



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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March 21, 2018

Brenda Treadwell, Director of Planning, Properties & Environmental
Brad Tesch, Project Manager
Port of Anacortes
100 Commercial Avenue
Anacortes, WA 98221

Re: Expectations for an Upland Interim Action at the following Contaminated Site:

- **Site Name:** Quiet Cove
- **Site Address:** 202 O Avenue, Anacortes, WA 98221
- **Cleanup Site ID:** 12482
- **Facility/Site ID:** 20859

Dear Ms. Treadwell and Mr. Tesch:

The Port of Anacortes (the Port) verbally requested to perform an interim action cleanup in the upland portion of the Quiet Cove Site (Quiet Cove). The Port entered into Agreed Order DE 11346 for Quiet Cove that includes language that describes the steps required to perform an interim action (Section VI.E and Section VII.H) as necessary.

Based on the current information provided, the Washington State Department of Ecology (Ecology) understands the Port's reasons for conducting the interim action include:

- Additional information will be gained from the interim action regarding nature and extent for groundwater and the in-water portion of the site (173-340-430(1)(c)).
- Additional information will be gained from the interim action regarding possible comingling concerns with an adjacent site (173-340-430(1)(c)).

In addition, sufficient technical information is available regarding the facility to ensure the interim action is appropriate and warranted (173-340-430(4)(a)). In particular, Ecology concurs that soil sample data results submitted by the Port under the Ecology approved workplan was sufficient to determine the nature and extent of contamination in soil and to develop an appropriate cleanup action.

This letter provides Ecology's expectations and schedule for conducting an upland interim action at the Quiet Cove Site.

Expectations

We have enclosed Chapter 173-340-430 Part IV – Site Cleanup and Monitoring: Interim Actions for your convenience. An interim action is distinguished from a cleanup action in that an interim action only partially addresses the cleanup of a site, although it can constitute a cleanup action for a site if it complies with the requirements of a formal cleanup action (173-340-350 through -390). Each site is unique, so these standards should complement the professional judgment of you and your consultants.

The following expectations are specific to Quiet Cove.

1. The interim action will meet the general requirements under 173-340-430(2)(a) by achieving cleanup standards for a portion of the site. Please be aware, the interim action shall not foreclose reasonable alternatives for the cleanup action.
2. The interim action will be performed under Ecology oversight.
3. The interim action will only be performed on soils in the upland portion of the site.
4. Ecology will provide public notice and opportunity to comment on the Interim Action Work Plan in accordance with WAC 173-340-600(16).
5. The interim action will require a SEPA determination.
6. The interim action will be completed in such a way as to prevent harm to the N Avenue Park habitat located along the beach to the maximum extent practicable.

The Port will submit an Interim Action Work Plan that includes information and plans as specified in WAC 173-340-430(7), but not limited to:

- Final cleanup standards (and remediation levels if any) to be achieved in soil.
- Engineering Design Report with the level of 30% design specification.
- Permitting requirements and approval process along with a draft SEPA checklist addendum.
- Sampling Analysis Plan (SAP) and Quality Assurance Project Plan (QAPP).
- Inadvertent Discovery Plan addendum.

Key documents for submittal include:

- Compliance Measure Report to determine completion of the interim action.
- As-built Completion Report of interim action.

When applicable, you may reference a current SAP or QAPP in lieu of writing a full and separate plan.

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Schedule

The Port will provide a schedule as part of the Interim Action Work Plan submittal, that includes meetings and a timeline for you to submit key documents. Ecology recommends completing the financially substantial portions of the interim action prior to the June 30, 2019, remedial action grant funding completion deadline.

Please provide an Interim Action Work Plan to Ecology for review and approval within 60 days of receipt of this letter. If the Port cannot meet this deadline, please provide Ecology with a written extension request. Ecology's goal is to review documents and respond to you within 45 calendar days of receiving them. If we cannot meet this goal, we will let you know when we expect to respond.

We anticipate you and your consultant to work with Ecology staff and promptly resolve technical issues. Please also have decision makers participate in any key project meetings.

We look forward to working with you to protect Washington's people and environment in a way that improves the quality of life for all of us. If you have any further questions, please contact me at arianne.fernandez@ecy.wa.gov or (360) 407-7209.

