

APPENDIX A

List of Exhibits

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2. State Report
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4. Access Agreement
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6. EPA Delegation of Authority
7. Region 10 Delegation of Authority
8. September 3, 2010 E-mail from Petitioner to Oregon state agency employees.



Oregon

Theodore R. Kulongoski, Governor

Department of Environmental Quality

Headquarters
811 SW Sixth Avenue
Portland, OR 97204-1390
(503) 229-5696
FAX (503) 229-6124
TTY (503) 229-6993

July 28, 2010

Mr. Chris Field
Mr. Jeffrey Follow
Mr. David Rees
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

Re: **Star Bright & Co (Star Bright Plating)**, 24225 S. Highway 213, Mulino, Oregon 97042
RCRA ID# ORQ000006171

Dear Gentlemen:

This letter formally requests EPA's assistance in addressing compliance issues at Star Bright & Company (Star Bright Plating), with a focus on implementation of the Resource Recovery Act (RCRA) and Federal Superfund (CERCLA).

Oregon DEQ has been working with Star Bright Plating for the past several years, trying to obtain compliance with the State's hazardous waste management requirements. The Star Bright Plating facility has been the subject of prior enforcement actions, including issuance of civil penalties issued in May 2009. The facility is classified as a Large Quantity Generator of hazardous waste due to the volume and type of hazardous wastes which remain on-site. Given the amount and variety of wastes stored, and the failing integrity of containers and infrastructure associated with the facility, DEQ has determined that the facility requires immediate action to characterize, stabilize and remove containerized waste.

Additional background information about the site is provided in the attached Hazardous Waste Inspection Report of May 18, 2010 and incorporated into this formal letter of request for EPA assistance. If EPA is amenable to DEQ's request, then U.S. EPA will serve as the lead for actions that require immediate attention as described above and Oregon DEQ will support EPA's emergency response and time-critical removal work as a part of any Unified Command structure requested by the Federal On-Scene Coordinator. Please reply directly to me and to State On-Scene Coordinator Ray Hoy, to affirm your concurrence with or any limitations regarding this request.

Exhibit No 1 of 8

If you have questions about this request, please do not hesitate to contact me at (503) 229-6391. You can also contact Ray Hoy at (503) 229-6712.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey J. Christensen". The signature is written in a cursive style and is positioned above the printed name.

Jeffrey J. Christensen, Manager
Emergency Response/Environmental Cleanup
Land Quality Division
Oregon DEQ
(503) 229-6391

cc: Ray Hoy, DEQ
Jay Collins, DEQ



State of Oregon
Department of
Environmental
Quality

**NORTHWEST REGION
HAZARDOUS WASTE INSPECTION REPORT FOR:**

Star Bright & Co (Star Bright Plating)
24225 S. Highway 213
Mulino, Oregon 97042
ORQ000006171

Prepared by: Jay Collins, Hazardous Waste Inspector, DEQ

Photographs: Lyndsey Bechtel, Environmental Law Specialist, DEQ

Inspection Date: May 18, 2010

DEQ Inspector: Jay Collins, NWR Gresham Office, DEQ (503) 667-8414 ext 55025

Observing Attorneys: Stephanie M. Parent, Oregon Dept. of Justice (971) 673-1880
Lyndsey Bechtel, Oregon DEQ (503) 229-5374

Clackamas Fire District #1: Jamie Nowlin, Deputy Fire Marshal (503) 742-2691
jamesnow@ccfd1.com

Michael Colvin, Jr., Fire Inspector (503) 742-2661

Facility Representatives: Victor Van der Star, owner (971) 563-6698

NOTE: All regulatory citations to 40 Code of Federal Regulations (CFR) are as adopted by Oregon Administrative Rules (OAR). Any omissions to this report are not a determination of compliance with applicable regulations.

GENERAL INFORMATION

PURPOSE

This announced inspection was performed to conduct a status assessment of the wastes and plating chemistry remaining since Star Bright Plating terminated its plating operations and to determine the extent to which the facility complies with the Federal Resource Conservation and Recovery Act (RCRA) and the OARs and standards for a generator of hazardous waste. The US Environmental Protection Agency (EPA) authorizes Oregon Department of Environmental Quality (DEQ) to regulate the management of Hazardous Waste in Oregon. The purpose of these rules and regulations is to protect human health and the environment in preventing releases of hazardous wastes onto the land, into the air, or to surface or ground waters and to ensure proper handling and cleanup when releases occur.

FACILITY BACKGROUND

On December 19, 2007, David Wall, Dave Kunz, Greg Grunow, and Tina Leppaluoto of Oregon DEQ conducted a joint hazardous waste and Air Quality inspection at Star Bright Plating. Mr. Wall cited the facility for eleven hazardous waste violations, among them:

Star Bright Plating – ORQ000006171
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accumulating hazardous waste on site for more than ninety days; failing to perform hazardous waste characterizations on some wastes; failure to maintain manifests and waste analyses on site; failure to label tanks and containers; open containers; failure to perform inspection; and, failure to plan for emergencies, train employees in emergency procedures and make postings, and to coordinate with local emergency responders.

The hazardous waste enforcement action resulted in issuance of a notice of civil penalties of approximately \$77,000 in May of 2009, and another \$9000 in penalties were assessed for failure to comply with Air Quality NESHAPs. DEQ was advised by Mr. Van der Star in May 2009 that he was closing the business and that the facility had ceased plating operations. DEQ remained in contact and December 2010 that was undergoing foreclosure. In April 2010, DEQ was notified by Mr. Van der Star that he had sold some of the usable chemistry (900 gallons of sulfuric acid); DEQ requested that he submit an inventory of hazardous wastes present at the facility which had not been shipped off-site. The Operator continues to claim an inability to pay for proper shipment and disposal of hazardous wastes stored at the facility.

