

**MEMORANDUM**

Date:

Subject: Request for a Removal Action For Disposal of Dredged Sediment from the Lower Duwamish Waterway Superfund Site, Seattle, King County, Washington into the Blair Slip 1 Nearshore Confined Disposal Facility at the Commencement Bay/Nearshore Tidelands Superfund Site

From: Allison Hiltner, RPM  
Lower Duwamish Waterway Superfund Site  
  
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Commencement Bay Nearshore/Tidelands Superfund Site

To: Michael Gearheard, Director  
Environmental Cleanup Office

Through: Chris Field, Manager  
Emergency Response Unit

**I. Purpose**

The purpose of this Action Memorandum is to request and document approval of the time-critical removal action known as the “Duwamish/Diagonal Project” (“D/D P”) described herein for the Lower Duwamish Waterway (LDW) Superfund Site, Seattle, King County, Washington.

The D/D P will be implemented by King County. The primary objective of this time-critical removal action is to provide for disposal of approximately 70,000 cubic yards (cy) of dredged material from the D/D P to the Blair Slip 1 Nearshore Confined Disposal (NCD) Facility, located in Tacoma, Washington, within the Commencement Bay Nearshore/Tidelands (CB/NT) Superfund Site.

**II. Site Conditions and Background**

**A. Site Description**

Conditions at the D/D P, summarized here, are described in more detail in the “Final Sediment Cleanup Action Decision: Duwamish Diagonal Combined Sewer Overflow/Storm Drain (CSO/SD), dated July 25, 2002”, prepared by the Washington State Department of Ecology (Ecology).

**1. Physical location**

The D/D P cleanup project is located in Seattle, Washington, along the Duwamish Waterway. The D/D P is approximately seven (7) acres in size near Port of Seattle

Terminal 108. The D/D P is located on the east side of the Duwamish Waterway, approximately one half mile south of the southern tip of Harbor Island. (Figure 1).

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

There are four discharge pipes located in the area adjacent to or in the vicinity of the D/D P area. The Duwamish Combined Sewer Overflow (CSO) and Diagonal CSO/SD (Storm Drain) are two different outfall pipes that are located about 100 feet apart on the east bank of the Duwamish River. Two other pipes, a 12-inch storm drain pipe identified as Diagonal Avenue South is located in the intertidal area upstream of the project area, and a second pipe, the Diagonal Avenue Sewage Treatment Plant historic outfall is located about 500 feet upstream of the Diagonal CSO/SD outfall. The Diagonal Avenue South outfall was closed in 1969.

Collectively, these four CSO and storm drains sources have contributed hazardous substances that resulted in sediment concentrations above the state of Washington's Sediment Quality Standards. Based on investigations to date, Ecology identified mercury, PCBs, bis(2-ethylhexyl) phthalate ("BEHP"), and butyl benzyl phthalate, as being associated with the CSO and storm drain outfalls.

Other hazardous substances were also identified during the course of sampling activities. Six metals, chlorobenzenes, two phenols, two phthalates, total LPAHs, and total HPAHs were also identified in the project area and are co-located with those chemicals associated with the four outfalls in the area.

Mercury, PCBs, BEHP, and butyl benzyl phthalate were identified as the contaminants of concern in designating the D/D P boundaries, based on chemical concentrations of those chemicals in relation to the outfalls.

2. NPL status

The D/D P is located within the boundaries of the Lower Duwamish Waterway Superfund Site that was listed on EPA's National Priorities List in 2001 (Figure 2). EPA and Ecology are currently conducting a Remedial Investigation/Feasibility Study (RI/FS) under a joint CERCLA/Model Toxics Control Act (MTCA) Administrative Order on Consent with four parties, including King County. King County is also implementing the D/D P, as explained below.

