasonable alternatives for the ultimate cleanup. As long as the plans sufficiently address these issues, the project can move forward. Ecology generally encourages opportunities to incorporate habitat restoration with cleanup.

**Will cleanup levels be set for unrestricted use?** Possibly. Cleanup levels must be protective of human health and the environment. Cleanup levels for soil consider potential uses of the property. We must also consider protection of other pathways - such as contaminants in soil moving into groundwater, and then to the marine environment. Cleanup levels to protect the groundwater pathway can be even more stringent than cleanup levels set for unrestricted use. The public will have the opportunity to comment on any draft Interim Action Plan, including the preliminary cleanup levels.

**Shouldn't Ecology be using a cancer risk of one in a million as a basis for cleanup levels instead of one in one hundred thousand?** Yes, but not for *multiple* contaminants. Cleanup levels are usually set so that lifetime exposures to any one contaminant results in no higher than an additional one in a million risk of cancer within a population. However, when you have multiple contaminants at a site, this risk can add up. Twenty

contaminants could lead to a cumulative (total) cancer risk of 20 in one million. So, Ecology's rules set an acceptable cumulative cancer risk of one in one hundred thousand for multiple contaminants at a site.

**Will Interim Actions take into account climate change, sea level rise, flooding, earthquakes, and tsunamis?** Yes, these are all considerations in evaluating cleanup alternatives. They are also part of the State Environmental Policy Act (SEPA) review process, which looks at how to mitigate the short and long term environmental impacts of proposed cleanups. The public will have an opportunity to comment on the Interim Action Plan and the SEPA determination.

**Can Ecology require complete cleanup before public funds are used to buy the property?** No, Ecology does not have control over property transactions at cleanup sites. The agency can provide funding for local governments to do their due diligence before purchasing a property. However, once a local government purchases property on a cleanup site, they become liable under state law.

#### **IV. Concerns over Public Involvement**

A number of commenters expressed concern about not having more public involvement opportunities or regularly scheduled updates to the community. A few comments suggested creating a new technical advisory group or citizen advisory group. Because Ecology is managing the public involvement process, some of these suggestions could be incorporated without having to amend the Agreed Order. Several questions are already addressed in Ecology's Public Participation Plan for the site:

[http://www.ecy.wa.gov/programs/tcp/sites/rayonier/2010/Rayonier\\_PPP\\_FINAL\\_2010\\_Optimized.pdf](http://www.ecy.wa.gov/programs/tcp/sites/rayonier/2010/Rayonier_PPP_FINAL_2010_Optimized.pdf).

In response, Ecology reevaluated whether additional comment periods could be added to the Agreed Order schedule. In fact, the comment period for the Draft Interim Action Alternatives Evaluation Report (Volume III) is the earliest Ecology can meaningfully involve the public. The Marine and Uplands Data Summary Reports (Volumes I and II) will be made available, but these reports will mainly contain data from past and planned sampling. Most of the analysis on which the public might meaningfully comment will be done in the alternatives evaluation report (Volume III). It makes sense for the formal public comment period to take place when the public can review the summary of the data collected (Volumes I and II) along with the evaluation of alternatives. There will also be a public comment period for the Draft Interim Action Plan for the Study Area before it is implemented (after the completion of this Agreed Order).

Besides comment periods, there are other ways to inform and involve the public. Ecology is looking at milestones in the Agreed Order where important documents can be shared with the public, along with an update mailer (and e-mail). The agency will not be asking for formal public comment, but questions are welcome and can be addressed through educational blogs. Ecology is also considering hosting technical workshops to share details of the Interim Action planning process and answer public

questions. This type of event would be advertised through the mail and e-mail lists, a news release, and Ecology's Web site.

In the past, Ecology worked with a group called the Regional Technical Advisory Group, made up of representatives from federal, state, and local agencies, and the Olympic Environmental Council. They gave input on cleanup decisions during a special review period prior to public comment periods. The Toxics Cleanup Program contacted the member agencies when it took over management of the cleanup at the end of 2007. Most agencies chose to take on a different role in the Rayonier cleanup, ranging from more intensive involvement by Department of Health and Clallam County Environmental Health, to minimal involvement by the federal agencies. The program decided not to reinstate the advisory group and does not plan to replace it. Special, additional review periods are also not feasible under the current Agreed Order schedule.

For members of the public interested in becoming involved in a stakeholder group, the Olympic Environmental Council has a long history of involvement with the cleanup. The group has a Public Participation Grant to fund a technical advisor and educational activities related to the Rayonier Mill cleanup. These grants are available to non-profit organizations with open membership. Applications for the next grant cycle will be due in the fall of 2010. For more information see:

<http://www.ecy.wa.gov/programs/swfa/grants/ppg.html>. With advance notice, Ecology is open to meeting with local organizations that have an interest in the cleanup.

## **V. Landfill Disposal of Waste Materials**

Ecology has heard public concerns about Rayonier's waste disposal, both past and future. Several commenters asked that Ecology address all landfills where Rayonier materials were disposed. Waste materials from past Interim Actions went mostly to approved landfills and treatment facilities, while construction debris went to the Mount Pleasant Landfill. This information is available in Appendix B and has been updated at: <http://www.ecy.wa.gov/programs/tcp/sites/rayonier/2008/interimActions.htm>.

The two Rayonier landfills—Mount Pleasant and 13<sup>th</sup> and M St.—are both under post-closure permits from Clallam County. This means that the county is monitoring groundwater and collecting leachate to see if the landfill is leaking. If contamination issues are discovered, Ecology's Waste 2 Resources Program can put the landfills into "corrective action" processes under the state's solid waste regulations. Waste 2 Resources would then typically oversee cleanup under the Model Toxics Control Act. For more information, please contact Jennifer Garcelon at Clallam County Environmental Health Division, (360) 417-2347, or Bill Harris in Ecology's Waste 2 Resources Program, (360) 407-6253.

## **VI. Rayonier's Role in the Cleanup**

Ecology has been asked several times about why Rayonier is still involved in the cleanup process after nearly a decade of gradual cleanup. One commenter asks why the company should have any say in the cleanup options selected, and whether there may only be one best option. Rayonier is a Potentially Liable Person (PLP) because they own the former mill property and because their past operations led to contamination of the site. Under state cleanup law, Ecology can work cooperatively with PLPs, use Enforcement Orders to compel them to do cleanup, or Ecology can conduct the work itself to keep cleanup moving forward, and seek cost recovery. Ecology chose to continue with a cooperative path, but under a much more specific Agreed Order with an enforceable schedule. The agency very rarely uses Enforcement Orders.

## **VII. Involvement of Harbor-Works Public Development Authority**

Ecology received a number of comments about the role of the Harbor-Works Public Development Authority (Harbor-Works) in the cleanup process. Some were supportive of their involvement, citing their ability to direct beneficial redevelopment. Some were unsupportive, questioning whether the state should fund their work, and whether they are able to make a good deal with Rayonier for ownership of the property. Harbor-Works does not currently have a formal role in the cleanup, but is one of many stakeholders in Port Angeles. Ecology's only direct relationship with them is through a 2009 Integrated Planning Grant to facilitate Harbor-Works' due diligence efforts.

**What is their role in the cleanup?** Harbor-Works currently does not have a formal role in the cleanup process because it is not a Potentially Liable Person (PLP). If it were to purchase the Rayonier property, it would also become a PLP. Rayonier's liability to the state for the cleanup would not be affected by Harbor-Works' purchase of the property.

**What funding does the state provide to Harbor-Works?** In 2009, Ecology provided Harbor-Works with a \$200,000 Integrated Planning Grant. Part of a pilot program, this grant helps local governments plan their involvement in acquiring, cleaning up, and reusing contaminated sites. This grant funds "due diligence" work—to better understand the contamination and cleanup needed—as well as a market analysis and other planning work for integrating redevelopment with cleanup. If Harbor-Works does become a PLP for the cleanup, they could be eligible for Remedial Action Grant funding. More information about these grants is available at:

<http://www.ecy.wa.gov/programs/swfa/grants/rag.html>

**Can Ecology facilitate or prevent Harbor-Works' purchase of the Rayonier property?** Ecology cannot control the purchase and sale of the Rayonier property. However, the Integrated Planning Grant will help Harbor-Works better understand the risk of purchasing the property and whether or not it should enter into a deal with Rayonier. Ecology will ensure that cleanup moves forward, regardless of who owns the property. Under state law, Rayonier cannot sell off its liability to the state for the cleanup.

**For more information about Harbor-Works and its goals:** Please visit its Web site at <http://www.paharborworks.org/about.htm>.

### **VIII. City of Port Angeles Combined Sewer Overflow Project**

The City of Port Angeles is interested in acquiring an easement and tank for a Combined Sewer Overflow (CSO) realignment project mandated by Ecology's Water Quality Program. Ecology provided the city with a \$230,000 interagency agreement last year for CSO realignment and shoreline planning, and is coordinating internally on cleanup and water quality issues. Ecology received several comments regarding the CSO project, both for and against it. Most commenters requested that Ecology become more involved in either facilitating or blocking the process.

**Clarification on Ecology's role:** Ecology's Toxics Cleanup Program oversees the Rayonier cleanup, while the Water Quality Program regulates CSOs. The two programs are coordinating closely to ensure that neither project compromises the other, and that environmental protection is achieved. For example, Ecology can help ensure that the city and Rayonier appropriately address any contamination found during pipe placement. However, certain crucial decisions must be made locally. Ecology cannot force Rayonier to give the city an easement and access to the tank, or shape the cleanup process around the city's needs. Likewise, the agency also cannot prohibit Harbor-Works from buying the property to help the city, or force the city to completely revise its realignment plans.

## **Responses to Specific Concerns**

### **I. Concern over Tribal Treaty Rights**

One commenter noted that “the Agreed Order does not discuss Tribal rights and the EPA’s obligation to protect treaty rights with the Tribe.” The Lower Elwha Klallam Tribe has a concurrence role in the cleanup through a 1999 agreement with Ecology. The Tribe has a separate agreement with Rayonier. This Agreed Order is between Rayonier and Ecology, and does not need to speak to these other relationships. Ecology has also met with representatives from the Jamestown S’Klallam and Port Gamble S’Klallam Tribes, regarding the Rayonier Mill cleanup and a wide range of regional issues. The agency is not aware of any issues with treaty rights at this time.

### **II. Company name**

Several commenters asked whether the Rayonier Properties LLC or its parent company, Rayonier, Inc., should be the signatory on the Agreed Order. Both Rayonier, Inc. and Rayonier Properties LLC are named PLPs for the site. Rayonier Properties, LLC requested that it be the signatory to this Agreed Order, and Ecology agreed. It is not unusual for Ecology agree to allow a willing PLP to take the lead on a cleanup. However, Rayonier, Inc.’s liability to the state for the cleanup is not altered by the fact that it is not a signatory to the Agreed Order.

### **III. Split sampling**

Ecology received several comments about taking split samples while Rayonier is doing their sampling required under the Agreed Order. Ecology is looking into the logistics of taking some split samples.

### **IV. Restrictive Covenant**

Ecology received one comment requesting that Ecology not agree to remove a Restrictive (Environmental) Covenant currently in place on the Rayonier Mill property. A 1992 Ecology enforcement order required cleanup in the area of the Finishing Room along Ennis Creek. As part of the Interim Action (partial cleanup), a restrictive covenant was placed on the property to protect the remedy – a sheet pile wall and sump system. In 1998 and 2002, Rayonier completed further interim actions in the area, removing 10,000 tons of contaminated soil, and the sheet pile wall and sump system, making the restrictive covenant no longer necessary. The comment questions how Ecology can know that no further cleanup or monitoring is needed in that portion of the property. In fact, Ecology does not know whether the area is completely clean. Under this current Agreed Order, Rayonier is required to include it in their investigation and cleanup of the Study Area, so any remaining contamination will be addressed.

## **Appendix A: Comment Letters**

RESOLUTION NO. 03-10

A RESOLUTION of the City Council of the City of Port Angeles, Washington, directing to the Department of Ecology (DOE) comments on the proposed Agreed Order DE 6815.

WHEREAS, cleanup of the Rayonier Site in Port Angeles has been pending since the Rayonier Mill closed in 1997; and

WHEREAS, DOE's proposed Agreed Order DE 6815 extends for at least an additional 3 years the time allotted to develop an Interim Action Plan for the upland Mill property; and

WHEREAS, Rayonier has already accomplished substantial cleanups of the uplands under numerous voluntary and directed cleanups; and

WHEREAS, delaying the cleanup process for another 3 years substantially hinders efforts to return the property to beneficial use; and

WHEREAS, delaying the cleanup process for another 3 years will make it more difficult for the City to timely and efficiently complete its CSO project; and

WHEREAS, it is in the best interest of the Port Angeles community that Rayonier property be available for beneficial use as soon as possible, and without further prolonged delay; and

WHEREAS, since 2007 the City has been attempting to accelerate the process of returning the Rayonier site to some beneficial use; and

WHEREAS, the City of Port Angeles and the Port of Port Angeles have been working cooperatively together, through the HarborWorks Public Development Authority, for the purpose of restoring the Rayonier property to community use and to accelerate the cleanup process,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Port Angeles as follows:

The City hereby directs the following comments to DOE on its proposed Agreed Order DE 6815:

1. The Schedule of Deliverables, Exhibit C of the proposed Agreed Order, establishes a time frame of at least 3 years for development of an Interim Action Plan. Given the status of investigatory work performed to date and the Port Angeles community needs, that is too long. It is not in the best interests of the Port Angeles community to allow such a prolonged extension of time. The Schedule, in all of its particulars, should be substantially condensed.

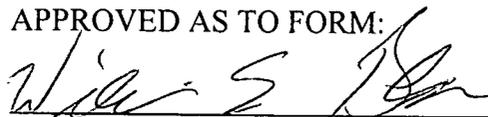
2. The uplands portion of the work can and should be completed in a relatively short time. For that reason, the uplands schedule and activities should be separated from the marine work. This would allow the uplands work to be completed in a more expeditious and reasonable time frame that would better serve the Port Angeles community and result in more rapid remediation to benefit the environment.

PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the 2nd day of February, 2010.

  
MAYOR

ATTEST:

  
Janessa Hurd, City Clerk

APPROVED AS TO FORM:  
  
William E. Bloor, City Attorney

From: [William Carpenter](#)  
To: [Abbett, Marian L. \(ECY\);](#)  
Subject: Rayonier clean-up  
Date: Thursday, February 04, 2010 8:00:29 AM

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Marian and Department of Ecology,

I am writing this to give our feedback on the proposed clean-up of Rayonier's former pulp mill site. Being Port Angeles residents, and using the Olympic Discovery Trail frequently, my wife and I would love to see the timeline condensed if at all possible. It seems as if another 3 years is excessive, especially considering the time that has already elapsed. Thank you for this consideration.

Hap and Janis Carpenter  
842 Strait View Dr.  
Port Angeles, Wa 98362

From: [JOE SCHMITT](#)  
To: [Abbett, Marian L. \(ECY\);](#)  
Date: Monday, February 08, 2010 8:02:25 PM

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Hello

As an owner of beach and Tide flats west of Port Angeles, I find the time line agreement between Ecology and Rayonier Un acceptable. what are you guys waiting on?

You are going to do a clean up , but let the toxins wash around for years while you bicker. I wonder WHAT the real issues are? It sure doesn't appear to be the health or environmental issues. Could it be Money, incompetence, what????

Move forward and get this done or we will be forced to find some one who can. Three years? What a joke !

Captain Joe Schmitt  
Whiskey Creek Marine Services  
Po Box 130  
Joyce Wa. 98343  
360 460 0025  
[whiskeycreekbeach@q.com](mailto:whiskeycreekbeach@q.com)

**Kaj Ahlburg**  
**4513 Mount Pleasant Road**  
**Port Angeles, WA 98362**  
**(360) 565-1146**  
**ahlburgk@msn.com**

Ms. Marian Abbett  
SWRO Toxics Cleanup Program  
Department of Ecology  
P.O. Box 47775  
Olympia, WA 98504-7775

February 10, 2010

Re: Agreed Order No. DE 6815

Dear Ms. Abbett,

After reviewing the above captioned agreed order I have the following comments and requests for consideration by Department of Ecology ("DoE").

DoE works for and is paid by us, the taxpayers and citizens of Washington State. You have been charged to utilize your expertise and the regulatory authority delegated to you to help provide a clean environment for the citizens of this state, free of harmful industrial pollution.

The cleanup of the Rayonier Property has been studied by DoE for well over a decade. Other polluted paper mill sites have been completely cleaned up in much less time. It is now time to speedily conclude the clean up and not drag out the process with three more years of study. I respectfully request that you substantially compress the three year time frame in the Agreed Order to half that time, or 18 months.

While any future use of the Rayonier Property will likely include a substantial portion of the area as a park or open space, I believe it also is important to provide for industrial or commercial development on a portion of the property, to allow for the creation of at least some of the jobs and tax base that were lost when the Rayonier mill shut down 13 years ago.

Uncertainty and delay can have substantial cost in business transactions. There are two potential transactions related to the Rayonier Property that are very important to Port Angeles and its citizens, and which are materially and negatively affected by the delay and uncertainty generated by the extended DoE process. One is the acquisition by the City of Port Angeles of the water tank to help satisfy the unfunded mandate relating to combined storm water overflow ("CSO") imposed by DoE on the City. The other is placing back into productive use, generating jobs and tax base, a portion of the Rayonier Property, possibly following acquisition of the property by Harbor-Works. With regard

to solving the CSO issue the City is operating under a tight DoE imposed deadline that mandates that a transaction occur this year.