In a telephone conversation to set an appointment to review the situation at his shop, Mr. Van der Star said that he spends substantial time in the shop which is across a parking area from his home. And if he and his wife leave the property – for instance they left the state for one week on family business – another person will stay at the house and monitor the situation with the plating shop. Mr. Van der Star has observed some tanks corroding to the point that pinhole leaks occurred. He repaired these leaks or in the case of problems of a more general nature, he transfers the chemicals.

GENERATOR STATUS

Star Bright Plating remains a Large Quantity Generator (LQG) of hazardous waste due to the amount of hazardous waste stored on site. Some of this waste was generated during the time he operated as a Large Quantity Generator. Some since plant closure in designating former plating solutions, surface preparation baths and rinse tanks as hazardous waste.

WASTE STREAMS

The facility is not an active plating shop. (See above for a summary of waste generation, and below for an inventory documented during this inspection.)

FACILITY INSPECTION

Mr. Collins arrived with Ms. Parent and Ms. Bechtel shortly before 10 AM. They met Mr. Van der Star. Mr. Collins provided simple gloves to reduce the chance for contact exposure. Ms. Bechtel volunteered to take photographs. Representatives of Clackamas County Fire #1 arrived at 10 AM as scheduled.

The former plating shop is housed in one rectangular metal building immediately adjacent to Highway 213. The shop and tanks no longer have electricity running to them. Deputy Fire Marshal Jamie Nowlin approved of this as it presents one less important ignition source. For purposes of inspection, the front and side rear bay doors were opened to provide light. The inspection team also used two flashlights.

Mr. Van der Star walked the inspection team through the plating building (see color map, attached). The main door on the South wall led to the Wrapping Room. No significant quantity of chemicals was observed in this area.

The Polishing Room was through the south rollup door on the same external wall; 15 drums of Acid Copper solution sat in this area. Mr. Van der Star said that he had found a home for this solution, but was reticent to see this go overseas to Asia where it might eventually be badly mismanaged. He is looking to DEQ for advice regarding the use of this Portland vendor for overseas sales.

A caustic tank had been moved into the Polishing Room for storage. It contained an undetermined amount of dried caustic (NaOH).

The plating work area is up on boards over a bermed secondary containment area. Mr. Van der Star said that he has cleaned out solids from the containment several times over the years and does not anticipate leaks from this containment to the environment. Currently, approximately three 55-gallon drums worth (~165 total gallons) of solids have built up under the boards. These wastes should be removed as soon as possible both to prevent a potential release, as caustics are likely to have put at risk the containment, and due to the potential for reactivity with cyanides and acid still stored in tanks in this area.

To the right moving up onto this work surface from the Polishing Room were 11 5-gallon containers of a variety of plating-bath related treatment chemicals and additives standing adjacent to one 15-gallon rusty metal container of copper cyanide.

The two rinse tanks abutted to the left were empty. Further forward to the left was one tank of copper cyanide solution estimated to contain 700 gallons of solution. To the rear left was one full Acid Copper tank containing ~1100 gallons of a H₂SO₄ solution.

To the right along the far wall, one tank contained ~2500 pounds of cyanide bearing sludge. In front of this tank was an empty tank formerly used to store a NaOH cleaning solution.

In the next set of tanks further to the right, the one at the rear wall contains ~1100 gallons of contaminated rinse waters. The Nickel tank into the room contains 550 gallons of nickel plating solution.

Further along the wall, the former Chrome Rinse tank contains 250 gallons of chrome drag-out. Next along the wall is a Chromium tank containing 1100 gallons of hexavalent chrome next to a small Chrome Drag-Out tank holding ~250 gallons of chrome drag-out.

Across the aisle is an empty Rinse tank abutted against a tank holding ~125 gallons of zincate solution which was formerly used as a conversion coating

~110 gallons of nitric acid was moved into a stainless steel tank in the surface preparation area which shares a long wall with the Polishing Room; this tank had a plastic lid sitting flush on top and no condensate was observed along this edge. The steel walls of the tank formerly holding concentrated nitric acid were badly bowed and that tank stood empty.

The tank opposite the nitric acid tank along the wall contained nickel and chrome stripping sludge. Mr. Van der Star pokes holes in this solid to get the sulfuric acid to come to the surface so he can transfer it to the Acid Copper tank in the Plating Room. All other tanks in the surface prep room were empty.

The final area held chemicals in ~product-labeled 55-gallon drums. One drum contained lacquer. Seven drums contained copper acid solutions. Two contained NaOH solutions.

The loft was jammed with small containers. Only the outer layer of containers could be clearly observed. Neither fire officials nor the DEQ found a ready way to assess the amount of material in this elevated and open loft. There were ~40 separate 5- or 10-gallon containers of liquids and solids, most of which the owner had acquired from another plating shop nearly twenty years previously. Mr. Van der Star agreed to inventory these materials by container type, volume and contents over the weekend and send this inventory to DEQ come Tuesday, May 25.