#### B. Other Actions to Date

1. Previous Actions

Prior D/D P investigations were conducted by King County (formerly Metro). In 1992, six (6) sediment surface samples were collected for screening against Ecology's Cleanup Screening Level (CSL), and were found to exceed the state CSL criteria. In 1994, thirty-five (35) surface sediment samples and two (2) sediment cores were collected to identify

a preliminary D/D P boundary. The boundaries were further refined in November 1995 from 10 sediment samples. Finally, in 1996 King County collected fourteen (14) sediment chemistry cores to determine depth of contamination; three (3) sediment samples upstream in the location of a suspected hot spot; and (seven) 7 bioassays, both upstream and down stream for boundary refinement. D/D P. In addition, EPA performed a Site Inspection in the Lower Duwamish Waterway in 1998, which included collection of three hundred (300) surface samples and seventeen (17) cores for chemical analysis, several in the vicinity of the Duwamish/Diagonal CSO/SD.

## 2. Current Actions

Two concurrent activities are under way with respect to the D/D P area. The investigatory sampling that King County conducted from 1992 through 1996 had been performed pursuant to a December 22, 1991 Consent Decree, No. C90-395WD, (“the Elliot Bay/Duwamish Restoration Program [EBDRP] CD”) between the National Oceanic and Atmospheric Administration (NOAA), the State of Washington, the Muckleshoot Indian Tribe, and the Suquamish Indian Tribe, as CERCLA natural resource trustees pursuant to Section 107(f) of CERCLA, and the City of Seattle and the Municipality of Metropolitan Seattle (“Metro”, now King County). The settlement resolves natural resource damage claims for Elliot Bay and Duwamish Waterway arising from the expansion of the West Point Sewage Treatment Facility in Seattle.

Under the LDW RI, potentially responsible parties have proposed the D/D P as a early action candidate site. See “Lower Duwamish Waterway Remedial Investigation, Task 5: Identification of Candidate Sites for Early Action, Technical Memorandum: Data Analysis and Candidate Site identification, Final June 12, 2003,” which includes pre-existing or ongoing projects such as the D/D P, as well as potential future projects. EPA expects that certain cleanup actions will occur concurrently with EPA’s remedial investigation, as either time-critical or non-time critical removal actions. Early actions for the LDW Superfund Site will be selected in instances where EPA determines that interim response actions will reduce exposures to hazardous substances and result in corresponding improvement in human health or the environment. However, early actions do not mean that the remedial work is necessarily complete in a particular area.

### C. State and Local Authorities’ Role

#### 1. State and local actions to date

The EBDRP Panel was formed pursuant to the EBDRP CD, consisting of representatives of the CERCLA trustees that were signatories of the EBDRP CD. Under the terms of the EBDRP CD, King County and the City of Seattle agreed to spend specified dollar amounts on cleanup and restoration activities and related actions. Six million dollars<sup>1</sup> (\$6,000,000) was specified for sediment remediation (EBDRP CD, paragraphs 19 & 20).

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<sup>1</sup> The EBDRP Consent Decree further specifies that interest accrued on monies designated for sediment cleanup will also be used for that purpose. Ecology’s Final Cleanup Action Decision for the D/D P (July 25, 2002) indicates that \$8 million is available for sediment cleanup actions.

A representative from NOAA has been designated as the chair of the EBDPR Panel, Ecology is among the panel members. Ecology's MTCA remedial program provides technical review and oversight of the D/D P. Ecology prepared the Final Cleanup Action Decision for the D/D CSO/SD project (July 25, 2002).

Ecology and other EBDPR Panel members continue to provide technical review and oversight for the D/D PP. King County prepared an Engineering Design Report for the D/D P dated March 2003 for review by Ecology and the EBDPR Panel.

## 2. Potential for continued State/local response

Ecology and the EBDPR Panel will continue to provide oversight for the D/D P, including approval of the final engineering design report and oversight of the cleanup action (i.e., dredging and capping as described in Section V below). The EBDPR Panel will continue to coordinate with EPA and Ecology to ensure that the D/D P is consistent with efforts on the larger LDW Superfund Site. EPA has provided comments and clarifications on the design reports being developed to date to identify areas EPA believes may require additional investigation and/or action after the D/D P action is completed. The D/D P represents only a partial cleanup with the final response action to be undertaken as part of the LDW Superfund Site.

