

State of Oregon
Department of Environmental Quality

Memorandum

Date: March 20, 1998

To: Mary Wahl, Administrator, Waste Management & Cleanup Division *MW*

From: Eric Blischke, Cleanup Policy & Program Development *EB*

Through: Lon Revall, Site Response Program Manager *LR*
Dick Pedersen, Cleanup Policy & Program Development Manager *EB* FOR DP
Sally Puent, Finance and Operations Manager *SP*

Subject: Request for Orphan Site Designation - Rhone-Poulenc AG Company - NW
St. Helens Road Facility ECSI No. 155

The purpose of this memorandum is to request official designation of the Rhone-Poulenc AG Company, NW St. Helens Road facility (Business Office # 301670 (entire site) and 301650 (East Doane Lake Removal)) as an Orphan Site, as defined in Oregon Revised Statute (ORS) 465.381. The purpose of the designation is to make the Orphan Site Account available for funding the investigation, stabilization, or cleanup of this site instead of the Hazardous Substance Remedial Action Fund (HSRAF). In the statute pertaining to the HSRAF and Orphan Site Account (ORS 465.381 through .385) it is stated that the Orphan Site Account can be used for “. . . expenses of the department related to facilities or activities . . . where the department determines the responsible party is unknown, unwilling, or unable to undertake all required removal or remedial action . . .”. As described in this memorandum, it is DEQ’s determination that the parties responsible for contamination at this site are “unwilling” to take the removal or remedial actions necessary to protect human health and the environment.

The Rhone-Poulenc AG Company, NW St. Helens Road facility (Rhone-Poulenc) is located at 6200 NW St. Helens Road in the North Doane Lake region of Portland, Oregon. This area is characterized by heavy industry located along the Willamette River and a mix of residential, commercial industrial and recreational properties located west of St. Helens Road.

The Rhone-Poulenc facility was used for the formulation and/or manufacture of pesticides from 1943 to 1991. Early operations included the formulation of railroad right of way treatment liquids, fertilizer-pesticide mixtures, and sodium arsenite liquids. In the early 1950’s, the formulation of organic products such as DDT, endrin, aldrin, and heptachlor began. Operations were expanded in 1956 to include the manufacture of 2,4-D acid and esters and during the 1960’s for the manufacture of MCPA acid, 2,4,5-T acid and 2,4-DB acid. In 1971, facilities to manufacture bromoxynil octanoate were added.

Chemicals formulated or manufactured at the Rhone-Poulenc facility were released to the environment as a result of spills and leaks from drums and storage tanks, a dry well no longer in

use, underground and above ground pipelines, sumps, the waste water treatment plant, runoff from the process area, direct discharge to Doane Lake, seepage from ditches and spills related to the warehouses, manufacturing and processing areas. Prior to 1966, waste water was discharged directly to Doane Lake. From 1966 until 1975, waste water was discharged directly to the Willamette River. Waste water treatment included solvent extraction (beginning in 1961) chlorination (1964) and activated carbon (1969). Beginning in 1977, waste water was discharged to a Portland POTW.

Rhone-Poulenc began investigation of soil and groundwater in the early 1980's in cooperation with and at the direction of The Oregon Department of Environmental Quality (DEQ). Soil, groundwater and surface water contamination has also been documented during sampling activities conducted by the United States Environmental Protection Agency (EPA). In 1984, Rhone-Poulenc began operation of a pump and treat system for shallow groundwater under a National Pollution Discharge Elimination System (NPDES) permit issued by DEQ. Contaminants detected at the Rhone-Poulenc facility include: 2,4-D, 2,4,5-T, chlorinated dibenzo dioxins and furans, isomers of dichlorobenzene, phenolic compounds, cresols, benzene, trichloroethene, toluene, chlorobenzene, ethylbenzene, lead and arsenic.

In December, 1989, Rhone-Poulenc and DEQ entered into Consent Order No. ECSR-NWR-89-05. The purpose of the consent order was to develop remedial action measures to address contaminated soil, groundwater and surface water at and near the Rhone-Poulenc facility. DEQ terminated Consent Order No. ECSR-NWR-89-05 effective February 24, 1998 due to the failure of Rhone-Poulenc to meet various consent order obligations including:

- Rhone-Poulenc's failure to obtain DEQ approval prior to undertaking additional measures (deed restrictions), contrary to Subsection 5.B of the Consent Order.
- Rhone-Poulenc's refusal to perform removal of East Doane Lake sediments, contrary to Subsection 5.C. of the Consent Order (Third Addendum).
- Rhone-Poulenc's failure to submit a final Land and Water Use Report, contrary to Subsection 5.A. of the Consent Order (Third Addendum).
- Rhone-Poulenc's failure to submit a final Remedial Investigation Report, contrary to Subsection 5.A. of the Consent Order (Third Addendum).