In addition to speeding up the overall process, there are two specific areas in which DoE can either substantially help or substantially impede meeting the goals of the City and Port of Port Angeles and its citizens. I respectfully request that you take these into consideration and modify your plans accordingly.

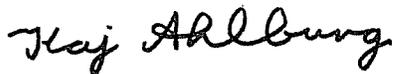
First, DoE should allow and facilitate the concurrent additional study (to the extent required), clean up and redevelopment of the site. This goes as much for commercial redevelopment as redevelopment as a park or open space. Prompt and concurrent redevelopment will save the citizens of Port Angeles substantial sums of money compared to the option of three more years of study, then clean up, and only then redevelopment. Regardless of the future use of the property, the citizens of Port Angeles can not afford any further delays in concluding the required work.

Second, the most economical way for the City to satisfy the CSO requirements involves acquiring the water tank on the Rayonier Property. Rayonier has stated that it will sell the tank only together with a sale of the whole property. Such a sale would most likely take place using Harbor-Works as the acquiring entity. The CSO related deadline and other considerations make it important that a transaction, if it is to occur at all, take place this year. Uncertainty related to future clean up costs will be a significant inhibiting factor in any negotiations between Harbor-Works and Rayonier and could impose substantial additional costs on the City and Port. I respectfully request that DoE help minimize such uncertainty by providing a cost cap for the clean up remaining to be done on the Rayonier Property. After over a decade of study DoE must surely have enough information to provide such a cost cap. Alternatively, I request that DoE promptly delineate with specificity the clean up work remaining to be done, which the parties involved in any acquisition transaction can then cost out for themselves.

While I am a member of Harbor-Works' Board of Directors, this letter merely reflects my own views. Harbor-Works as an organization will submit a separate comment letter.

Thank you for your consideration.

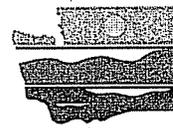
Sincerely,



Kaj Ahlburg,  
Member of the Board of Directors, Harbor-Works

cc.: Rep. Lynn Kessler  
Rep. Kevin Van De Wege  
Sen. Jim Hargrove

# Port Angeles Rayonier Mill Public Comment Form



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

This form is for providing comments on the new Agreed Order with Rayonier. Your comments will be read by Project Manager Marian Abbett. Ecology's responses will be published in a responsiveness summary, which will be made available to the public.

You can submit your comment tonight or mail it to Marian Abbett, Southwest Regional Office, Toxics Cleanup Program, PO Box 47775, Olympia, 98504-7775. E-mail comments can be sent to [marian.abbett@ecy.wa.gov](mailto:marian.abbett@ecy.wa.gov). Please submit comments by March 5, 2010.

NAME: Ron Richards  
ADDRESS: 124 Township Line Road  
CITY: Port Angeles, Wa.  
ZIP: 98362

## COMMENTS

(Please use back side of this form if you need more room)

The City's CSO plan is ill-conceived. It should be replaced by a disconnection program.

Public acquisition of the site is ill-conceived. The worse the economics of site acquisition, the more urgent site acquisition is for Harbor Works, the Port and the City. It doesn't add up.

To allow time for sanity ~~to~~ to return to this project, the DOE should:

- ① Stop funding Harbor Works;
- ② Extend the deadline for the City's CSO project three or (3) years;

③ Require Rayonier to completely clean up the site before any public funds are spent on acquisitions.

④ Investigate the allegations of pollution off the Port Angeles landfill, and determine whether Rayonier waste has contributed to that, and whether Rayonier should also clean that up.

From: [Trejo, Barbara \(DOH\)](#)  
To: [Abbett, Marian L. \(ECY\)](#);  
cc: [Groven, Connie \(ECY\)](#); [Aoyagi, Hannah \(ECY\)](#);  
[O'Garro, Lenford \(DOH\)](#);  
Subject: FW: Rayonier Signs New Agreed Order  
Date: Thursday, February 11, 2010 4:17:48 PM

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Hi Marian,

Thanks for the opportunity to review the new proposed Rayonier Agreed Order. I looked through it, focusing on the upland work (Len O'Garro is the health assessor for the marine portion of the site). However, I am unable to provide substantive comments because I have not reviewed the March 2007 RI report, which became available before I was reassigned to this site. I did note, however, that you have included items in the Agreed Order that I recommended Ecology require Rayonier to include in the upland and marine RI work plans in 2003.

Please let me know, in the future, if you would like DOH to review the *Interim Action Report Volume I: Upland Data Summary Report for the Study Area*.

Barbara

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From: Aoyagi, Hannah (ECY)  
Sent: Friday, January 22, 2010 4:46 PM  
Subject: Rayonier Signs New Agreed Order

## Rayonier Signs New Agreed Order

Ecology is announcing that Rayonier has signed a new Agreed Order to move forward with cleanup. The public comment period for this Agreed Order will be held **February 1 – March 5, 2010**.

February 13, 2010

From: Edwin R. Johnson

312 E. 12th st.

Port Angeles, Wash. 98362

RECEIVED

To: Department of Ecology Washington State

'10 FEB 17 A10:05

Subject: Rayonier property, Rayonier mill  
site Port Angeles  
my comment (agreement with Rayonier)

DEPARTMENT OF ECOLOGY  
SW REGIONAL OFFICE

The Port Development authority formed a new local bureaucracy called Harbor Works. This was a bad move. So far the taxpayers are into it for 1.3 million dollars. The idea of Harborworks buying the property, taking responsibility for clean up, and possibly dragging the State into clean up is dead wrong.

The Port Angeles Daily News on peninsula

Feb. 11 page A4 says that your agreement with Rayonier for clean up "does not prohibit --- Harborworks --- from acquiring the property". My comment is that the agreement should ~~not~~ prohibit Harborworks from acquiring the property. The city and the port should close Harborworks down and the

Ecology department should not let it acquire the property.

The state should not allow development of the property within 200 feet of Ennis Creek, or else the chance to restore a natural flood plain and substantial salmon runs to Ennis Creek will be gone.

Maybe you could help the city try to get a fair deal with Rayonier to buy it's water tank so the city can obey sewage discharge requirements. Harborworks has failed at this.

Respectfully,  
Edwin R. Johnson

From: [pat milliren](#)  
To: [Abbett, Marian L. \(ECY\)](#);  
Subject: comment on new Agreed Order for DOE/Rayonier  
Date: Tuesday, February 16, 2010 2:51:49 PM

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I hope I will have more time to study your documents, but here is one specific comment with regard to the Agreed Order, Task 4:

I think it is not advisable to ask Rayonier to "evaluate different options for cleaning up both the upland and marine portions." After all, Rayonier is the company that created the damage in the first place, and it is to their advantage to do the least possible cleanup, financially speaking. I believe that DOE ought to have (from within their own staff or if necessary, hired) appropriate scientists create options and evaluate them. Actually, why are there options? We want the best cleanup possible for the safest public access. We do not want industrial-grade cleanup. There may be no options to do the best thing.

I am struggling not to make voluminous comment on the frustration and confusion I feel over the excessive length of time this whole process has taken. Port Angeles chose NOT to allow our site to be an EPA site because the process would take too long...HA!

Pat Milliren  
1703 W. 8th  
Port Angeles, WA 98363

**Comments on  
State of Washington Department of Ecology and Rayonier Properties LLC  
Agreed Order  
No. DE 6815**

**Prepared for  
Olympic Environmental Council**

**By  
Environmental Stewardship Concepts**

**16 February 2010**

**Document Summary**

This Agreed Order (AO) between Rayonier Properties LLC and Washington State Department of Ecology (Ecology) establishes the actions Rayonier must take prior to the beginning of the cleanup at the Port Angeles Rayonier Mill Site.

Rayonier will complete four volumes of an Interim Action Report, which will assist Ecology in developing an Interim Action Plan to address the contamination in groundwater, freshwater and marine sediments, and the upland soils at a Study Area within the site. The Agreed Order only focuses on the remedial actions for the Study Area (a portion of the site), for which the site boundaries have not yet been defined. Currently, the site includes the former Rayonier Mill Property and the adjacent marine environment. The landfills associated with the site are not referenced in this AO.

The document provides a Schedule of Deliverables that indicates cleanup could be delayed another four years or more as Rayonier gathers the information necessary for Ecology to develop the Interim Action Plan.

**General Comments**

- 1. There is no text on public deliverables or public availability of documents.** It is standard procedure under CERCLA to include an information repository, typically online and in print, for the public to access the documents that are released during the cleanup process. The AO should be amended to include details on how the Port Angeles community will be able to follow the cleanup in real time. In addition, the community would benefit from an actively involved RTAG and/or citizen advisory group during the cleanup.
- 2. The public's ability to comment on documents is limited.** The AO mentions three public comment periods for three of the four volumes Rayonier must deliver. There are, however, ten documents that will be released over the course of the schedule outlined in Exhibit C. The AO should be amended to include

opportunities for the public to comment on all of the documents Rayonier will deliver. Public involvement is critical to site remediation and as it is currently written, the public's input is parceled out across the entire schedule, instead of consistently providing input from the beginning of the process to the end.

3. **Based on the Schedule of Deliverables in the AO, it will take approximately four years of data gathering and reports before the cleanup can officially begin.** This timeline is inordinately long. The AO is unclear on the repercussions of not meeting the timeline outlined in the Schedule of Deliverables. The AO could be amended to include information on whether Ecology will take over the work or possibly do an enforced order. In addition, the AO could clarify Ecology's options if Rayonier continues to avoid meeting its commitments.
4. **To expedite the time it will take to implement a cleanup action plan, ESC and the community strongly urge Ecology and Rayonier to consider removing all man-made structures and fill down to the original shoreline.** This would simplify the cleanup process by removing soil that would need to be investigated, thereby shortening the AO timeline. In addition, this change could possibly minimize Rayonier's costs for further investigation and cleanup of the mill site proper.
5. **Section J Resolution of Disputes does not include information about how cleanup will be affected by dispute resolution procedures.** Dispute resolution should not add time to the cleanup. The text in this section should be changed to include plans for the cleanup while the parties are involved in dispute resolution. Will it continue? Will it be halted?
6. **Section J Resolution of Disputes should be shored up to ensure that Rayonier will not be able to abuse the process and further delay the cleanup.** Rayonier has repeatedly invoked the law and other means to delay this cleanup as long as possible. The community has grown weary of Rayonier's evasion of its duty to clean up this site.
7. **The AO's language is not strong enough regarding timelines for documents and responses.** The AO repeatedly uses the words "shall endeavor to meet" or "shall endeavor to review and comment" within a certain number of days, but these time periods appear to be flexible. The AO could amend the sections that contain schedules to clarify that the 14 or 45 day response periods are strict deadlines that could only be extended using the process outlined in Section K.
8. **The Extension of Schedule section is confusing because the AO does not list strict deadlines.** This section appears to give Rayonier more freedom to delay the cleanup process because the schedule outlined in the AO is open-ended to begin with. In addition, some of the response periods are only 14 days

long – how would Ecology or Rayonier be able to give a 21 day notice for an extension?

9. **The section on public participation is overly general.** This section could be amended to be much more specific regarding the ways in which Ecology will involve the public in the cleanup of the Rayonier site. An option for including the public is to conduct regular technical briefings on the progress of the site, noting the latest results, next steps, schedules, etc. These briefings can be monthly, quarterly or at whatever frequency best suits the needs of the community and agencies, recognizing that sometimes more frequent meetings can interfere with work progress if the meetings require extensive preparation that does not lead to progress. As the AO is currently written, there are very limited means of engaging the community and receiving its input during the course of cleanup. These issues are integral to the development of any cleanup agreement, as public involvement is a legal requirement of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanups.
10. **Public comment can alter the conditions in the AO.** ESC commends the inclusion of Part VIII Terms and Conditions of Order, Section A. Public Notice, which indicates that Ecology has the power to alter the terms of the AO pending the input from the community during this public comment period. ESC hopes that Ecology will use that power to incorporate some of the specific concerns listed here, thereby strengthening the power of the AO to push forward this cleanup.
11. **This AO is substantially more detailed and structured than the two former AOs (from 2002 and 2004).** ESC anticipates that Ecology will have stronger authority to manage the cleanup and enforce deadlines than in previous agreements. Utilizing this authority could expedite the cleanup process and ensure that Rayonier fulfills its responsibilities as the Potentially Liable Person.
12. **The AO does not discuss Tribal rights and the EPA's legal obligation to protect treaty rights with the Tribe.** ESC recommends that the AO make some reference to any and all previous legal documents that protect or otherwise control the involvement of the LEKT.
13. **The AO is silent on the issue of landfills.** Of particular interest is the Mount Pleasant Landfill. Although the cell was lined, there have been elevated concentrations of indicator compounds detected outside the boundary of the Mt. Pleasant landfill. It is important to note that two other landfills discharge indirectly into Puget Sound (13<sup>th</sup> and M Street and Monroe Road). Rayonier also used the 18<sup>th</sup> Street City landfill to dispose of contaminated soils and materials from the demolished buildings. This landfill may also be affecting Dry Creek and the Strait. The AO should include the landfills in the development of the interim actions and the determination of site boundaries.

## Specific comments

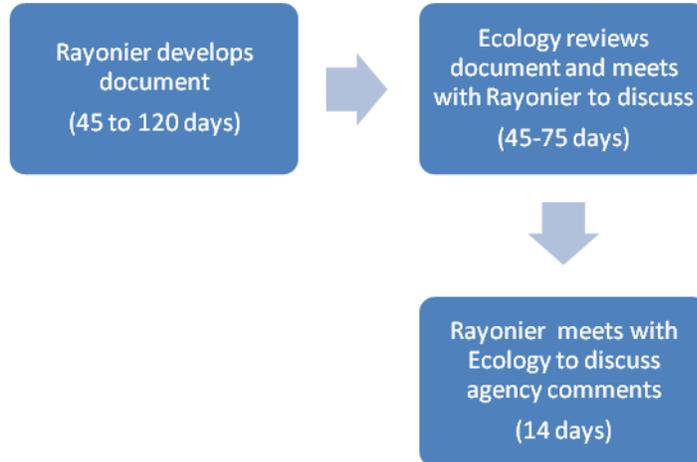
1. Page 21, Task 2e, Schedule: Seventy-five days is a long time to incorporate revisions into a document that has already been drafted. The AO could be amended to include why this amount of time is necessary. Additionally, this time could be shortened to shorten the overall length of the schedule.
2. Page 24, Task 3e, Schedule: The same comments above apply here.
3. Page 26, second paragraph: There is no discussion in this paragraph of how the Study Area will be treated if the cleanup standards established for the entire site are more protective than the preliminary standards established by the Final Interim Action Plan. To avoid having to repeat this portion of the cleanup to achieve higher standards, ESC recommends that Ecology utilize background concentrations, Washington State and EPA standards as the basis for its site-wide standards, allowing deviations from the aforementioned standards based on factual, site-specific information.
4. Page 26, third paragraph: It is unclear why the cancer risk is set at  $10^{-5}$ , rather than the more protective cancer risk level of  $10^{-6}$ . ESC recommends changing the AO to use the more protective  $10^{-6}$ .
5. Page 34, Section G, second paragraph: ESC agrees that split-sampling is an important facet of this cleanup because it provides one further check on Rayonier to ensure that sampling results can be repeated and therefore are credible.
6. Page 35, Public Participation: This section does not include any specific, required actions to initiate public participation, nor does it include any regularly scheduled updates for the community. It could be amended to include information about meetings that Rayonier and/or Ecology will hold at regular intervals (monthly, quarterly, etc) to inform the public about the progress of the interim actions and documents. In addition, this section should be amended to include information how public comment periods for the forthcoming documents. This information should include: (1) the amount of time the comment periods would last, (2) which documents will be available for public comment and (3) an explanation of why the public is unable to comment on every document from Rayonier.
7. Page 38, 2 (b): "Acts of God..." should be replaced with "Acts of Nature..."
8. Page 40, M. Endangerment: The text in the first sentence states: "Ecology *may* direct Rayonier to cease such activities..." "May" should be changed to "shall" or "will" in order to indicate that if a situation is dangerous, there is no doubt that activities will cease until the situation is resolved.
9. Page 41, O. Transfer of Interest in Property: This section does not include information on which party would implement or continue the cleanup if Rayonier

is to sell the property. The section should be amended to include where the responsibility for cleanup lies if the property is transferred. There should be no question that the cleanup will continue if the property changes hands.

10. Page 46, Exhibit B, third paragraph: For ten years, there have been phased approaches and interim actions. On the basis of the past ten years, “phasing” does not offer assurance of cleanup effectiveness and expediency. This section should lay out precise conditions where phasing would be appropriate – leaving this option open-ended will give Rayonier too much freedom to delay this cleanup further.
11. Page 59, Exhibit C: As these documents are released and reviewed by Ecology, the public should be able to review and comment as well. Ecology has repeatedly made promises over the years but has not followed through on including the public as best as it could. There is only one public comment period listed on the Schedule of Deliverables, but the text states that the public will have the opportunity to comment on Volumes I, II, and III.