As described in more detail in Section V of this Action Memorandum, disposal of the dredge material from D/D P in the Blair Slip 1 Nearshore Confined Disposal (NCD) Facility is the subject of this Action Memorandum. These activities will be subject to EPA's oversight under CERCLA's removal authorities.

## II. Threats to Public Health or Welfare or the Environment, and Statutory and Regulatory Authorities.

### A. Threats to Public Health or Welfare

Conditions presently exist at the site that may present a threat to public health or welfare. Conditions at the site meet the criteria for a removal action as stated in the National Contingency Plan (NCP), 40 CFR Section 300.415(b)(2) as follows:

“Actual or potential exposure to nearby human populations, animal, or the food chain from hazardous substances or pollutants or contaminants.”

Actual or potential exposures from hazardous substances are documented in Ecology's cleanup action decision (July 2002) for the D/D P. Additional supporting investigation reports are referenced in the cleanup action decision. Releases of hazardous substances into D/D P area have increased concentrations of toxic chemicals in sediments above the state Sediment Management Standards (SMS), which are designed to be protective of the benthic community. Since the SMS chemical criteria do not address potential human health risks, a semi-quantitative risk evaluation was conducted by King County to

evaluate risks associated with consumption of fish harvested from the D/D P area. The conclusions<sup>2</sup> from a human health risk assessment, using Washington State methodologies, identified PCBs and arsenic (lifetime excess cancer risk of  $7 \times 10^{-4}$  and  $9 \times 10^{-3}$ ), respectively as potentially posing excess carcinogenic risks to humans consuming fish taken from the D/D P area.

### B. Threats to the Environment

Conditions presently exist at the site that may present a threat to the environment. Conditions at the site meet the criteria for a removal action as stated in the National Contingency Plan (NCP), 40 CFR Section 300.415(b)(2) as follows:

“Actual or potential exposure to nearby human populations, animal, or the food chain from hazardous substances or pollutants or contaminants.”

The available data and investigations that document increased human health risks also demonstrate that releases of hazardous substances into sediment at the D/D P area have exceeded the Sediment Quality Standards (SQS) and Cleanup Screening Levels (CSL) identified in the SMS regulations. SMS chemical standards are derived from comparison of chemical concentrations and results of biological tests (benthic infaunal abundance and laboratory toxicity tests) using the apparent effects threshold (AET) approach. AETs are defined as the highest “no effect” chemical concentration above which a significant adverse biological effect always occurred among the several hundred samples used for its derivation. Generally, the lowest AET for each chemical was identified as the SQS, and the second lowest was identified as the CSL. The SMS defines sediments with chemical concentrations equal to or less than the SQS as having no adverse effects on biological resources. CSLs are defined in the SMS as a minor adverse effects level. Lead, mercury, zinc, PCBs, BEHP, butyl benzyl phthalate, total LPAHs, and total HPAHs exceed the SQS. In addition, CSL exceedances exist for arsenic, mercury, 1, 2 dichlorobenzene, PCBs, BEHP, butyl benzyl phthalate, total LPAHs, and 4-methylphenol<sup>3</sup>.

PCB concentrations in forty-four (44) of the samples collected in the vicinity of the Duwamish/Diagonal CSO/SD exceeded the SQS, and eight (8) exceeded the CSL. The maximum PCB concentration was 1010 mg/kg organic carbon (OC), fifteen (15) times higher than the CSL. BEHP concentrations in fifty-eight (58) samples exceeded the SQS, and thirty-six (36) exceeded the CSL. The maximum BEHP concentration as 506 mg/kg OC, six (6) times higher than the CSL. Butyl benzyl phthalate concentrations in forty-one (41) samples exceeded the SQS, and one (1) exceeded the CSL. The maximum butyl benzyl phthalate concentrations was 77.8 mg/kg OC, exceeding the CSL of 64 mg/kg OC. Mercury concentrations in five (5) samples exceeded the SQS, and two (2) exceeded

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<sup>2</sup> See Section 5.1.2.7 and Appendix O of Draft Duwamish/Diagonal CSO/SD Cleanup Study Report, Prepared by the King County Department of Natural Resources, Anchor Environmental, LLC, EcoChem, Inc., December 2001.

