EXHIBIT C:

ECOLOGY POLICY 840 –

DATA SUBMITTAL REQUIREMENTS

Resource Contact: Policy and Technical Support Staff *Effective* *August 1, 2005*
References: *WAC 173-340-840(5)* *Revised* *September 9, 2005*
http://www.ecy.wa.gov/eim/
http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm
http://www.ecy.wa.gov/biblio/0309043.html
Replaces: *Procedure 840*

Policy 840: Data Submittal Requirements

Purpose: Contaminated site investigations and cleanups generate a large volume of environmental monitoring data that need to be properly managed to facilitate regulatory decisions and access to this data by site owners, consultants, and the general public. The purpose of this policy is to describe the requirements for submitting environmental monitoring data generated/collected during the investigation and cleanup of contaminated sites under the Model Toxics Control Act (MTCA) and the Sediment Management Standards.

Application: This policy applies to Ecology staff, potentially liable parties, prospective purchasers, state and local agencies, and Ecology contractors that investigate or manage the cleanup of contaminated sites.

1. Unless Otherwise Specified by Ecology, all Environmental Monitoring Data Generated during Contaminated Site Investigations and Cleanups shall be Required to be Submitted to Ecology in both a Written and Electronic Format.

Environmental monitoring data include biological, chemical, physical, and radiological data generated during site investigations and cleanups under the Model Toxics Control Act Cleanup Regulation (WAC 173-340) and the Sediment Management Standards (WAC 173-204).

Data generated/collected during site investigations and cleanups conducted under an order, agreed order or consent decree, permit, grant, loan, contract, interagency agreement, memorandum of understanding or during an independent remedial action, are considered environmental monitoring data under this policy.

Data generated/collected for non site-specific studies, site hazard assessments that result in no further action and initial site investigations are not considered environmental monitoring data under this policy.

2. Orders, Agreed Orders, Consent Decrees, or Permits Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data be Submitted in Compliance with this Policy.

Reports on such work that do not include documentation that the data have been submitted in compliance with this policy shall be deemed incomplete and a notice of such provided to the

submitter. These reports generally should not be reviewed until that information is provided. The assistant attorney general assigned to the site should be consulted in these situations.

3. Reports on Independent Remedial Actions Submitted for Review After October 1, 2005, Under Ecology's Voluntary Cleanup Program Shall Not be Reviewed Until the Data Have Been Submitted in Compliance with this Policy.

Such reports shall be deemed incomplete, and a notice to this effect provided to the submitter.

4. Grants, Contracts, Interagency Agreements or Memoranda of Understanding Issued After the Effective Date of this Policy Shall Include a Condition that Site-Specific Data be Submitted in Compliance with this Policy.

Reports on such work shall not be accepted as complete until the data have been submitted in compliance with this policy. If a payment or transfer of funds is involved in the transaction, the relevant payment or transfer shall be withheld until this requirement has been met.

Example language to include in these documents is attached in Appendix A.

5. Data Generated During Upland Investigations and Cleanups Shall be Submitted Electronically Using Ecology's Environmental Information Management System (EIM).

EIM is Ecology's main database for environmental monitoring data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

Additional information on EIM, including instructions for data submittal, can be found on Ecology's EIM web site at http://www.ecy.wa.gov/eim/. TCP's EIM Coordinator also is available for technical assistance to site managers and consultants using EIM.

6. Data Submitted Electronically Using EIM Shall be Checked by the Toxics Cleanup Program's EIM Coordinator Prior to Loading the Data into EIM.

Normally, notice that data have been submitted through EIM will come to TCP's EIM Coordinator. Upon receipt of such a notice the EIM Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a notice of an EIM submittal, they should notify TCP's EIM Coordinator. Upon receipt of the data, TCP's EIM Coordinator reviews the submittal for quality control and officially loads the data into the system.

7. Data Generated During Sediment Investigations and Cleanups shall be Submitted Electronically Using Ecology's Sediment Quality Information System (SEDQUAL).

SEDQUAL is Ecology's data management system for sediment-related data. Proper submission of data through this system meets the requirement of submitting such data in an electronic format. Electronic data shall be submitted to Ecology simultaneously with the accompanying printed report.

8. Sediment Sampling Data Shall be Submitted to Ecology Using the SEDQUAL Data Entry Templates.

At a minimum, the following SEDQUAL data entry templates must be completed:

1. **Reference & Bibliography:** Describes lab reports and publications that relate to the data being entered;
2. **Survey:** Sample number;
3. **Station:** Specifies geographic location of the sediment sample. Sample latitude/longitude coordinates must be entered using the North American Datum of 1983 in U.S. Survey feet (NAD 83, U.S. feet);
4. **Sample:** Describes sample characteristics such as depth; and
5. **Sediment Chemistry:** Reports chemical concentration data in dry weight units.

