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ECSI #55 EES

Division of Chief Deputy Clerk
Lane County Deeds and Records

2010-058497



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\$165.00 \$20.00 \$10.00 \$11.00 \$16.00

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After recording, return to:

Oregon DEQ
165 East 7th Avenue, Suite 100
Eugene, Oregon 9740-3049
Att: Geoff Brown

EASEMENT AND EQUITABLE SERVITUDES

This grant of Easement and acceptance of Equitable Servitudes is made November 15th, 2010 between the J.H. Baxter ("Grantor") and the State of Oregon, acting by and through the Oregon Department of Environmental Quality ("DEQ" or "Grantee").

* & Co., a CLP

RECITALS

A. Grantor is the owner of certain real property located at 85 Baxter Street in Eugene, Oregon, Lane County Tax Map 17-04-27, Tax Lot 103, the location of which is more particularly described in Attachment A to this Easement and Equitable Servitudes, and referenced under the name J.H. Baxter, ECSI #55 in the files of DEQ's Environmental Cleanup Program at 165 East 7th Avenue, Suite 100 97401. Interested parties may contact the Eugene office to review a detailed description of the residual risks present at the Property and found in DEQ Staff Memorandum October 2007.

B. On September 1, 2007, the Director of the Oregon Department of Environmental Quality or delegate selected the interim removal action for the Property set forth in the October 2007 Site Memorandum. The removal action selected requires, among other things, controlling worker exposure to arsenic-contaminated soil by installation and maintenance of a soil cap and by controlling the site use and access using this Easement and Equitable Servitudes.

C. Grantor has is conducting cleanup at the site under a Consent Order executed in 1988, and amended in 1990 and 1994 under which Grantor agreed to implement remedial and administrative actions including operation of a groundwater treatment system and completing the Remedial Investigation/Feasibility Study process.

D. The provisions of this Easement and Equitable Servitudes are intended to further the implementation of the selected remedial action and thereby protect human health and the environment.

1. DEFINITIONS

- 1.1 "Acceptable risk level" has the meaning set forth in Oregon Revised Statute (ORS) 465.315 and Oregon Administrative Rule (OAR) 340-122-0115.
- 1.2 "Beneficial use" has the meaning set forth in OAR 340-122-0115.
- 1.3 "DEQ" means the Oregon Department of Environmental Quality, and its employees, agents, and authorized representatives. "DEQ" also means any successor or assign of DEQ under the laws of Oregon, including but not limited to any entity or instrumentality of the State of Oregon authorized to perform any of the functions or to exercise any of the powers currently performed or exercised by DEQ.
- 1.4 "Ecological receptor" has the meaning set forth in OAR 340-122-0115.
- 1.5 "Engineering control" has the meaning set forth in OAR 340-122-0115.
- 1.6 "Hazardous substance" has the meaning set forth in ORS 465.200
- 1.7 "Owner" means any person or entity, including Grantor, who at any time owns, occupies, or acquires any right, title, or interest in or to any portion of the Property or a vendee's interest of record to any portion of the Property, including any successor, heir, assign or holder of title or a vendee's interest of record to any portion of the Property, excluding any entity or person who holds such interest solely for the security for the payment of an obligation and does not possess or control use of the Property.
- 1.8 "Property" means the real property described in Exhibit A to this Easement and Equitable Servitudes.

2. GENERAL DECLARATION

Grantor, in consideration of Grantee's approval for installation and maintenance of a soil cap, grants to DEQ an Easement for access as described in Section 4 and accepts the Equitable Servitudes described in this instrument and, in so doing, declares that the Property described in Attachment A to this Easement and Equitable Servitudes, is now subject to and shall in future be conveyed, transferred, leased, encumbered, occupied, built upon, or otherwise used or improved, in whole or in part, subject to this Easement and Equitable Servitudes. Each condition and restriction set forth in this Easement and Equitable Servitudes touches and concerns the Property and the equitable servitudes granted in paragraph 3 and easement granted in paragraph 4 below, shall run with the land for all purposes, shall be binding upon all current and future owners of the Property as set forth in this Easement and Equitable Servitudes, and shall inure to the benefit of the State of Oregon. Grantor further conveys to DEQ the perpetual right to enforce the conditions and restrictions set forth in this Easement and Equitable Servitudes.

3. EQUITABLE SERVITUDES (RESTRICTIONS ON USE)

3.1 **Soil Cap Engineering Control Use Restrictions.** Subject to the terms of this Easement and Equitable Servitude, Owner shall maintain the gravel cap and underlying geotextile membrane over the 11-acre capped area defined in the attached legal description. Except upon prior written approval from DEQ, Owner shall not conduct operations involving any soil excavation within the capped area. Owner shall inspect the cap quarterly, as detailed in the Site Management Plan, and submit quarterly inspection forms to the DEQ on an annual basis.

3.2 **Operations within the Capped Area.** Owner shall maintain a fence separating the capped portion of the site from the rest of the J.H. Baxter facility. Without written DEQ approval, Owner shall not conduct site operations related to wood treatment, store process related materials (such as treated wood), or store cleanup related materials within the capped area. Worker parking is a permitted use of the capped area.