In addition, Exhibit C leaves out the time expected for Ecology to review and respond to Rayonier’s deliverables. Exhibit C should be updated to include these schedules, as well as the other two public comment periods and their specific durations (in days), so that the schedule accurately reflects the amount of time these preliminary actions are expected to take.

The schematic below depicts the general process by which the documents are developed, critiqued, and approved. Using the schedules outlined in each task of the AO, ESC summed the number of days expected for each document to complete this process (including Ecology and Rayonier efforts). By ESC estimations, all of the interim work outlined in the AO will take approximately 1667 days, or 4.5 years, to complete. This estimation does not include the time it will take to wait for validated data from the lab or the two public comment periods that were omitted from the Schedule of Deliverables. Nor does it anticipate any changes in the public review process that would allow for more public comment periods if the AO is amended to increase public participation. Therefore, this estimate may be longer than the ESC approximation.



Given that the cleanup process at the Rayonier Mill Site has already taken ten years, the review and response periods listed in the text of the AO and Exhibit C seem excessive, particularly considering the total amount of time the Schedule of Deliverables is expected to take. The cleanup cannot begin until these deliverables are complete. If the AO were amended to include strict deadlines and shorter periods of time for review and comment by Ecology and Rayonier, this excessive length of time could be shortened or at least regulated.

From: [Jamie Michel](#)  
To: [Abbett, Marian L. \(ECY\)](#);  
Subject: Comments to Rayonier Agreed Order  
Date: Monday, February 22, 2010 10:02:42 AM

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Hi Marian,

Below are my comments regarding the Raonier Agreed Order. I believe this parcel of land offers a unique opportunity to enhance the natural beauty of Port Angeles and the North Olympic peninsula. Full remediation and restoration of the site will enhance local aquatic resources and improve the self-image of Port Angeles.

Best Regards,

James Michel  
Bellingham, WA

1. There is no text on public deliverables or public availability of documents. It is standard procedure under CERCLA to include an information repository, typically online and in print, for the public to access the documents that are released during the cleanup process. The AO should be amended to include details on how the Port Angeles community will be able to follow the cleanup in real time. In addition, the community would benefit from an actively involved RTAG and/or citizen advisory group during the cleanup.
2. The public's ability to comment on documents is limited. The AO mentions three public comment periods for three of the four volumes Rayonier must deliver. There are, however, ten documents that will be released over the course of the schedule outlined in Exhibit C. The AO should be amended to include opportunities for the public to comment on all of the documents Rayonier will deliver. Public involvement is critical to site remediation and as it is currently written, the public's input is parceled out across the entire schedule, instead of consistently providing input from the beginning of the process to the end.
3. Based on the Schedule of Deliverables in the AO, it will take approximately four years of data gathering and reports before the cleanup can officially begin. This timeline is inordinately long. The AO is unclear on the repercussions of not meeting the timeline outlined in the Schedule of Deliverables. The AO could be amended to include information on whether Ecology will take over the work or possibly do an enforced order. In addition, the AO could clarify Ecology's options if Rayonier continues to avoid meeting its

commitments.

4. To expedite the time it will take to implement a cleanup action plan, ESC and the community strongly urge Ecology and Rayonier to consider removing all man-made structures and fill down to the original shoreline. This would simplify the cleanup process by removing soil that would need to be investigated, thereby shortening the AO timeline. In addition, this change could possibly minimize Rayonier's costs for further investigation and cleanup of the mill site proper.

5. Section J Resolution of Disputes does not include information about how cleanup will be affected by dispute resolution procedures. Dispute resolution should not add time to the cleanup. The text in this section should be change to include plans for the cleanup while the parties are involved in dispute resolution. Will it continue? Will it be halted?

6. Section J Resolution of Disputes should be shored up to ensure that Rayonier will not be able to abuse the process and further delay the cleanup. Rayonier has repeatedly invoked the law and other means to delay this cleanup as long as possible. The community has grown weary of Rayonier's evasion of its duty to clean up this site.

7. The AO's language is not strong enough regarding timelines for documents and responses. The AO repeatedly uses the words "shall endeavor to meet" or "shall endeavor to review and comment" within a certain number of days, but these time periods appear to be flexible. The AO could amend the sections that contain schedules to clarify that the 14 or 45 day response periods are strict deadlines that could only be extended using the process outlined in Section K.

8. The Extension of Schedule section is confusing because the AO does not list strict deadlines. This section appears to give Rayonier more freedom to delay the cleanup process because the schedule outlined in the AO is open-ended to begin with. In addition, some of the response periods are only 14 days long – how would Ecology or Rayonier be able to give a 21 day notice for an extension?

9. The section on public participation is overly general. This section could be amended to be much more specific regarding the ways in which Ecology will involve the public in the cleanup of the Rayonier site. An option for including the public is to conduct regular technical briefings on the progress of the site, noting the latest results, next steps, schedules, etc. These briefings can be monthly, quarterly or at whatever frequency best suits the needs of the community and agencies, recognizing that sometimes more frequent meetings can interfere with work progress if the meetings require extensive preparation that does not lead to progress. As the AO is currently written, there are very limited means of engaging the community and receiving its input during

the course of cleanup. These issues are integral to the development of any cleanup agreement, as public involvement is a legal requirement of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanups.

10. Public comment can alter the conditions in the AO. ESC commends the inclusion of Part VIII Terms and Conditions of Order, Section A. Public Notice, which indicates that Ecology has the power to alter the terms of the AO pending the input from the community during this public comment period. ESC hopes that Ecology will use that power to incorporate some of the specific concerns listed here, thereby strengthening the power of the AO to push forward this cleanup.

11. This AO is substantially more detailed and structured than the two former AOs (from 2002 and 2004). ESC anticipates that Ecology will have stronger authority to manage the cleanup and enforce deadlines than in previous agreements. Utilizing this authority could expedite the cleanup process and ensure that Rayonier fulfills its responsibilities as the Potentially Liable Person.

12. The AO does not discuss Tribal rights and the EPA's legal obligation to protect treaty rights with the Tribe. ESC recommends that the AO make some reference to any and all previous legal documents that protect or otherwise control the involvement of the LEKT.

13. The AO is silent on the issue of landfills. Of particular interest is the Mount Pleasant Landfill. Although the cell was lined, there have been elevated concentrations of indicator compounds detected outside the boundary of the Mt. Pleasant landfill. It is important to note that two other landfills discharge indirectly into Puget Sound (13th and M Street and Monroe Road). Rayonier also used the 18th Street City landfill to dispose of contaminated soils and materials from the demolished buildings. This landfill may also be affecting Dry Creek and the Strait. The AO should include the landfills in the development of the interim actions and the determination of site boundaries.

#### Specific comments

1. Page 21, Task 2e, Schedule: Seventy-five days is a long time to incorporate revisions into a document that has already been drafted. The AO could be amended to include why this amount of time is necessary. Additionally, this time could be shortened to shorten the overall length of the schedule.

2. Page 24, Task 3e, Schedule: The same comments above apply here.

3. Page 26, second paragraph: There is no discussion in this paragraph of how the Study Area will be treated if the cleanup standards established for the entire site are more protective than the

preliminary standards established by the Final Interim Action Plan. To avoid having to repeat this portion of the cleanup to achieve higher standards, ESC recommends that Ecology utilize background concentrations, Washington State and EPA standards as the basis for its site-wide standards, allowing deviations from the aforementioned standards based on factual, site-specific information.

4. Page 26, third paragraph: It is unclear why the cancer risk is set at 10-5, rather than the more protective cancer risk level of 10-6. ESC recommends changing the AO to use the more protective 10-6.

5. Page 34, Section G, second paragraph: ESC agrees that split-sampling is an important facet of this cleanup because it provides one further check on Rayonier to ensure that sampling results can be repeated and therefore are credible.

6. Page 35, Public Participation: This section does not include any specific, required actions to initiate public participation, nor does it include any regularly scheduled updates for the community. It could be amended to include information about meetings that Rayonier and/or Ecology will hold at regular intervals (monthly, quarterly, etc) to inform the public about the progress of the interim actions and documents. In addition, this section should be amended to include information how public comment periods for the forthcoming documents. This information should include: (1) the amount of time the comment periods would last, (2) which documents will be available for public comment and (3) an explanation of why the public is unable to comment on every document from Rayonier.

7. Page 38, 2 (b): "Acts of God..." should be replaced with "Acts of Nature..."

8. Page 40, M. Endangerment: The text in the first sentence states: "Ecology may direct Rayonier to cease such activities..." "May" should be changed to "shall" or "will" in order to indicate that if a situation is dangerous, there is no doubt that activities will cease until the situation is resolved.

9. Page 41, O. Transfer of Interest in Property: This section does not include information on which party would implement or continue the cleanup if Rayonier is to sell the property. The section should be amended to include where the responsibility for cleanup lies if the property is transferred. There should be no question that the cleanup will continue if the property changes hands.

10. Page 46, Exhibit B, third paragraph: For ten years, there have been phased approaches and interim actions. On the basis of the past ten years, "phasing" does not offer assurance of cleanup effectiveness and expediency. This section should lay out precise conditions where phasing would be appropriate – leaving this option open-ended will give Rayonier too much freedom to delay this cleanup further.

11. Page 59, Exhibit C: As these documents are released and reviewed

by Ecology, the public should be able to review and comment as well. Ecology has repeatedly made promises over the years but has not followed through on including the public as best as it could. There is only one public comment period listed on the Schedule of Deliverables, but the text states that the public will have the opportunity to comment on Volumes I, II, and III.

In addition, Exhibit C leaves out the time expected for Ecology to review and respond to Rayonier's deliverables. Exhibit C should be updated to include these schedules, as well as the other two public comment periods and their specific durations (in days), so that the schedule accurately reflects the amount of time these preliminary actions are expected to take.

The schematic below depicts the general process by which the documents are developed, critiqued, and approved. Using the schedules outlined in each task of the AO, ESC summed the number of days expected for each document to complete this process (including Ecology and Rayonier efforts). By ESC estimations, all of the interim work outlined in the AO will take approximately 1667 days, or 4.5 years, to complete. This estimation does not include the time it will take to wait for validated data from the lab or the two public comment periods that were omitted from the Schedule of Deliverables. Nor does it anticipate any changes in the public review process that would allow for more public comment periods if the AO is amended to increase public participation. Therefore, this estimate may be longer than the ESC approximation.

Given that the cleanup process at the Rayonier Mill Site has already taken ten years, the review and response periods listed in the text of the AO and Exhibit C seem excessive, particularly considering the total amount of time the Schedule of Deliverables is expected to take. The cleanup cannot begin until these deliverables are complete. If the AO were amended to include strict deadlines and shorter periods of time for review and comment by Ecology and Rayonier, this excessive length of time could be shortened or at least regulated.

From: [Kathy Duff](#)  
To: [Abbett, Marian L. \(ECY\);](#)  
Subject: Comments re: Rayonier Site  
Date: Tuesday, February 23, 2010 11:49:32 AM

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I am relieved to see Ecology is committed to this project. I hope the state will enforce the Agreed Order aggressively. According to the 2008 Annual Report for Rayonier, they have several sites where they were named PLP. These sites were closed 1989 and prior. They estimate 25 years for investigation and remediation for Southern Wood Piedmont sites. To avoid ending up in such a quagmire, the state will need to be willing to put teeth in their enforcement, including going to court.

submitted by:  
Katherine Duff  
960 Thornton Drive  
Sequim, WA 982382

Feb. 23, 2010

To:

Marian Abbett,

Washington Department of Ecology, Toxics Cleanup Program, SWRO

P.O. Box 4775

Olympia, WA 98504-7775

From: Robbie Mantooth

2238 E. Lindberg Road

Port Angeles, WA 98362

Subject; Comments on Agreed Order between DOE and Rayonier

First, I want to express great appreciation for the obviously sincere concern you and other staff members have demonstrated. The publications, presentation and efforts to respond to questions were all very helpful.

I'm sure you have been made very aware of the great frustrations among those who have lived with all the delays. We are concerned about our health, the continuing damage to Ennis Creek's fish and other animals in the stream and marine environments, and missed opportunities for a site that should be a attractive magnet instead of an eyesore.

It is obvious that the professionals at DOE have made a great effort to move the process forward.

I don't think anyone wants speed to cause the cleanup to be inadequate, but improvements should be possible, including:

- Separate the marine study area from the uplands study area.
- Expedite data collection, option evaluation and cleanup plan for the uplands study area.
- Replace such vague terms as "endeavor" to more specific ones such as "must provide." The process for arranging for exemptions that the Agreed Order describes should make the vague terms unnecessary.
- Specify what will happen if *any* of the parties in the cleanup (DOE, LEKT and Rayonier) cause delays in the schedule.
- Tighten timelines. Providing 75-120 days for various responses seems excessive, especially considering the amount of time already spent on this project.
- Provide more encouragement for interim actions like the stream restoration, improvement of the trail, access to the beach and removal of the pier. Every year that the stream remains armored and without an estuary creates more problems with retaining and restoring fish populations. The fact that the dominant species, steelhead, are listed as

threatened should be sufficient cause for greater speed in improving habitat conditions that the mill severely harmed and the slow cleanup has exacerbated.

- Proceed with the data collection, option evaluation and cleanup plan for the marine portion of the study area as soon a cleanup plan is developed for the uplands portion.
- Cleanup plans should be developed that will make unrestricted uses possible during the future. It is impossible to know with certainty that cleanup to a restricted level will be suitable for the way the site will be used over the years. It surely can be known now that restricted level cleanup will continue to expose people and wildlife to hazardous substances.
- Include investigation and interim actions related to landfills where materials from the Rayonier site already has been taken and where any additional materials. Some ongoing supervision will be necessary to make sure the landfills are not causing problems to nearby soils, streams and marine waters.
- Make public participation requirements clearer.

Additional comments related to specific elements of the AO:

Page 4 – Why is Rayonier Properties LLC, which is only a subsidiary of Rayonier, Inc., the signatory? It seems to me that the parent organization needs to be the signatory.

Page 6, E; Page 9 N – “These hazardous substances pose a threat to human health and the environment.” How can the department that is supposed to have major responsibility for the health of people in the State of Washington allow the response to this threat to take so long?

Page 11, S – “While planning the interim action, and making interim action decisions, Ecology and Rayonier will evaluate opportunities to perform remedial actions in a fashion that coincidentally enhances habitat. Elements of the remedial action will be evaluated for restoration opportunities in consultation with Ecology as plans for cleanup are developed.” Who will take the initiative in doing this? Why not set some priorities, starting with the stream, and include a requirement for all the parties to contribute plans for how remedial actions can take place.

Page 13

H – “Pursuant to RCW 70.105D.030(1) and .050(1), Ecology may require Rayonier to investigate or conduct other remedial actions with respect to any release or threatened release of hazardous substances, whenever it believes such action to be in the public interest.” It seems to me that release of hazardous substances is ongoing and perhaps has been the case for many decades. This should support the need to proceed at an emergency level so threats to the fish, orcas and people can be reduced as soon as possible.

I – “Under WAC 173-340-430, an interim action is a remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance, that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed, or that is needed to provide for completion of a site hazard assessment, RI/FS, or

design of a cleanup action. The interim action contemplated in this Order will expedite cleanup and reduce threats to human health and the environment. Cleanup of the Study Area promotes reuse of a portion of the Site in an area where both Parties agree to expedite work without waiting for the full nature and extent of contamination to be defined. In the context of this Site, these circumstances warrant an interim action consistent with WAC 173-340-430.” This certainly describes the situation with the Ennis Creek fish populations. Restoration after extirpation is much more expensive than when some natural propagation is occurring. If more of the stream’s natural flood plain can’t be restored soon through removal of the asphalt parking lot and armoring, those of us who are aware of the threats to these fish, including threatened steelhead, need to seek help through the Endangered Species Act.

Page 17

“Schedule: Rayonier shall submit the Agency Review Draft Work Plan for Ecology review and comment within 45 calendar days of the effective date of this Order. Rayonier and Ecology shall endeavor to meet within 14 calendar days of Ecology’s receipt of the Draft Work Plan to review and discuss the Draft Work Plan. Ecology shall endeavor to review and provide comments within 45 calendar days of receipt of the Agency Review Draft Work Plan. Rayonier and Ecology shall endeavor to meet within 14 calendar days of Ecology providing comments to review and discuss Ecology’s comments on the Draft Work Plan.” All these “shall endeavor” statements reflect the tone that makes concerned people suspect unacceptable delays will continue.

Page 19

“Schedule: Rayonier shall submit the Agency Review Draft of Interim Action Report Volume I for Ecology review within 105 calendar days of receipt of comments from Ecology on the Draft Supplemental Upland Data Collection Technical Memorandum. Rayonier and Ecology.” Since all the involved parties should be familiar with all the data included in this report, why should nearly another third of a year be necessary for this review?

Page 25

“In addition, Rayonier shall develop preliminary cleanup standards for the Study Area (*see* Task 4a) as described in this Order, and Rayonier shall develop and screen interim action alternatives (*see* Task 4b).” Cleanup levels need to be established now or as soon as possible. Restricted level cleanup makes no sense. That would allow this company to hold hostage this land and the health of people and animals affected by it forever. The concepts behind even having a restricted level possible, especially for a property adjacent to marine waters, must have come from an unenlightened past. It’s time to make that clear for all stakeholders.

