



United States Department of the Interior

NATIONAL PARK SERVICE
333 Bush Street, Suite 500
San Francisco, CA 94104-2828



IN REPLY REFER TO:

D18(SF-FM)

August 19, 2021

Washington Department of Ecology
3190 160th Ave SE, Bellevue, WA 98008

Re: Identification of State Applicable or Relevant and Appropriate Requirements for the Engineering Evaluation/Cost Analysis for the Diablo Dry Dock CERCLA Site in North Cascades National Park Complex, Washington

On behalf of the National Park Service (hereinafter "NPS"), I am writing to request that the Washington Department of Ecology and associated divisions/branches/offices identify potential State of Washington (hereinafter "State") chemical-specific, location-specific, and/or action-specific Applicable or Relevant and Appropriate Requirements (hereinafter "ARARs") pursuant to Section 121(d)(2)(a) of the Comprehensive Environmental Response, Compensation, and Liability Act (hereinafter "CERCLA"), 42 U.S.C. § 9621 (d)(2)(A), for the Diablo Dry Dock CERCLA Site in North Cascades National Park Complex, Washington (hereinafter "Site") as required by Section 104(b)(2) of the CERCLA, 42 U.S.C. § 9604(b)(2). The NPS is investigating the release of hazardous substances at the Site pursuant to the authorities of Section 104 of the CERCLA, which have been delegated by Executive Order to the Secretary of the Department of the Interior and re-delegated to the NPS.

Background and Site Location

North Cascades National Park Complex was established in 1968 when administration of the land shifted from the United States Forest Service to the NPS. That land included this Site. The dry dock was constructed on Diablo Reservoir after Diablo Dam was completed in 1930. The diablo marine railway and shelter, referred to as the Diablo Dry Dock, provided shelter for a marine railway, which was used to build and maintain vessels operating on Diablo Reservoir. SCL's first tour boat, the Alice Ross I, was constructed at the Site in 1935 and used for SCL's Skagit Tours in 1936 and 1937. The railway and shelter have been used in this capacity ever since. The dry dock building was constructed on native soil using corrugated sheet metal on a wood framework, and was supported by logs on concrete bases. It is open to the weather on two sides and is surrounded by a chain-link fence. Rails on concrete footings extend from the shelter into the reservoir and a cradle on the rails is used to haul boats in and out of Diablo Reservoir.

The Site is located in Ross Lake National Recreation Area on land managed by the NPS. Specifically, the Site is in Deer Creek Cove on Diablo Reservoir in Whatcom County, WA. The Site is adjacent to the North Cascades Environmental Learning Center's campus.

Site Investigation Results

SCL completed an initial field investigation at the Site in September 2014 that consisted of collecting surface soil and sediment samples around and within the dry dock building. The purpose of this investigation was to determine if there were chemical concentrations in surface soil elevated above the MTCA unrestricted land use screening levels or in sediment above the Washington State Sediment Management Standards screening levels for fresh water. SCL completed a subsequent field investigation in May 2015.

Based on these investigations, the soils at the Dry Dock were found to have elevated levels of arsenic, lead, and cPAHs above MTCA Method A or B cleanup levels. However, no samples were classified as dangerous waste. While no samples exceeded the MTCA Method A cleanup levels for Unrestricted Land Use for diesel or lube oil-range organics, three of the seven samples contained diesel-range organics below the cleanup level of 2000 mg/kg.

Non Time-Critical Removal Action

Pursuant to Sections 104(a)(1) and (b)(1) of CERCLA, 42 U.S.C. §§ 9604(a)(1) and (b)(1), whenever there is a release or substantial threat of a release of a hazardous substance into the environment, the President is authorized to act, consistent with the NCP, to remove or arrange for the removal of such hazardous substance or take any other response action, including appropriate investigations, deemed necessary to protect public health or welfare or the environment. Section 104(a) and (b) response authority (including the authority to perform an NTCRA) has been delegated to the Secretary of the Department of the Interior (DOI) pursuant to Executive Order 12580, 52 Fed. Reg. 2923 (1987), and further delegated to the NPS by DOI Departmental Manual Part 207, Chapter 7, with respect to property under the jurisdiction, custody and or control of NPS.

Section 300.415(b)(2) of the NCP establishes the criteria for determining the appropriateness of a removal action. The following are applicable criteria that support the determination to consider a removal action at the Site:

- i. Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances or pollutants or contaminants;
- ii. Actual or potential contamination of drinking water supplies or sensitive ecosystems;
- iii. High levels of hazardous substances or pollutants or contaminants in soils largely at or near the surface, that may migrate; and
- iv. Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released.

As summarized above, the 2014 and 2015 assessments indicated arsenic, lead, and cPAHs, (all CERCLA hazardous substances) were present at elevated concentrations in shallow soils at the Site (criterion iii). The initial investigations compared site contaminants to cleanup levels protective of human health for unrestricted land use but did not include a site-specific terrestrial ecological evaluation to determine chemicals of ecological concern, exposure pathways, terrestrial ecological receptors of concern, and ecological-based cleanup levels. An EE/CA is necessary in order to fully characterize the nature and extent of contamination, evaluate risk to human health and ecological receptors, and evaluate removal alternatives.

Based upon these considerations, the NPS has determined it is appropriate to use its removal action authority at Ross Lake National Recreation Area to investigate, abate, prevent, minimize, stabilize, mitigate, and/or eliminate the release or threat of release of hazardous substances at or from this Site.

EE/CA Development

The reports referenced above contain comprehensive Site characterization data to support your identification of chemical-specific and location-specific State ARARs. In addition, please identify State action-specific ARARs. The State of Washington may also identify other criteria, advisories, guidance, and proposed standards that the State would like to have considered as part of the development and evaluation of cleanup alternatives for this Site. Under CERCLA Section 121(d)(2)(A) and the National Contingency Plan (NCP), 40 CFR §§300.400(g) and 300.515 (d) and (h), timely identification of potential State ARARs is required. To ensure timely and complete ARARs identification, please include the following information in your request:

- A specific citation to the statutory or regulatory provision(s) for the potential State ARAR and the date of enactment or promulgation.
- A brief description of why the potential State ARAR is applicable or relevant and appropriate to the particular NPS Site.
- A description of how the potential State ARAR would apply to potential remedial action, including: specific numeric discharge, effluent, or emission limitations; hazardous substance/constituent action of cleanup levels; etc, if the State intends to take a position that the potential State ARAR includes such limitations.

If the State believes its proposed ARAR is more stringent than the corresponding federal ARAR, please provide the rationale and technical justification for this determination. If the State determines there is not enough information to fully respond to this request, please identify the specific information that would be required to support the identification of State ARARs and their application to the listed Site.

If you have any questions about the Site, please contact Stephen Mitchell by email at Steve_Mitchell@nps.gov.

Sincerely,

STEPHEN
MITCHELL

Digitally signed by
STEPHEN MITCHELL

Date: 2021.08.19
10:35:48 -07'00'

Stephen J Mitchell, P.E.
U.S. National Park Service
Environmental Protection Specialist
Environmental Compliance and Cleanup Division

cc: Collin Alberts,
Environmental Protection Specialist,
North Cascades National Park