3.3 **Site Management Plan.** Owner shall conduct regular cap inspection, maintenance, and DEQ reporting in compliance with the attached Site Management Plan (Attachment B). The site management plan also contains a generic health and safety plan for any utility work conducted within the capped area. Any DEQ approved amendment to the Site Management Plan shall become enforceable under this Easement and Equitable Servitudes without recording an amended Easement and Equitable Servitudes.

3.3 **Notice of Conveyance.** Owner shall notify DEQ at least ten (10) days before the effective date of any conveyance, grant, gift, or other transfer, in whole or in part, of Owner's interest in or occupancy of the Property, or the start of any development activities or change in use of the Property that might expose human or ecological receptors to hazardous substances at the Property. Notwithstanding the foregoing, Owner shall not commence any development inconsistent with the conditions or restrictions in this Paragraph 3 without prior written approval from or removal of the condition or restriction as provided in Paragraph 5.1 below.

3.4 **Zoning Changes.** Owner shall notify DEQ no less than thirty (30) days before Owner's petitioning for or filing of any document initiating a rezoning of the Property that would change the base zone of the Property under the Lane County zoning code or any successor code. As of the date of this Easement and Equitable Servitudes, the base zone of the Property is heavy industrial.

3.5 **Cost Recovery.** Owner shall pay DEQ's costs for review and oversight of implementation of and compliance with the provisions in this E&ES. This E&ES shall constitute the binding agreement by the Owner and DEQ to reimburse DEQ for all such eligible review and oversight costs. DEQ will establish a cost recovery account for tracking and invoicing DEQ project costs. DEQ will provide the Owner with a monthly statement and direct labor summary. DEQ costs will include direct and indirect costs.

Direct costs include site-specific expenses and legal costs. Indirect costs are those general management and support costs of the State of Oregon and DEQ allocable to DEQ oversight of this E&ES and not charged as direct site-specific costs. Indirect charges are based on actual costs and are applied as a percentage of direct personal services costs.

4. EASEMENT (RIGHT OF ENTRY)

During reasonable hours and subject to reasonable security requirements, DEQ shall have the right to enter upon and inspect any portion of the Property to determine whether the requirements of this Easement and Equitable Servitudes have been or are being complied with. DEQ shall have the right, privilege, and license to enter upon the Property at any time to abate, mitigate, or cure at the expense of the Owner the violation of any condition or restriction contained in this Easement and Equitable Servitudes, provided DEQ, after consultation with Owner regarding the time necessary to cure, first gives written notice of the violation to Owner describing what is necessary to correct the violation and Owner fails to cure the violation within the time specified in such notice. Any such entry by DEQ shall not be deemed a trespass, and DEQ shall not be subject to liability to Owner for such entry and any action taken in accordance with applicable law to abate, mitigate, or cure a violation.

5. GENERAL PROVISIONS

5.1 Each condition and restriction contained in this Easement and Equitable Servitudes shall be recited in any deed conveying the Property or any portion of the Property, and shall run with the land so burdened until such time as the condition or restriction is removed by written certification from DEQ, recorded in the Deed Records of the County in which the Property is located, certifying that the condition or restriction is no longer required in order to protect human health or the environment.

5.2 Upon the recording of this Easement and Equitable Servitudes, all future Owners, as defined in Paragraph 2.2 above, shall be conclusively deemed to have consented and agreed to every condition and restriction contained in this Easement and Equitable Servitudes, whether or not any reference to this Easement and Equitable Servitudes is contained in an instrument by which such person or entity occupies or acquires an interest in the Property.

5.3 Upon any violation of any condition or restriction contained in this Easement and Equitable Servitudes, DEQ, in addition to the remedies described in Paragraph 4 above, may enforce this Easement and Equitable Servitudes or may seek any other available legal or equitable remedy to enforce this Easement and Equitable Servitudes.

IN WITNESS WHEREOF Grantor and Grantee have executed this Easement and Equitable Servitudes as of the date and year first set forth above.

GRANTOR:[NAME OF GRANTOR]

By: Georgia Kacuse Date: 11/15/10
[INSERT NAME, TITLE]

STATE OF OREGON)
) ss.
County of _____)

The foregoing instrument is acknowledged before me this ____ day of November, 2010, by _____ of J.H. Baxter, on its behalf.

NOTARY PUBLIC FOR OREGON
My commission expires: _____

*See attached
Notary form.*

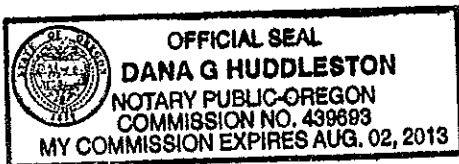
GRANTEE: State of Oregon, Department of Environmental Quality

By: Paul S. Rosen Date: 11-5-10
Paul S. Rosenberg, Western Region Environmental Cleanup Program Manager

STATE OF OREGON)
) ss.
County of Lane)

DEQ ACCEPTS THE TERMS OF
THIS EASEMENT. Norm Read
NORM READ
11/17/10

The foregoing instrument is acknowledged before me this 5th day of November, 2010, by Dana Huddleston of the Oregon Department of Environmental Quality, on its behalf.