The following additional templates must also be completed where these measurements/observations have been made:

1. **Bioassay:** Bioassay test results;
2. **Bioassay Control:** Bioassay control test results;
3. **Benthic Infauna:** Species abundance & diversity;
4. **Tissue:** Describes the organism collected;
5. **Bioaccumulation:** Reports tissue chemical concentrations; and
6. **Histopathology:** Reports tissue pathology such as tumors or lesions.

9. Electronic Data Formats Shall be Verified to be Compatible with SEDQUAL Prior to Submittal.

Because SEDQUAL uses ASCII protocol and comma delimited text files, data format verification shall be conducted prior to submittal to Ecology. Data shall be verified by downloading the SEDQUAL database, importing the data into the database, correcting errors, and then exporting the corrected templates.

For additional information on sediment sampling and analysis plan requirements, see Ecology publication 03-09-043 "Sediment Sampling and Analysis Plan Appendix", April, 2003. A copy of this document can be obtained from Ecology's publication office or downloaded from the following web site: http://www.ecy.wa.gov/biblio/0309043.html
Additional information on SEDQUAL can be found at:
http://www.ecy.wa.gov/programs/tcp/smu/sedqualfirst.htm. TCP's SEDQUAL Coordinator is also available for technical assistance to site managers and consultants using SEDQUAL.

10. Sediment Sampling Data Shall Also be Submitted to Ecology in a Printed Report.

Printed reports shall present the data in both dry weight and total organic carbon normalized units in data tables that compare the results to applicable state regulatory criteria.

11. Data Submitted Electronically Using SEDQUAL Shall be Checked by the Toxics Cleanup Program's SEDQUAL Coordinator Prior to Loading the Data into SEDQUAL.

Normally, SEDQUAL data submittals will come to TCP's SEDQUAL Coordinator. Upon receipt of a submittal, the Coordinator should notify the site manager. Similarly, if the Ecology site manager receives a SEDQUAL submittal, they should notify TCP's SEDQUAL Coordinator. Upon receipt of the data, TCP's SEDQUAL Coordinator reviews the submittal for quality control and officially loads the data into the system.

Approved

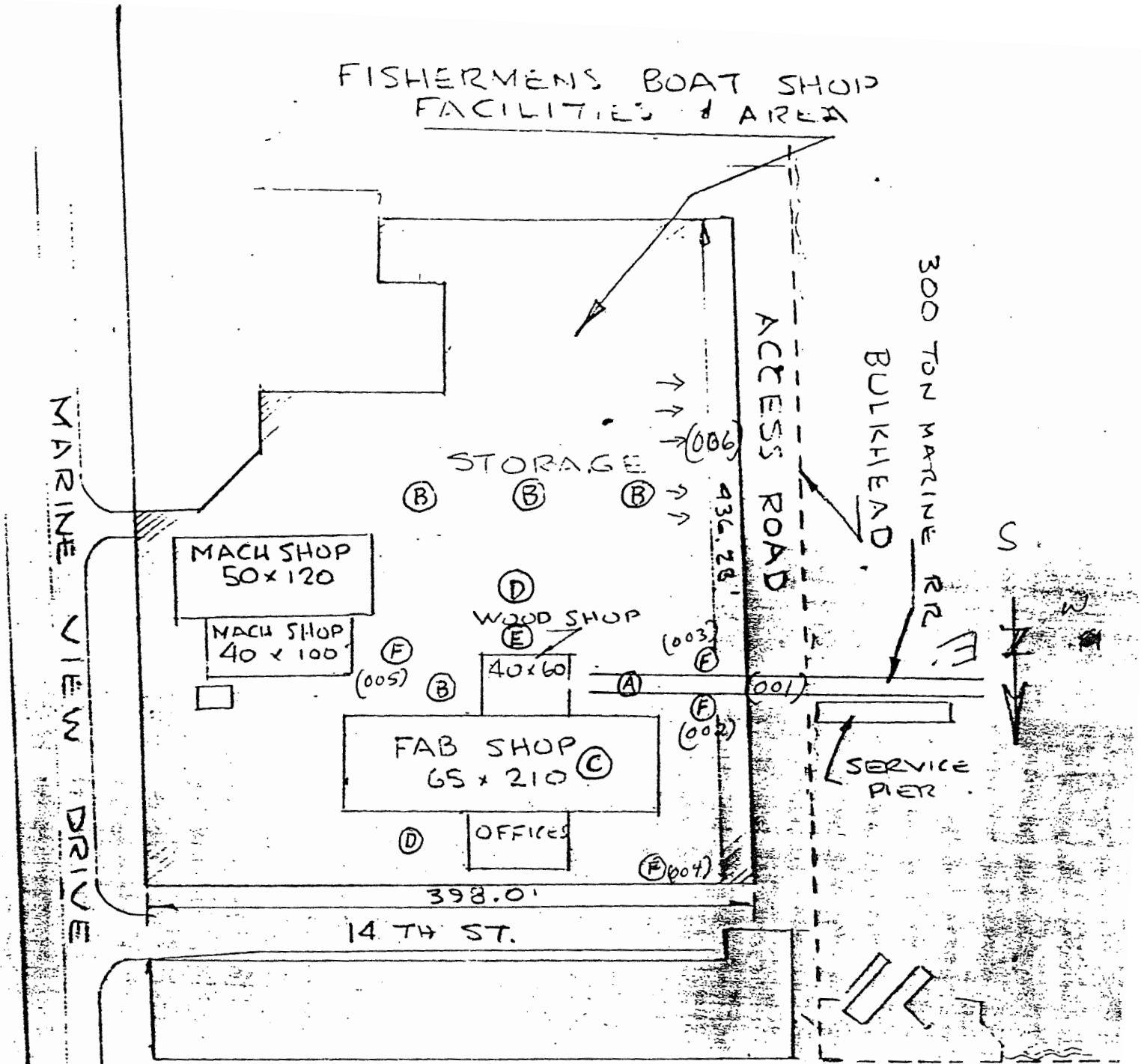
James J. Pendowski, Program Manager
Toxics Cleanup Program