ON-SITE STORAGE SUMMARY

Onsite storage of wet and dry chemistry (minus the loft's contents) by container(s):

- 825 gallons of Acid Copper solution in 15 drums in the Polishing Room
- 1 partial tank of dry (NaOH) caustic in Polishing Room
- ~155 gallons of hazardous waste solids built up under the boards in the Plating Shop
- 55 gallons [eleven 5-gallon containers] of a variety of plating-bath related treatment chemicals and additives
- 15 gallon container of copper cyanide
- 1 tank holding ~700 gallons copper cyanide solution
- 1 tank holding ~1100 gallons of Acid Copper (H₂SO₄) solution
- 1 tank holding ~2500 pounds of cyanide bearing sludge
- 1 tank holding ~1100 gallons of contaminated rinse waters
- 1 tank holding ~550 gallons of nickel plating solution
- 1 tank holding ~250 gallons of chrome drag-out
- 1 tank holding ~1100 gallons of hexavalent chrome

1 tank holding ~250 gallons of chrome drag-out
1 tank holding ~125 gallons of zincate solution formerly used as a conversion coating
1 tank holding ~110 gallons of nitric acid
55 gallons of lacquer (one 55-gallon drum)
~495 gallons of copper acid solution (nine 55-gallon drums)
~110 gallons of NaOH (in two 55-gallon drums)
~220 gallons (perhaps four 55-gallon drums of various plating additives)

Estimated totals from above by type of material (again, minus the loft's contents):

~1540 gallons copper cyanide solution
~1595 gallons of Acid Copper (H₂SO₄) solution
~1100 gallons of contaminated rinse waters
~500 gallons of chrome drag-out
~550 gallons of nickel plating solution
~1100 gallons of hexavalent chrome solution
~125 gallons of zincate solution
~110 gallons of nitric acid
55 gallons of lacquer
~110 gallons of NaOH
~155 gallons of mixed hazardous waste solids in Plating Shop secondary containment
~275 gallons of various plating bath additives
~2500 pounds of cyanide bearing sludge
1 partial tank of dry (NaOH) caustic

TOTAL GALLONS: 7215 gallons

TOTAL ADDITIONAL POUNDS: 2500+ pounds

Mr. Van der Star's own estimates submitted in an email to DEQ Environmental Law Specialist Sarah Wheeler were comparable especially when considering the materials stored in the loft.

Good morning Sarah,

As per your request here is a list of chemicals we have on hand. I will start with the waste then go on to the usable.

Remember these are only questimates:

10,200 lbs solid cyanide
13,200 lbs solid strip waste
2,400 gal waste water

Usable chemicals = 5,225 gallons of usable chemicals

35 drums Acid Copper
34 drums Chromium
13 drums Copper Cyanide
13 drums Nickel Chloride

My real concerns are removing the liquid/usable chemicals because they are still in the tanks. I only have 48 empty drums that I am keeping empty for now in case I have any kind of tank leakage then I know I have a place to pump the chemicals into. Please keep me informed. Thanks

Victor

EMPTY CONTAINER STORAGE

Along the back wall inside the building, adjacent to a side bay door, were perhaps fifteen 55-gallon drums that the owner said he planned to use to transfer waste into if another tank was compromised.

Sixty-two 55-gallon containers were stored outside of the plating building on the side facing away from Highway 213. Mr. Van der Star said that he obtained these from Meyers Container and that they were devoted to storage of plating waste as needed, also. Mr. Collins found these drums to contain a small amount of liquid that Mr. Van der Star said was cleaning solution left over from Meyers' reconditioning process. He did not have MSDS for this material. Two 250-gallon totes were also stored in this area containing a several inches of an unidentified dark-green liquid.

RECORD REVIEW

Jay Collins obtained permission and removed the facilities MSDS Binder. He copied this material, which includes a map locating tanks and drums of waste and disused materials, at the DEQ Gresham Office. Then he return-mailed the binder to Mr. Van der Star.

EXIT INTERVIEW

Mr. Collins spoke with Mr. Van der Star. He reiterated that this inspection was meant to assess the stability of chemicals stored on site and the risks they posed to human health and the environment. He stated that continued storage of hazardous wastes on site is a violation of storage requirements and that DEQ was aware of his financial situation. Mr. Collins explained that DEQ is considering making a recommendation to EPA for a removal action for these wastes. Mr. Van der Star welcomed this idea.

Mr. Collins spoke with fire officials. They agreed that all metal in the building, from the tanks and containers to the flanges holding the building together showed significant corrosion. Clackamas Fire District #1 is strongly considering a determination not to fight a fire were one to occur. Applying water to this facility would mix incompatible chemicals and result in. The environmental liability of runoff from fire fighting and the potential impact to the creek below the property were also raised by fire officials. Adding water would also cause incompatible wastes to more readily mix. In any case, a fire itself would generate significant quantities of toxic compounds; for instance, were acids to mix with cyanide in storage at the facility, some quantity of HCN gas would evolve. They discussed the likelihood of having to close Highway 213 for an extended period, were this facility to burn. Deputy Fire Marshal Nowlin also provided for DEQ's files copies of Clackamas County property records showing site plot, valuation and tax details.

Information Requests

Victor Van der Star agreed to inventory the containers and types of materials stored in the small, crowded loft over the weekend and to send this inventory to Jay Collins on May 25, 2010.

CONCLUSIONS

Obvious violations for labeling, dating, tank standards, and condition were noted. Storage over the allowed ninety days for an LQG raises questions of TSD status. These concerns should be addressed at a compliance level.

Risks to human health and the environment posed by the facility's storage of these wastes are significant. Secondary containment had not been adequately demonstrated and in any case, the chemicals themselves are incompatible. The evolution of HCN gas is expected in a fire or other catastrophic event.

The shop is situated in semi-rural area in Mulino, Oregon. It is across a parking lot from Mr. and Mrs. Van der Star's home. Residences dot the roadway, starting more or less opposite this plating shop. Travelers on Highway 213 could be impacted by release of this waste. Mr. Van der Star, although knowledgeable of his plating chemistry, lacks the equipment and training to respond to a significant release of these chemicals. The local fire station is not equipped to respond to a fire involving these chemicals in these quantities and would likely allow any fire to burn itself out in the effort to minimize long-term impacts and to defend the lives of its crewmen.