Dana G. Huddleston
NOTARY PUBLIC FOR OREGON
My commission expires: Aug. 2, 2013

DEPARTMENT OF
HEALTH AND HUMAN SERVICES
OFFICE OF THE ASSISTANT SECRETARY
FOR PUBLIC HEALTH AND SAFETY
WASHINGTON, D.C. 20201

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Mateo }

On November 15, 2010 before me, Raquel Lynn Quarneri, Notary
Date Here Insert Name and Title of the Officer

personally appeared Georgia Beatriz Krause
Name(s) of Signer(s)

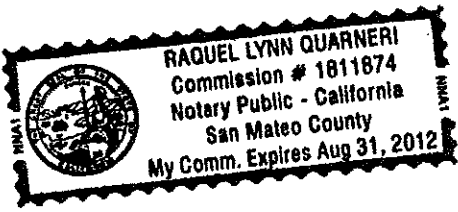
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

Place Notary Seal Above



OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Easement & Equitable Servitudes

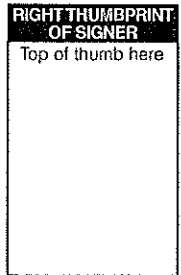
Document Date: November 15, 2010 Number of Pages: 7

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Georgia B. Krause Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____



Signer Is Representing: _____

RAQUEL LYNN OLIVERIA
Commissioner # 1871874
Norte y Ponce - Carolina
San Mateo County
My Comm. Expires Aug 31, 2012



ATTACHMENT A

Legal Description of the Property

New Description for the adjusted parcel of land in Government Lot 1 in the Southeast 1/4 of Section 27, and NW 1/4 SW 1/4 Section 26, Township 17 South, Range 4 West, Willamette Meridian;

BEGINNING at a point in the north line of the Willamette Pacific Railroad Company's (now or formally) Right of Way which point is 2042 feet west of a point which is in the north line of said right of way 37.755 chains south and 43.09 chains west of the Northwest corner of the Prior E. Blair and wife Donation Land Claim No. 39, Notif. No. 2078, Township 17 South, Range 4 West of the Willamette Meridian, and being marked by a 1-1/4 inch iron pipe with brass cap;
Thence North 00°07'00" West 509.73 feet to a 3/4" bolt;
Thence South 88°57'54" East 100.21 feet to a 1 inch iron pipe;

Thence North 76°02'56" East 54.55 feet to a 5/8" iron rod;
Thence North 76°12'57" East 175.96 feet to a 5/8" iron rod, which is south of the Southwest corner of Lot 3 of Alva Park, as platted and recorded as Page 308 of Volume 25, Lane County Oregon Plat Records and also being the Initial Point of Crystal Park Addition as platted and recorded as Book 14 Page 17, Lane County Oregon Plat Records;
Thence North 00°00'13" East 102.45 feet to said Southwest corner of Lot 3 of Alva Park being marked by a 1-1/2 inch iron pipe;
Thence North 89°17'00" West 907.00 feet to a 5/8" iron rod with aluminum cap;
Thence South 00°53'25" West 377.61 feet to a 5/8" iron rod with aluminum cap;
Thence continuing South 00°53'25" West 290.00 feet to the North line of said railroad Right of Way being marked by a 5/8" iron rod with aluminum cap;
Thence along said North line of said railroad Right of Way South 89°06'24" East 594.39 feet to the POINT OF BEGINNING, all being in Lane County, Oregon.

TOGETHER WITH: that certain parcel of land described in Reel 1079, Instrument No. 30559, Lane County Oregon Official Records being described as follows:

Beginning at a point in the North line of the Willamette Pacific Railroad Company's right of way in Section 26, Township 17 South, Range 4 West, Willamette Meridian, which point is 2042 feet West of a point which is in the North line of said Right of Way 37.755 chains South and 43.09 chains West of the Northwest corner of the Prior F. Blair and wife Donation Land Claim No. 39, Notification No. 2078, Township 17 South, Range 4 West, Willamette Meridian; running thence North 190.62 feet to the True Point of Beginning of parcel being described; thence South 89°15'20" East 152.46 feet to a point; thence North 332.69 feet to a point; thence South 76°20'13" West 54.70 feet to a point; thence North 89°15'20" West 99.30 feet to a point; thence South 319.08 feet to the point of beginning, all in Lane County, Oregon.