Policy Disclaimer: This policy is intended solely for the guidance of Ecology staff. It is not intended, and cannot be relied on, to create rights, substantive or procedural, enforceable by any party in litigation with the state of Washington. Ecology may act at variance with this policy depending on site-specific circumstances, or modify or withdraw this policy at any time.

APPENDIX A: MODEL GRANT AND PERMIT CONDITION

The following condition is to be inserted in permits, grants, loans, contracts, interagency agreements, memorandum of understandings where site-specific environmental monitoring data is expected to be generated:

All sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with WAC 173-340-840(5) and Ecology Toxics Cleanup Program Policy 840: Data Submittal Requirements. Electronic submittal of data is not required for site hazard assessments that result in no further action and initial site investigations. (FOR GRANTS & CONTRACTS ADD: Failure to properly submit sampling data will result in Ecology withholding payment and could jeopardize future grant funding.)



CODE:

- (A) HAULOUT CRADLE WORK AREA
- (B) SIDETRACK WORK AREAS
- (C) NEW CONSTRUCTION WORK AREA
- (D) PAINT STORAGE AREA
- (E) WASTE OIL TANK
- (F) STORM DRAINS

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DEPARTMENT OF ECOLOGY
EVERETT HARBOR ACTION TEAM
INSPECTION REPORT

TO: Dan Cargill, Files
DATE OF VISIT: 4/23/92, 5/5/92
FACILITY #: N/A

INSPECTOR: Rick Huey
PERMIT NUMBER: N/A
PERMIT EXPIRES: N/A

TYPE OF INSPECTION

___ PERMIT APPLICATION
___ PERMIT COMPLIANCE
___ PERMIT CANCELLATION
___ COMPLAINT
___ ENFORCEMENT
_X_ SOURCE CONTROL
___ ANNOUNCED
_X_ UNANNOUNCED

FACILITY: Fishermen's Boat Shop
ADDRESS: 1016 14th Street
CITY: Everett 98201
COUNTY: Snohomish
TELEPHONE: (206) 259-0137

PERSON CONTACTED: Beverly King, Terry Kissinger, Tom Young
TYPE OF FACILITY: Shipyard
RECEIVING WATER: Snohomish River
TYPE OF TREATMENT SYSTEM: None
COMPLIES WITH PERMIT CONDITIONS? NPDES permit application received, not yet processed

DESCRIPTION:

On Thursday April 23, 1992 I conducted an inspection of Fishermen's Boat Shop. I was accompanied by David Hohmann of Ecology Solid and Hazardous Waste, Mike Papa of Everett Public Works Surface Water, and Gene Bennett of Everett Public Works Industrial Pretreatment.

We entered the facility at approximately 1015 hours, and introduced ourselves to Office Manager Beverly King. We informed her that we wanted to do an environmental compliance inspection of the facility. She told us that we needed to talk with Tom Young, who would not return until 1300 hours, and asked us to come back then. I agreed that we would return at 1300 hours.

The inspection team then proceeded to walk the perimeter of the facility property to make observations. As we were walking on the south perimeter, Beverly King approached us with a man she introduced as Yard Crew Foreman Tom Kissinger. They said that they would do their best to answer our questions, but Tom Young would have more knowledge than they would.