<sup>3</sup> See Table 5.1, *ibid.*

the CSL. The maximum mercury concentration was 3.59 mg/kg (dry weight), five (5) times higher than the CSL.

The current cleanup action decision identified both upland disposal and a NCD facility as viable options. The engineering design identified disposal at the Blair Slip 1 NCD Facility at the CB/NT Site as the primary disposal location. Upland disposal was also evaluated as a disposal option. Upland disposal would require both a permitted facility to offload the dredge material into trucks and or railcars for transport and a permitted disposal facility (e.g., RCRA subtitle D solid waste landfill). A permitted facility to offload dredge material has not been identified to date. Failure to ensure a permitted disposal offloading facility, may increase the duration of ecological receptor exposure to hazardous substances in the D/D P area, either through delays or complications in project implementation.

### **III. Endangerment Assessment**

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

### **IV. Proposed Actions and Estimated Costs**

#### A. Proposed Actions

##### 1. Contribution to remedial performance

The proposed action to dispose of dredged material from the D/D P area into the Blair Slip 1 NCD Facility at the CB/NT Site will control or abate a time-sensitive threat in the 7-acre D/D P area. Expedited removal of contaminated sediments from this 7-acre area is expected to significantly reduce risks to human health and the environment due to contaminated sediments in the northern portion of the LDW. This will be accomplished by securing a suitable disposal location so that the project can be initiated November 2003 and completed by February 15, 2004, when in-water dredging must cease in this area of Puget Sound for protection of threatened species, including Chinook salmon, and bull trout, pursuant to the Endangered Species Act.

Ongoing remedial investigation of the LDW Site will also continue to determine which subsequent response actions will be appropriate as part of the larger LDW Superfund remedial action. As discussed in section I.B.2 above, other early actions are anticipated using EPA's removal authorities to conduct additional interim response actions while the Remedial Investigation and Feasibility Study process continues.

##### 2. Description of alternative technologies

The selected removal action is one of four alternatives evaluated in the Draft Duwamish/Diagonal CSO/SD Cleanup Study Report, prepared by the King County

(December 2001, "Draft Cleanup Study Report"). The Draft Study Report presents documentation equivalent to an Engineering Evaluation/Cost Analysis (EE/CA), including an evaluation of alternatives for removal actions required under this Action Memorandum for disposal of dredged material.

The Draft Cleanup Study Report for the D/D P evaluated the feasibility of four alternatives for achieving the cleanup standards specified in the state SMS:

1. No Action
2. A three (3) foot cap;
3. Excavation (approximately 3 feet) and cap to existing grade; and
4. Excavate all contaminated sediments to the extent practicable, and backfill to existing grade.

The Final Cleanup Action Decision (July 2002) selected Alternative 3 (excavate and cap to grade) as the cleanup action. Disposal options considered for dredged material included Upland Disposal at a Subtitle D solid waste landfill, or disposal at Blair Slip 1 NCD Facility.

### 3. EE/CA

Because less than six (6) months exists to plan and initiate the disposal of dredged material from the D/D P, a time-critical removal action is being taken by EPA pursuant to this Action Memorandum. Due to the time sensitivity of the construction sequencing for this project, an EE/CA has not been prepared, nor is one required for time critical removal actions. Equivalent information exists, however, in investigation and decision documents that were relied upon in preparing this action memorandum including the Draft Cleanup Study Report, Final Cleanup Action Decision, and portions of the Engineering Design Report.

### 4. ARARs

ARARs for the D/D P are evaluated in chapter six (6) of the Draft Cleanup Study Report. All ARARs related to the D/D P project, including transport of dredged material, will be implemented under the EBDRP CD and requirements of Ecology's Cleanup Action Decision.

