

STATE OF OREGON
DEPARTMENT OF ENVIRONMENTAL QUALITY

CLEARANCE		
TO	INITIAL	DATE
Kurt Burkholder	MBE	1/27/95
Dave St. Louis	DSL	1/27/95
Tom Bisognium	T.B.	1/27/95
(William Dahl)		
Lidia Taylor		

In the Matter of:)
)
Rhône-Poulenc Ag Company)
6200 N.W. St. Helens Road)
Portland, Oregon 97210)
)
Respondent)

DEQ No. ESCR-NWR-89-05
SECOND ADDENDUM TO
ORDER ON CONSENT

DEQ-NWR #155 ORDER

The Oregon Department of Environmental Quality (DEQ) and the Rhône-Poulenc AG Company (Respondent) agree to amend Order on Consent No. ECSR-NWR-89-05, dated December 26, 1989 (1989 Consent Order), as set forth below. All other terms of the 1989 Consent Order, as amended by an Addendum dated January 22, 1991, remain in effect and apply to this Second Addendum.

1. Section 3 is revised to read:

DEQ makes the following findings without admission of any such facts by

Respondent:

- A. Respondent Rhône-Poulenc AG Company is a division of Rhône-Poulenc Inc., a U.S. corporation licensed to do business in the State of Oregon.
- B. Respondent owns a former pesticide formulation and manufacturing facility on approximately 8 acres and additional property at 6200 NW St. Helens Road, Portland, Oregon, as shown on Attachment A, attached to and incorporated by reference into this Consent Order. Rhône-Poulenc discontinued manufacturing operations at the site in July 1990.
- C. The facility was active since 1943 when Chipman Chemical began distributing

and formulating herbicides. Insecticides were also manufactured at the site in the 1940s. Rhodia, Inc., a predecessor to Rhone-Poulenc, bought the facility in 1964. According to records provided by Rhone-Poulenc, various phenoxy herbicides were manufactured at the site between 1956 and 1982. These include:

2, 4-D	1956-1982
MCPA	1960-1976
2, 4, 5, -T	1960-1961
2, 4-DB	1963-1982

Rhone-Poulenc manufactured Bromoxynil Octanoate at the site between 1969 and 1990.

Process waste water and runoff from the plant were discharged to either Doane Lake or the Willamette River via ditches and/or pipelines during certain periods of plant operation which began in 1943. Treatment of the process waste water began in 1961 with solvent extraction of the effluent. In 1964 chlorination treatment of the effluent was added. An activated carbon treatment process was added in 1969. Beginning in 1977, treated process waste water was discharged to a Portland POTW. A surface water runoff collection and treatment system was installed in 1977, with the effluent discharged to the Willamette River under a NPDES permit.

Storage or waste management practices which may have contributed to soil and groundwater contamination include leaks and spills from drums and storage tanks, a dry well no longer in use, underground and above ground pipe lines, 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 and manufacturing and processing areas.

D. Rhone-Poulenc began site investigations of soil and groundwater contamination in the early 1980s in cooperation with and at the direction of DEQ. Soil, groundwater, and surface water contamination has also been documented by sampling by the United States Environmental Protection Agency (EPA). Since 1984 Respondent has operated a pump and treat system for shallow groundwater under a National Pollution Discharge Elimination System permit issued by DEQ. Contaminants include 2, 4-D, isomers of dichlorobenzene, phenolic compounds, cresols, benzene, trichloroethylene, toluene, chlorobenzene, ethylbenzene, lead, and arsenic. Sample results showing specific compounds and the quantities present are contained in the following reports which are available for review in DEQ's files:

Phase I Geophysical and Waste Management Investigation Agrochemical Facility, Portland, Oregon; Dames & Moore, March, 1981.

Factual Report, Phase II Geohydrological and Waste Management Investigation, Portland, Oregon; Dames & Moore, October 1981.

Field Investigations of Uncontrolled Hazardous Waste Sites, FIT Project, Task Report to the Environmental Protection Agency, Rhone-Poulenc, Portland, Oregon; Ecology and Environment, September 1982.

Phase II Geohydrologic and Waste Management Investigation, Portland, Oregon; Dames & Moore, October 1983.

Remedial Investigation Gould Site, Final Report, Portland, Oregon; Dames & Moore, November 1987.

Rhone-Poulenc AG Company Remedial Investigation/Feasibility Study Work Plan Phase I Area, Final (three volumes); EMCON Northwest Inc., March 19, 1991.

Rhone-Poulenc AG Company Remedial Investigation Phase I Area, Draft Report (three volumes); EMCON Northwest Inc., April 24, 1992.

Rhone-Poulenc AG Company Phase II Remedial Investigation Revised Draft Work Plan (three volumes); EMCON Northwest Inc., November 6, 1992.

Site Assessment; prepared for Rhone-Poulenc AG Company by S. S. Papadopoulos & Associates, Inc., May 1993.