Mr. Kissinger told us that the facility had been a shipyard since the early 1940's, and that the current owner, Richard Eitel, had owned the facility since 1959. He said that the property is leased from the Port of Everett, and that the facility does mostly repair work, on vessels up to 125 feet long. Mr. Kissinger said that the facility is a union shop employing carpenters, shipwrights and painters, and that they do most of their own work, though some subcontractors are used. He said that Frontwater Services handles all waste, including the flushing of drums, and Kleencare handles all maintenance oil.

Mr. Kissinger told us that sandblasting is usually done in the shop, though some is done outside. Sandblasting is often contracted out, because it is difficult and time consuming to tarp a job properly to contain all spent grit and dust. He said that no hazardous waste from the ships is stored on site.

We then proceeded to the storage yard (photo 1), which is located at the south perimeter of the facility property (see attached map). The storage yard is unpaved and fenced. Mr. Kissinger told us <u>that the yard was fenced 6 months ago to prevent people from dumping on their property</u>.

He said that the State Ferry "Elwha" project had just been completed, and that all of the work materials and equipment had been moved into the storage yard. He said that the Navy wanted the pier back where the Elwha project had taken place, and that Fishermen's no longer had a deep water port. Mr. Kissinger said that the facility was proposing to use the pier at the Mukilteo tank farm for future dockside work.

In the storage yard I observed a battery stored in the open (photo 2), and what appeared to be spent sandblast grit deposited on the soil (photo 3). The battery was in deteriorating condition and its casing was stained, as was the pallet on which it was resting. I also observed sandblast grit in several other areas in the yard, and a number of barrels in the yard, exposed to the weather and without containment. Some of the barrels were partially full, and not all were marked (photos 4-6). None of

the barrels had dangerous waste labeling although most of the drums had waste inside. One barrel was marked as 'paint thinner', another as 'creosote'.

I informed Mr. Kissinger that many of the materials and barrels in the yard were not properly stored, and that a covered, bermed area would be needed for barrels containing material. He told me that they were in the process of fixing their storage problems.

He told me that all new jobs the facility accepts must be properly contained to avoid contamination and cleaned up, and that these conditions are part of the contract for jobs. He said that an independent cleanup had taken place at the facility in the late 1980's as a result of sampling by Ecology. The cleanup had taken place in the area east of the Wood Shop (see attached map).

Mr. Kissinger told us that all vehicle repair work is contracted off-site, and that no truck washing occurs at the facility. He also said that they use only standard marine paints for hulls. During a follow-up conversation with Tom Young on 6/11/92, Mr. Young said that their bottom paint contains copper in the form of cuprous oxide.

We then proceeded north along the waterfront side of the facility. Approximately 15 yards north of the storage yard I observed a storm drain (photo 7). The drain was surrounded by dirt and sand blast grit, and there appeared to be dirt, sand blast grit and small debris in the drain (photo 8). This storm drain appears to intercept another drain near the marine railway, which flows directly into the harbor.

Just east of the drain are the facility ship skids. These are wooden ties on bare soil, and are used to move ships away from the marine railway. Vegetable oil is used to grease the skids so the ships can be pushed sideways.

On either side of the marine railway I observed a storm drain (photos 9-10). In the north railway drain I observed what appeared to be a white liquid sitting in the drain. We walked west to the edge of the pier, and observed that the storm drain outfalls are located on each side of the marine railway. The south railway drain outfall was flowing at a low rate.

We then followed the railway east to the shop building, where I observed a storm drain in the corner where the haul-out machinery building and the fabrication shop meet (photos 11). There was a hose from the fabrication shop leading to the storm drain. Water

was flowing from the end of the hose. A white liquid was also present in this drain (photo 12). Inside of the fabrication shop I observed a sink that drained through the hose, leading to the storm drain. Mr. Kissinger said that the sink is for hand washing only, and that it is a temporary setup while their bathroom is being remodeled.

I told Mr. Kissinger that this was an illegal discharge, and asked him how long it had been in use. He said two weeks, and the bathroom would be done in another two weeks. I told him that I was concerned that more harmful substances than soap might be dumped down the sink and flow into the harbor, and I encouraged him to finish the remodeling quickly. During a follow-up phone conversation with Tom Young on 6/11/92, he said that the sink hook-up to the stormdrain had been removed on 5/8/92, three days after our second inspection.

We then proceeded to the enclosed paint shed in front of the carpentry shop. I observed that paint thinner and bottom paint were stored in the shed. There was a paint roller and pan upside down next to the paint shed, and there where stains on the ground around it. Inside the shed, what appeared to be a tub of diesel or thinner was open to the air.