RECOMMENDATIONS

Given the risks and the owner's stated inability to pay for removal, DEQ should look to other options to achieve protective management.

DEQ might also seek to assist Mr. Van der Star in finding responsible reuse for as much of whatever sound chemicals remain on site.

POST INSPECTION ISSUES

Mr. Van der Star updated DEQ that he will inventory chemicals in loft storage after he returns to Oregon on June 9, 2010, and has agree to submit this list on Friday June, 11.

Clackamas Fire District #1 — Fire Prevention Division



U.S. Environmental Protection Agency
Jeffrey Fowlow, David Rees
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

RE: Star Bright Plating, summary of events for emergency removal of hazardous materials that pose an eminent danger to the community

Dear Mr. Fowlow and Mr. Rees

Thank you for visiting Clackamas Fire District #1 (CFD#1) and assessing the situation at the former Star Bright Plating Company. It was good to see that others assessed this hazard to be an eminent and substantial threat to the community and environment as we have. The existing situation poses significant risks to the community and region as a whole and CFD#1 is unable to mitigate this hazard at the local level.

Following is an account of the site visits made to Star Bright Plating Company by CFD#1:

Visit #1

On May 17th Victor Vanderstar the owner of Star Bright Plating contacted our Fire Prevention Division requesting that someone from our office attend a site visit with DEQ scheduled for May 18th at 10:00 AM. Fire Inspector Colvin and I visited the site with DEQ representatives and documented via the use of digital photographs the deteriorating condition of the facility and alarming condition of the vessels containing hazardous materials. I had never personally been to this site and CFD#1's last recorded visit was on October 23rd, 2006. The inspection notice documents stated that the operation had moved, so no inspection was completed by our personnel from October to the present date. As a result of our visit, I took the following actions:

1. An e-mail advisory was sent to all fire officers and chief officers (internal, mutual aid partners and regional Hazardous Materials Team) illustrating the grave situation and advising them to treat any incident as a Haz-Mat response, not to enter the building, and to apply no water due to the volatility of the chemicals and life safety hazard to emergency responders.
2. A list of the contents known at that time less the materials in the loft was distributed via email to emergency responders to be used as a guide.
3. I submitted a premise/hazard information form to the 911 center, stating "No entry and no H2O." This information will be used to inform emergency responders of the known hazards upon 911 dispatch to this property.
4. I documented my actions on a summary form then filed it in the occupancy file at CFD#1 Fire Prevention Division.
5. I Notified DEQ of my actions and requested additional advice.
(Documents in e-mail titled "Star Bright first visit 5-18-10 and subsequent actions" PDF file

Clackamas Fire District #1 – Fire Prevention Division



Visit #2

In June I coordinated an additional visit to the site to help preplan for what we perceive as an impending emergency response. On July 13th the visit was made with the on duty Battalion Chief (Chief Karn) Captain Steve Best (Gresham Fire) of the regional Hazardous Materials Team (HM3) and our chemical, biological, radiological, nuclear and explosives (CBRNE) response team from CFD#1 Station 5. A new leak was found in a Nitric Acid vat and Mr. Vanderstar showed us where he had stepped through a floor covering into an old secondary containment tank that was full of an unknown liquid. I photographed the new vessel failures. We installed NO WATER signage on the “B” and “D” sides of the structure along with new “no water” stickers on the existing NFPA 704 placards. These actions were taken to further ensure that emergency responders were aware of the significant hazards associated with a fire at this facility. Among the issues discussed were, no code compliant exits, weakened structure, long response times, one directional access, no water supply and the likelihood of increasing the contamination of the water supply to an area dependent on well water. Given these facts and prior to applying a risk benefit analysis, all parties agreed that if a fire occurs in this facility, it would be too dangerous to attempt to extinguish.

The Exposure Challenges

If the Star Bright Plating facility were to catch fire the community and region would be facing an extremely dangerous situation. Additionally, any smoke emitting from the site would likely be highly toxic requiring evacuations of the affected areas. The site is in a sensitive ecosystem of the Willamette Valley air shed. Because it is a large valley, the area is subject to frequent and long lasting inversions where smoke rises then settles back down on the valley floor or drifts across the land. In 2008, CFD#1 experienced a lumber yard fire with burning plastic lumber under these similar weather conditions that resulted in a public health crisis and mass casualty response.

The key exposure challenges for this site are:

- The facility is located on a major State Highway (HWY 213).
- 14 residences are located within 1/8th mile.
- 45 residences are located within 1/4th mile.
- Carus Elementary School is only 1.2 miles away.
- The Mulino Airport (2nd alternative for the Portland International Airport (PDX) is 3.1 miles.
- The City of Oregon City is 3.9 miles away with a population of 32,000.
- The City of Canby is less than six miles away with a population of 16,000.

Under favorable weather conditions, evacuating the immediate exposures and creating and enforcing an exclusion zone would be extremely challenging and likely only be partially effective. If faced with a weather inversion, smoke emitting from this site could possibly create a region wide tragedy.