Page 27

“Schedule: Rayonier shall submit the Draft Development of Interim Action Alternatives Section for Ecology review and comment within 120 calendar days of submittal of both the Public Review Draft of Interim Action Report Volume I and the Public Review Draft of Interim

Action Report Volume II. Rayonier and Ecology shall endeavor to meet within 14 calendar days.” Nearly one-third of a year. More than that if only business days are counted. This is unacceptable.

Page 43

“Ecology shall make the final determination on the additional substantive requirements that must be met by Rayonier and on how Rayonier must meet those requirements. Ecology shall inform Rayonier in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Order.” As many of these “additional substantive requirements” as possible need to be established as soon as possible so all stakeholders will have this information. More “substantive requirements” need to be added to the agreed order.

Page 43 and 44

#### **IX. SATISFACTION OF ORDER**

“The provisions of this Order shall be deemed satisfied upon Rayonier’s receipt of written notification from Ecology that Rayonier has completed the remedial activity required by this ...” Wouldn’t such language as “each of the remedial activities required ...” be clearer? Couldn’t the existing language describing penalties appear to only mean final deliverables. Penalties should be clearly described as applying to each step.

Thank you for considering these comments.

Cc: James Hargrove, State Senator

Lynn Kessler, State Representative

Kevin Van de Wege, State Representative

Frances Charles, Chairwoman, Lower Elwha Klallam Tribe

Mike McHenry, Lower Elwha Klallam Tribe Habitat Biologist

Larry Dunn, Lower Elwha Klallam Tribe, Rayonier site cleanup project manager

Ron Allen, chairperson, Jamestown S’Klallam Tribe

Orville Campbell, chairperson, Port Angeles Business Association Waterfront Committee



February 25, 2010

Marian Abbett  
WA Department of Ecology  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia, WA 98504-7775

RE: Rayonier Draft Agreed Order

Dear Ms. Abbett:

This letter is in response to the Draft Agreed Order between Department of Ecology and Rayonier Properties (LLC). In 2008 the Port of Port Angeles and the City of Port Angeles jointly established the Public Development Authority known as Harbor Works for the public benefit. Harbor Works is tasked with conducting the due diligence process to evaluate potential redevelopment of the subject property and to facilitate the City of Port Angeles combined sewer overflow solution through the use of existing site infrastructure. Both of these tasks serve the public benefit through economic development (jobs) in the community and a cost effective solution to address the combined sewer overflow. Through the due diligence process it was our objective to identify the risks as well as the opportunities for both the stated purposes.

We are concerned over the time proposed for additional study of the former Rayonier Mill site and the unpredictable timelines for redevelopment. At the open house held on February 10 by the Department of Ecology, the community voiced the same concerns of uncertainty that the property would be returned to productive use in the near future and that at the end of three years a clean up action plan will be implemented. The Department of Ecology stated at the meeting that additional environmental studies may be necessary at the conclusion of this next process. We had hoped the Draft Agreed Order would have produced some level of predictable timelines but we believe there remains significant uncertainty and risk.

I am enclosing Port Resolution No. 10-994 to be included in the public comment for the Draft Agreed Order. The Port is in the business of economic development and with

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COMMISSIONERS  
John M. Calhoun  
Jim McEntire  
George H. Schoenfeldt

EXECUTIVE DIRECTOR  
Jeffery K. Robb

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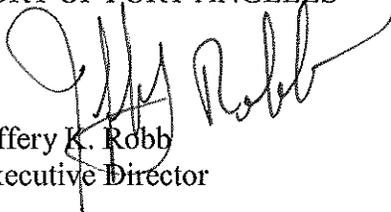
STATE  
DEPARTMENT OF ECOLOGY  
SW REGIONAL OFFICE

Marian Abbett  
February 25, 2010  
Page 2

development we must be assured the risk is offset by the benefit to the public. We request Department of Ecology consider setting this project on a fast track with an established mutually committed timeline between the Department of Ecology and Rayonier to return this property to productive use.

Sincerely,

PORT OF PORT ANGELES



Jeffery K. Robb  
Executive Director

Enclosures

cc: Governor Gregoire  
Senator Jim Hargrove  
Rep. Lynn Kessler  
Rep. Kevin Van De Wege  
Port Commissioners  
Kent Myers, City Manager  
Jeffrey Lincoln, Harbor Works Executive Director

# Port of Port Angeles

*Port Angeles, Washington*

Commissioners' Resolution No. 10-994

A RESOLUTION OF THE PORT COMMISSION OF THE PORT OF PORT ANGELES, DIRECTING TO THE DEPARTMENT OF ECOLOGY (DOE) COMMENTS ON THE PROPOSED AGREED ORDER DE 6815.

WHEREAS, cleanup of the Rayonier Site in Port Angeles has been pending since the Rayonier Mill closed in 1997; and

WHEREAS, DOE's proposed Agreed Order DE 6815 extends for at least an additional 3 years the time allotted to develop a feasibility study and clean-up plan for the upland Mill property; and

WHEREAS, DOE's proposed Order further delays the clean up process for the overall site; and

WHEREAS, there has already been substantial cleanups of the uplands under numerous voluntary and directed cleanups; and

WHEREAS, delaying the cleanup process for another 3 years substantially hinders efforts to return the property to beneficial use; and

WHEREAS, it is in the best economic and environmental interest of our community that Rayonier property be available for beneficial use as soon as possible, and without further prolonged delay; and

WHEREAS, since 2007 the Port has been attempting to accelerate the process of returning the Rayonier site to some beneficial use; and

WHEREAS, the Port of Port Angeles and City of Port Angeles have been working cooperatively together, through the Harbor Works Public Development Authority, for the purpose of restoring the Rayonier property to community use and to accelerate the cleanup process,

NOW, THEREFORE, BE IT RESOLVED by the Port of Port Angeles as follows:

The Port hereby directs the following comments to DOE on its proposed Agreed Order DE 6815:

1. The Schedule of Deliverables, Exhibit C of the proposed Agreed Order, establishes a time frame of at least 3 years for development of an Interim Action Plan. Given the status of investigatory work performed to date and the Port Angeles community needs, that is too long. It is not in the best interests of the Port district's economy or environment to allow such a prolonged extension of time. The Schedule, in all of its particulars, should be substantially condensed.

2. The uplands portion of the work can be expedited. For that reason, the uplands schedule and cleanup activities should be separated from the marine work to allow the uplands work to be completed as soon as possible.

# Port of Port Angeles

*Port Angeles, Washington*

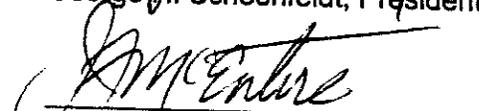
Commissioners' Resolution No. 10-994 cont'd

3. If it is unwilling to amend the said Agreed Order to compress the schedule, DOE should devise a process that will help facilitate Harbor Works and Rayonier to effect a transaction, and development of the property to proceed, and agree to an interim action without waiting until the end of the 3-year schedule.

ADOPTED by the Port Commission of the Port of Port Angeles this 22<sup>nd</sup> day of February 2010 and duly authenticated in open session by the signatures of the Commissioners voting in favor thereof and the Seal of the Commission duly affixed.

PORT OF PORT ANGELES  
BOARD OF COMMISSIONERS

  
George H. Schoenfeldt, President

  
Jim McEntire, Vice President

  
John M. Calhoun, Secretary



Rebecca Lawson  
Washington State Department of Ecology  
Southwest Region  
Toxics Cleanup Program  
300 Desmond Street  
Lacey, WA 98503

Subject: Agreed Order No. DE 6815

Dear Ms Lawson:

The Department of Ecology issued an Agreed Order (Order) in January 2010 to Rayonier Inc (Rayonier) requiring Rayonier to determine the nature and extent of contamination, to evaluate Interim Action Alternatives, and to draft an Interim Action Plan for a designated study area in the eastern part of Port Angeles Bay. The study area encompasses the Rayonier upland area and the associated marine area extending out to the vicinity of the Rayonier outfall.

The Department of Natural Resources (DNR) as the steward of aquatic lands owned by the State of Washington has the obligation to protect those lands. State-owned aquatic lands are managed by DNR for future and current citizens of the state to sustain ecosystems and economic viability and to ensure long-term access to aquatic lands and the benefits derived from them. DNR is directed by the legislature to balance land management activities with other public benefits including environmental protection, fostering water dependent uses, utilizing natural resources, encouraging public use, and generating revenue.

Hazardous substances identified in the study area include petroleum hydrocarbons, carcinogenic polycyclic aromatic hydrocarbons, polychlorinated biphenyls, dioxins/furans, metals, pesticides, and wood waste generated hazardous substances.

DNR compliments the Department of Ecology on issuing the Agreed Order and recognizes it as a major step forward in achieving restoration of Port Angeles Bay. Completion of the requirements of the Agreed Order will inform the cleanup process as developed in the Interim Action Plan and will substantially contribute to the bay wide cleanup.

DNR notes with approval that the Order does not relieve Rayonier from future cleanup actions elsewhere in the bay; that a change in ownership status will not alter Rayonier's responsibilities under the Order; and that the Order pointedly insists on meeting the time lines within the Order. DNR also notes with approval that with the issuance of this Order cleanup actions elsewhere in the bay are not postponed.

DNR compliments Ecology on its recognition of the importance of habitat restoration in the cleanup process. Cleanup of the contaminants is only a step forward in the process of restoring ecosystem function in the bay.

Insufficient attention has been given in the past to the variety of pesticides that have been found at the Rayonier site. The extent and sources of that contamination ought to be determined.

Recognizing that effective sampling and development of cleanup actions take time, the Department of Natural Resources expresses its concern that the interim action cleanup will take more than three years. While the Department of Ecology is tasked with cleanup at a number of sites within Puget Sound, the cleanup process at Port Angeles has proceeded exceptionally slowly in the past. It is anticipated that this Order is representative of more vigorous cleanup actions in Port Angeles Bay.

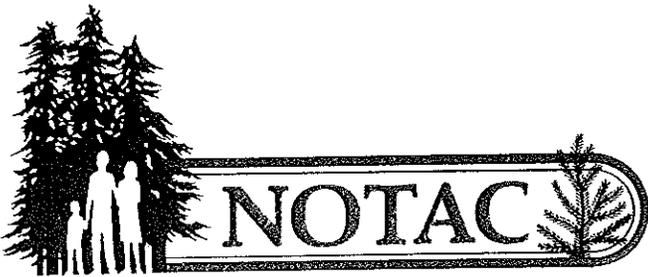
Full public transparency is one of cornerstones of DNR policy. It is important that this process be subject to full disclosure and that the Interim Action Report Volumes 1, 2, 3 and 4 be fully open to public comment. DNR urges that sufficient time be set aside for this part of the process.

As the Agreed Order informs the total cleanup process in Port Angeles Bay, DNR looks forward to the restoration of the natural resources of Port Angeles Bay.

Sincerely,  


Lionel Klikoff, PhD  
Supervisor  
Sediment Quality Unit, DNR

cc: Scot Brady, DNR



NORTH OLYMPIC TIMBER ACTION COMMITTEE  
P.O. Box 1057 • Port Angeles, WA 98362 • (360) 452-6645 • FAX (360) 452-0718

RECEIVED

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WA STATE  
DEPARTMENT OF ECOLOGY  
SW FEDERAL OFFICE

February 26<sup>th</sup>, 2010

Marian Abbett, Project Manager

P.O. Box 47775

Olympia, WA. 98504-7775

To Whom It May Concern:

The North Olympic Timber Action Committee is concerned that the Department of Ecology is fulfilling the agenda of the Olympic Environmental Council relating to the cleanup of the Rayonier site. The Department of Ecology grant funding to OEC's environmental agenda should be considered a conflict of interest.

When the Department of Ecology began the cleanup of the Rayonier site, it was supposed to be more efficient than the Federal Government Super Fund program. Please explain why this cleanup is taking so long and what impact the funding to OEC has had on the delays! The citizens of Port Angeles believed in our state's ability to provide the leadership for the cleanup. The Department of Ecology has failed miserably in its task. After 10 years, we are now facing another 3 years of more studies on a portion of the site with no end to studies and no cleanup. This is a disgrace and it needs to be corrected.

The Rayonier property is an industrial site and should remain industrial at Rayonier's discretion not a decision of DOE or OEC. Ten years of studies should be sufficient to develop a cleanup plan. Cleanups from similar mill sites have been accomplished in other Washington communities consuming far less time and money, so it is hard to believe Port Angeles is so unique. Economic opportunities are being lost as time passes.

Harbor Works is conducting a due diligence process to evaluate potential redevelopment for the Port of Port Angeles and specifically to facilitate the City of Port Angeles storm water overflow requirements. It is impossible to assess the risks this site presents considering that Department of Ecology will not

determine a cleanup standard. How can DOE justify the delays? It is time to complete the cleanup of this site so the property can be put to economic use for the benefit of the citizens of Port Angeles, Clallam County and our State! You have studied the site enough so it is time for a cleanup plan, NOW!

Respectfully,

A handwritten signature in black ink that reads "Carol Johnson". The signature is written in a cursive, flowing style.

Carol Johnson

Executive Director

cc: Governor Gregoire

Sen. Hargrove

Rep. Kessler

Rep. VanDeWege

From: [Charles Strickland](#)  
To: [Aoyagi, Hannah \(ECY\);](#)  
Subject: Agreed Order between Department of Ecology and Rayonier Properties  
Date: Saturday, February 27, 2010 7:30:29 PM

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Dear Hannah Aoyagi,

At your invitation, and as a person whose property has been contaminated by Rayonier operations over many years, I am responding by urging The Department of Ecology not to extend the time granted Rayonier to plan cleanup of the Study Area. Thirteen years of dawdling and delay is surely enough. I agree with the Port Angeles City Council and the Port of Port Angeles. No more dawdling and delay!!!!

Charles Strickland

613 Cedar Park Drive

Port Angeles, WA 983q62

From: [hwbranch@aol.com](mailto:hwbranch@aol.com)  
To: [Abbett, Marian L. \(ECY\);](#)  
[Abbett, Marian L. \(ECY\);](#)  
Subject: Rayonier  
Date: Monday, March 01, 2010 9:32:16 AM

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Marian Abbett, Project Manager  
WA State Department of Ecology  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia WA 98504-7775  
[marian.abbett@ecy.wa.gov](mailto:marian.abbett@ecy.wa.gov)  
[mabb461@ecy.wa.gov](mailto:mabb461@ecy.wa.gov)

RE: State of Washington Department of Ecology and Rayonier Properties LLC  
Agreed Order No. DE 6815

There is a growing push nation-wide for Ecological Based Management. This concept is being promoted by NMFS, NOAA, the Army Corps of Engineers and other agencies across the country. The State of Washington is sadly out of step, preferring to follow old models that ignore or negate the most basic physical, chemical and biological parameters.

There is also growing awareness at the EPA that persistent toxins, especially dioxin, are much more biologically damaging than recently thought by regulatory agencies. Current proposals by the EPA will reduce thresholds by 90% and 95% in mixed use and industrial areas respectively.

The push in Washington State has been toward a skewed concept of "economic development", which is actually real estate development rather than true manufacturing or resource conservation and utilization or the development of vital infrastructure. Real estate development without job creation, the enhancement of history or the natural environment or the creation of transportation alternatives is a dead end.

When we allow basic parameters to go unfixed, we create a situation of ongoing and increasing ecological stress. The marine environment will continue to decline. Meanwhile, Port Angeles will derive only minimal development benefits which will decline over time as people are less interested in moving to an area that remains so damaged.

Thank you,  
Harry Branch  
239 Cushing St NW  
Olympia WA 98502  
(360) 943-8508

From: [Janet Marx](#)  
To: [Abbett, Marian L. \(ECY\)](#);  
Date: Monday, March 01, 2010 10:31:41 AM

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Marian Abbett, Project Manager  
WA State Department of Ecology  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia WA 98504-7775

RE: State of Washington Department of Ecology and Rayonier Properties LLC  
Agreed Order No. DE 6815

As a citizen of the Port Angeles area I feel that Rayonier should restore the site to its original setting and meet the PSP Cleanup mandate of cleanup, restore and protect. Thus, all man-made structures -- pier, creosoted pilings, cement pad that supported the former buildings and other infrastructure, and the fill down to the original shoreline should be removed. This would simplify the cleanup process, thereby shortening the AO time line. This change could possibly minimize Rayonier's costs for further investigation and cleanup of the mill site proper. It would more quickly revitalize Ennis Creek and assist a comeback of the endangered salmon stocks.

Based on the Schedule of Deliverables in the AO, it will take approximately four years of data gathering and reports before the cleanup can officially begin. The cleanup process is almost a decade behind. This proposed time line is too long. It needs to be shortened. For example, 75 days is a long time to incorporate revisions into this document that has already been drafted. If the AO were amended to include strict deadlines and shorter periods of time for review and comment by Ecology and Rayonier, this excessive length of time could be shortened or at least regulated.

Delete the flexibility in meeting time lines. Be specific in requiring when each step must be met, so that Rayonier cannot have an opening to drag out the process. Spell out the repercussions of not meeting the time line outlined in the Schedule of Deliverables. Will Ecology take over the work or possibly do an enforced order if Rayonier does not meet deadlines?

Ensure there is split-sampling. This will ensure Rayonier's sampling results can be repeated and are credible.

Spell out the ways in which Ecology will inform and involve the public in the cleanup of the Rayonier site, and on a regular basis.

Expand the number of public comment opportunities in the AO to allow the public to comment on all of the documents Rayonier will deliver, rather than on just a few. Public involvement is critical to site remediation and should be sought from the beginning of the process to its end.