Next we proceeded to the Boat/Maintenance Shed where I observed storage for waste antifreeze and oil, and new 30 weight oil and hydraulic oil (photo 13-14). The oil and antifreeze drums and waste oil buckets were stored indoors, but some of the buckets had no lids. The drums and buckets were not bermed. I also observed stains on the concrete floor.

In response to a question, Mr. Kissinger said that solvents were not used much, and that kind of work was usually subcontracted out to auto shops. He said that when solvents are used at the facility, it is usually diesel. In the northeast corner of the shed I observed a tank containing solvent (photos 15-16). Mr. Kissinger said that it was diesel, and that it hadn't been used in a long time. David Hohmann told him that this was dangerous waste and that it would have to be sent to a T.S.D. soon.

At the west end of the shop I observed a can marked 'oily rags' (photo 17). Mr. Kissinger said that all oily rags are put in the dumpster. David Hohmann told him that this was illegal if the rags were hazardous waste.

We then proceeded to the northeast outside corner of the shed, where I observed a diesel storage tank that was tarped and had secondary containment.

We finished this phase of the inspection at approximately 1130 hours, and agreed to return at 1330 hours to speak with Tom Young who was on the Kitsap peninsula. When we came back, Mr. Young had not returned. The next day I contacted Mr. Young by phone and arranged for the second phase of the inspection to occur May 5, 1992.

May 5, 1992

On May 5, 1992 at approximately 1000 hours the second phase of the inspection was conducted. I was accompanied by David Hohmann of Ecology Solid and Hazardous Waste and Gene Bennett of Everett Public Works Industrial Pretreatment.

We entered the facility office and introduced ourselves to Mr. Tom Young, who is the yard foreman working on environmental issues. We explained the purpose of our visit, and I informed Mr. Young that the facility would be receiving a Site Hazard Assessment within the next 6 weeks.

In response to a question, Mr. Young said that all storm drain sumps on the site are cleaned out approximately once a year, and that there are no oil/water separators on any of the drains. He also said that the temporary sink hookup now discharging to the storm drain was still in use, but that it should be dismantled within the next two weeks.

He told us that the facility was one of John Wylie's (Metro) test sites for a recirculating hydroblast system for larger vessels, and that the system was only partially successful.

We then proceeded to the area south of the marine railway where the skids are located. Mr. Young said that the facility is trying to get the area between the skids paved over incrementally as the occasion permits.

Next we went to the area east of the wood shop where an * independent cleanup occurred in 1988-89. This cleanup resulted from sampling done by Ecology in 1987 showing copper, lead and zinc contamination resulting from sandblasting waste. Mr. Young said that sand blast grit and some soil was removed from this area, which has since been paved (photo 18). He also said that sandblast grit was removed from between the skids next to the marine railway. In the paved area east of the wood shop I observed a storm drain. Mr. Young said that he believed the drain flowed to one of the outfalls on either side of the marine railway.

South of the wood shop I observed an area where sand blasting and painting was occurring in an enclosed booth (photo 19). Mr. Young said that the job was subcontracted to Custom Coatings, and that the booth was temporary. He said that Custom Coatings is their primary subcontractor for such jobs, and he thought that they took care of all their job-related hazardous waste.

West of the booth I observed sand blast grit on bare soil (photo 20). I told Mr. Young that I was concerned about this type of practice, and that it would have to be changed. He said that they are working to improve their practices.

We then proceeded to the northeast corner of the storage yard, where I observed an open bag of sand blast grit, and grit on bare soil (photo 21).

I also observed three barrels and two buckets stored between the Wood Storage Shop (not the Wood Shop). One was unmarked and empty, another was marked motor oil and was empty, and the third was marked isocyanate, and was partially full of liquid (photos 22-23). The bung on this barrel was open (photo 24). Mr. Young said that he did not know that the barrels were there. He thanked us for calling them to his attention, and said he would get them taken care of by Frontwater Services.

We then walked through the storage yard where David Hohmann found several small industrial batteries sitting on the ground in deteriorating condition. D. Hohmann put these batteries in a plastic bag and gave them to Mr. Young for disposal. Sand blast grit was observed in the yard (photo 25).

In the southwest corner of the yard I observed where the power sheds from the Elwha ferry project were stored. Inside the sheds were transformers (photo 26).

Further north, near what Mr. Kissinger described as an unused waste oil tank (photo 27) during the 4/23 phase of the inspection, I observed another bag of sandblast grit stored in the open.

At approximately 1135 hours I thanked Mr. Young and left for another appointment. David Hohmann and Gene Bennett stayed to observe the temporary sand blast/paint operation. I returned at 1300 hours to pick up D. Hohmann.