The Structure

The Fire and Building Code require type H2 High-Hazard occupancy for a plating operation and/or for a facility with this volume of chemicals on site. Type H occupancies are required to have manual fire alarms, automatic fire extinguishing and emergency alarm systems monitored by an approved supervising station due to the inherent

Clackamas Fire District #1 — Fire Prevention Division



fire threat. None of these are present. Also, type H2 occupancies must be of noncombustible construction and this building is an open wood framed and wood trussed with heavily corroded metal gusset plates. Additionally, the structure was a former truck repair shop, so the wood framing is saturated with petroleum. Compounding this issue are the large quantities of oxidizers in open vats. This combination will likely produce a very intense fire within an already weakened structure with a potential for a delay in the notification of the 911 system and a corresponding fire department response.

This letter serves as a request for emergency assistance in removing this hazard from our community. This facility poses extinguishment and life-safety challenges that are beyond our capabilities, as well as, those of our regional partners.

Thank you for your time and for any assistance that your agency is able to provide.

A handwritten signature in cursive script that reads 'Jamie Nowlin'. The signature is written in black ink and is positioned above the printed name and title.

Jamie Nowlin
Captain, Deputy Fire Marshal



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101

CONSENT FOR ACCESS TO PROPERTY

Name: Victor Van der Star

Location: 24225 S. Hwy 213
Mulino, OR 97042

I hereby give my consent and permission, to the extent of the possessory interest I may have in the property and premises described above ("the property"), and any appurtenances thereto, to officers, employees, agents, authorized representatives and persons acting at the request of the United States Environmental Protection Agency ("EPA authorized representatives), to enter my property to sample for hazardous substances or pollutants or contaminants, and to perform necessary response activities, which may include the removal, consolidation and/or stabilization of hazardous substances that have been released into the environment or which present a substantial threat of release. Such actions may include, but are not limited to:

- A. The taking of such soil, surface water, groundwater, and air samples upon the property as may be determined to be necessary;
- B. The taking of a response action at the property including site stabilization and mitigation activities and which include but are not limited to removing, consolidating and stabilizing hazardous substances located within the Site.

I recognize that these actions by the EPA authorized representatives are undertaken pursuant to its response and enforcement authorities contained in the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. § 9601, et seq., as amended, the Federal Water Pollution Control Act (or the "Clean Water Act"), 33 U.S.C. § 1251 et seq., as amended.

This written permission is given by me voluntarily with knowledge of my right to refuse and without threats or promises of any kind.

Date: 7-23-2010

Signature: 

Exhibit No 4 of 8



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
ENVIRONMENTAL CLEANUP

SEP 20 2010

SHORT-FORM ACTION MEMORANDUM

SUBJECT: Action Memorandum for a Removal Action at Star Bright Plating,
Mulino, Clackamas County, Oregon

FROM: David S. Rees, On-Scene Coordinator
Emergency Response Unit

THRU: Chris D. Field, Unit Manager *Chris D. Field*
Emergency Response Unit

TO: Daniel D. Opalski
Director

I. Purpose

The purpose of this memorandum is to document the decision to initiate the time-critical removal action described herein for Star Bright Plating Site (Site) located in Mulino, Clackamas County, Oregon. The proposed removal action is expected to be conducted by a potentially responsible party (PRP) in accordance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), with oversight by the U.S. Environmental Protection Agency (EPA). However, if a PRP is unwilling or unable to conduct the removal action described herein, EPA will conduct the action and pursue cost recovery against the PRPs.

II. Site Information

A. Site Information

Site Name: Star Bright Plating
Superfund Site ID (SSID): 10JK
NRC Case Number: N/A
CERCLIS Number: ORN001002884
Site Location: 24225 South Highway 213
Mulino, Clackamas County, Oregon 97042

Potentially Responsible Parties (PRPs):
Victor VanderStar
24225 South Highway 213
Mulino, Oregon 97042

Exhibit No 5 of 8

Printed on Recycled Paper

Deutsche Bank National Trust Company
Trustee for Soundview Home Loan Trust
4875 Belfont Road, Suite 130
Jacksonville, Florida 32256

B. Site Background

1. Removal Site Evaluation

Star Bright Plating is a former plating shop that operated for approximately 20 years. The operator used various chemicals during metal surface preparation, treatment, and rinsing processes. In April 2010, the facility owner notified the State of Oregon Department of Environmental Quality (ODEQ) that he was closing the business and that the facility had ceased plating operations. The plating shop, residence, and property have been foreclosed.

State of Oregon Department of Environmental Quality

On May 18, 2010, the ODEQ conducted an inspection of the Star Bright facility.¹ Based on inspection observations and facility operator knowledge, an estimated 7,215 gallons and more than 2,500 pounds of corrosive aqueous solutions, metal-bearing sludge, and other materials and wastes were inventoried and remain inadequately stored on-site.

U.S. Environmental Protection Agency

On July 28, 2010, EPA, along with ODEQ, Clackamas Fire District #1 (CFD#1) personnel and the former property owner, conducted a removal assessment of the plating shop to determine if the Site warrants a removal action. Participants confirmed the May 18, 2010, ODEQ inventory, improper storage of hazardous materials and wastes, and the deteriorating condition of many drums, tanks, and other bulk storage containers.

Clackamas Fire District #1

On June 1, 2010, CFD#1 personnel conducted a site visit of the Star Bright facility and further documented the deteriorating condition of the facility and the alarming condition of the vessels containing hazardous materials.²

Deutsch Bank

The current owner of the former plating shop, Deutsche Bank National Trust Company, contracted with an environmental company to inventory and sample hazardous materials and

¹ State of Oregon Department of Environmental Quality. 2010 Northwest Region Hazardous Waste Inspection Report for Star Bright & Co (Star Bright Plating).