The section on Transfer of Interest in Property does not include information on which party would implement or continue the cleanup if Rayonier is to sell the property. The section should be amended to include where the responsibility for cleanup lies if the property is transferred. There should be no question that the cleanup will continue if the property changes hands.

Thank you,  
Janet Marx  
112 Lockerbie Place  
Port Angeles, WA 98362

From: [Bob](#)  
To: [Abbett, Marian L. \(ECY\);](#)  
Subject: Rayonier cleanup comment  
Date: Tuesday, March 02, 2010 9:03:43 PM

---

Marian Abbett, Project Manager  
WA StateDepartment of Ecology  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia WA 98504-7775  
marian.abbett@ecy.wa.gov  
mabb461@ecy.wa.gov

RE: State of Washington Department of Ecology and Rayonier Properties  
LLC  
Agreed Order No. DE 6815

Having run many business in my lifetime, I am surprised that Ecology thinks it needs so much time. I looked at the schedule and believe it allows much too much time for just about every activity. I believe that Ecology can "do it right" in a much more timely manner.

[Bob Lynette](#)  
[220 Strawberry Field Drive](#)  
[Sequim, WA 98382](#)  
Phone: (360) 477-4123  
Mobile: (360) 461-0761  
email: [windenergy@olypen.com](mailto:windenergy@olypen.com)

March 3, 2010

Washington State Department of Ecology  
Attn: Marian Abbett, PM  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia, WA 98504-7775

Subject: Agreed Order No. DE 6815, Rayonier Mill site, Port Angeles, WA

Dear Ms. Abbett:

The HarborWorks Development Authority was created by the City of Port Angeles and jointly funded by the Port of Port Angeles for the express purpose of acquiring, cleaning up and redeveloping the Rayonier Mill Site in May of 2008. HarborWorks began work in earnest in the spring of 2009, and has now nearly completed its due diligence for the acquisition of the property, and is in fact in negotiations with Rayonier for the eventual acquisition of the Rayonier "study area" uplands. The board of HarborWorks adopted the attached Resolution on March 1, 2010. We are aware, as stated by the Department of Ecology (DOE) after the public meeting here in Port Angeles on February 10th and via the Blog created by DOE, that neither DOE nor Rayonier believes that the process outlined in the draft agreed order can be compressed to any significant degree. Nonetheless, the board of HarborWorks shares the frustration of the City, the Port and the overall community that this process is simply taking far too long.

The Department of Ecology has been directly involved in this site since before 2000, and has already negotiated several other agreed orders calling for Remedial Investigations. Those agreed orders resulted in Remedial Investigations by Rayonier submitted to DOE in 2002 (Marine), 2006 (Uplands) and 2007 (Marine). Since these were submitted, DOE has conducted two other studies in an attempt to define the complete site, i.e., the extents to which the contamination from the mill came to reside. Now, three years later, DOE is directing Rayonier (by agreement) to produce two more Remedial Investigations and an interim cleanup action plan which will take three more years. It has been explained to me that there are data gaps in the previous studies, and that additional information must be gathered. At the same time, it has been ten years since DOE took responsibility for this site under the Model Toxics Control Act and while interim actions are possible, it will have taken at least 13 years to get to a point at which an interim cleanup action could be undertaken which may comprehensively address the uplands. To the casual observer, this simply seems far too long.

When the Rayonier Mill closed in 1997, over 350 jobs were lost in the community. Currently, unemployment in Clallam County exceeds 11%. While it may be of little consequence to DOE and even in the best interest of Rayonier to prolong this process, it is not in the best interest of the citizens of Port Angeles, Clallam County or the State of Washington to allow this process to continue at this pace. As the Resolution states, we request that DOE take any and all actions to compress the schedule, separate the marine and upland issues and to permit, wherever and whenever appropriate, interim cleanups and compatible redevelopment activities on the site.

HarborWorks is committed to the acquisition, cleanup and redevelopment of this site that will create new and sustainable jobs and contribute to the environment and the economy at the same time. We look forward to working with DOE to get this project done correctly and expeditiously.

Subject: Agreed Order No. DE 6815, Rayonier Mill site, Port Angeles, WA  
Date: March 3, 2010

Sincerely,

Jeffrey A. Lincoln  
Executive Director

Enclosure  
1 – As

cc:  
HarborWorks Board  
File

RESOLUTION NO. 01-10

A RESOLUTION of the Port Angeles Harbor-Works Development Authority urging the Washington State Department of Ecology to accelerate the cleanup of the Rayonier Mill site.

WHEREAS, The Port Angeles Harbor-Works Development Authority is charged with the acquisition, cleanup and redevelopment of the Rayonier Mill site, and

WHEREAS, the process under the Model Toxics Control Act to complete a cleanup has been underway for approximately 10 years, and

WHEREAS, the process contemplated under the draft Agreed Order DE 6815 extends for at least an additional 3 years the time allotted to develop a feasibility study and clean-up action plan for a portion of the Site further delaying the cleanup; and

WHEREAS, there has already been substantial cleanup of the uplands under numerous voluntary and directed cleanups; and

WHEREAS, it is in the best economic and environmental interest of our community that the Rayonier Property be available for beneficial use as soon as possible, and without further prolonged delay,

NOW, THEREFORE, BE IT RESOLVED THAT

The Board of Harbor-Works hereby directs the following comments to Washington State Department of Ecology (DOE) on its proposed Agreed Order DE 6815:

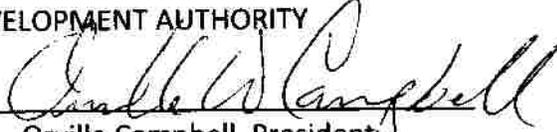
1. The Schedule of Deliverables, Exhibit C of the proposed Agreed Order, establishes a time frame of at least 3 years for development of an Interim Action Plan. Given the status of investigatory work performed to date and the Port Angeles community needs, that is too long. It is not in the best interests of the community's economy or environment to allow such a prolonged extension of time. The Schedule, in all of its particulars, should be substantially condensed.
2. The uplands portion of the work can be expedited. For that reason, the uplands schedule and cleanup activities should be separated from the marine work to allow the uplands work to be completed as soon as possible.
3. DOE is urged, along with all other Probable Liable Persons associated with the Mill Site cleanup, to the greatest extent possible, to identify, permit and accelerate interim cleanup action plans that will facilitate the process of redevelopment of the Rayonier Property while accomplishing cleanup actions that will be required based on information known or

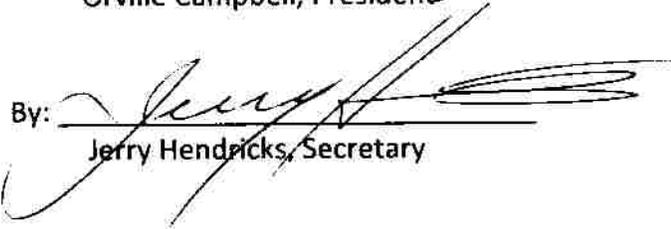
discovered during this protracted additional Remedial Investigation referenced in the proposed Agreed Order.

4. DOE is urged to intensively manage all other actions related to this site concurrent with this Agreed Order, which includes releasing expeditiously all pending reports and taking the necessary actions to determine the extent of the Site beyond the study area defined in this Agreed Order.

PASSED unanimously by the Board of Directors of the Port Angeles Harbor-Works Development Authority at a regular meeting thereof held this 1<sup>st</sup> day of March, 2010.

PORT ANGELES HARBOR WORKS  
DEVELOPMENT AUTHORITY

By:   
Orville Campbell, President

By:   
Jerry Hendricks, Secretary

**D.G. Hendricks**  
**1024 W. 6<sup>th</sup>**  
**Port Angeles, WA 98363**  
**360 452 2253**

RECEIVED

'10 MAR -5 10:12  
March 3, 2010

Ms. Marian Abbett  
WA Dept. of Ecology  
Toxics Cleanup Program, SWRO  
P.O. Box 47775  
Olympia, WA 98504-7775

DEPARTMENT OF ECOLOGY  
SW REGIONAL OFFICE

Re. Rayonier Draft Agreed Order

Dear Ms. Abbett,

As a long time resident of Port Angeles I have watched the site of the defunct Rayonier pulp mill sit for 10 years with little efforts to clean up the site and return it to productive use. Recent community efforts to correct this problem and assist in solving the City of Port Angeles' sewer overflow events violations appear to be making headway. However the proposed agreed order that your agency has negotiated with Rayonier contains a time schedule that could very well derail this community effort.

I urge you to reconsider this time line issue and find ways to move this cleanup and redevelopment project forward for the benefit of this community as well as the State of Washington.

Sincerely



D.G. Hendricks

PORT ANGELES BUSINESS ASSOCIATION  
PO BOX 545  
PORT ANGELES, WA 98362

March 3, 2010

Marian Abbett, Project Manager  
WA Department of Ecology  
Toxics Cleanup Program, SWRO  
P.O. Box 47775  
Olympia, WA 98504-7775

Dear Ms. Abbett:

The following are comments on the Agreed Order (legal agreement) being considered by the Department of Ecology and Rayonier Properties, LLC, to complete studies and plan cleanup of the Study Area of the Port Angeles Rayonier Mill Site. These comments are submitted on behalf of the Port Angeles Business Association, a local, non-profit, organization devoted to promotion and support of all businesses in our community.

On page 11, Section V, Paragraph S, Findings of Fact, the Agreed Order states: "The site is being overseen by Ecology and work is being done in an expedited manner under the Governor's Puget Sound Initiative." Ecology has been overseeing the former Rayonier mill site cleanup planning process for the better part of eight years. Adding another three years to the process can hardly be described as being "expedited." Representatives of Ecology stated orally at the Public Open House presentation in Port Angeles on February 16, 2010, that Ecology was "committed" to completing the Agreed Order tasks within the allocated time periods. Throughout the Agreed Order Rayonier is required to submit deliverables within a specified time period (Exhibit C) or face sanctions and penalties. However, Ecology will only "endeavor to meet, review, and provide comments" within a specific time period. Given Ecology's past track record, this virtually guarantees that the time frame of three years will escalate to five, or six, years. "Endeavor" and "committed" are not synonymous. Ecology needs to meet the same scheduling commitment as has been imposed on Rayonier to avoid the delays we have traditionally experienced in the past.

In Section V, Paragraph S, the Agreed Order speaks to designing and implementing site cleanups in a manner that improves habitat values and provides shoreline restoration in conjunction with remedial actions, “While planning the interim action, and making interim action decisions, Ecology and Rayonier will evaluate opportunities to perform remedial actions that coincidentally enhances habitat.” Ecology needs to include similar language to seek and evaluate opportunities to accomplish redevelopment of the site. The City of Port Angeles combined sewer overflow mitigation project, the restoration of Ennis Creek Estuary, and constructing the permanent Olympic Discovery Trail are examples of the types of redevelopment projects which could be progressed concurrently with supplemental data collection and remedial actions. These site redevelopment projects would help to mitigate the consequences of the three to five year delay in completing the final cleanup plan.

The State MTCA Process provides for cleanup plans to include different options for removing, or containing, Materials of Concern depending on the actual end use of a particular parcel of land. It does not require a cleanup plan to be designed and approved for the entire Study Area prior to proceeding with any upland redevelopment. At a minimum, cleanup plans could be developed for certain upland’s parcels before completion of a cleanup plan for the more complex Marine Areas. Ecology needs to incorporate these options in the Agreed Order.

Sincerely,

Kaj Ahlburg, Vice President  
Port Angeles Business Association  
P.O Box 545  
Port Angeles, WA 98362

Cc: James Hargrove, State Senator  
Lynn Kessler, State Representative  
Kevin Van de Wege, State Representative

From: [Shirley Nixon](#)  
To: [Abbett, Marian L. \(ECY\)](#); [Aoyagi, Hannah \(ECY\)](#);  
[Abbett, Marian L. \(ECY\)](#);  
Subject: Comments on Port Angeles Rayonier Mill Agreed Order  
Date: Wednesday, March 03, 2010 10:47:59 PM

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To: Marian Abbett, Rayonier Mill Project Manager  
Washington State Department of Ecology Toxics Cleanup Program,  
SWRO  
PO Box 47775  
Olympia, WA 98504-7775

From: Shirley Nixon  
PO Box 178  
Port Angeles, WA 98362

Re: Comments on Rayonier Agreed Order, No. DE 6815, January 2010

Thank you and members of the Ecology SWRO Toxics Cleanup Program team for coming to Port Angeles on February 10, 2010 to provide further details about the pending Remedial Action Agreed Order between Ecology and Rayonier Properties LLC. The public meeting was professionally handled, and the presentations were useful. Thank you, also, for maintaining such a complete web site with helpful background information and links to numerous relevant materials. Your public participation plan deserves high marks!

General comments on the Order:

Having read the entire Agreed Order and exhibits, my overall impression is that Ecology has negotiated a hard-won agreement that strives to protect the public interest. I personally do not care as much about how long it takes to accomplish the cleanup as I care about accomplishing a thorough and comprehensive cleanup in a dependably targeted time frame. The three year schedule you and Rayonier agreed-upon in this Order contains enforceable milestones. However, because delays would more likely benefit Rayonier, I hope that Ecology will not hesitate to swiftly exercise its enforcement powers - including invoking provisions for triple damages and civil penalties via Section X - if Rayonier fails to live up to any of its responsibilities.

Ironically, some of the very entities who now criticize the three-year time frame as being too long are likely to risk causing even longer delays via their own actions. If the City of Port Angeles or HarborWorks moves to purchase all or part of the Rayonier site, then negotiating prospective purchaser agreements will add

more complexity to enforcement issues, and could adversely impact the Order's timelines.

Re: Lifting the 1992 Restrictive Covenant

I oppose lifting the Restrictive Covenant. It is unclear why and how Ecology can be sure that no further cleanup or monitoring of that portion of the property may be needed. In addition, Covenant Section 2 requires written notice to Ecology if the owner intends to convey any interest in the property, and Section 3 requires Ecology approval before there can be any use of the property that might be inconsistent with the covenant. These seem like useful provisions to retain until the entire Rayonier Mill site is fully remediated. Keeping the Covenant in place could better serve the overall public interest.

Thank you for considering these comments on the Agreed Order.

March 4, 2010

To:

Marian Abbett,

Washington Department of Ecology, Toxics Cleanup Program, SWRO

P.O. Box 4775

Olympia, WA 98504-7775

From: Jim Mantooth

2238 E. Lindberg Road

Port Angeles, WA 98362

Subject: Comments on Agreed Order between DOE and Rayonier

Thank you for this opportunity to comment.

Here are my main concerns:

1. The cleanup process is taking so long it makes me wonder if it would have been accomplished more expeditiously under the EPA. I found the article copied at the bottom of my comments of particular interest. The longer the process of getting Rayonier's former mill site cleaned up goes on, the more I think legal action to force compliance is likely to be necessary. Some action needs to get started. Most important is starting the stream restoration by removing the asphalt paving the parking lot and then removing the armoring. This would help prevent smolt from being washed to sea before they are ready to survive, and it would enable the stream to regain the natural estuary it has lacked since people covered it with landfill. Concentrating efforts on the uplands instead of trying to work on the marine part of the study area at the same time also should expedite cleanup actions.
2. An unrestricted cleanup level needs to be established so no one is under the illusion that anything less can be responsible for the longterm well-being of people and animals.
3. Landfills that have already received materials from the site need better monitoring. Ignoring their impact on values of nearby property, streams and stormwater runoff is irresponsible.

March 2, 2010

## **Gowanus Canal Gets Superfund Status**

By [MIREYA NAVARRO](#)

The [Environmental Protection Agency](#) designated [the Gowanus Canal](#) in Brooklyn a [Superfund](#) site on Tuesday and announced plans to clean up more than a century's worth of noxious pollutants there.

The [decision](#) ended a contentious debate and was a blow to the Bloomberg administration, which had proposed a cleanup without such a designation. The city had argued that the label could set off legal battles with polluters, prolong the dredging operation and spook developers leery of the stigma of a [Superfund](#) listing.

But in a conference call with reporters, [Judith A. Enck](#), the E.P.A. administrator for the region, said the Superfund designation would guarantee the best result for residents and the environment and ensure that the polluters cover all the costs.

“We believe that it would get us the most efficient and comprehensive cleanup,” Ms. Enck said.

From Gowanus Bay to New York Harbor, the agency has found contamination along the entire length of the clouded 1.8-mile canal in a preliminary assessment, including pesticides, metals and the cancer-causing chemicals known as PCBs.

The agency estimates that the project will last 10 to 12 years and cost \$300 million to \$500 million. The city estimated that its approach would take nine years.

The E.P.A., which [proposed the Superfund designation last April](#) at the urging of the New York State [Department of Environmental Conservation](#), made its decision after a public comment period that involved more than 50 meetings with city officials, developers, community groups and others. [Nine other Superfund sites](#) across the country were also designated on Tuesday.

“It was the right thing to do,” said Marlene Donnelly, a leader of the neighborhood group Friends and Residents of Greater Gowanus. “It’s the beginning of a plan to start the restorative process for the Gowanus area.”

City officials expressed disappointment but struck a conciliatory tone and pledged to cooperate with the cleanup.

“It’s disappointing,” said Marc La Vorgna, a spokesman for Mayor [Michael R. Bloomberg](#). “We had an [innovative and comprehensive approach](#) that was a faster route.”