Rhone-Poulenc AG Company Phase II Remedial Investigation Quarterly Progress Report - No. 1; EMCON Northwest Inc., July 1, 1993.

Rhone-Poulenc AG Company Phase II Remedial Investigation Quarterly Progress Report - No. 2 (two volumes); EMCON Northwest Inc., October 1, 1993.

E. A portion of the Respondent's property is included within the boundaries of the NL/Gould superfund site. These boundaries are described in that certain Administrative Consent Order No. 1085--5-08-106, entered August 8, 1985 between NL Industries, Inc., Gould, Inc., and the U. S. EPA.

2. Subsection 5.A. is revised to read:

Respondent shall perform a remedial investigation and feasibility study (RI/FS) satisfying OAR 340-122-080 by the completion of the DEQ-approved RI/FS work plan, "Final Workplan to Complete Remedial Investigation/Feasibility Study" ("Work Plan"), dated May 27, 1994 and approved by DEQ on October 27, 1994, in accordance with the terms and schedules set forth therein.

The Work Plan includes a listing of the work to be performed and a schedule for completion. The schedule, attached as Attachment A, includes milestone dates for completion of individual work items and due dates for the submittal of a draft and final RI report and FS report. The four draft and final RI and FS report due dates shall be enforceable dates under the 1989 Consent Order; provided, however, if work additional to the work required in the approved Work Plan is necessary to meet the requirements of OAR 340-122-010 to 340-122-090, then such due dates shall be extended to incorporate the time reasonably necessary to complete the work and to

prepare any necessary reports for such work.

To the extent the Work Plan conflicts with a term or schedule of the Scope of Work attached to the 1989 Consent Order as Attachment B, or with a term or schedule of any work plan approved by DEQ thereunder, the Work Plan shall supersede and control. The RI/FS does not and shall not be required to address investigation or the feasibility of remediation of lead within or attributable to the NL/Gould superfund site, or any other contaminant that Respondent demonstrates as attributable to the NL/Gould superfund site or any other site nearby.

3. Paragraph 7.F(1) is revised to read:

(1) Submission upon Request. In addition to those reports and documents specifically required under this Consent Order, Respondent shall provide to DEQ within ten (10) working days of DEQ's written request copies of the following records: QA/QC memoranda and audits, raw data, final plans, reports, directions to contractors, field logs, and laboratory analytical reports.

4. Subsection 7.H as set forth in the 1989 Consent Order shall apply to DEQ costs incurred up to and including September 14, 1993. As to costs incurred after September 14, 1993, Subsection 7.H is revised to read:

(1) DEQ shall submit to Respondent a monthly statement of costs incurred after September 13, 1993, by DEQ or the State of Oregon in connection with any activities related to the oversight of the 1989 Consent Order as amended.

(2) Each invoice will include a summary of costs billed to date. DEQ or State

of Oregon oversight costs shall include both direct costs and indirect costs. Direct costs include site specific expenses, DEQ contractor costs, and DEQ legal costs. Indirect costs include general management and support costs of DEQ allocable to DEQ's oversight of this Consent Order, as amended, and not charged as direct costs. Indirect costs are based on actual costs and calculated as a percentage of direct personal services costs.

(3) Within thirty (30) days after issuance of the monthly statement, Respondent shall pay the amount of costs billed by check made payable to the "State of Oregon, Hazardous Substance Remedial Action Fund." The amount charged Respondent shall reflect the current balance in Respondent's previously-established Hazardous Substance Remedial Action Fund Account.

(4) DEQ's costs shall be reasonable and actual costs incurred, and shall not include costs that are not remedial action costs within the meaning of ORS 465.200(16). DEQ shall maintain work logs, payroll records, receipts, and other records to document work performed and expenses incurred under this Consent Order, as amended. DEQ shall make such records available to Respondent for its inspection during the term of this Consent Order and for at least one (1) year thereafter.

5. Respondent has provided to DEQ the following items:

(1) Revisions to sections Initial Field Testing, Laboratory Confirmation Testing and Waste Analysis Plan for the Waste Analysis Plan, Exhibit A, Addendum 1.

(2) A new section Facility Communication System for the Inspection Plan, Exhibit B, Addendum 1.

(3) A new plan Personnel Training Program according to 40 CFR 264.16.

(4) A new plan Contingency Plan according to 40 CFR 264.51(a).

These items (1) through (4) above are required under 40 CFR § and will be placed in DEQ's Rhone-Poulenc Ag Company site file. It is incumbent on Rhone-Poulenc to maintain documentation required under 40 CFR § 264 which would be reviewed at the time a future DEQ site inspection should occur.

STIPULATED, AGREED, AND APPROVED FOR ISSUANCE:

Rhone-Poulenc AG Company
Respondent

By: *JP Martinet*

JP MARTINET

Name

VP Operations

Title

1/15/95

Date

State of Oregon
Department of Environmental Quality

By: *Lydia Taylor*

Lydia Taylor, Interim Director

Name

Title

2/1/95

Date

ATTACHMENT A