Anna L

WA2917
8/24/1998
SF

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue
Seattle, Washington 98101

Reply To
Attn Of: WCM-126 August 24, 1998

MEMORANDUM

SUBJECT: Termination of 3008(h) Order for Chemical Processors, Inc., Pier 91 Facility WAD 00081 2917

FROM: Linda Liu
RCRA Compliance Unit

THROUGH: Jamie Sikorski, Manager
RCRA Compliance Unit

TO: Michael A. Bussell, Director
Office of Waste and Chemicals Management

FILE COPY

Enclosed for your signature is the transmittal letter of a Termination of Agreed Order to Burlington Environmental Inc., to terminate the RCRA 3008(h) Corrective Action Order, EPA Docket No. 1089-11-06-3008(h), issued on May 12, 1990. This Order was issued to Chemical Processors, Inc., requiring corrective action activities to be conducted at its Pier 91 Facility. The Order was issued because contaminants such as BETX, heavy metals, and total petroleum hydrocarbons were released into soil and groundwater at the Facility.

In November 1994, Ecology received authorization for corrective action. As part of an effort to transfer all the facilities subject to corrective action from EPA to the Washington State Department of Ecology (Ecology), EPA transitioned this site to Ecology in 1995. In 1998, Ecology and Burlington Environmental, Inc. requested that EPA terminate the RCRA 3008(h) Corrective Action Order issued for the Pier 91 Facility. EPA reviewed the requirements of this Corrective Action Order. Based on our review, we have determined that the facility is in compliance with the requirements of the Order.

On April 10, 1998, Ecology under the authority of the Model Toxics Control Act ("MTCA"), issued an Agreed Order, No. DE 98HW-N108, to Burlington Environmental, Inc., (operator) and Port of Seattle (land owner) to perform corrective action. This Ecology Order includes provisions which are broader in scope than EPA's 3008(h) Order; e.g., cost recovery and treble damage. This Ecology Order is incorporated by reference into the permit by a June 17, 1998, Ecology RCRA permit modification for Burlington Environmental, Inc., and Port of Seattle. Ecology plans to use its MTCA Order and MTCA's Independent Remedial Action Program (IRAP) to address contamination at this permitted facility. Ecology will issue a new MTCA Order if the IRAP cannot address the contamination at this facility. Detailed events leading to today are documented in Attachment A.

USEPA RCRA
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bcc: Nina Kocourek, WCM-12
Anna Filutowski, WCM-126
Jack Boller, WOO
Robert Hartman, SO-155

CONCURRENCES

Initials:		REH		AF				
Name:	L. Liu	R. Hartman	A. Boyd	A. Filutowski	D. Richardson	N. Kocourek	K. Ogle	J. Sikorski
Date:	8/24/98	8/24/98	8/24/98	8/25/98	8/25/98			

Attachment A

DATE	ACTION
May 7, 1990	EPA signed and issued a 3008(h) Order to Chemical Processors, Inc. (ChemPro) requiring ChemPro to conduct corrective action activities at the Pier 91 Facility.
January 1992	ChemPro became Burlington Environmental, Inc.
July 22, 1992	Ecology issued a treatment and storage permit to Burlington Environmental, Inc. (operator) and Port of Seattle (land-owner).
November 1994	Ecology got authorization for corrective action.
1995	EPA transitioned the facility's corrective action to Ecology.
1996 and 1997	Ecology indicated to EPA that corrective action will be incorporated into the Ecology issued permit and wanted EPA to terminate the 3008(h) Order upon effective date of permit.
November 5, 1997 to December 19, 1997	Ecology public noticed the draft permit modification for 45 days. The draft language included 1) discussion regarding the EPA 3008(h) order termination; and 2) the use of MTCA order and IRAP to address contamination at the facility.
January 1998	During a sites meeting, Ecology requested EPA to terminate the EPA 3008(h) order.
April 10, 1998	Ecology issued a MTCA order (No. DE 98HW-N108) to Burlington Environmental, Inc., Pacific Northern Oil Corporation, and the Port of Seattle, requiring corrective action activities to be conducted.
June 19, 1998	Burlington Environmental, Inc., requested that the EPA 3008(h) Order be terminated.
July 18, 1998	Permit modification effective date.