Only ARARs specific to disposal of D/D P-sediment in the Blair Slip 1 NCD would be addressed under this Action Memorandum using EPA's Superfund authority. The ARARs relevant to disposal of sediment in the Blair Slip 1 NCD facility have been evaluated in the design for the Blair Slip 1 NCD Facility. The primary ARARs related disposal of sediment from the D/D P to the Blair Slip 1 NCD facility are:

CWA Section 404(b)(1) – This ARAR requires that unavoidable impacts to waters of the United States must be minimized and mitigated via compensatory habitat creation. At the CB/NT Site, a mitigation plan has been prepared for the impacts created from filling

Blair Slip 1 to create the NCD facility. No additional requirements would be needed for this ARAR under this Action Memorandum. An Explanation of Significant Differences (ESD) for the Mouth of Hylebos Waterway at the CB/NT Site explains EPA’s evaluation of this ARAR relative to placement of dredged material from the D/D P in the Blair Slip 1 NCD facility.

CWA Section 401 – This ARAR requires that water quality be maintained, and specified allowances for temporary, localized exceedance of water quality standards during in-water construction activities. For this Action Memorandum, EPA’s water quality certification for construction of the Blair Slip 1 NCD facility will establish the performance standards governing short-term water quality impacts from dredge material from the D/D P being placed in the NCD facility.

ESA & Washington Hydraulics Code –the time available for in-water construction activity is significantly restricted. In-water dredging, including disposal of D/D P sediment, is limited to the months of July/August through mid-February of each year to avoid impacts to salmon. (For the D/D P, dredging is further restricted to start no earlier than November 1, to avoid potential conflicts with Muckleshoot Tribal fishing activities.) Disposal of dredged material under this Action Memorandum will adhere to the timing restriction as specified in the Biological Opinion for the D/D P and the Mouth of Hylebos project, which includes the filling the Blair Slip 1 NCD facility.

### 5. Project Schedule

King County is currently awaiting EPA’s decision on approval to dispose of D/D P sediment to the Blair Slip 1 NCD. EPA will proceed with public comment on the Mouth of Hylebos ESD and a draft of this Action Memorandum, with public comment ending early August 2003. King County had indicated that bid proposals will be requested on July 14, 2003 with the contract award date scheduled for the end of August 2003. King County needs to notify the selected contractor of the selected disposal site at the end of August in order for the contractor to prepare the required construction deliverables and make necessary arrangements for disposal.

#### B. Estimated Costs

The estimated cost for dredge, transport and disposal of sediment from the D/D P and disposal in the Blair Slip 1 NCD facility is \$3,142,650. As noted in the chart below, the estimated cost of dredge, transport and disposal upland is significantly greater than disposal at the Blair Slip 1 NCD facility.

Dredge, Transport and Disposal at Upland Facility	\$ 4,077,464
<b>Dredge, Transport and Disposal at Blair Slip 1</b>	<b>\$ 3,142,650</b>
Cost Difference	\$ 934,814

## **V. Expected Change in the Situation Should Action Be Delayed or Not Taken**

Failure to secure a disposal location may result in either the delay of dredging or may require dredged material to be stockpiled upland at or near the D/D P area. Either scenario may result in prolonged exposure of chemicals exceeding the SMS standards for protection of marine life in the 7-acre D/D P area. Dredging could be delayed another twelve (12) months, until the next in-water construction season, if a suitable disposal location were not identified at the time the contract is awarded for the work. King County has indicated that by the end of August 2003, they will need to identify a disposal site for the contractor selected to perform the work. No stockpile area has been identified in the event that an on-site offloading facility for transfer to an upland disposal is unavailable. Current information from King County indicates that disposal costs for upland disposal would require an additional expense of almost \$1 million.

## **VI. Outstanding Policy Issues**

Because the site is within the boundaries of the LDW Superfund Site, and because the D/D P is proposed to EPA as a candidate Early Action project under EPA's Superfund cleanup, it is appropriate to utilize Superfund removal authority in this instance to ensure timely and cost effective removal of this identified "hot spot" of contamination. This removal action involves combining wastes (dredge material/sediment) from two non-contiguous NPL sites, from the D/D P within the LDW Superfund Site to the Blair Slip 1 NCD facility, within the CB/NT Superfund Site.

