

MEMORANDUM

To: Rear Admiral Keith Taylor Coast Guard District Commander

From: Karen Keeley, U.S. Environmental Protection Agency Region 10

Cc: Allison Crowley, City of Seattle; David Schuchardt, City of Seattle; Reid Carscadden, Integral Consulting, Inc.

Date: February, 2013

Subject: Request for Establishment of Regulated Navigation Area; Slip 4 Early Action Area, Lower Duwamish Waterway Superfund Site, Seattle, Washington

This memorandum is to request the establishment of a regulated navigation area (RNA) within a portion of the Lower Duwamish Waterway in Seattle, Washington. Specifically, the RNA will protect the riverbed in the U.S. Environmental Protection Agency (EPA)'s Slip 4 Early Action Area (EAA), located within the Lower Duwamish Waterway (LDW) Superfund Site (EPA ID No. WA0002329803). This RNA will prohibit activities that would disturb the riverbed, such as vessel grounding, anchoring, dragging, trawling, spudding or other activities that could disrupt the integrity of the engineered sediment and slope caps that have been placed within the Slip 4 EAA to isolate underlying contaminated sediments. It will not affect transit or navigation of the area. The remainder of this memo provides background for this request, the purpose of this request, and information required for proposing RNAs per the Code of Federal Registration (CFR) Title 33, Part 165.

Background and Purpose

The LDW was added to the EPA's National Priorities List (Superfund) in September 2001 because of hazardous substance contamination in sediments. Slip 4 was subsequently identified by EPA and the Washington Department of Ecology (Ecology) as an EAA within the LDW, based primarily on elevated concentrations of polychlorinated biphenyls (PCBs). Slip 4 EAA cleanup activities were conducted pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), under EPA's non-time-critical removal action (NTCRA) authority. In May 2006, EPA issued an Action Memorandum containing its removal action decision for the Slip 4 EAA. The Slip 4 EAA removal action was conducted by the City of Seattle (City) under an administrative settlement agreement and order on consent (ASAOC), CERCLA Docket No. 10-2006-0364.

The selected removal action required dredging, excavation, and offsite disposal of 17,202 tons of contaminated sediment, shoreline soil, and creosote-treated timber piles and other

debris, and placement of engineered sediment and slope caps throughout the EAA (approximately 3.43 acres) to isolate residual sediment contamination within the EAA. In addition, the removal action included demolition and removal/recycling of a portion of an aging concrete pier and supporting piling on the northwest bank of the slip, and creation of two intertidal beach areas and other shallow-water areas to improve habitat conditions in the slip. Construction activities were initiated in October 2011, and were completed in February 2012. A Removal Action Completion Report documenting the cleanup activities was completed and approved by EPA in July 2012.

Required Information

Specific details, as requested in CFR Title 33 Part 165.5, related to this request are provided below.

1. Name of person submitting the request:

Karen Keeley, Project Manager, U.S. Environmental Protection Agency Region 10, Seattle, Washington.

2. The location and boundaries of the RNA:

All waters within the northern portion of Slip 4 bounded by the shoreline and the southern boundary of the EAA defined as the line beginning at a point on the shore at 47° 32' 8.47" N, 122° 19' 12.00" W, thence southeast to 47° 32' 7.64" N, 122° 19' 10.41" W, thence southwest to 47° 32' 7.59" N, 122° 19' 10.48" W, thence southeast to a point on the shoreline at 47° 32' 6.79" N, 122° 19' 9.31" W (Datum: NAD 1983/91). The location of the proposed RNA is shown on Figure 1 (attached).

3. Date, Time, and Duration that the RNA should be established:

The RNA should be established as soon as possible and last in perpetuity, or until otherwise approved by EPA.

4. Description of the activities planned for the RNA:

With conditions noted in the following paragraph, this proposed RNA is not intended to affect transit or navigation within the area, nor is it intended to conflict with the Suquamish or Muckleshoot tribal treaty fishing rights and the tribes are not restricted from any type of fishing in the described area.

5. Nature of the restrictions desired:

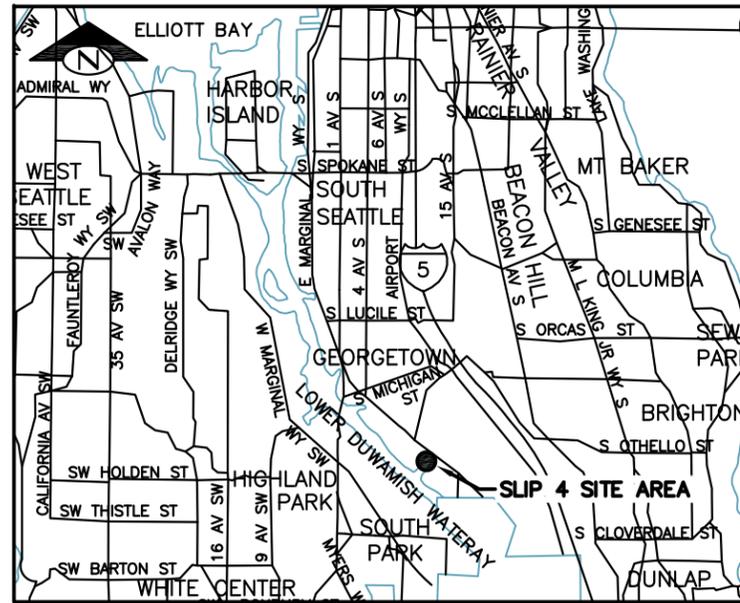
This RNA is intended to prohibit all vessels and persons from activities that would disturb the riverbed, such as vessel grounding, anchoring, dragging, trawling, spudding, or other activities that involve disrupting the integrity of the sediment and slope caps installed in the designated RNA. Vessels may otherwise transit or navigate within this area without reservation. The proposed restrictions do not apply to vessels or persons engaged in activities associated with the Slip 4 EAA NTCRA.