Sincerely,



Arianne Fernandez
Baywide and Site Manager
Toxics Cleanup Program

Enclosure (1) Interim Action Regulation Excerpt

WAC 173-340-430

Interim actions.

(1) Purpose. An interim action is distinguished from a cleanup action in that an interim action only partially addresses the cleanup of a site. (Note: An interim action may constitute the cleanup action for a site if the interim action is subsequently shown to comply with WAC 173-340-350 through 173-340-390.) An interim action is:

(a) A remedial action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility;

(b) A remedial action that corrects a problem that may become substantially worse or cost substantially more to address if the remedial action is delayed; or

(c) A remedial action needed to provide for completion of a site hazard assessment, remedial investigation/feasibility study or design of a cleanup action.

Example. A site is identified where oil-based wood preservative has leaked from a tank and is puddled on the ground and is floating on the water table. Runoff from adjacent properties passes through the site. Neighborhood children have been seen on the site. In this case, several interim actions would be appropriate before fully defining the extent of the distribution of hazardous substances at the site and selecting a cleanup action. These interim actions might consist of removing the tank, fencing the site, rerouting runoff, and removing the product puddled on the ground and floating on the water table. Further studies would then determine what additional soil and groundwater cleanup would be needed.

(2) General requirements.

Interim actions may:

(a) Achieve cleanup standards for a portion of the site;

(b) Provide a partial cleanup, that is, clean up hazardous substances from all or part of the site, but not achieve cleanup standards; or

(c) Provide a partial cleanup of hazardous substances and not achieve cleanup standards, but provide information on how to achieve cleanup standards for a cleanup. For example, demonstration of an unproven cleanup technology.

(3) Relationship to the cleanup action.

(a) If the cleanup action is known, the interim action shall be consistent with the cleanup action.

(b) If the cleanup action is not known, the interim action shall not foreclose reasonable alternatives for the cleanup action. This is not meant to preclude the destruction or removal of hazardous substances.

(4) Timing.

(a) Interim actions may occur anytime during the cleanup process. Interim actions shall not be used to delay or supplant the cleanup process. An interim action may be done before or in conjunction with a site hazard assessment and hazard ranking. However, sufficient technical information must be available regarding the facility to ensure the interim action is appropriate and warranted.

(b) Interim actions shall be followed by additional remedial actions unless compliance with cleanup standards has been confirmed at the site.

(c) The department shall set appropriate deadlines commensurate with the actions taken for completion of the interim action.

(5) Administrative options. Interim cleanup actions may be conducted under any of the procedures described in WAC **173-340-510** and **173-340-515**.

(6) Public participation. Public participation will be accomplished in a manner consistent with WAC **173-340-600**.

(7) Submittal requirements. Unless otherwise directed by the department and except for independent remedial actions, emergency remedial actions, and underground storage tank releases being addressed under WAC **173-340-450**, a report shall be prepared before conducting an interim action. Reports prepared under an order or decree shall be submitted to the department for review and approval. Reports for independent remedial actions shall be submitted as required by WAC **173-340-515**. Reports shall be of a scope and detail commensurate with the work performed and site-specific characteristics, and shall include, as appropriate:

(a) A description of the interim action and how it will meet the criteria identified in subsections (1), (2) and (3) of this section;

(b) Information from the applicable subsections of the remedial investigation/feasibility study of WAC **173-340-350**, including at a minimum:

(i) A description of existing site conditions and a summary of all available data related to the interim action; and

(ii) Alternative interim actions considered and an explanation why the proposed alternative was selected;

(c) Information from the applicable subsections of the design and construction requirements of WAC **173-340-400**; and

(d) A compliance monitoring plan meeting the applicable requirements of WAC **173-340-410**;

(e) A safety and health plan meeting the requirements of WAC **173-340-810**; and

(f) A sampling and analysis plan meeting the requirements of WAC **173-340-820**.

(8) Construction. Construction of the interim action shall be in conformance with WAC **173-340-400(7)**.

[Statutory Authority: Chapter **70.105D** RCW. WSR 01-05-024 (Order 97-09A), § 173-340-430, filed 2/12/01, effective 8/15/01; WSR 91-04-019, § 173-340-430, filed 1/28/91, effective 2/28/91; WSR 90-08-086, § 173-340-430, filed 4/3/90, effective 5/4/90.]