This action has a number of environmental benefits, including: removing/isolating a contaminated sediment "hot spot" from the environment so that aquatic life will no longer be exposed to these contaminants. Consistent with EPA's August 2002 ESD for the CB/NT site, this action would maximize the Blair Slip 1 NCD capacity for disposal of contaminated sediments. In addition, this action is cost-effective, in that King County estimates that disposal of this sediment in Blair Slip 1 NCD would cost almost \$1 million less than upland disposal, thus preserving more of the trust fund established in the EBD RP CD for additional clean up activities per the EBD RP CD.

Two other agency guidance documents contemplate the use of removal authority at NPL Sites in circumstances similar to those in this Action Memorandum. A memorandum from the Office of Enforcement and Compliance Assurance, "Use of Non-time Critical Removal Authority in Superfund Response Actions" (Luftig & Breen, February 14, 2000) addresses the issue of whether to use Superfund removal versus remedial authorities, stating: "EPA has urged Superfund decision makers to broadly use the CERCLA removal authority to achieve quick, protective results at Superfund Sites, consistent with all legal requirements, including public participation."

In addition, OSWER Directive 9285.6-08, "Principles for Managing Contaminated Sediment Risks at Hazardous Waste Sites (Horinko, February 12, 2002), identified eleven

(11) principles that remedial project managers and on-scene coordinators should consider. Principle number five urges project managers to use an iterative approach, “especially at complex contaminated sediment sites.” (ibid, p.5). The guidance states, “An iterative approach may also incorporate the use of phased, early, or interim actions.”

Both guidance documents acknowledge the complexity of large remedial cleanup actions and support reasoned site-specific decisions to use removal authority to advance the pace of cleanup while a comprehensive remedial investigation and feasibility study is being completed at NPL sites.

With approval of this Action Memorandum and finalization of the Mouth of Hylebos ESD, the provisions of CERCLA and the NCP would apply to disposal of dredged material from the D/D P into the Blair Slip 1 NCD facility. Section 104(d)(4) of CERCLA states that “where two or more noncontiguous facilities are reasonably related on the basis of geography, or on the basis of the threat, or potential threat to the public health or welfare or the environment, the President may, in his discretion, treat these related facilities as one for purposes of this section.” As discussed in greater detail in the draft ESD for the Mouth of Hylebos Waterway, July 2003, the sediment to be dredged from D/D P is compatible for the selected disposal approach because contaminants are of the same or similar chemical class and concentration as currently designated for disposal in the Blair Slip 1 NCD facility from the CB/NT Site. Therefore, this removal action and the Mouth of Hylebos ESD use CERCLA Section 104(d)(4) to treat the D/D P and the CB/NT Blair Slip 1 NCD facility as one site for response purposes, and therefore allows the dredged sediment to be disposed at the noncontiguous facility at Blair Slip 1 without having to obtain a permit. However, the disposal of the D/D P material in the CB/NT Blair Slip 1 NCD facility will comply with all substantive requirements of the federal and state environmental laws that have been identified as ARARs in the CB/NT ROD and August 2000 ESD. (46 FR 8690 -91, March 8, 1990.) Using EPA’s authority to combine waste from non-contiguous facilities will ensure that human health threats and ecological risks area from the D/D P are addressed quickly, that a suitable disposal location is available to the D/D P in time for this year’s fish window, and that a cost effective means of disposal can be utilized for the D/D P dredged materials.

As stated in the preamble to the final NCP and in EPA guidance, the public is being provided an opportunity to comment on combining D/D P sediment with CB/NT sediment using Section 104(d)(4) of CERCLA. This public comment will be solicited through an Explanation of Significant Differences related to the CB/NT Site, and public notices in both the CB/NT Site and LDW Site communities will be provided. A public meeting will be provided during the public comment period to receive comments as well.