“But we are going to work closely with the E.P.A. because we share the same goal: a clean canal,” he added.

Carved out of tidal wetlands and streams in the 1860s, the Gowanus evolved into a busy waterway for oil refineries, chemical plants, tanneries, manufactured gas plants and other heavy industry along its banks. Industrial waste and raw sewage gushed into the canal for over a century.

Most of that flow has halted since the 1960s as maritime shipping faded. Today the 100-foot-wide canal is used for commercial and recreational purposes by neighborhoods bordering it, including Park Slope, Cobble Hill, Carroll Gardens and Red Hook.

Yet even as kayakers glide alongside the banks and fishermen catch striped bass for sport at its mouth at Gowanus Bay — the fish are too contaminated to eat — residents complain about the odors from continuing discharges of sewage and unsightly debris from scrap metal yards and other industrial enterprises.

The E.P.A. has already identified the city, the Navy and seven companies, including Consolidated Edison and National Grid, as potentially responsible for the past discharges. It is seeking additional information from at least 20 other companies so it can map out the financing of the cleanup.

“This is a historical puzzle we’re putting together here,” Ms. Enck said.

Caswell F. Holloway IV, a former mayoral aide who helped design an alternative cleanup plan for the Gowanus and is now the commissioner of the city’s Department of Environmental Protection, said he had no estimate of New York’s financial liability for what federal officials said included contamination from various facilities, including an asphalt plant and an incinerator in the area. He said the city would work with the E.P.A. to ensure that costs are recovered from all responsible parties.

“The city has an obligation to ensure that the burden is shared fairly,” Mr. Holloway said.

He noted that the administration had already committed \$150 million to reducing odors and preventing sewer discharges and had shared the cost of a feasibility study for an environmental restoration project by the [Army Corps of Engineers](#). E.P.A. officials said they saw those projects as complementary and expected them to continue.

Mr. Holloway said it was uncertain how the Superfund designation would affect economic development in the area.

One developer, [Toll Brothers](#), said it would scrap its plan for a \$250 million project with about 450 housing units and retailing space on three acres by the canal. “We wouldn’t be able to obtain financing to build, and we’d have difficulties obtaining insurance,” said [David Von Spreckelsen](#), a senior vice president with the company, citing factors like uncertainty on how long the cleanup would take.

But Gowanus Green, a \$300 million project for 774 units of new housing in nine buildings as well as retailing and community facilities, mostly financed by the city, is going forward.

“We’re in full support of the project, and we’ll work with the E.P.A.,” said Aaron Koffman, a spokesman for [the Hudson Companies](#), one of the companies in the project’s consortium.

Eager to preserve such development potential, the city had proposed an approach under which the federal agency would allow the polluters to pay for the cleanup voluntarily.

But Ms. Enck said the city's plan lacked "financial certainty" because it relied partly on federal allocations that would require Congressional approval. Agency officials also worried that having the Corps of Engineers and the E.P.A. both tackle the cleanup would complicate an already messy challenge.

In advocating for a Superfund listing, Ms. Enck had rejected arguments that it would keep investors and lenders away.

"Banks look at the environmental conditions of the properties," she said at a meeting with reporters last week. "It is not a secret in Brooklyn that the Gowanus is contaminated. The notion that Superfund is going to create a stigma just doesn't hold up."

Agency officials said the cleanup, which will focus chiefly on the sediment in the canal, had effectively begun, with sampling already under way.

The timetable calls for completing the sampling and assessments of human and environmental risks by the end of the year. A full cleanup plan is to be drafted by 2014, with the work then unfolding over at least five years.

Walter Mugdan, the agency's regional Superfund director, said that most of the canal would probably be dredged.

Additional steps include eliminating all sources of continuing contamination, like overflowing sewage and the migration of contaminants from groundwater under old industrial plants.

###

**From:** Sue Chickman  
**To:** [Abbett, Marian L. \(ECY\)](#);  
[Abbett, Marian L. \(ECY\)](#);  
**Subject:** Public Comment on Payonier Cleanup  
**Date:** Thursday, March 04, 2010 9:43:04 AM

---

Marian Abbett, Project Manager  
WA State Department of Ecology  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia WA 98504-7775  
[mabb461@ecy.wa.gov](mailto:mabb461@ecy.wa.gov)  
[marian.abbett@ecy.wa.gov](mailto:marian.abbett@ecy.wa.gov)

March 4, 2010

RE: State of Washington Department of Ecology and Rayonier Properties LLC  
Agreed Order No. DE 6815

Rules, regulations, political wrangling, posturing, stonewalling, lying, cheating...haven't we had enough in this country? Why aren't we just saying and insisting to Rayonier, "Your mess...clean it up back to the way it was when you started?"

I concur with comments from Robbie Mantooth, Olympic Environmental Council, and all the other concerned citizens who have nothing at stake but a desire for public good health and proper conduct by our industrial companies.

Rayonier needs to restore the Port Angeles site to its original setting -- original shoreline, wetlands and flood plain – NOW!

Thank you for allowing me to comment.

Sue Chickman  
220 Strawberry Field Drive  
Sequim, WA 98382  
[organicallysue@olypen.com](mailto:organicallysue@olypen.com)

**From:** [fairy ring](#)

**To:** [Abbett, Marian L. \(ECY\)](#); [Abbett, Marian L. \(ECY\)](#);

**Subject:** Agreed Order No. DE 6815 re Port Angeles Rayonier Site Cleanup

**Date:** Friday, March 05, 2010 10:40:32 AM

Marian Abbett, Project Manager  
WA State Department of Ecology  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia WA 98504-7775  
[marian.abbett@ecy.wa.gov](mailto:marian.abbett@ecy.wa.gov)  
[mabb461@ecy.wa.gov](mailto:mabb461@ecy.wa.gov)

RE: State of Washington Department of Ecology and Rayonier Properties LLC  
Agreed Order No. DE 6815

In reviewing both the Agreed Order and comments submitted by Environmental Stewardship Concepts on behalf Olympic Environmental Council (February 16, 2010), I agree with and support all points made in ESC/OEC's comments and incorporate them here by reference.

Much can be carried out already without further study. Ten years have passed with much study that is essential for understanding the scope of the problem, but the actual work of cleaning up can and must commence now.

Ultimately, Rayonier should restore the site to its original setting -- original shoreline, wetlands and flood plain. All manmade structures -- pier, creosoted pilings, cement pad that supported the former buildings and other infrastructure, and the fill down to the original shoreline should be removed. That work can and should commence immediately.

This will simplify the cleanup process, thereby shortening the AO time line. This change could possibly minimize Rayonier's costs for further investigation and cleanup of the mill site proper. It would more quickly revitalize Ennis Creek and assist a comeback of the endangered salmon stocks, and help reduce potential risks in the event of major storms.

It is welcome that in the AO, Ecology reaffirms that even as cleanup is conducted within the study area, Rayonier remains obligated to any wider and further cleanup required, and that progress must proceed on cleanup of areas outside of the study area. Please expedite work both within and without the study area.

Delete the flexibility in meeting time lines. Be specific as to by when each step must be met, so that Rayonier can not have an opening to drag out the process. Spell out the repercussions of not meeting the time line outlined in the Schedule of Deliverables. Will Ecology take over the work or possibly do an enforced order if Rayonier does not meet deadlines?

Strong enforcement provisions are appreciated and Ecology should invoke them readily to ensure prompt and thorough compliance.

How will the Study Area will be treated if the cleanup standards established for the entire site at a later date are more protective than the preliminary standards established by the Final Interim Action Plan?

Why is the cancer risk set at 10-5, rather than the more protective cancer risk level of 10-6?  
Change the AO to use the more protective 10-6.

Ensure there is split-sampling. This will ensure Rayonier's sampling results can be repeated and are credible.

Spell out the ways in which Ecology will inform and involve the public in the cleanup of the Rayonier site, and on a regular basis.

Expand the number of public comment opportunities in the AO to allow the public to comment on all of the documents Rayonier will deliver, rather than on just a few. Public involvement is critical to site remediation and should be sought from the beginning of the process to its end.

The section on Transfer of Interest in Property does not include information on which party would implement or continue the cleanup if Rayonier is to sell the property. The section should be amended to include where the responsibility for cleanup lies if the property is transferred. There should be no question that the cleanup will continue if the property changes hands.

Regarding Remedial Action Costs (AO Section VIII-B, page 30-31), Rayonier will necessarily accrue costs. Rather than letting amounts owed pile up and then having to expend time, energy and expense in collecting, Ecology should set up an escrow account and require monthly deposits from Rayonier toward future expenses. At the end of cleanup, unused amounts can be returned to Rayonier. But in this manner, Ecology is not into debt collection or adjudication any time that Rayonier decides to delay or ignore payment.

Finally, regarding the signatures on the AO. Is a signature by Rayonier Properties, LLC sufficient to bind all of the responsible parties within the Rayonier Corporation? If not, those parties must be added to the agreed order.

Thank you,  
Gretchen Brewer

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**From:** Darlene Schanfald  
**To:** Abbett, Marian L. (ECY);  
Abbett, Marian L. (ECY);  
**Subject:** AO COMMENTS  
**Date:** Friday, March 05, 2010 11:21:03 AM

Marian Abbett, Project Manager  
WA State Department of Ecology  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia WA 98504-7775

RE: State of Washington Department of Ecology and Rayonier Properties  
LLC  
Agreed Order No. DE 6815

Marian:

Page 4 - The following needs to be explained indepth. Rayonier Properties  
LLC, which is a subsidiary of Rayonier, Inc. Why is it, rather than the  
parent company the signatory? This seems wrong.

Also, the section on Transfer of Interest in Property does not include  
information on which party would implement or continue the cleanup if  
Rayonier is to sell the property. The section should be amended to include  
where the responsibility for cleanup lies if the property is transferred.  
There should be no question that the cleanup will continue if the property  
changes hands. Understandably, the new PLP(s) and Rayonier would  
work out the cost sharing, but AO language should discuss how such  
transactions would affect the AO, if at all. NO PUBLIC FUNDS SHOULD BE  
USED FOR THIS PURPOSE.

On PP. 30-31, it is good to read that Rayonier intends to catch up with its  
arrears payments to Ecology.

It is unfortunate that Ecology has still not made Rayonier pay to Ecology  
some millions of dollars so that Ecology can draw from it, instead of  
having to wait and bill and insist Rayonier pay what, indeed, it agreed to  
do to stay off the Superfund NPL. This included off property investigation,  
and Rayonier must be held to cover those costs. While not in the scope of  
recovery for this AO, it is in the scope of recovery in general for MTCA  
work.

Ensure there is split-sampling. This will ensure Rayonier's sampling results  
can be repeated and are credible.

I want to underscore that Rayonier should restore the site to its original  
setting -- original shoreline, wetlands and flood plain. This will meet the  
PSP Cleanup mandate of cleanup, restore and protect. Rayonier should

do a comparative cost analysis between removing all man made structures and just cleaning up the on site contaminants. The costs should include the continued costs to the natural resources and wildlife of continued pollution from leaving the manmade structure -- pier, creosoted pilings, cement pad that supported the former buildings and other infrastructure, and the fill down to the original shoreline should be removed. As well, it should include a comparative time line on shortening the AO time line. This change could possibly minimize Rayonier's costs for further investigation and cleanup of the mill site proper. It would more quickly revitalize Ennis Creek and assist a comeback of the endangered salmon stocks.

Given that the site sits in a quake, tsunami, flood area, it is wise to remove the structures and the pollution as soon as possible.

Spell out the repercussions of not meeting the time line outlined in the Schedule of Deliverables. Will Ecology take over the work or possibly do an enforced order if Rayonier does not meet deadlines?

Set the cancer risk set at 10<sup>-6</sup>, a standard more protective of human health.

Spell out the ways in which Ecology will inform and involve the public in the cleanup of the Rayonier site, and on a regular basis.

Thank you,

--

Darlene Schanfald  
Project Coordinator  
Rayonier Hazardous Waste Cleanup Project  
Olympic Environmental Council Coalition

PO Box 2664  
Sequim WA 98382  
360-681-7565  
darlenes@olympus.net

**From:** Jane Vanderhoof  
**To:** Abbett, Marian L. (ECY);  
**Subject:** march 5 deadline response Rayonier prop.  
**Date:** Friday, March 05, 2010 11:55:31 AM

comment to ecology

RE: State of Washington Department of Ecology and Rayonier Properties LLC

Agreed Order No. DE 6815

Rayonier should restore the site to its original setting – original shoreline, wetlands and flood plain. This will meet the PSP Cleanup mandate of cleanup, restore and protect. Thus, all man-made structures -- pier, creosoted pilings, cement pad that supported the former buildings and other infrastructure, and the fill down to the original shoreline should be removed. This would simplify the cleanup process, thereby shortening the AO time line. This change could possibly minimize Rayonier's costs for further investigation and cleanup of the mill site proper. It would more quickly revitalize Ennis Creek and assist a comeback of the endangered salmon stocks.

Given that the site sits in a quake, tsunami, flood area, it is wise to remove the structures and the pollution as soon as possible.

Based on the Schedule of Deliverables in the AO, it will take approximately four years of data gathering and reports before the cleanup can officially begin. The cleanup process is almost a decade behind. This proposed time line is too long. It needs to be shortened. For example, 75 days is a long time to incorporate revisions into this document that has already been drafted. If the AO were amended to include strict deadlines and shorter periods of time for review and comment by Ecology and Rayonier, this excessive length of time could be shortened or at least regulated.

Delete the flexibility in meeting time lines. Be specific as to by when each step must be met, so that Rayonier can not have an opening to drag out the process. Spell out the repercussions of not meeting the time line outlined in the Schedule of Deliverables. Will Ecology take over the work or possibly do an enforced order if Rayonier does not meet deadlines?

How will the Study Area will be treated if the cleanup standards established for the/ entire/ site at a later date are more protective than the preliminary standards established by the Final/ Interim/ Action Plan?

Why is the cancer risk set at 10-5, rather than the more protective cancer risk level of 10-6?  
Change the AO to use the more protective 10-6.

Ensure there is split-sampling. This will ensure Rayonier's sampling results can be repeated and are credible.

Spell out the ways in which Ecology will inform and involve the public in the cleanup of the Rayonier site, and on a regular basis.

Expand the number of public comment opportunities in the AO to allow the public to comment on all of the documents Rayonier will deliver, rather than on just a few. Public involvement is critical to site remediation and should be sought from the beginning of the process to its end.

The section on Transfer of Interest in Property does not include information on which party would implement or continue the cleanup if Rayonier is to sell the property. The section should be amended to include where the responsibility for cleanup lies if the property is transferred. There should be no question that the cleanup will continue if the property changes hands.

Thank you,

Jane Vanderhoof  
farmer  
WestWind FARM

=====

We encourage you take this opportunity to express your opinion to Ecology.



121 East Railroad Ave. Port Angeles, Washington 98362  
360-452-2363

March 5, 2010

Washington State Department of Ecology  
Ms. Marian Abbett, PM  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia, WA. 98504-7775

Dear Ms. Abbett:

*Over the course of the last several weeks the Board of Directors for the Port Angeles Regional Chamber of Commerce has been following the news reports about your proposed revised timeline for the Rayonier clean up. Based on the feedback I have received from board members and the membership in general, to say our community is upset and genuinely disappointed in DOE is putting it mildly. Rayonier closed in 1997. We have received reports, by various specialists about the process. We have been told how entities are working together, and we continue to hear catch phrases like fast track used to describe the proposed cleanup. It is hard to believe that after 13 years of studies and meetings that another three years is needed before proceeding with any action plan.*

*Of course we as a business community want it done faster, of course we are upset at what seems to be an endless amount of red tape, and of course we are going to do whatever we can to put political pressure on DOE. It is unfortunate a process that clearly requires business partnerships to get things done is pushed to such limits. This results in a situation that puts us in an adversarial role with government entities such as DOE.*

*Our 500+ Chamber members represent the largest business organization on the Peninsula. Our diverse group includes the complete spectrum of political, environmental and economic view points.*

*We hope that the staff of DOE will reconsider the three year request. We want and expect DOE to find a way to get this done. The economic vitality of our community is riding on the outcome of the Rayonier clean up.*

*Sincerely  
Jim Hallett  
President  
Port Angeles Regional  
Chamber of Commerce Board of Directors*

**From:** [alan\\_zach2@yahoo.com](mailto:alan_zach2@yahoo.com)  
**To:** [Abbett, Marian L. \(ECY\)](#);  
**Subject:** Agreed Order on Rayonier property in PA  
**Date:** Friday, March 05, 2010 3:24:22 PM

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Following is a letter drafted by the Olympic Environment Council, with which I am in total agreement. Rayonier Corp should not be allowed to skate free of its responsibilities, nor put any burden for the toxic site cleanup in Port Angeles. No expense should be laid on the citizenry; all costs for remediation must be laid on Rayonier Corp, and the cleanup must be done SOON, so that this area has a chance to recover its economy growth and natural beauty and health. --AZ

Marian Abbett, Project Manager  
WA StateDepartment of Ecology  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia WA 98504-7775  
[marian.abbett@ecy.wa.gov](mailto:marian.abbett@ecy.wa.gov)  
[mabb461@ecy.wa.gov](mailto:mabb461@ecy.wa.gov)

RE: State of Washington Department of Ecology and Rayonier Properties LLC  
Agreed Order No. DE 6815

Rayonier should restore the site to its original setting -- original shoreline, wetlands and flood plain. This will meet the PSP Cleanup mandate of cleanup, restore and protect. Thus, all man-made structures -- pier, creosoted pilings, cement pad that supported the former buildings and other infrastructure, and the fill down to the original shoreline should be removed. This would simplify the cleanup process, thereby shortening the AO time line. This change could possibly minimize Rayonier's costs for further investigation and cleanup of the mill site proper. It would more quickly revitalize Ennis Creek and assist a comeback of the endangered salmon stocks.