6. Reason why the restrictions are desired:

This requested RNA is needed to comply with the long-term operations, monitoring, and maintenance requirements for the sediment and slope caps constructed within the Slip 4 EAA NTCRA. Pursuant to the ASAOC, the City of Seattle is required by EPA to maintain the structural integrity of the capped areas in perpetuity.

Upon review of this request, please provide EPA with an estimated schedule for the rule-making process to establish the RNA. If you need additional information, please contact Karen Keeley at (206) 553-2141 or via email at keeley.karen@epa.gov.

Map Document: (Figure 1_RNA exhibit...11Mar2013dwg.dwg) - Layout: Fig. 1 RNA Boundary
3/11/2013 - 1:36:26 PM



VICINITY MAP

Dave Schuchardt
SPU SLIP 4 ICs ORD ATT 4
May 7, 2013
Version #1

Crowley Marine Services, Inc.
Parcel #2136200641

Proposed Regulated Navigation Area
City of Seattle
Parcel #2924049110

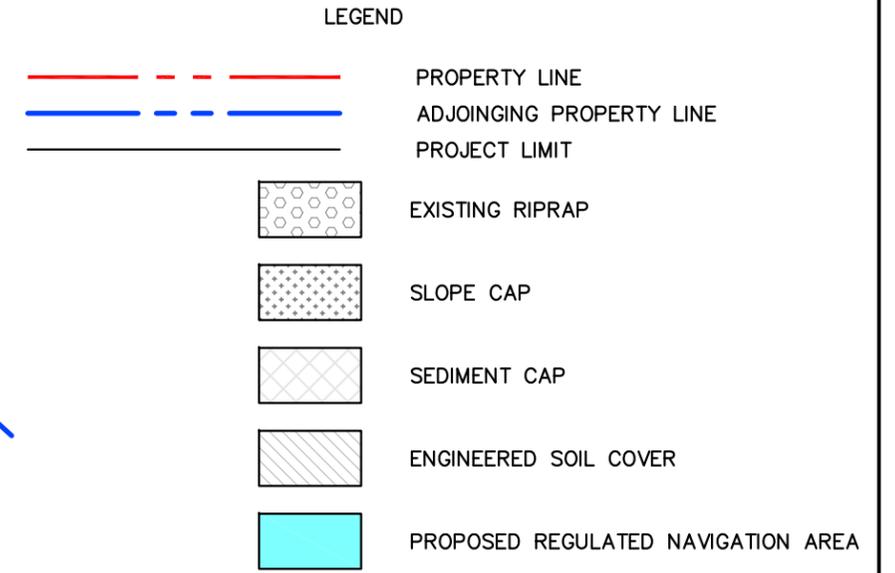
First South Properties
Parcel #2924049043

NORTHING 198949.15
EASTING 1273202.47
LAT. N 47° 32' 8.47"
LONG. W 122° 19' 12.00"

NORTHING 198799.06
EASTING 1273389.33
LAT. N 47° 32' 7.02"
LONG. W 122° 19' 9.23"

Crowley Marine Services, Inc.
Parcel #2136200641

The Boeing Company
Parcel #0022000005



REGULATED NAVIGATION AREA:
ALL WATERS WITHIN THE NORTHERN PORTION OF SLIP 4 BOUNDED BY THE SHORELINE AND THE SOUTHERN BOUNDARY OF THE EAA DEFINED AS THE LINE BEGINNING AT A POINT ON THE SHORE AT 47° 32' 8.47" N 122° 19' 12.00" W, THENCE SOUTHEAST TO A POINT ON THE SHORELINE AT 47° 32' 7.02" N 122° 19' 9.23" W.

MERIDIAN: WA STATE PLANE COORDINATE SYSTEM (NORTH ZONE), NAD 1983, 1991 ADJUSTMENT.

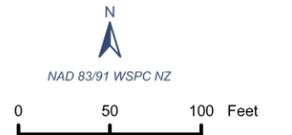


Figure 1.
Proposed Regulated Navigation Boundary Area
Slip 4 Early Action Area
Lower Duwamish Waterway Superfund Site