Basis of bearing and description of underlined portion per Lane County C.S.F. #41268

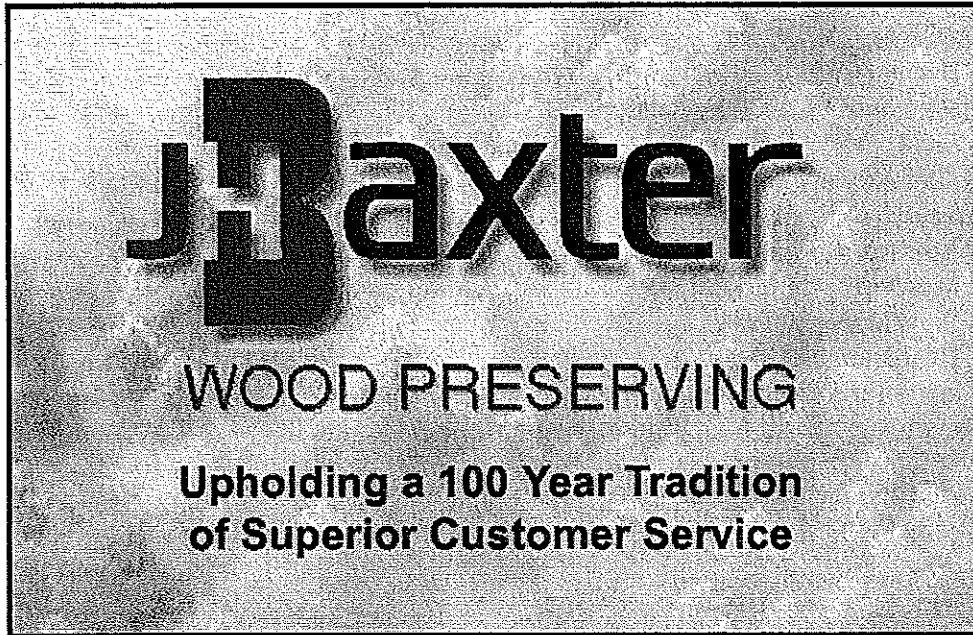
17-04-27-00-103 Page 2

ATTACHMENT B

Site Management Plan

Site Management Plan

J.H. Baxter & Co.
Eugene, Oregon Facility



Prepared for:

Oregon Department of Environmental Quality
1102 Lincoln Street, Suite 201
Eugene, OR 97401

Prepared by:

Premier Environmental Services, Inc.
333 SW Fifth Avenue, Suite 510
Portland, OR 97204

April 2009



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Figure 1. Site Vicinity Map

Figure 2. Capped Area

Figures are included at the end of the main text.

Acronyms and Abbreviations

Baxter	J. H. Baxter & Company
BMP	Best Management Practices
DEQ	Oregon Department of Environmental Quality
DOT	Department of Transportation
EES	Easement and Equitable Servitudes Agreement
HSP	Health and Safety Plan
IRAM	Interim Remedial Action Measures
mg/kg	milligrams per kilogram
ND	non detect
NPDES	National Pollutant Discharge Elimination System
OSHA	Occupational Safety and Health Administration
PAH	polycyclic aromatic hydrocarbons
PCP	pentachlorophenol
PPE	personal protective equipment
Premier	Premier Environmental Services, Inc.
RI	Remedial Investigation
SMP	Site Management Plan

1 Introduction

The J.H. Baxter Project Team, consisting of J.H. Baxter & Co. (Baxter) and Premier Environmental Services Inc. (Premier) has prepared this Site Management Plan (SMP) as part of the Easement and Equitable Servitudes (EES) Agreement between Baxter and the Oregon Department of Environmental Quality (DEQ). This SMP provides for long term monitoring and care for the capped portion of Baxter's wood-treating facility located in Eugene, Oregon (Eugene facility) (Figure 1).

The objectives of the monitoring and maintenance activities described in this SMP are to address concerns with care and management the capped area at the Facility. This SMP includes the following monitoring and maintenance activities:

- Maintenance of the engineered cap
- Provisions for quarterly inspections of the engineered cap
- Soil management plan for potential excavation and trenching activities
- Provisions for a site-specific Health and Safety Plan prior to excavation or trenching activities.

These activities are described in more detail in subsequent sections of this Plan. A quarterly inspection form is included in Attachment 1.

2 Facility Background

2.1 Facility Location and Description

Baxter's Eugene facility is a 42.5 acre wood processing and preservation plant site located at 85 N. Baxter Street, Eugene, Oregon. The location of the Eugene facility and a site plan are provided in Figures 1 and 2, respectively.

The site vicinity consists primarily of residential, commercial, and industrial properties. The facility is bordered to the northwest by Roosevelt Boulevard. Additionally, commercial properties including Yale Transport, Armored Transport, and Lile of Oregon are located northeast of the facility along Roosevelt Boulevard. The facility is bordered to the south by Southern Pacific Railroad; and to the west by Zip-O-Log Manufacturing, Cascade Plating and Machine, Heli-Jet, and residential properties located along Cross Street.

In 2007, Baxter placed an engineered cap on the western portion of the facility (Figure 2). In 2008, the property lines were adjusted so that the capped area was entirely within two parcels. The portion of the property with the engineered cap is located in the Southeast 1/4 of Section 27, and NW 1/4 SW 1/4 Section 26, Township 17 South, Range 4 West, Willamette Meridian. A complete legal description of the capped area is provided in the EES.

2.2 Site History

Baxter constructed the Eugene facility and began operations in 1943. The facility included an office building, a retort, working tanks for treating solution storage, and numerous buildings and sheds as generally shown in Figure 2. The earliest treating

processes used creosote formulations in a single retort. In 1945, a second retort was added for treating wood products with pentachlorophenol (PCP). In 1952, the Eugene facility started using metals-based treating solutions, and in 1955 began treating wood products with fire retardants. Three additional retorts were added between 1966 and 1970.