Given that the site sits in a quake, tsunami, flood area, it is wise to remove the structures and the pollution as soon as possible.

Based on the Schedule of Deliverables in the AO, it will take approximately four years of data gathering and reports before the cleanup can officially begin. The cleanup process is almost a decade behind. This proposed time line is too long. It needs to be shortened. For example, 75 days is a long time to incorporate revisions into this document that has already been drafted. If the AO were amended to include strict deadlines and shorter periods of time for review and comment by Ecology and Rayonier, this excessive length of time could be shortened or at least regulated.

Delete the flexibility in meeting time lines. Be specific as to by when each step must be met, so that Rayonier can not have an opening to drag out the process. Spell out the repercussions of not meeting the time line outlined in the Schedule of Deliverables. Will Ecology take over the work or possibly do an enforced order if Rayonier does not meet deadlines?

How will the Study Area will be treated if the cleanup standards established for the entire site at a later date are more protective than the preliminary standards established by the Final Interim Action Plan?

Why is the cancer risk set at 10-5, rather than the more protective cancer risk level of 10-6? Change the AO to use the more protective 10-6.

Ensure there is split-sampling. This will ensure Rayonier's sampling results can be repeated and are credible.

Spell out the ways in which Ecology will inform and involve the public in the cleanup of the Rayonier site, and on a regular basis.

Expand the number of public comment opportunities in the AO to allow the public to comment on all of the documents Rayonier will deliver, rather than on just a few. Public involvement is critical to site remediation and should be sought from the beginning of the process to its end.

The section on Transfer of Interest in Property does not include information on which party would implement or continue the cleanup if Rayonier is to sell the property. The section should be amended to include where the responsibility for cleanup lies if the property is transferred. There should be no question that the cleanup will continue if the property changes hands.

Thank you,  
Alan A. Zachwieja  
504 S. Race St.  
Port Angeles, WA, 98362



March 5, 2010

**VIA ELECTRONIC AND U.S. MAIL**

Marian Abbett, P.E.  
Marian.abbett@ecy.wa.gov  
Environmental Engineer  
Toxics Cleanup Program  
Department of Ecology  
Southwest Regional Office  
PO Box 47775  
Olympia, WA 98504-7775

**Re: Comments on Proposed Agreed Order Between Department of Ecology and Rayonier Properties LLC**

Dear Ms. Abbett:

Since 1988, Nippon Paper Industries USA Co., Ltd. ("NPIUSA") has owned and operated a paper mill located on Port Angeles Harbor that now employs over 200 people. The purpose of this letter is to comment on the proposed Agreed Order between the Department of Ecology ("Ecology") and Rayonier Properties LLC, which we understand is an affiliate or successor to Rayonier, Inc. (hereinafter "Rayonier").

NPIUSA has several basic concerns regarding the proposed Agreed Order between Ecology and Rayonier, which are:

- Ecology has not published its reports on the Port Angeles Harbor Sediments Investigation or the Rayonier Mill Off-Property Soil Dioxin Study. It has been conducting these investigations for the past two years. Ecology has posted some data to its website regarding these studies, including a very recently posted (and now removed) Human Health Risk Assessment and a Summary and Conclusions chapter, however, the Risk Assessment and Conclusions chapter were not explained and it is not clear whether they constitute working drafts or near-final products. See, Exhibit A to this letter. As a result, the public is being asked to comment on the proposed Rayonier Agreed Order without being provided very important information on Ecology's findings and conclusions from its two

Port Angeles investigations. It is necessary to review and understand Ecology's reports on the Harbor and adjacent uplands to be able to meaningfully comment on whether the proposed Agreed Order with Rayonier is useful, equitable and in compliance with applicable laws and regulations that govern Ecology action;

- By releasing the Rayonier Agreed Order for comment now, before Ecology publishes its Rayonier Mill Off-Property Soil Dioxin Study report and its Port Angeles Harbor Sediments Investigation report, Ecology forces the public to comment without a comprehensive understanding of Harbor and uplands contamination. This occurs at a time that the Port Angeles community is making critical decisions, such as the Public Development Authority's (Harbor Works') negotiations with Rayonier over possible acquisition of the Rayonier properties. It would be more transparent for Ecology to release its two investigation reports and thereafter call for comment, which could then be much more thoughtfully delivered;
- Until the Ecology investigations reports are released, particularly the Sediments Investigation report, it is unclear whether the work required of Rayonier under the proposed Agreed Order will be compliant with Ecology's charge under MTCA and its own regulations.

### DISCUSSION

***Rayonier has conducted several interim actions in Port Angeles Harbor and it is not clear that another interim action complies with applicable MTCA regulation.***

Paragraphs Q and R of the Findings of Fact in the proposed Agreed Order detail the several prior interim actions that Rayonier has undertaken under Agreed Orders or independently. The proposed Agreed Order currently being evaluated during this comment period appears to be the fifth interim action by Rayonier<sup>1</sup>. Paragraphs Q and R recite interim actions under enforcement orders or agreed orders from Ecology to Rayonier in 1992, 1998, 2002 and 2006.

Ecology's own regulations under MTCA at WAC 173-340-430 identify at least two reasons that the approach proposed in the Agreed Order between Ecology and Rayonier may be flawed. First, WAC 173-340-430 requires that "interim actions shall not be used to delay or supplant the cleanup process." Rather than requiring Rayonier to advance a cleanup, Ecology interposes through this proposed Agreed Order many more years of report compilation and procedure, delaying the cleanup process. By

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<sup>1</sup> In addition, by one count there are nine interim actions that have been required on the uplands, as listed on Ecology's web site. See, Washington Department of Ecology at <http://www.ecy.wa.gov/programs/tcp/sites/rayonier/2008/interimActions.htm>

virtue of being at least Rayonier's fifth interim action at Port Angeles, there is a reasonable basis to conclude that this proposed interim action does cause delay and does supplant the cleanup process.

Further, WAC 173-340-430 requires the Department of Ecology to "set appropriate deadlines commensurate with the actions taken for completion of the interim action." For people and businesses in Port Angeles, the proposed Agreed Order with deadlines that stretch out -- at least three years and more likely four or more years -- hardly seems to be commensurate with having Rayonier write an interim action plan. In substance, that basically is the deal this proposed Agreed Order provides -- more than three years to draft four volumes of an interim action plan for a tightly drawn Study Area that Ecology deems to be a sub-part of the site. It appears arbitrary and contrary to its own regulations for Ecology to contend that an additional 4 years is an "appropriate deadline" that is "commensurate with the actions" being taken (preparing an interim action plan), particularly considering that Ecology issued its first related enforcement order to Rayonier 18 years ago. See, Finding of Fact Q.

***Ecology's reports on its Harbor Sediments Investigation and its Rayonier Mill Off-Property Soil Dioxin Study are materially important for meaningful comment on the proposed Rayonier Agreed Order.***

As stated in the introduction of this comment, it is difficult to provide substantive comments on the proposed Agreed Order between Ecology and Rayonier before Ecology releases its Port Angeles Harbor Sediments Investigation Report and its Rayonier Mill Off-Property Soil Dioxin Study Report. While some data and drafts from these Ecology investigative efforts have been periodically posted on the Internet, and then periodically removed, Ecology's reports themselves have still not been made available to the public in a comprehensive way, with evaluation of the data and Ecology's regulatory conclusions. The recent posting of a risk assessment and a conclusions chapter on Ecology's ftp site is unexplained by Ecology and cannot be relied upon for an understanding of the Harbor cleanup. In any event, it has been removed. Simply put, it is difficult to assess this proposed Rayonier Agreed Order without knowing what Ecology has concluded regarding its Harbor and upland investigations and how it interprets the data that it has since found in those investigations.

Almost two years ago, in its May 13, 2008 presentation to the community on its Port Angeles Harbor Sediments Investigation, Ecology stated that the purpose of Ecology's investigation was "to determine the **nature and extent** of sediment contamination" and to "study how **sediment contamination and woodwaste** move through the harbor." Now, Ecology proposes to enter another Agreed Order with Rayonier to perform a subset of the same task Ecology has been performing for the past two years, without reporting to the public on Ecology's findings. Indeed, the confined "study area" that Ecology has elected to designate in its Agreed Order with Rayonier may well be far too limited to usefully advance the necessary site characterization work that Ecology has

Marian Abbett, P.E.

March 5, 2010

Page 4

been doing or that Rayonier should have done or should now complete, in order for environmental cleanup to occur.

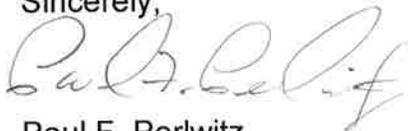
While we recognize that Exhibit C to the proposed Agreed Order, the schedule of deliverables, allows Rayonier to wait to commence most of its work under the proposed Agreed Order until after it has received Ecology's Port Angeles Harbor Sediment Characterization Study, that does nothing to protect those of us who live, work and operate businesses in Port Angeles in terms of allowing us the opportunity to meaningfully comment on the proposed Agreed Order, before Ecology signs it, allowing us to comment with knowledge of what Ecology's two major investigations have identified and what Ecology concludes in its reports on the data it generated over the past several years in those investigations.

In short, Ecology put the cart before the horse by proposing this Agreed Order with Rayonier and asking for public comment before releasing its own Harbor and upland investigation reports so that those who are commenting can be informed of the work that Ecology has done in the Harbor and uplands over the past several years.

By proceeding this way, Ecology has substantially diminished the value of the comment period afforded to the public prior to Ecology's decision to execute (or not execute) the proposed Agreed Order. The Port Angeles community, including land owners and operators on the Harbor, have a right and a need to know the direction that Ecology is going to take in its MTCA regulatory enforcement, based upon the extensive Harbor investigation work that Ecology has been performing for the past two years. To ask owners, operators, local government and citizens to comment on the proposed Rayonier Agreed Order before the results of the Ecology investigations have been released and discussed in the community, places commentors at a profound disadvantage.

We ask Ecology to refrain from executing the proposed Agreed Order with Rayonier and to release the draft reports of the extensive marine sediments and uplands investigations it has performed at Port Angeles for review and comment by the public, before taking any further administrative actions affecting the Harbor or uplands.

Sincerely,



Paul F. Perlwitz  
Environmental Manager  
NIPPON PAPER INDUSTRIES USA CO., LTD.

Enclosure

cc: Jim Pendowski  
Rebecca S. Lawson, P.E.

Marian Abbett, P.E.  
March 5, 2010  
Page 5

**EXHIBIT A**

# **Port Angeles Harbor Marine Environment**

---

## **Baseline Human Health and Ecological Risk Assessment**

**DRAFT**

Prepared for



Washington State Department of Ecology  
Toxics Cleanup Program  
300 Desmond Drive  
Lacey, Washington 98504

**Contract No. C0700036  
Work Assignment No. EANE020**

**February 5, 2010**

## 12.0 SUMMARY and CONCLUSIONS

### 12.1 SUMMARY

Results from the sediment investigation at the Port Angeles Harbor-Wide/Rayonier Mill Study area are discussed according to the depth at which the samples were collected. Section 12.1.1 discusses the results from the surface sediment samples (A stations). Section 12.1.2 discusses the results from the section B cores, and 12.1.3 discusses results from the section C and D cores. Section 12.1.4 discusses the exceedances of the Washington SQS and CSLs for chemicals of concern. Section 12.1.5 discusses the concentrations of COPCs in tissue samples. Section 12.1.6 discusses the partial fingerprint of polycyclic aromatic hydrocarbons and dioxin/furan congeners. Section 12.1.7 discusses the distribution of wood debris. Section 12.1.8 discusses the baseline human health and ecological risk assessment. Section 12.1.9 discusses the currents and sediment transport studies and section 12.1.10 the fate and transport.

#### 12.1.1 Surface Sediments

The detailed discussion of the distribution of COPCs in the surface samples can be found in Section 6.1 of this report. The data show a consistent pattern in the composition and distribution of the COPCs selected for analysis in the Port Angeles study.

In general, higher concentrations of these compounds were found at stations located between the Inner Ediz Hook and Ferry Terminal Areas, while lower concentrations tended to be found in offshore areas away from the shorelines and industrial facilities and to the east of the Rayonier Mill dock.

The distribution of metals clearly shows the above pattern, with higher concentrations of arsenic, cadmium, copper, lead, mercury, and zinc at stations in the Ediz Hook and Inner Harbor Area (Figure 6.1-5 to 6.1-8).

The distribution of TPH is presented in Table 6.1-9. The data show there were higher concentrations of TPH compounds at the Inner Ediz Hook, Inner Harbor, and Boat Launch Area stations.

The total LPAH, HPAH, and PAH show higher concentrations around the Inner Harbor, Ferry Terminal and to a lesser extent at stations in the general vicinity of the Rayonier Mill dock (Figure 6.1-9 to 6.1-12, Table 6.1-13). Three LPAH compounds, phenanthrene, anthracene and naphthalene, all show a similar distribution with higher concentration around the Ediz Hook, Inner Harbor, Ferry Terminal Areas, at stations in the general vicinity of the Rayonier Mill dock (Table 6.1-13). The HPAH compounds found in the highest concentrations were fluoranthene, pyrene, benzo (b+k) fluoranthene, and chrysene (Table 6.1-11, Table 6.1-14). Their distribution was similar to that seen with the LPAH compounds.

Phenol and phthalate compounds were not frequently detected at surface sediment stations. The two most frequently detected phenol compounds were *p*-cresol (4-methyl phenol) and phenol. The highest concentration of *p*-cresol was found at ED04A, with a concentration well above the CSL (670 ug/kg dw). The highest concentration of phenol was found at Stations MA03A, MA04A, and MD05A. The concentration at all three stations exceeded the SQS of 420 ug/kg dw (Table 6.1-16).



March 5, 2010

Rebecca S. Lawson, PE, LHG  
SWRO Section Manager  
Toxics Cleanup Program  
Washington State Department of Ecology  
300 Desmond Drive  
Lacey, WA 98504

RE: Comments – Port Angeles Rayonier Mill Agreed Order --  
*State of Washington Agreed Order No. DE 6815 for Rayonier Properties LLC (AO).*

Dear Ms. Lawson:

The City of Port Angeles submits the following as comments on the proposed Port Angeles Rayonier Mill Agreed Order.

The overall goal of the AO is to develop a remedial action for the Rayonier Mill Upland and a Marine Study Area. The 3 year time frame for arriving at this remedial action is simply not acceptable to the Port Angeles Community. Considering the longstanding idle state of this project the Department of Ecology must make it a priority to expedite this process. It is not acceptable that this 3 year process only results in an interim action for a tentative study area. The larger Rayonier Mill "site," as that word is used in MTCA, is not defined and will not be defined through this AO. The delay in defining "site" will continue to be a burden on local waterfront businesses and property owners and will result in prolonging an already 12 years of unpredictability and uncertainty related to future harbor cleanup.

The AO prescribes interim actions that culminate in 2013. In doing so, the AO links the actions for the Upland portion with the actions for the Marine Study Area. It is inappropriate and inefficient to link those actions.

There are several reasons why it is inappropriate and inefficient to link the Upland portion with the Marine Study Area. First, considerable work already has been done on the Upland portion. This fact is recognized in Part I.B., on Page 3 of the AO. In 2006, Rayonier prepared the Remedial Investigation for the Uplands Environment of the Former Rayonier Mill Site. That document received public review and comments. DOE published an Addendum to it, and the DOE web site lists interim actions already performed in the Uplands portion.

Second, the amount of study and analysis remaining to be done in the Marine Study Area, and indeed in the Port Angeles harbor, is significant. While remediation work can be accomplished with some assurance on the Upland portion, the harbor is an entirely different environment. It is affected by currents and resulting sediment transport. It is subject to different rules, and the Sediment Management Standards. The Port Angeles Harbor Sediment Characterization Study

**Phone:** 360-417-4500 / **Fax:** 360-417-4509 / **TTY:** 360-417-4645

**Website:** [www.cityofpa.us](http://www.cityofpa.us) / **Email:** [citymanager@cityofpa.us](mailto:citymanager@cityofpa.us)

321 East Fifth Street - P.O. Box 1150 / Port Angeles, WA 98362-0217

has not ever been released to the public to date. The "site" boundaries have not been defined, and the AO does not accomplish such a definition. Moreover, the AO recognizes that study and analysis of the "site" will continue, separate and apart from the work being done under the AO; yet, there is no mechanism established to bring those portions together. For all these reasons, it is probable that the length of time needed to formulate interim and final actions for the marine portion of the "site" will be much longer than the time needed to formulate a final action plan for just the upland portion of the Study Area.