² Clackamas Fire District #1. 2010. Letter sent by Jamie Nowlin, Captain, Deputy Fire Marshall to Messrs Fowlow and Rees, subject: Star Bright Plating, summary of events for emergency removal of hazardous materials that pose an imminent danger to the community.

other wastes remaining on-site, and to package these materials for disposal. On August 2 and 3, 2010, the contractor had inventoried, sampled, and prepared for shipment more than 110 containers of waste materials.

2. Physical location and Site characteristics

The Site is located at 24225 South Highway 213, Mulino, Clackamas County, Oregon (45°15'21.32"N; 122°34'43.90"W). The Hamlet of Mulino is a small rural community located on the southern edge of the Portland, Oregon, metropolis.

The Site is agricultural/forested land outside of the residential portion of the community. It is located within 50 feet of a major State highway (Highway 213), 59 residences are located within ¼ mile, and an elementary school is located within 1¼ miles. Highway 213 is the primary thoroughfare between Mulino and the nearby communities of Oregon City (population 32,000) located about 4 miles away, and Candy (population 16,000) located less than 6 miles away.

3. Release or threatened release into the environment of a hazardous substance, pollutant, or contaminant

Materials stored at the Site, including chromium, copper cyanide, potassium cyanide, and trichloroethylene, are hazardous substances as defined by sections 101(14) and 101(33) of CERCLA, as amended, 42 U.S.C. §9601(14) and (33).

These materials and others stored at the Site, including the corrosive aqueous and heavy metal bearing solutions, process wastewater, and treatment sludge, could be released into the environment because of the deteriorating condition of the facility, the degraded condition of containers and vessels containing waste materials, and/or fire or explosion.

III. Threats to Public Health, Welfare, or the Environment

A. Nature of Actual or Threatened Release of Hazardous Substances, Pollutants, or Contaminants

An estimated 7,215 gallons and more than 2,500 pounds of corrosive aqueous solutions, metal-bearing sludge, and other materials and wastes remain inadequately contained and stored within the deteriorating former plating shop potentially threatening public health, welfare, and the environment.

B. Applicable factors (from 40 CFR 300.415) which were considered in determining the appropriateness of a removal action:

- 1. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants, or contaminants [300.415(b)(2)(i)]**

Emergency response personnel, nearby residents and businesses, and the traveling public would be exposed to toxic fumes at substantial concentrations in the event of a fire or explosion.

Studies have identified the following health effects of exposure to cyanide salts, chromium (VI), and trichloroethylene:

- Chromium (VI). Anemia or damage to the stomach or intestines and cancer
- Cyanide salts. Acute effects are death from respiratory collapse; long term effects of low level doses include neurological impairment.
- Trichloroethylene. Liver and nerve damage, and may cause cancer.

2. Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers that pose a threat of release [300.415(b)(2)(iii)]

Corrosive aqueous solutions, metal-bearing sludge, and other materials and wastes are inadequately contained and stored within the deteriorating former plating shop. During previously described inspections, numerous containers filled with incompatible materials were observed to be corroded and/or leaking, and incompatible materials such as corrosives and oxidizers were inappropriately stored in close proximity to each other. In addition to the environmental/health threat within the facility, there are several areas of stained soils surround the process building and nearby wells requiring further investigation.

3. Threat of fire or explosion [300.415(b)(2)(vi)]

The Clackamas Fire District #1 has determined that the Star Bright Plating facility poses significant risks to the community and region because the public would likely be exposed to toxic fumes in the event of a fire or explosion. The threat is exacerbated by the weakened structure, absence of water due to the volatility of the chemical found on-site and life safety hazard to emergency responders, and the likelihood of increasing contamination of the water supply due to an area dependent on well water. Additionally, any smoke emitting from the Site would likely be highly toxic requiring evacuations of the affected areas.

4. The availability of other appropriate federal or state response mechanisms to respond to the release [300.415(b)(2)(vi)]

ODEQ has requested the assistance of EPA at the Site.³ The CFD#1 has also requested the assistance of EPA in addressing the hazard posed by the former Star Bright Plating facility to the community.

³ State of Oregon Department of Environment Quality. 2010. Letter sent by Jeffrey J. Christensen, Manager, Emergency Response/Environmental Cleanup Chris Field, subject: Star Bright & Co (Star Bright Plating), 24225 S. Highway 213, Mulino, Oregon.

There are no other known agencies that possess the expertise or resources to conduct an emergency response action in a timely manner.

IV. Endangerment Determination under CERCLA Section 104: Pollutant or Contaminants

This section is not applicable because the removal action was not driven by a need to respond to known pollutants or contaminants.

V. Selected Removal Action and Estimated Costs

A. Situation and Removal Activities to Date

1. Current Situation

The deteriorating facility is secured. Many open, unsecured vats and more than 100 55-gallon drums containing corrosive aqueous solutions, metal-bearing sludge, and other materials and wastes are stored on-site. The structural integrity of several vats and secondary containment is compromised and susceptible to failure.

2. Removal activities to date

The PRP, with oversight provided by EPA, has characterized, secured (over-packed) the compromised drums, and taken samples from the vats for disposal and treatability.

3. Enforcement

There are 2 identified Potentially Responsible Parties (PRPs) for the site: 1) Victor VanderStar past owner/operator and 2) Deutsch Bank National Trust (DBNT), the current owner.

On July 23, 2010, Mr VanderStar, by written agreement, granted EPA access to enter the site to take samples and performing response actions as needed.

The current owner, DBNT, a PRP, took title to the property on May 17, 2010. Deutsch Bank National Trust, acting as trustee for Soundview Home Loan Trust, paid \$271,920 to Fidelity National Title Insurance Company in a public auction.

EPA is making an effort to determine whether any PRP can and will perform the necessary removal action promptly and properly.