2.3 Summary of Environmental Conditions Beneath the Engineered Cap

The eastern portion of the Eugene facility is the location where the engineered cap was constructed, as shown in Figure 2. This area was formerly used for storage of both treated and untreated wood products, and contained several small buildings and a pole incisor, all of which have been removed.

Since no active treatment operations have ever been conducted in the eastern storage yard, the presence of site-related chemicals is likely related to secondary sources, such as storage of treated wood. As such, concentrations of site-related chemicals in soils are low.

Of the ten soil samples collected between 1995 and 1999 (not including samples related to the Offsite Tax Lot Removal Action) in the proposed cap area, only arsenic is present above risk-based standards. Arsenic concentrations in the capped area range from 15.2 mg/kg to 123 mg/kg. No pentachlorophenol was detected in the area, and only low levels of polycyclic aromatic hydrocarbons, copper, chromium, and zinc were detected; all of which were below risk-based standards.

No groundwater monitoring wells are present in the area of the engineered cap. However, long-term monitoring of an extensive groundwater monitoring well network

Site Management Plan
J.H. Baxter Eugene Facility -- Capped Area
April 2008

has indicated that dissolved metals concentrations are below levels of concern, and arsenic is not adversely affecting groundwater.

3 Engineered Cap

As described in the Interim Remedial Measures Completion Report (Pantheon 2008), the engineered cap was designed to isolate affected soils and to prevent migration of fines beneath the cap to the surface.

Pre-construction activities included the removal of iron rails, concrete pads, closing stormwater catch basins, relocation of the incisor and grading the ground surface to fill low areas, and surveying the site.

After the catch basins were closed and the capping area was graded to a level surface, a geotextile fabric was placed over all areas to be capped. The geotextile fabric was used to provide a visual barrier between the existing surface and the clean cap material, as well as to minimize the migration of fines upwards into the engineered cap. The fabric used was a four ounce, non-woven geotextile fabric. The material was overlapped and secured as it was placed to ensure proper coverage.

Crushed aggregate (1 ½ in. minus) was placed in six-inch lifts starting in the northern portion of the capping area. Each six-inch lift was rough graded using a Cat D-6 bulldozer. Once the surface was graded and smoothed, the surface was compacted using an 84” self-propelled, vibratory compactor. The engineered cap construction proceeded in this manner from the northern portion to the southern boundary of the capping area. As construction progressed, the final surface was graded such that precipitation would drain to the western and southern boundaries of the cap. In all, approximately 37,900 tons of crushed aggregate were placed at the site.

Site Management Plan
J.H. Baxter Eugene Facility – Capped Area
April 2008

In order to verify compliance with the design standard of a minimum 12-inch cap thickness, survey control points were established at 14 locations prior to placement of the crushed aggregate. Each of these points was initially surveyed for pre-construction elevation on November 11, 2007, by D. Wellman Surveying LLC. Upon completion of the crushed aggregate placement, the surveyor returned to the Facility on December 21, 2007, to verify that at least 12 inches of capping material was present at each of the control point locations.

4 Site Management

In accordance with the EES, Baxter, future lessees, or owners are required to conduct monitoring and maintenance activities of the engineered cap for the eastern portion of the facility. The objectives of the monitoring and maintenance program are:

1. Monitor stormwater and drainage at the engineered cap area.
2. Monitor potential erosion or malfunction of the engineered cap.
3. Monitor for airborne dust from the engineered cap area.

In addition to the monitoring and maintenance activities, the EES required provisions for soils management in the event that excavation or trenching activities are conducted in the capped area, as well as provisions for a health and safety plan, as described in the following sections.

4.1 Maintenance and Monitoring

4.1.1 Cap inspection

The capped area will be inspected at least quarterly for signs of erosion, improper stormwater drainage, or other factors that could affect the integrity of the engineered cap. In addition, the fence surrounding the capped area will be inspected for damage and unauthorized entry. Repairs to the cap and/or fence will be completed in as soon as possible.

Although the material of the cap consists of clean, compacted gravel, the potential for airborne dust exists during extended dry periods. Baxter or any future lessee or owner

will observe air quality conditions during dry periods, and apply engineering controls such as application of clean, potable water as necessary.

A quarterly cap inspection form is included in Attachment 1. This form will be completed as appropriate and filed with other inspection reports in the main office. Documentation of repairs or corrective measures will be filed in the same location.

4.1.2 Stormwater Management

In 1997, Baxter installed a stormwater collection and treatment system, consisting of catch basins located around the Facility, aboveground piping to the stormwater collection tanks, flocculation and precipitation systems, and granulated activated carbon treatment. Several upgrades to the treatment system have been made since 1997, and treated water is discharged to an outfall under a NPDES Permit. Stormwater falling on the engineered cap area either infiltrates into the ground, or is captured in a series of drainage ditches on the west and south sides of the capped area. Stormwater collected in the ditches is routed to a sump located in the southwest corner of the capped area, and is piped to the treatment system. Stormwater monitoring is conducted in accordance with the current NPDES permit requirements for the Eugene Facility.