Rick Huey
Everett Harbor Action Team

RH:rh
Attachment: map, photo log

cc: Dave Nazy, Ecology TCP
David Hohmann, Ecology Solid and Hazardous Waste
Gene Bennett, Everett Industrial Pretreatment
Mike Papa, Everett Surface Water

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

Northwest Regional Office, 3190 - 160th Ave S.E. • Bellevue, Washington 98008-5452 • (206) 649-7000

July 10, 1992

TO: DW Files-

FROM: J. David Hohmann, HW Inspector

SUBJECT: WAD 988469706-- Fishermen's Boat Shop, (Everett, Snohomish Co.) Dangerous Waste Compliance Inspection, 4/23/92 and 5/5/92.

(Reference: Inspection Report by Rick Huey, Ecology TCP- UBAT)

A joint inspection was conducted at the subject facility with Rick Huey. His referenced report describes much of our activity. This memo summarizes the Dangerous Waste Regulatory Compliance findings of the inspection.

A. Background

Fishermen's Boat Shop (FBS) is the largest shipyard in Everett, located in the north part of Everett Harbor. Shipyards have been at this location since the 1940's. FBS had been at this address since 1959, but only notified Ecology of dangerous waste activities in June, 1990. Then in August, 1990 it requested its ID number be withdrawn, stating the notified waste had been a "one time only" generation. In May, 1991 a letter from FBS stated that the waste notified for was asbestos waste and was sent to a solid waste landfill, without a manifest. The 1990 Form 4 had no dangerous waste reported as generated that year. When we arrived for the inspection, we found FBS to be a large quantity generator. They were using their old ID number and did not remember having withdrawn it.

B. Site Tour

The first day we walked through the facility with Beverly King, the office manager, and Terry Kissinger, the yard crew foreman. A site map is attached to this report. We began at the scrap storage yard. Then we walked along the waterfront and observed some storm drains. We looked at a paint storage shed and then went into the Fabrication Building. Finally we walked around it to the Boat/Maintenance Shed and looked at an accumulation area.

The second day we returned and walked through various areas with Tom Young, the yard superintendent. In addition to areas seen previously, we walked around the yard behind the Wood Storage Shop.

Storage Yard

The storage yard had poor housekeeping and was not organized (Photos 1 through 4, and Photos 14 through 21). Debris and solid waste was scattered around, mixed with usable materials. A number of barrels were laying on the ground and on pallets.

A lead-acid battery in deteriorating condition was on a pallet on the ground (Photos 2 and 3). A stain on the battery and the pallet may have come from a leak or spill of its contents (Photo 3).

Sandblast grit is periodically generated from the cleaning of boats and equipment on the skids and in other areas. FBS has attempted to make subcontractors responsible for the management of this waste as part of the contract for the blasting and painting. The main contractor for this type of work when we were there was Custom Coatings, Inc., owned and operated by Roy Smalley (telephone #255-5375). Custom Coatings takes some of the waste away, but it does not have a State/EPA generator ID number. We told Tom Young that FBS is responsible for the waste generated as a result of subcontractor work on their site, and that FBS would probably need to report it on their annual reports too.

We saw spent sandblast grit spilled and deposited on the ground in a number of places in and around the storage yard and outdoor work areas (Photos 4 through 8). It seemed to be a historic problem that FBS has not yet taken control of. FBS cleaned up one area two years ago at Ecology's request to deal with some identified copper, lead, and zinc contamination, but much more cleanup may be required. The spent blast grit may or may not qualify as dangerous waste; we did not see evidence of any testing. Gray drums of the spent blasting grit were not labeled as dangerous waste (Photos 7, 9, and 10). The containers most recently generated were only closed by a plastic sheet wrapped with duct tape. 1990?

Custom Coatings was painting some metal pieces in a temporary enclosure near the wood shop (Photo 11). A 5-gallon waste paint thinner accumulation bucket was not labeled as dangerous waste (Photo 12). The worker we talked to said sandblast grit was collected and re-used until it was dusty, and then put in barrels (Photo 9). He said Roy Smalley (the boss) took care of the dangerous waste after a job was finished.

In the storage yard, several containers of paint thinner, paint waste, rust preventer, bilge waters and creosote, were lacking DW labels (Photos #13-14). A creosote drum in the yard had a spill on its top and was uncovered (Photo #15). Some old drums were open, unlabeled and partially full of unidentified substances (Photos 16 through 21). Tom Young said FBS had not been aware that some drums were out behind the wood storage shed (Photos 16 and 20). One open drum was labeled as isocyanate (Photos 19 and 20).

