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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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September 22, 2021

David Templeton
Anchor QEA LLC
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Seattle, WA 98101
(dtempleton@anchorqea.com)

**RE: Path Forward on the MTCA Cleanup Process, Duwamish Shipyard Inc. Site,
Agreed Order No. DE 6735.**

Dear David Templeton:

Thank you for attending the meeting on March 24, 2021, to discuss with the Washington State Department of Ecology (Ecology) and the U.S. Environmental Protection Agency (EPA) how to integrate the Model Toxics Control Act (MTCA) cleanup process with the Lower Duwamish Waterway (LDW) Superfund cleanup process at the Duwamish Shipyard Inc. (DSI) Site. Also thank you for sending the Memorandum of Recommended Framework for Remediating Duwamish Shipyard, Inc. Site Sediment to Ecology as well as the DSI Sediment Data Summary Figures on May 18, 2021.

You proposed in the framework memorandum that the cleanup work will be conducted in two phases:

- The Phase I cleanup will be conducted in the upland and the nearshore bank area under the existing MTCA Agreed Order with concurrence from EPA.
- The Phase II cleanup will be conducted in the remaining portions of the sediment areas under the LDW Record of Decision (ROD) with concurrence from Ecology.

Ecology is not in agreement with your proposal for phased cleanup work. The proposed Phase I cleanup includes a significant component of in-waterway cleanup in the nearshore bank area. Per the 2014 Memorandum of Understanding (MOU) between EPA and Ecology, EPA is the designated lead agency for the cleanup of the in-waterway portion of the LDW. EPA is also responsible for ensuring that source control has been achieved within their areas of responsibility. Because of the need for EPA involvement in in-water cleanup actions, Ecology has decided that those activities be conducted under the Superfund cleanup process and overseen by EPA. Ecology suggests DSI reach out to EPA regarding their process for the in-waterway cleanup work.

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Ecology believes the Site work being overseen by Ecology should focus on the upland cleanup. This would require DSI to complete the Feasibility Study that will be limited to upland cleanup options only, and the preferred remedy will be for remediation of the upland only. Ecology is willing to work with DSI on an Agreed Order amendment to clarify that Site work required under the Agreed Order is limited to upland. In this way, DSI can complete the upland work and receive a Satisfaction Letter closing out the Order. Ecology is also willing to meet with DSI and EPA to insure that the upland work will be integrated with (or at least not interfere with) future in-water work.

Ecology understands that DSI is hoping to receive concurrence from Ecology under MTCA for in-water work conducted with EPA oversight under CERCLA. Ecology will be happy to meet with DSI and EPA together regarding that approach when EPA is ready for DSI to conduct in-water work.

I look forward to continuing work with you on the cleanup of the Site. If you have any questions, feel free to contact me at (206) 594-0082.

Sincerely,



Jing Liu
Site Manager
NWRO Toxics Cleanup Program

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