Currently, the area is graded to channel stormwater to the southwest corner of the capped area. Stormwater collected in this area flows through an opening in a large sump located just outside of the fenced area, and is treated by the existing stormwater treatment system. In the future, stormwater may be routed directly to the drainage ditch that flows along the southern facility boundary, pending review of stormwater analytical data and revision of the existing NPDES permit.

Inspection of the drainage system will be conducted at least quarterly as part of the routine quarterly inspections. Erosion features that may be indicative of inadequate drainage will be documented and improvements will be made as. The shallow ditches

will be inspected quarterly and after major storm events to identify any accumulation of debris or obstruction that may have occurred. Accumulated materials will be removed and properly disposed of. Any needed repairs to the ditches will also be implemented. The inspection will be documented in the Quarterly Cap Inspection Form included as Attachment 1.

4.2 Site Security

Baxter will comply with basic security provisions as follows:

- The engineered capped area will be fenced off from the remainder of the property.
- Entry through the gates or other entrances to the active portion of the facility will continue to be controlled at all times. Entry will be controlled by an attendant, locked entrance, or controlled roadway access.

Security measures will be evaluated annually and documented on the Quarterly Compliance Checklist included in Attachment A.

4.3 Soils Management

Any intrusive activities, such as trenching or excavation of soils beneath the engineered cap will require the preparation of a task-specific health and safety plan before implementing the work based on the health and safety protocols described in Section 4.3. In addition, DEQ will be notified of any intrusive activities at least 30 days prior to field work.

The soil removed from beneath the cap will be segregated from clean cap material, and placed in separate areas on new water-proof plastic liner (or equivalent) and covered with plastic tarp or liner. Best management practices (BMPs) will be implemented to prevent stormwater contact with the excavated soil during precipitation events (e.g., high

intensity rainfall). During dry periods, excavated soil will be periodically sprayed or misted with water, if necessary, to prevent affected fines or particulates from the affected soil beneath the cap to become airborne.

Additionally, any equipment or vehicles that come in contact with soil beneath the cap will be decontaminated in a pre-designated area at the site that will be designed to capture the rinsate water and soil/sediment for later disposal in new, clearly labeled, 55-gallon drums. The liners/tarp and drums will be secured and maintained at the facility until samples are collected from the soil piles and drums, and based on the results, disposed of in accordance with local, state and federal applicable regulations. Any disposable items, such as Tyvek booties or disposable nitrile gloves which come in contact with excavated soil will be placed in the appropriate contractor grade garbage bags, stored at the facility, and disposed of in accordance with local, state and federal applicable regulations.

Finally, any disturbed location in the capped area will be restored to pre-development condition. This includes the replace of the geotextile liner, overlapping with the edges of the existing liner, and replacement of the clean cap, with the same physical characteristics as the current cap material, to a depth of 12-inches. The cap material will be replaced in accordance with the same specifications described in the Interim Remedial Measures Completion Report (Pantheon 2008).

4.4 Health and Safety

For any excavation, trenching, or other activity that involves the potential exposure to soils beneath the engineered cap, a task or project-specific Health and Safety Plan (HSP) will be prepared in accordance with the requirements in Occupational Safety and Health Administration (OSHA), Title 29, Code of Federal Regulations (CFR), Part 1910.120 (29CFR1910.120). Contractors will be required to follow the directives of the HSP. The HSP will address the following topics:

- A brief site history of the Facility and capped area.
- A section on Training and Medical Requirements. All personnel who are expected to participate in on-site activities are required to have completed the 40-hour (hr) Hazardous Waste Operations and Emergency Response Standard (HAZWOPER) training course and medical surveillance examination as required in OSHA 29CFR1910.120. Site-specific training of personnel will include the site history, hazard evaluation, standard operating procedures, decontamination procedures, proper selection and use of personal protective equipment (PPE) and emergency procedures.
- A section on site activity, describing the field activities to be implemented during the excavation or trenching in the capped area.
- A section on hazard assessment, a list of chemical, biological, radioactive, and physical hazards, as applicable, that may be encountered during site activities.
- A section on air monitoring, describing the equipment and meters (if any) used to monitor the work zone for potential airborne hazards during site activities, and the proper PPE for on-site workers to wear based on measurements.
- A section on PPE, describing the proper PPE for workers to wear based on existing and potential hazardous materials that may be encountered during site operations on the capped area. For most site activities, Level D PPE should be adequate, but equipment and supplies should be readily available at the Facility to upgrade PPE to Level C if necessary.
- A section on decontamination, describing the methods used to prevent affected soil beneath the clean cap and liner from leaving the work zone. This section will include personnel decontamination (removal of gloves, booties, and Tyvek, rinsing/cleaning of boots, etc.), portable equipment decontamination (rinsing/cleaning of shovels, augers, meters, etc.) and heavy equipment decontamination (high-pressure steam cleaning of backhoes, bulldozers, vehicles, etc.).
- A section on site control measures. The HSP will describe the three-zone approach to site operations, which consists of Exclusion Zone (contain, or

suspected to contain hazardous material), Contamination Reduction Zone (decontamination of personal and portable equipment), and Support Zone (uncontaminated area that will contain safety and support equipment and communications). This section also will include specific health and safety SOPs to follow during site operations and disposal procedures for potentially contaminated and non-contaminated wastes generated during site operations.