Questions have been raised about using the CERCLA permit exemption for on-site actions for alternatives that would use upland disposal facilities, in particular for any necessary offloading facility to transfer the dredged material from the barge to trucks or railcars. The NCP states that, “No federal, state or local permits are required for on-site response actions conducted pursuant to CERCLA sections 104, 106, 120, 121, or 122. The term “on-site” means the areal extent of contamination and all suitable areas in very

close proximity to the contamination necessary for implementation of the response action.” (40 CFR 300.400 (e)(1). The authority to treat two noncontiguous facilities as one site is limited under CERCLA Section 104(d)(4) to “any site or area where a hazardous substance has ..... come to be located.” (CERCLA section 101(9)). Thus, the noncontiguous facility provision, and the related permit waiver provision, can only be invoked when both sites or areas are facilities under CERCLA. As the preamble to the final NCP says: “If a party wishes to establish a treatment or disposal facility at a location that is not within EPA’s definition of on-site, it may do so, but it must secure the appropriate permits.” (46 FR 8691, March 8, 1990). King County has obtained the necessary permits for the dredging and capping at the D/D P site that is being performed under the EBDRP CD and King County would be responsible for ensuring necessary permits were obtained if upland disposal were utilized.

## **VII. Enforcement**

The total project ceiling, if approved will be \$3,142,650, which will be funded by King County, one of the PRPs for the LDW Superfund Site. This money has already been established in a trust account under the terms of a Consent Decree between the Natural Resource Trustees and King County (et al).

Under this action memorandum EPA oversight will be provided only for disposal of dredge material into the Blair Slip 1 NCD facility. Oversight of all other elements of the D/D P will be conducted pursuant to the EBDRP CD. Permits and/or regulatory requirements related to dredging, capping and transportation of dredged sediment from the D/D P are being conducted pursuant to a U.S. Army Corps of Engineers nationwide 38 permit, related construction monitoring plan and other requirements specified in Ecology’s Cleanup Action Decision.

If elements of the D/D P project that are under EBDRP Panel oversight change, EPA may reevaluate its oversight role under this action memorandum.

**VIII. Recommendation**

This decision document represents the selected removal action for the D/D P, located in the LDW Superfund Site, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the time-critical removal (disposal of dredged material to Blair Slip 1 NCD Facility) from the D/D P to the CB/NT Superfund Site in Tacoma, Washington.

Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed time critical removal action. The total project ceiling, if approved, will be \$3,142,650, which is to be funded by King County, one of the PRPs for the LDW Superfund Site. This money has already been established in a trust account under the terms of the EBDRP CD.

**APPROVED**

**DISAPPROVED**

\_\_\_\_\_  
Michael Gearheard, Director  
Environmental Cleanup Office

\_\_\_\_\_  
Michael Gearheard, Director  
Environmental Cleanup Office

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**IX. Recommendation**

This decision document represents the selected removal action for the D/D P, located in the LDW Superfund Site, developed in accordance with CERCLA as amended, and is not inconsistent with the NCP. This decision is based on the administrative record for the time critical removal (disposal of dredged material to Blair Slip 1 NCD Facility) from the D/D P to the CB/NT Superfund Site in Tacoma, Washington.

Conditions at the site meet the NCP section 300.415(b)(2) criteria for a removal and I recommend your approval of the proposed non-time critical removal action. The total project ceiling, if approved, will be \$3,142,650, which is to be funded by King County, one of the PRPs for the LDW Superfund Site. This money has already been established in a trust account under the terms of the EBD RP CD.

**APPROVED**

**DISAPPROVED**

\_\_\_\_\_  
Michael Gearheard, Director  
Environmental Cleanup Office

\_\_\_\_\_  
Michael Gearheard, Director  
Environmental Cleanup Office

Date: \_\_\_\_\_

<b>CONCURRENCE:</b>					
<b>Name</b>	P.Contreras	T. Yackulic	C.Ordine	E.Kowalski	L. Cohen
<b>Date</b>					
<b>Initial</b>					