B. Planned Removal Actions

1. Proposed action description

Identification of solid wastes and hazardous wastes

Where appropriate, unknown materials will be characterized to determine whether the materials are solid or hazardous wastes. All wastes will be evaluated for bulking compatibility and for recycling and disposal.

Packaging, labeling, transportation, and recycling or disposal of solid and hazardous wastes

Compatible liquid wastes will be removed from the various tanks and containers and bulked into tanker trucks. Compatible solid wastes will be removed and overpacked into containers. Non-compatible liquid and solid wastes and other miscellaneous wastes will also be overpacked into containers. All wastes will be properly labeled, transported, and recycled or disposed of at an EPA-approved facility.

Decontamination of process equipment and storage tanks

Production process equipment and storage tanks will be inspected to ensure all treatment sludges and residues are removed. The equipment and storage tanks will then be properly decontaminated and left in-place.

Post-removal site controls

Currently, EPA does not expect that post-removal site controls will be required because the hazardous and non-hazardous wastes will be removed from the Site.

2. Contribution to Remedial Performance

The Star Bright Plating Site is currently not listed on the National Priorities List. The proposed action described herein will, to the extent practicable, contribute to the efficient performance of any long-term remedial action at the Site and will likely not impede those actions based upon available information.

3. ARARs

The NCP requires that removal actions attain Applicable or Relevant and Appropriate Requirements (ARARs) under federal or state environment or facility siting laws to the extent practicable. (40 CFR § 300.415[j]) **In determining whether compliance with ARARs is practicable, EPA may consider the scope of the removal action and the urgency of the situation.** (40 CFR § 300.415[j]) The scope of the removal action proposed in this Action Memorandum is limited.

Resource Conservation and Recovery Act [42 USC § 6901], Subtitle C - Hazardous Waste Management [40 CFR Parts 260 to 279]. Federal hazardous waste regulations specify hazardous waste identification, management, and disposal requirements. Where Oregon has an authorized state hazardous waste program it applies in lieu of the federal program.

Resource Conservation and Recovery Act [42 USC § 6901], Subtitle D - Managing Municipal and Solid Waste [40 CFR Parts 257 and 258]. Subtitle D of RCRA establishes a framework for controlling the management of non-hazardous solid waste. Subtitle D is potentially applicable to solid waste generation and management at the Site.

4. Project Schedule

The removal project is expected to begin in September 2010, and to require two to four weeks, including mobilization and demobilization activities.

5. Estimated Costs

Costs for conducting the removal action described herein are expected to be paid by the PRP. The estimated costs for removal action are ± \$500,000, and the estimated costs for EPA oversight are less than \$50,000.⁴

If the PRP is unable or unwilling to conduct the proposed removal action, the projected EPA costs to conduct the action are ± \$770,000.

VI. Expected Change in the Situation Should Action Be Delayed or Not Taken

A delay in action or no action at this Site would increase the actual or potential threats to the public health and/or the environment.

VII. Outstanding Policy Issues

None.

⁴ PRPs may be held financially responsible for costs incurred by the EPA as set forth in Section 107 of CERCLA.

VIII. Approvals

This decision document sets forth the selected removal action for the Star Bright Plating Site, located near Mulino, Clackamas County, Oregon, which has been developed in accordance with CERCLA, and is consistent with the NCP. This decision is based on the administrative record for the Site.

Conditions at the site meet the NCP 40 C.F.R. § 300.415(b) criteria for a removal action and I am approving the proposed removal action. The proposed removal action is expected to be conducted by PRP, with oversight by EPA. However, if a PRP is unwilling or unable to conduct the proposed removal action, and EPA must do so, the total project ceiling is estimated to be ± \$770,000.



David S. Rees
Federal On-Scene Coordinator

Date 9/3/10

IX. Endangerment Determination under CERCLA Section 106: Hazardous Substances

Actual or threatened releases of hazardous substances from this site may present an imminent and substantial endangerment to public health, or welfare, or the environment.



Dan D. Opalski, Director
Office of Environmental Cleanup

Date 9/3/10

You are here: EPA@Work OARM OHR Administrative Policy Manuals Delegations Manual
Delegations Manual TOC Chapter 14.TOC: CERCLA 14-14-B. Administrative Actions

14-14-B. Administrative Actions Through Unilateral Orders

1200 TN 350
5/11/94

1. **AUTHORITY.** After giving notice to the affected State, to take administrative action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, including, but not limited to, issuing such unilateral orders as may be necessary to protect human health and welfare and the environment.
2. **TO WHOM DELEGATED.** Regional Administrators.
3. **LIMITATIONS.** Regional Administrators or their delegates shall notify or consult with the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee consistent with "Clarification of Delegations of Authority 14-14-A, 14-14-B and 14-14-C under CERCLA," dated April 1, 1990 and subsequent memorandum issued by the Assistant Administrator for Enforcement and Compliance Assurance.
4. **REDELEGATION AUTHORITY.** This authority may be redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Section 104, 106, and 122 of CERCLA.
 - b. Applicable Agency guidance and OSWER directives.