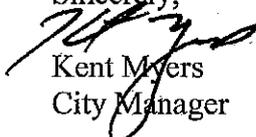
Third, final action on the Upland portion is being delayed while the much slower task of evaluating the marine areas, and indeed the "site," proceeds. The AO states that the "...cleanup standards shall remain preliminary and draft until they are set by Ecology in the future for the Final Cleanup Action Plan for the Site as a whole..." This statement leaves any final "interim actions" at the Study Area dependent on the Final Cleanup Action Plan for the Site. The AO does not provide a schedule for the Final Cleanup Action Plan for the Site.

Additionally, with regard to the uplands, there is already significant information on hand. Recognizing that, the City urges DOE to create a fast track process on the Upland portion. Instead of leading to another interim action, the fast track should be designed to produce a final action plan for the Upland portion. This should lead to final action on the Upland in a fairly short time, certainly less than 3 years.

For all of these reasons, the AO in its current form is an inefficient and hesitant approach to the Rayonier property. As an alternative to the proposed AO, the City urges DOE to take the following steps: 1.) explore all possible abilities to dedicate additional resources to clean up the Rayonier site in a manner that ensures the entire site is addressed in 3 years, 2.) separate the Marine Study Area actions from the Upland actions. (This could be done by creating separate, but parallel, tracks under one AO or by creating multiple AOs, with separate schedules, all proceeding concurrently), and 3.) explore all approaches to ensure that interim actions for the Upland are completed within the next year.

While we recognize there are more complications involving the marine portions of the "site," the City shares in the Port Angeles community's concerns and unwillingness to accept to yet another delay, especially one that could very easily be avoided, on the Upland portion.

Sincerely,

  
Kent Myers  
City Manager

cc Marian Abbett, P.E., Southwest Regional Office, DOE  
City Council  
City Attorney - William Bloor  
Public Works & Utilities Director - Glenn Cutler  
Community & Economic Development Director - Nathan West



March 5, 2010

Rebecca Lawson, Section Manager  
Marian Abbett, Project Manager  
WA Department of Ecology  
Toxics Cleanup Program, SWRO  
P.O. Box 47775  
Olympia, WA 98504-7775  
E-mail: marian.abbett@ecy.wa.gov

**RE: Rayonier Mill Site Agreed Order (new) and Updated Public Participation Plan (Facility Site ID #: 19)**

To Rebecca and Marian:

We are writing to comment on the Rayonier Mill Site Agreed Order (new) and Updated Public Participation Plan (Facility Site ID #: 19).

People For Puget Sound is a nonprofit, citizens' organization whose mission is to protect and restore Puget Sound and the Northwest Straits.

We are pleased that Ecology is moving forward. As summarized by Ecology: "Under the new Agreed Order, Rayonier will complete the following tasks for the Study Area:

- Task 1—Collect soil and groundwater data on the upland portion.
- Task 2—Develop a report describing all data for the upland.
- Task 3—Develop a report describing all data for the marine portion.
- Task 4—Evaluate different options for cleaning up both the upland and marine portions.
- Task 5—Develop a cleanup plan for the entire Study Area. This work will be called an Interim Action because it only addresses part of the overall site."

People For Puget Sound, however, shares the concern raised by the Lower Elwha Klallam Tribe and the Olympic Environmental Council (OEC) and others.

Our comments follow:

1. **Signed document.** Given that the Agreed Order was already signed (January 19, 2010), can Ecology please email a response to the commenters (as soon as possible) any plan to incorporate comments at this time. Our experience has been that no changes are made to Ecology's Agreed Orders for cleanup sites, in spite of the offer of a public review and comment period.
2. **Timeline.**
  - a. The mill was closed down in 1997. Significant work has already been completed on characterization and the process has been extended beyond what was originally promised – time has come to get the job done. The timeline in the Agreed Order needs to be shortened.

MAIN OFFICE	NORTH SOUND	SOUTH SOUND
911 Western Avenue, Suite 580 Seattle, WA 98104 tel • 206.382.7007 fax • 206.382.7006 email • people@pugetsound.org	407 Main Street, Suite 201 Mount Vernon, WA 98273 tel • 360.336.1931 fax • 360.336.5422 email • northsound@pugetsound.org	120 East Union Avenue, Suite 204 Olympia, WA 98501 tel • 360.754.9177 fax • 360.534.9371 email • southsound@pugetsound.org

- b. We also would like to see expedited progress on the other areas of contaminated media associated with the Rayonier Mill.
3. **Setting standards.** Unfortunately, as has happened at many other sites, only an Interim Action is being proposed and final cleanup numbers may only come years from now. How will Ecology ensure that a protective cleanup is accomplished that will match the human health and ecological health needs in the long-term?
  4. **Cancer Risk.** This site has multiple chemicals of concern. Why is the cancer risk set at 10-5, rather than the more protective cancer risk level of 10-6?
  5. **Public Review and Public Participation Plan.** Giving more opportunities for the public to weigh in will improve the process overall. Rather than receiving significant comments at just three points in the process means that Ecology will not be as easily able to address and make adjustments in the investigation and cleanup planning process in a timely manner. This is especially the case for documents such as draft work plans. We request that additional review opportunities be included. An enhanced public participation process, therefore, for a key stakeholder group is recommended.
  6. **Site redevelopment.** People For Puget Sound has already expressed a preference – to the HarborWorks Public Development Authority – that the final site plan include a large amount of habitat and public areas and only limited amount of built structures. As OEC points out, a streamlined approach to addressing this cleanup effort would include the removal of many of the manmade features at the site. This would also facilitate the ability to include a wider range of ultimate uses of the site, including habitat.
  7. **Climate Change.** People For Puget Sound requests that Climate Change potential impacts be factored into all decision documents for this site as a prudent precaution.

Thank you for your consideration. You can reach me at (206) 382-7007 X172 if you have any questions or concerns.

Sincerely,



Heather Trim  
Urban Bays and Toxics Program Manager

From: [Nelson/Sharon Cone](#)  
To: [Abbett, Marian L. \(ECY\)](#);  
Subject: Rayonier Cleanup  
Date: Friday, March 05, 2010 8:43:34 PM

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Marian Abbett, Project Manager  
WA State Department of Ecology  
Toxics Cleanup Program, SWRO  
PO Box 47775  
Olympia, WA 98504-7775

RE: State of Washington Department of Ecology and Rayonier Properties  
LLC  
Agreed Order No. DE 6815

Rayonier should restore the site to its original setting -- original shoreline, wetlands and flood plain. This will meet the PSP Cleanup mandate of cleanup, restore and protect. Thus, all man-made structures -- pier, creosoted pilings, cement pad that supported the former buildings and other infrastructure, and the fill down to the original shoreline should be removed. This would simplify the cleanup process, thereby shortening the AO time line. This change could possibly minimize Rayonier's costs for further investigation and cleanup of the mill site proper. It would more quickly revitalize Ennis Creek and assist a comeback of the endangered salmon stocks.

Given that the site sits in a quake, tsunami, flood area, it is wise to remove the structures and the pollution as soon as possible.

Based on the Schedule of Deliverables in the AO, it will take approximately four years of data gathering and reports before the cleanup can officially begin. The cleanup process is almost a decade behind. This proposed time line is too long. It needs to be shortened. For example, 75 days is a long time to incorporate revisions into this document that has already been drafted. If the AO were amended to include strict deadlines and shorter periods of time for review and comment by Ecology and Rayonier, this excessive length of time could be shortened or at least regulated.

Delete the flexibility in meeting time lines. Be specific as to by when each step must be met, so that Rayonier can not have an opening to drag out the process. Spell out the repercussions of not meeting the time line

outlined in the Schedule of Deliverables. Will Ecology take over the work or possibly do an enforced order if Rayonier does not meet deadlines?

How will the Study Area will be treated if the cleanup standards established for the *entire* site at a later date are more protective than the preliminary standards established by the Final *Interim* Action Plan?

Why is the cancer risk set at 10-5, rather than the more protective cancer risk level of 10-6? Change the AO to use the more protective 10-6.

Ensure there is split-sampling. This will ensure Rayonier's sampling results can be repeated and are credible.

Spell out the ways in which Ecology will inform and involve the public in the cleanup of the Rayonier site, and on a regular basis.

Expand the number of public comment opportunities in the AO to allow the public to comment on all of the documents Rayonier will deliver, rather than on just a few. Public involvement is critical to site remediation and should be sought from the beginning of the process to its end.

The section on Transfer of Interest in Property does not include information on which party would implement or continue the cleanup if Rayonier is to sell the property. The section should be amended to include where the responsibility for cleanup lies if the property is transferred. There should be no question that the cleanup will continue if the property changes hands.

Thank you,  
Nelson Cone  
52 Hanusa Ln.  
Port Angeles, WA  
98362



20% (101MB) of 500MB

- Inbox (4)**
- Sent Items
- Trash
- Junk Mail

Send Mail

Attach

To:   
 CC:  BCC:   
 Subject:  Priority:

COMPUTER STILL NOT ALLOWING TRANSMISSION, SO MAILING TODAY 3/6/10

\*\*\*\*\*  
 Attention: Marian Abbett, Project Manager  
 WA-StateDepartment of Ecology  
 Toxics Cleanup Program, SWRO

RE: State of Washington Department of Ecology and Rayonier Properties LLC Agreed  
 Order No. DE 6815

An unexpected computer problem plus sudden family need prevented me from sending my intended "citizen" comment by the 3/5/10 deadline, so I should be more tolerant that a decade has passed without the Rayonier Site Cleanup being resolved. Although I am trying again (now AM of 3/6/10), I do want you (DOE) to know of my concern regarding current Agreed Order.

I summarily note that I think it needs: \*strict deadlines, \*less time for review/response comments AND

\*more opportunity for the PUBLIC to access developing information and provide input so that deliverables can be what is truly needed.

As a retired Industrial Hygienist and Safety Professional (as well as past analytical chemist), I support that the cleanup meet the most protective standards and that split sampling be used throughout the evaluation/verification process. I have read comments provided by Environmental Stewardship Concepts on behalf the Olympic Environmental Council Coalition and endorse them:

I also believe that the Rayonier Site should be restored to pre-industrial condition regarding original shoreline, wetlands and flood plain. Finally, I have serious concerns about the creation and approach being taken by HarborWorks and its apparent resistance to allowing/accepting citizen review and comments.

Your consideration of this input is appreciated.

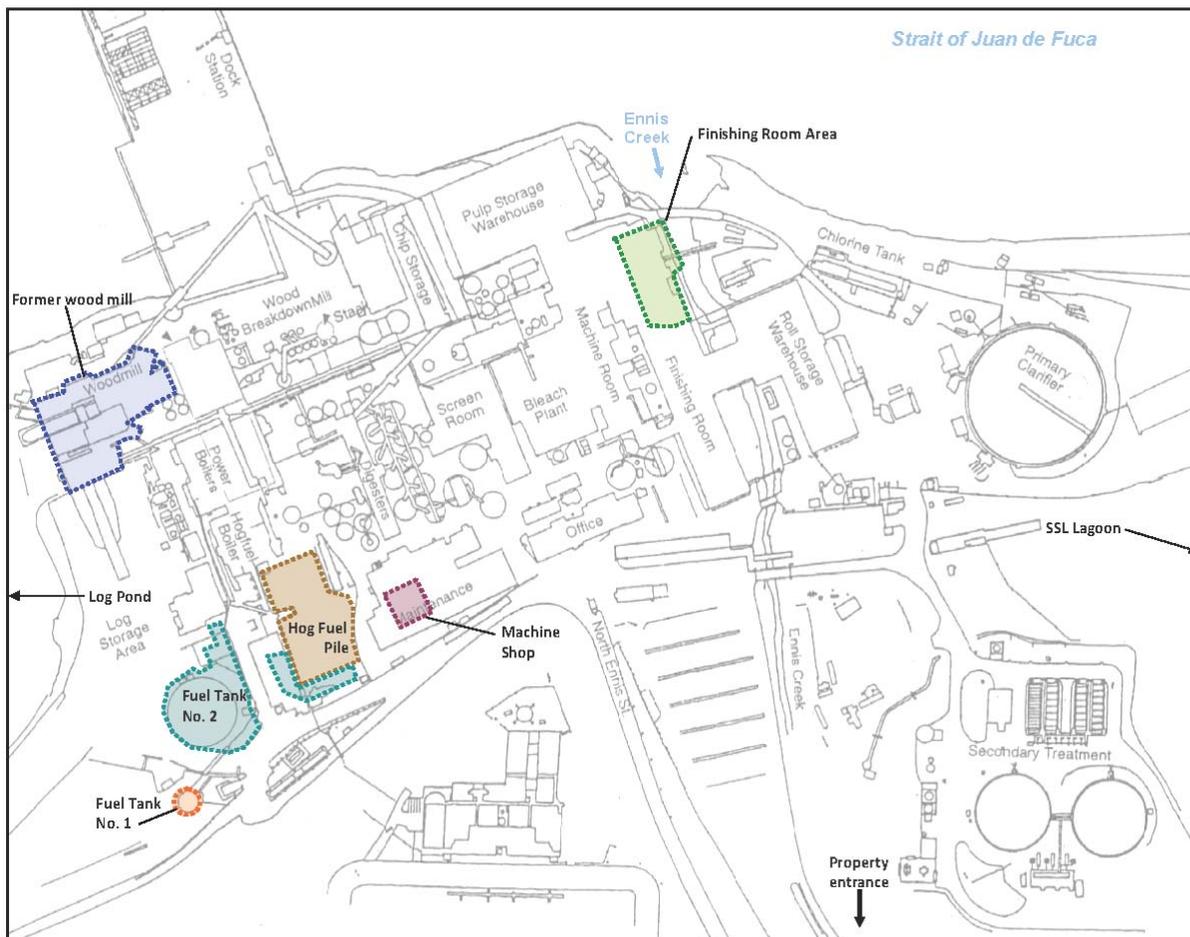
Judy Larson (CIH, CSP-retired status)  
 1070 W. Palo Verde Loop  
 Sequim, WA 98382  
 (Port of Port Angeles and Washington state taxpayer)

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MAR 0 2010

WA State Department of Ecology (SWRO)

## Appendix B: History of Disposal from Interim Actions at the Rayonier Mill Site



Several interim actions (partial cleanups) were completed between 1993 and 2006.

**Ennis Creek Finishing Room Area:** Ennis Creek was polluted by petroleum and polychlorinated biphenyls (PCBs) from leaking hydraulic fluid. Between 1989 and 2002, Rayonier took several actions to clean up this area. More than 10,000 tons of contaminated soils were removed. Most of the contaminated soil was disposed at the City of Port Angeles' Sanitary Landfill. Soil with higher levels of PCB were disposed at the TSCA-permitted Subtitle C Landfill in Arlington, OR; and some petroleum contaminated soil was disposed at a TPS facility in Tacoma.

**Former Fuel Oil Tank No. 2:** In 1989 and 1990, petroleum was found in the soil beneath and near the former 2.3 million gallon tank. The tank was dismantled and removed in 1993 and 2,000 tons of petroleum-impacted soil was removed from the footprint of the tank. A further interim action in 2002 addressed the area between the former Fuel Oil Tank and the Hog Fuel Pile. A total of 5,137 tons of contaminated soil were removed. 1793 tons of

[petroleum contaminated soil was disposed at TPS Technology facility in Lakewood; 3344 tons of contaminated soil was disposed at the City of Port Angeles' Sanitary Landfill.](#)

**Former Machine Shop:** When the Machine Shop was demolished in 1999, oil was noticed on the floor, concrete supports, and in the soil below. Petroleum-contaminated soils were later excavated from between support piers under the building. [A total of 984 tons of soil and concrete were removed and disposed at the City of Port Angeles' Sanitary Landfill.](#)

**Former Hog Fuel Pile:** [In 2001, approximately 2,700 cubic yards of petroleum-impacted wood residue was removed from the base of the former Hog Fuel Pile and disposed at the City of Port Angeles' Sanitary Landfill.](#) In 2002, additional contaminated soil was removed from the southwest corner of the Hog Fuel Pile.

**Former Fuel Oil Tank No. 1:** [A total of 7,979 tons of petroleum-impacted soil was removed from the locations of the former Fuel Oil Tank No 1 and the former Wood Mill in 2006, and disposed at the City of Port Angeles' Sanitary Landfill.](#) The interim action was also aimed at removing compounds associated with petroleum hydrocarbons like PCBs, polycyclic aromatic hydrocarbons (PAHs), and naphthalene.

**Former Wood Mill:** During the Remedial Investigation, contamination was found in the soil and subsurface in the former Wood Mill area. An interim action to remove soil contaminated with petroleum hydrocarbons, PCBs, PAHs and naphthalene was done at the same time as an interim action around the location of former Fuel Oil Tank No. 1. [A total of 7,979 tons of petroleum-impacted soil were removed from the two locations, and disposed at the City of Port Angeles' Sanitary Landfill.](#)

**Former Spent Sulfite Liquor Lagoon:** [In 2001, approximately 4,800 tons of soil and clay liner were removed and disposed at the Mt Pleasant Landfill.](#) The area was backfilled with clean soil from the berm. [Excess berm material was removed, and also disposed at the Mt. Pleasant Landfill.](#)

**Former Log Pond:** Approximately 2500 sunken logs were removed from the log pond in 1998.

**Former Transformer Rooms:** Between 1997 and 1999, testing was completed and PCB contaminated concrete and soil from seven former transformer room locations was removed. [Soil with higher levels of PCB were disposed at the TSCA-permitted Subtitle C Landfill in Arlington, OR; lower level PCB contaminated soil was disposed at TPS Technologies, Inc in Tacoma.](#)