Frontwater Services, Inc. (FWS), a registered transporter, had acted as FBS's primary environmental service contractor since the founding of FWS about 5 years ago, Tom Young said. FWS had sampled and was trying to profile some of the waste in the storage yard during our first visit (Photo 13). They had transported that waste off site (under straight bill of lading) by the time we returned. We received copies of all paperwork and manifests for FWS services, but there were few manifests.

A large fraction of the waste described on FWS shipping papers was identified for DOT purposes as petroleum oil solution. Mr. Young said FWS takes spent diesel fuel that FBS uses as paint thinner. They also pump and rinse various drums that FBS wants to get rid of as scrap metal. Sometimes bilge waters on boats that come in are put in the drums. FWS shipping papers also specified that some regulated wastes such as sludge, thinner, paint, "float stuff," "hot oil", paint thinners, paint solids, paint, xylene, and MEK were taken away, but FBS had no manifests for them. Mr. Young said Peter Hoffman (president of FWS) would fill out any necessary manifest paperwork after the driver got back to their transfer facility with a load, and FWS would send any required copies back to FBS for signature, etc. For example, see the attached two copies of manifest #92104. The shipment was sent on a tanker truck, and the quantity had been revised by Peter Hoffman of FWS, from 700 gallons to 400 gallons. No records were found for any FWS shipments in January-March 1992, but they made 5 pickups in April.

Boat/Maintenance Shed

FBS said Clean Care, Inc. was their waste transporter for used antifreeze, used oil, and used oil filters. Those were accumulated inside the Boat/Maintenance Shed in drums and buckets (Photos 22 and 23). The antifreeze drum had no DW label or accumulation start date (Photo 22). We did not see any manifests for Clean Care pickups.

An out-of-service parts cleaning tank containing several gallons of spent solvent was also in the Boat/Maintenance Shed (Photos 24 and 25). Some buckets next to it may have contained more solvent waste and lacked waste labeling. We told FWS that spent solvent would have to be disposed as DW.

A special container was marked for accumulating oily rags in the Boat/Maintenance Shed (Photo 26). Later we photographed some products which are used with rags and might make the rags designate as hazardous when discarded (Photo 32). The rag container was full of garbage (Photo #26), and both rags and garbage together were disposed of as solid waste. We told FWS that this was probably unacceptable and recommended finding a laundry to take their rags.

Housekeeping practices seemed to be poor with respect to the use of paint and solvents. We found two cans of paint with brushes in them which were unattended and may have been abandoned (Photos #27 and 28). One of them was only a few feet from the edge of the dock (Photo #28). A used pan of roll-on paint had been inverted over a piece of wood and had spilled paint onto the ground (Photo #29). A tub holding several gallons of diesel (used as thinner) was open to the air in the paint storage shed.

No documents other than the manifests and bills of lading discussed above were reviewed during the inspection.

FBS said that they had generated hazardous waste while working on the Elwha ferry for the D.O.T. which had been at another dock in Everett. A generator ID number belonging to the D.O.T. was used for those manifests, they said.

C. Special Considerations

Two wooden boxes labeled, "Safety Suggestions," had been abandoned in the storage yard (Photo #31). When we remarked about this, Beverly King and Tom Kissinger said that they thought the boxes just weren't too popular with the employees.

From at least April 23 to May 5th, the facility was discharging sink water to the storm sewer and the Harbor, without a permit, in violation of water quality regulations (Photo #33). Rick Huey will be following up on that and related issues.

D. Summary of Violations

1. WAC 173-303-060 Notification.

FBS was using a withdrawn State/EPA Identification number. They had incorrectly notified as a one-time-only generator. They had not taken responsibility for assuring that waste generated on site by subcontractors was being properly disposed.

2. WAC 173-303-070 Designation of Dangerous Waste.

FBS must take responsibility for the accurate designation of its solid waste. It was apparent that the various subcontractors and service providers (Custom Coatings, Frontwater Services, and Clean Care) were not adequately designating and managing the wastes generated on site.

3. WAC 173-303-180 Manifest.

FBS was not manifesting some of their generated dangerous wastes. The disposal methods and disposal locations for those wastes were therefore unknown. The wastes were placed in the solid waste dumpster (contaminated rags); or taken away by Clean Care (used antifreeze); by Frontwater Services (paint thinner, paint waste, sludge, hot oil, MEK, Xylene, and oily water); or by Custom Coatings (sandblast grit, and paint wastes). Some waste FBS sent to Frontwater Services was being retroactively manifested. FBS must assure the proper handling and disposal of all its dangerous waste by sending them to a permitted facility, under a manifest.

4. WAC 173-303-145 Spills and Discharges into the Environment.

We saw piles of waste sandblast grit on the ground, and an open bag of the grit. There was an extensive occurrence of grit on the ground, including evidence of recent spills.