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DELEGATION OF AUTHORITY

THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION AND LIABILITY
ACT (CERCLA)

R10 14-14-B Administrative Actions Through Unilateral Orders

1. **AUTHORITY:** After giving notice to the affected State, to take administrative action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, including, but not limited to, issuing such unilateral orders as may be necessary to protect public health and welfare and the environment.
2. **TO WHOM REDELEGATED:** To the Director, Office Environmental Cleanup.
3. **LIMITATIONS:**
 - a. The Director, Office of Environmental Cleanup shall notify or consult with the Assistant Administrator for Enforcement and Compliance Assurance or his/her designee consistent with "Clarification of Delegations of Authority 14-14-A, 14-14-B and 14-14-C under CERCLA," dated April 1, 1990 and subsequent memorandum issued by the Assistant Administrator for Enforcement and Compliance Assurance (see 5(c) below).
 - b. The clearance or approval of the form, text, and legal sufficiency of each legally operative document issued pursuant to this redelegation must be obtained from the Office of Regional Counsel before signing and issuing such document.
4. **REDELEGATION AUTHORITY:** This authority may not be redelegated.
5. **SUPERSESION:** Regional Order No. R10 1290.6, dated April 8, 1987, is hereby superseded by this order. [Also supersedes 14-14-B (3/25/96)].
6. **ADDITIONAL REFERENCES:**
 - a. Section 104, 106, and 122 of CERCLA.
 - b. Applicable Agency guidance and OSWER directives.
 - c. Memorandum, dated May 19, 1995, from Steven Herman, Assistant Administrator for Enforcement and Compliance Assurance - Re: "Office of Enforcement and Compliance Assurance and Regional Roles in Civil Judicial and Administrative Site Remediation Enforcement Cases."

10/5/1998

Date

/s/ Chuck Clarke

Chuck Clarke
Regional Administrator

Exhibit No 7 of 8

Star Bright Site in Mulino, Oregon

Karen L. Reed

to:

GILLES.Bruce@deq.state.or.us, OBRIEN.Audrey@deq.state.or.us, collins.jay@deq.state.or.us

09/03/2010 12:48 PM

Cc:

Deniz Ergener

Show Details

History: This message has been forwarded.

All:

I was given your email addresses by Deniz Ergener at EPA. I am outside counsel for the current owner of title to the referenced property located at 2425 Highway 213 in Mulino, Oregon. As you may be aware, the current owner is a trust representing a group of lenders that recently foreclosed on the property and received a trustee's deed in May 2010. My client believes that it has an absolute defense to liability, but nonetheless is fully cooperating with EPA to perform an emergency abatement action at the site due to EPA's determination that the site poses an imminent and substantial endangerment to the public health or welfare or the environment because of the actual or threatened release of a hazardous substance(s) from the facility, pursuant to CERCLA Section 106. It is my understanding that the State must assign a RCRA ID number to my client to enable the contractors working on my client's behalf to remove and transport the hazardous substances on site for proper disposal.

We are requesting that the State not transfer the existing RCRA ID number into my client's name, because my client is not, and does not make any legal admission that it is, a RCRA regulated entity or that it operates a RCRA regulated facility. In addition, we want to ensure that the State understands our firm legal position that my client's activities at the site are not subject to, conducted pursuant to or regulated as a RCRA corrective action. Instead, as stated above, we believe we are a potentially responsible party under CERCLA with an absolute defense to liability that has chosen voluntarily to cooperate with EPA and the State to perform a CERCLA Section 106 emergency abatement. As a result, we are instead requesting that the State issue a new RCRA ID number to my client for the limited purposes explained in this email.

We understand that a RCRA ID number must be issued today so the abatement activities may proceed expeditiously. Consequently, if the State must refuse our request for a new RCRA ID number, then we will proceed, but only under protest and without waiver of any rights, under an assignment of the existing ID number. However, we strongly urge you to grant our request, to facilitate my client's continued voluntary cooperation to address site conditions appropriately. For purposes of the RCRA ID, my client's full name is: "Deutsche Bank National Trust Company, as trustee for the Certificate Holders of Soundview Home Loan Trust 2005-OPT1, Asset-Backed Certificates, Series 2005-OPT1."

If you would like to discuss these issues further, I am available by phone or email anytime before 2:30 pm today, at which time I must leave for an off-site meeting. If you need to reach me after that time, you can call my mobile phone at 503-616-6860. Thank you.

Karen L. Reed

file:///C:/Documents and Settings/DErgener/Local Settings/Temp/nocesBAAA25v-web35... 12/27/2010

Exhibit No 8 of 8

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APPENDIX B


Certification of the Administrative Record for the Selection of the Response Action

Certified Index to the Administrative Record

CERTIFICATION OF THE ADMINISTRATIVE RECORD FOR THE SELECTION OF THE
RESPONSE ACTION AT THE STAR BRIGHT PLATING SITE, IN MULINO, OREGON

The United States Environmental Protection Agency (EPA) hereby certifies that the attached index of documents constitute the administrative record for selection of response actions for the Star Bright Plating Site, in Mulino, Oregon under the Comprehensive Environmental Response, Compensation, and Liability Act.

Executed on: 6 January, 2010



Daniel D. Opalski
Director, Office of Environmental Cleanup
EPA Region 10
1200 Sixth Avenue
Seattle, WA 98101

(SBPAR) STAR BRIGHT PLATING - TIME-CRITICAL REMOVAL ADMINISTRATIVE RECORD

HEADING: 0.0 TABLE OF CONTENTS/INDEX

(SBPAR) STAR BRIGHT PLATING - TIME-CRITICAL REMOVAL ADMINISTRATIVE RECORD

SUB-HEAD: 1.9 Vol. 1 **Removal Activities**

SUB-HEAD: 1.9.2 Vol. 1 **Decision Documents (Action Memo, EE/CA)**
Date: 9/20/2010 Action Memorandum for a Removal Action at Star Bright Plating, Mulino, Clackamas County,
DOCID: 899531 Oregon.

Pages: 8

Releasable

ELECTRONIC RECORD

Authors:

David Rees / EPA

Addressee(s):

Daniel Opalski / EPA