

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

In the Matter of Remedial)	
Action by:)	FIRST AMENDMENT TO
)	ENFORCEMENT ORDER
ASARCO Incorporated)	No. DE 92TC-N147
P. O. Box 1677)	
Tacoma, Washington 98401)	

I.

Introduction

1. This First Amendment to Enforcement Order No. DE 92TC-N147 is issued by Ecology for the purpose of supplementing the original Scope of Work and revising certain terms or provisions of the Order. Except where specifically provided herein, the following terms and provisions, including incorporated exhibits, are intended to supplement but not supersede the provisions, terms and conditions of the original Order.

2. The original Remedial Investigation/Feasibility Study (RI/FS) Scope of Work (Exhibit C) included soil, slag, household dust, surface water, and ground water sampling. The majority of this sampling, with the exception of the ground water sampling has taken place in the residential portion of the site (west of East Marine View Drive). Review of the available ground water data indicates that

ground water, in the non-residential area (east of East Marine View Drive), contains elevated levels of arsenic and other metals. The source of this ground water contamination has yet to be determined, although it appears that soil in the residential area may not be the source. The ground water contamination may not be adequately characterized before the completion of the RI/FS report as specified in the schedule contained in Exhibit F. It is anticipated that the ground water investigation in the non-residential area will continue beyond the completion of the RI/FS report. However, the extended ground water investigation will not delay the completion of the RI/FS in the residential portion of the site.

3. In order to characterize the ground water contamination in the non-residential portion of the site, the ground water investigation has been expanded (additional monitoring wells have been drilled, more monitoring wells are proposed). The RI/FS report will contain a detailed discussion of the available results of the on-going ground water investigation, describe any data gaps, and discuss what has been done and what is proposed to fill those data gaps (if any). This discussion will include a proposed schedule to complete the ground water investigation in the non-residential area. Any supplemental RI/FS investigations concerning the non-residential portion of the site will be

conducted in accordance with the requirements specified in the original Order. Ecology may, however, elect to issue a separate Order to cover supplemental RI/FS investigations.

II.

Supplementary Statement of Facts

1. Since the original Order was issued on April 20, 1992, ASARCO has conducted all the tasks required by Exhibit B, the Interim Actions Scope of Work. These actions were conducted in accordance with Exhibit B and were completed by December 31, 1992. ASARCO has also completed the field sampling required by Exhibit C, the Remedial Investigation/Feasibility Study (RI/FS) Scope of Work. Preliminary review of the available soil sampling data indicated that the extent of elevated levels of arsenic in site soils had not been adequately defined by the samples required by the original RI/FS scope of work. Because of this, ASARCO proposed additional soil sampling and requested an extension to the RI/FS schedule. Following a 30-day comment period on the requested extension, Ecology granted ASARCO an extension to the RI/FS schedule. The extended schedule requires completion of the RI/FS report by August 20, 1994.

2. During the public comment period on ASARCO's request for extension, Ecology received numerous comments regarding interim actions and public information and education. In response to these comments, Ecology is making

several changes and additions to this Enforcement Order. The additions include several specific tasks (Exhibit F) to be conducted by ASARCO. None of these tasks were required by the original Order. Therefore, Ecology is amending the original Order which will require ASARCO to conduct these additional tasks.

IV.

Work to be Performed

The Supplemental Scope of Work is attached and incorporated herein as Exhibit F. ASARCO is ordered to perform the actions identified in Exhibit F according to the schedule also set forth in Exhibit F.

V.

Terms and Conditions

Asarco shall submit three copies of all draft deliverable documents directly to Ecology. Asarco shall submit six copies of all final deliverable documents. Four of the six final deliverable documents will be submitted directly to Ecology. One of the six final deliverable documents will be sent directly to the Everett Public Library. And one of the six final deliverable documents will be sent directly to the Northeast Everett Community Organization.


The following new term is intended to replace the original term 8 (Public Participation) as set forth in the

original Order which was effective April 20, 1992.

8. Public Participation. An amendment to the original public participation plan for the site is attached to this Order as Exhibit G and incorporated as part of this Order. The purpose of the public participation plan is to promote effective and meaningful public participation regarding this site through the coordinated efforts of Ecology, ASARCO, and the public. Ecology and ASARCO are both responsible for the public participation plan at the site. The attached amendment to the plan delineates respective roles and responsibilities. In the event of disagreement over implementation of the public participation plan, Ecology retains the final decision-making and approval authority per WAC 173-340-600(8)(g).

Upon the effective date of this Amendment, this term and Exhibit G will replace and supersede term 8 of the original Order.

Effective date of this Order: MARCH 18 1994.


MICHAEL J. GALLAGHER
Toxics Cleanup Program
Section Supervisor, NWRO

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