- A section on communications, the methods to be used during site operations. Common methods of communication used during site operations include cell phones, hand signals, audio signals (e.g., air-horn), posted signs, and two-way radios.
- A section on emergency response procedures, in the event an emergency occurs during site operations, an emergency contingency plan will be implemented for all site personnel. The emergency response procedures in the HSP should include the following topics: evacuation, personal injury, designated hospital, and emergency telephone numbers.

5 Contact Information

The name, address, and telephone number of the Baxter contact person(s) to be reached regarding the capped areas and telephone numbers to call in the event of an emergency are as follows:

J.H. Baxter Contacts

Anita Ragan, Environmental Manager (Local)	(541) 689-3801
Georgia Baxter, CEO	(650) 349-0201

Local Emergency Planning Contacts

Eugene Fire Department	911 or (541) 682-7100
Eugene Police Department	911 or (541) 682-5111
Lane County Sheriff	911 or (541) 682-4150
Ambulance	911
Sacred Heart Medical Center	(541) 623-2801
1200 Hilyard St	
Eugene, OR	

Emergency Notification to Regulatory Agencies

Federal National Response Center	(800) 424-8802
U.S. Environmental Protection Agency	(206) 553-1200
Region X, Seattle, Washington	
Oregon DEQ	(503) 229-5696

6 References

DEQ 2007. JH Baxter Interim Remedial Action Measure Approval. Site Memorandum Prepared by G. Brown of Oregon Department of Environmental Quality. October 1.

Premier 2007. Interim Remedial Measures Action Work Plan. Prepared for Oregon Department of Environmental Quality by Premier Environmental Services. July 2007.

Pantheon 2008. Interim Remedial Measures Completion Report. Prepared for Oregon Department of Environmental Quality by Pantheon Group, Inc. June 2008