Toxics Cleanup Program

General Standards of Work for Formal Cleanup Sites

These General Standards of Work established by the Washington Department of Ecology Toxics Cleanup Program apply to formal cleanup sites where Ecology is the lead agency. Ecology intends that wherever possible the first phase of the cleanup, completing the Remedial Investigation and Feasibility Study (RI/FS), should take no longer than two (2) years. Ecology intends that wherever possible the second phase, completing the Final Cleanup Action Plan, Engineering Design Report, and remedy construction, should take no longer than three (3) years.

Ecology expects that the RI/FS will be conducted under an Agreed Order and the cleanup will be conducted under an Agreed Order or Consent Decree.

Communications

- Ecology and potentially liable persons (PLPs) will together identify stakeholders, local governments, and Tribes and plan for their involvement as appropriate.
- Clear expectations around communications will be established at the start of the project.
- Ecology requires that PLPs select a single point of contact (POC) to lead communications with Ecology. The POC will keep all PLPs informed of site discussions, changes, activities, etc., and will solicit and facilitate input to Ecology.
- Ecology will schedule the following key project meetings at specific points during the project (identified in the Scope of Work). Meeting checklists will be used by the Ecology Cleanup Project Manager (CPM) for creating agendas.
 - Cleanup Project Kickoff Meeting.
 - Remedial Investigation Planning Meeting.
 - Remedial Investigation Pre-Report Check-In.
 - Feasibility Study Planning Meeting.
 - Cleanup Action Plan Meeting.

Project Documents

- The Ecology CPM will review key documents (RI Work Plan; RI/FS Report; etc.) within 45 days of receipt.
- Key documents will be reviewed by Ecology for:
 - Technical accuracy, objectivity, completeness, and clarity.
 - Compliance with the order or decree, MTCA, and other applicable regulations.
- Once tasks required by the Agreed Order are complete, Ecology will issue a letter documenting that requirements of the Agreed Order have been satisfied.

Data Collection

- As time allows and during significant events, the Ecology CPM will participate in field activities so that decisions are made in real time, with observations and discussion through the POC.
- Where appropriate, expedited site assessment techniques should be used to characterize the nature and extent of contamination (for example, source areas and down-gradient plume boundaries).

This includes:

- Existing information from previous site investigations; other nearby sites; and regional soil, geologic, and groundwater studies.
 - Field screening instruments (where possible).
 - Direct-push technology to sample soil and groundwater (as geologic conditions permit).
 - On-site mobile laboratories or off-site fast-turnaround analyses.
- Frequent and regular data reports will facilitate approval of key project documents (the RI Work Plan, RI/FS Report, etc.) after a single review cycle.
- Data reports should be informal, containing only information necessary for effective discussions between Ecology and the PLP/consultants. Include:
- Figures showing sampling locations and currently known character and extent of contamination.
 - Field observations.
 - Laboratory sheets.
 - Tables of analytical results.
- Discuss data interpretations with Ecology as data sets are completed to facilitate mutual understanding of site conditions and data gaps.
- PLPs are required to submit sampling data into Ecology's Environmental Information Management (EIM) system. This should occur as soon as the data has been validated and accepted by Ecology and before key documents are submitted. Ecology data coordinators will assist as needed.

Remedial Action Grants

- For those projects where state funding is available and will help expedite the process, Ecology will provide Remedial Action Grant Guidelines and application instructions. An Ecology Grant Manager will be available to clarify eligible costs and answer questions.
- At the start of the project, the PLPs, contractors, and Ecology will discuss what can be completed during the current biennium. Estimates of funding needs and a schedule for phased expenditures should be reviewed at key project meetings.

Keeping the Project Moving

- Look for activities where the RI and FS work can be performed concurrently.
- Delays or problems in getting permits should be communicated promptly; Ecology may be able to assist in moving the permit process forward.
- Disagreements about technical matters (site characterization) or financial matters (cost recovery) will be resolved through discussions:
- A meeting will occur within 10 days of being requested by Ecology or the PLPs.
 - If no agreement is reached within 10 days following the meeting, the dispute resolution provisions of the Agreed Order will be followed.
- A new Ecology CPM assigned to a site will take no longer than fifteen (15) working days for the transition. Previously approved and agreed-upon work plans, schedules, reports, and protocols will remain.
- At the end of the RI/FS there will be a debriefing meeting to discuss what went well, what could have gone better, and to acknowledge completion of this phase of project work.