Paint containers were not being managed carefully after use and we saw abandoned cans with brushes, paint stains on the ground under an inverted used paint pan, and a questionable green stain next to the storm sewer grate by the Fabrication Building. A battery in the storage yard was stained, indicating acid had leaked. A creosote dispenser had spilled residues that mixed with rainwater on the top and sides of the drum. Spills were not reported and cleaned up.

5. WAC 173-303-200 Accumulating Dangerous Waste On-Site.

Containers of dangerous waste were open and exposed to the weather, and were kept in areas without roofs and without secondary containment. No dangerous waste labels were being used on any of the containers. Risk labels and accumulation start dates were also missing. The contents of many containers could not be identified. Weekly inspections (or their logs) were not being done for the areas where waste was being accumulated.

We did not see evidence of FBS complying with the other requirements for large quantity generators that are referenced in this section (WAC 173-303-330 through -360: personnel training, contingency plan and emergency procedures, and general inspections).

JDH:tm

List of Attachments

Everett Harbor Action Team Inspection Report
Inspection Photographs - 33 mounted plates
Ecology Generator Inspection Checklist
Ecology NWRO Facility Safety Checklist
LDR Inspection Checklist

Materials photocopied during the inspection:
Manifests and shipping papers from Frontwater Services.

From Ecology Headquarters:
Form 2, 06/27/90 (first notification).
Form 2, 08/02/90 (withdrawal of ID #).

cc: Rick Huey
Gene Bennett
D. Lundstrom

ATTACHMENT A:

1992 ECOLOGY INSPECTION REPORT

ATTACHMENT B:

SUMMARY OF PREVIOUS SITE INVESTIGATIONS

ATTACHMENT B:

Summary of Previous Site Investigations

A. 2003 and 2004 Site Investigations by the Port

In 2003 and 2004, Landau Associates, on behalf of the Port conducted two investigations to determine whether historical and current industrial site activities may have resulted in threatened or actual releases of hazardous substances to Site media (e.g., soil, ground water, adjacent marine sediment, and surface water) and whether any cleanup needs to occur at the Site. These investigations were limited in scope and were not intended to fully define the extent and magnitude of contamination at the Site. As part of the investigations, Landau Associates collected soil, ground water, storm drain sediment, and adjacent marine sediment samples from the Site. The Port's investigations revealed that the Site's soil and the storm drain sediment were contaminated with metals (including arsenic, cadmium, copper, lead, mercury, and zinc) and organotins (including bulk tributyl tin [TBT]) that exceeded the applicable published MTCA Method-A (unrestricted land use or industrial properties) and MTCA Method-B cleanup levels. Diesel- and oil-range petroleum hydrocarbons were also detected in soil samples throughout the Site. Important items of note related to concentrations of contaminants in soil and storm drain sediment include the following:

- The toxicity characteristic leaching procedure (TCLP) result for lead in one soil sample was above the state dangerous waste (WAC 173-303) characteristics criteria.
- Sand blast grit, fine debris, and paint chips were observed in surface soil at the Site.
- The highest concentrations of metals and bulk TBT were found to be in samples from catch basins in storm water discharge lines that discharge near the marine railway.

Landau Associates' sampling results of adjacent marine sediments from the eastern marine sediment area also revealed elevated concentrations of metals (arsenic, cadmium, copper, lead, mercury, and zinc) and organotins (bulk TBT), polycyclic aromatic hydrocarbons (PAHs;

fluoranthene and chrysene), and phthalates (butyl benzyl phthalate and bis[2-Ethylexyl]phthalate). Maximum detected concentrations of these hazardous substances exceed either Sediment Quality Standards (SQS) and/or Cleanup Screening Levels (CSLs) identified in the Sediment Management Standards (WAC chapter 173-204). The full extent and magnitude of contamination at the Site was not defined during the investigations conducted in 2003 and 2004.

B. 2007 Supplemental Site Characterization Work by Everett Shipyard

In 2007, URS, on behalf of Everett Shipyard, performed a supplemental site Investigation at the Site. URS collected a total 32 shallow vadose zone soil samples to assess the extent and magnitude of diesel- and motor-oil range petroleum hydrocarbons and metals. The area investigated was limited to the west-central, and the southwestern portions within Everett Shipyard's leasehold. Highly elevated concentrations of petroleum hydrocarbons found in an area adjacent to the southern boundary of the leasehold and in area between the leasehold line and the shoreline. It was also noted that strong petroleum hydrocarbon odors and staining were observed at various depths in eight soil borings throughout the Site. In addition to petroleum hydrocarbon exceedances, soil concentrations of metals including arsenic, cadmium, copper, lead, mercury, and zinc also exceeded either applicable MTCA Method-A or and/or Method-B Cleanup Levels.