Figures

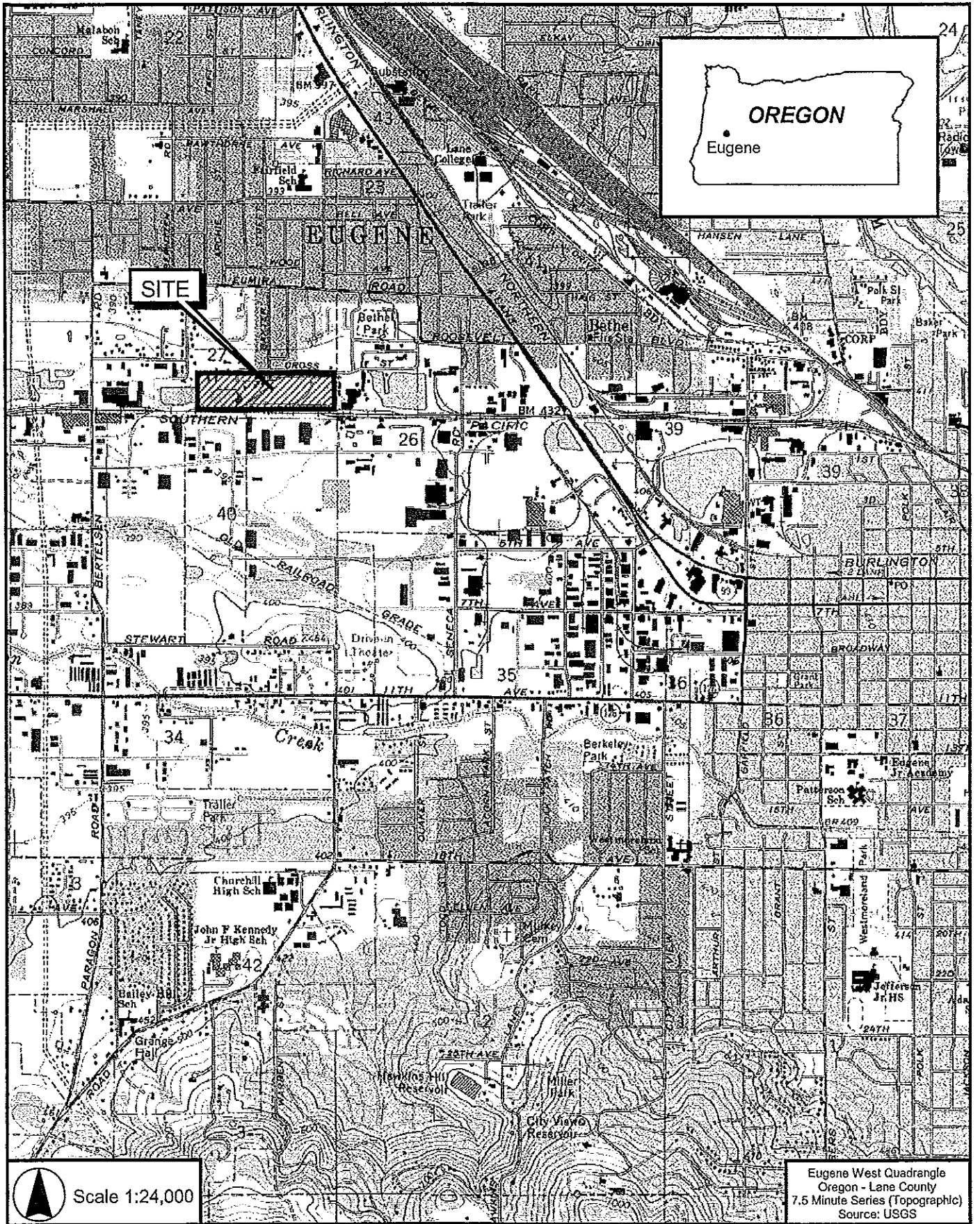


Figure 1. Site Vicinity Map - J.H. Baxter - Eugene, Oregon



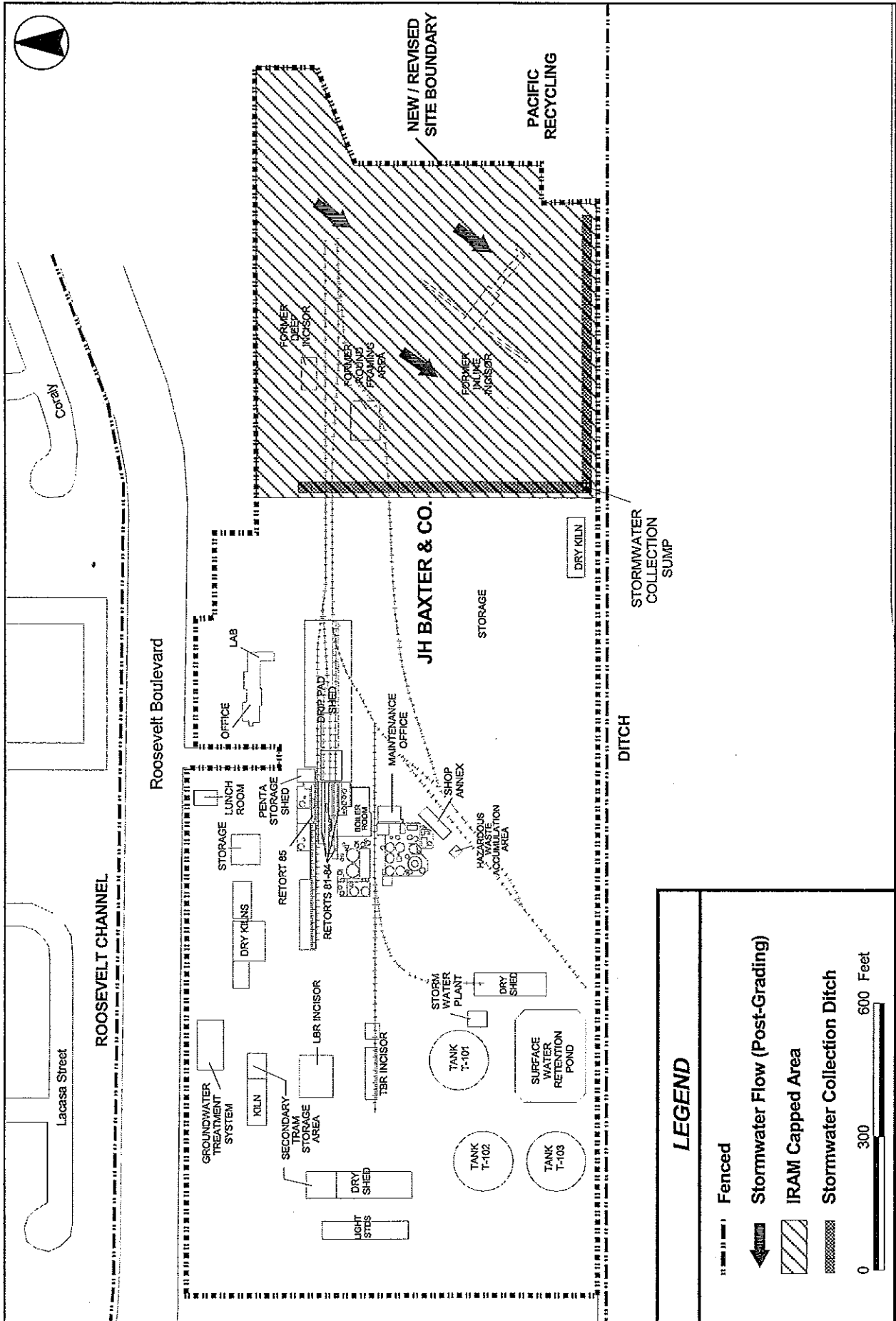


Figure 2. Facility Detail Map - JH Baxter - Eugene, Oregon



Attachment 1
Quarterly Inspection Form

Quarterly Cap Inspection Form

Date: _____

Inspector: _____

Time: _____

Weather : _____

Site Conditions (i.e., wet/dry):

Evidence of Erosion/Settling (describe):

Fence/Lock condition:

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Stormwater Drainage System:

Other Notes / Corrective Measures Taken:

Inspector Signature