In accordance with ORS 465.381(7)(b), DEQ has determined that Rhone-Poulenc is unwilling to undertake immediate remedial action measures required to protect public health, safety, welfare and the environment. Immediate remedial action measures are required to allow the timely removal of contaminated sediments in East Doane Lake in coordination with the impending EPA remedy at the adjacent N.L./Gould Superfund Site and complete the remedial investigation and feasibility study at the Rhone-Poulenc site. Specifically, DEQ finds:

Memo To: Mary Wahl, Administrator, WMCD

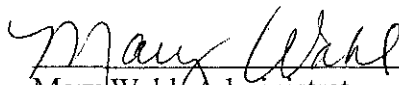
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1. East Doane Lake sediments are contaminated with chlorinated dibenzo-dioxins and furans. These contaminants are leaching to groundwater and are likely migrating to the Willamette River. A DEQ risk assessment determined that chlorinated dibenzo-dioxins and furans present in East Doane Lake sediments represent a risk to site workers exceeding the acceptable risk level of 10^{-6} . DEQ has determined that immediate removal or remedial action measures (removal of East Doane Lake sediments), in accordance with the definitions and standards set forward in OAR 340-122-070 and ORS 465.200(22) and (24), are necessary before implementation of the NL/Gould remedy precludes the removal of these sediments. Rhone-Poulenc is unwilling to perform this removal action as demonstrated by their written position that a removal action is unnecessary and their failure to submit a removal work plan despite DEQ's request to do so.
2. Rhone-Poulenc has failed to complete substantive investigative and remedial measures at the Rhone-Poulenc site despite the consent order being in place for more than eight years. During this time, contamination from the site has continued to spread. DEQ has determined that immediate removal or remedial action measures (investigation and remedy evaluation) in accordance with the definitions and standards set forward in OAR 340-122-080 through 340-122-085 and ORS 465.200(22) and (24) are necessary to complete the remedial investigation and select a remedy for the site. The history of the consent order demonstrates that Rhone-Poulenc is unwilling to complete the remedial investigation and feasibility study in a timely manner and in accordance with DEQ cleanup regulations and directions.

If Orphan designation for this site is approved, the Business Office will begin using the Orphan Site Account to pay for Account-eligible activities. Orphan Site Account declaration, if approved, will also enable a transfer of any appropriate prior expenses paid from HSRF pursuant to DEQ's Orphan Site Account reimbursement resolutions.

Please sign below to approve this request for designation of the Rhone-Poulenc AG Company, NW St. Helens Road facility as an Orphan Site, and to authorize use of the Orphan Site Account.



Mary Wahl, Administrator
Waste Management & Cleanup Division

3/20/98

Date

State of Oregon
Department of Environmental Quality

Memorandum

Date: March 9, 1998

To: Mary Wahl, Administrator, Waste Management & Cleanup Division

From: Eric Blischke, Cleanup Policy & Program Development

Through: Lon Revall, Site Response Program Manager
Dick Pedersen, Cleanup Policy & Program Development Manager
Sally Puent, Finance and Operations Manager

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The Rhone-Poulenc AG Company, NW St. Helens Road facility (Rhone-Poulenc) is located at 6200 NW St. Helens Road in Portland, Oregon. The Rhone-Poulenc facility is located in the North Doane Lake region of Portland. This area is characterized by heavy industry located along the Willamette River and a mix of residential, commercial industrial and recreational properties located west of St. Helens Road.

The Rhone-Poulenc facility was used for the formulation and/or manufacture of pesticides from 1943 to 1991. Early operations included the formulation of railroad right of way treatment liquids, fertilizer-pesticide mixtures, and sodium arsenite liquids. In the early 1950’s, the formulation of organic products such as DDT, endrin, aldrin, and heptachlor began. Operations were expanded in 1956 to include the manufacture of 2,4-D acid and esters and during the 1960’s for the manufacture of MCPA acid, 2,4,5-T acid and 2,4-DB acid. In 1971, facilities to manufacture bromoxynil octanoate were added.

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In December, 1989, Rhone-Poulenc and DEQ entered into Consent Order No. ECSR-NWR-89-05. The purpose of the consent order was to develop remedial action measures to address contaminated soil, groundwater and surface water at and near the Rhone-Poulenc facility. However, due to a general resistance exhibited by Rhone-Poulenc, substantive cleanup measures have yet to be implemented at the Rhone-Poulenc facility despite the consent order being in place for more than eight years. Therefore, the spread of toxic contaminants has gone unabated for nearly a decade since entering the Consent Order and concerns for impacts on resources and associated uses in the locality of the facility including the Willamette River remain. In addition, Rhone-Poulenc has breached various consent order obligations including:

- Rhone-Poulenc's failure to obtain DEQ approval prior to undertaking additional measures (deed restrictions), contrary to Subsection 5.B of the Consent Order.
- Rhone-Poulenc's refusal to perform removal of East Doane Lake sediments, contrary to Subsection 5.C. of the Consent Order (Third Addendum).
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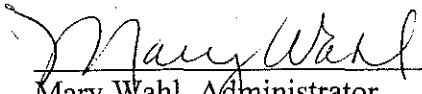
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As a result of Rhone Poulenc's failure to comply with the consent order, DEQ Consent Order No. ECSR-NWR-89-05 was terminated effective February 24, 1998.

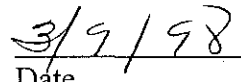
In accordance with ORS 465.381(7)(b), DEQ has determined that Rhone-Poulenc is unwilling to undertake immediate remedial action measures required to protect public health, safety, welfare and the environment. for the protection of human health and the environment. These remedial action measures are necessary to allow the timely removal of contaminated sediments in East Doane Lake in coordination with the impending EPA remedy at the adjacent NL/Gould Superfund Site, prevent contaminant discharges into the Willamette River and prevent human exposure to site contaminants.

If Orphan designation for this site is approved, the Business Office will begin using the Orphan Site Account to pay for Account-eligible activities. Orphan Site Account declaration, if approved, will also enable a transfer of any appropriate prior expenses paid from HSRAF pursuant to DEQ's Orphan Site Account reimbursement resolutions.

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