Executive Correspondence

Log No: 7912 | **Gov Log No:** None

Date Assigned: 06/04/2011 **Date Due:** 06/20/2011 **Date Completed:**

Constituent: **McLerran, Dennis**

Subject: Wyckoff -Eagle Harbor - Funding & Implementation of Permanent Remedy

Assigned to: Pendowski, Jim

Organization: TCP

Coordinate With: None Required

Signature Required: DIRECTOR

CC (To be noted on letter)

Tim Nord, Dan Opalski-USEPA, Jim Pendowski, Polly Zehm

Contact Person	In	Out
Nichols, Debi		

Phone Log (If Appropriate)

Comments:

IN/OUT DOCUMENTATION

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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June 3, 2011

Mr. Dennis McLerran, Director
US Environmental Protection Agency, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101

RE: Wyckoff Point – Funding and Implementation for Permanent Remedy

Dear Mr. McLerran:

During the summer of 2010, the Washington State Department of Ecology (Ecology) completed the ***Wyckoff Point Generational Remedy Evaluation***. The evaluation identified several viable remedial options that would remove the significant contaminant source mass of mobile NAPL from Wyckoff Point. This work determined that mass-removal options are implementable and cost effective over the long term. Additionally, they would provide for a remedy that is permanent. All these considerations are important to future generations for stewardship of the natural resources of the area.

In September 2010, you and I met and determined that Dan Opalski and Jim Pendowski of our respective staffs would convene a set of meetings to determine how to best proceed at the site. In these meetings, our teams decided together that an in-situ thermal treatment remedy, consistent with the 2000 Record of Decision (ROD), is the preferred mass-removal remedial technology for the site. They have worked together with the goal of determining a framework for implementation and funding of the in-situ thermal remedy that both of our agencies could support.

In February and March 2011, both Jim and Dan put alternative funding and implementation frameworks on the table for consideration. After our video conference on March 23, 2011, concerning our respective frameworks, Dan suggested to Jim that some additional investigation and preliminary design tasks should be undertaken. This work could help to resolve some of the technical wild cards that make cost estimates very large and uncertain at the conceptual stage. My understanding is that Dan was also very clear that near-term transition of operations to Ecology for the existing extraction and treatment system is very important to EPA.

Based on this feedback, I have been working closely with my team to refine our proposed direction on this project. This letter puts forth our proposal for responsibilities and funding for a full in-situ thermal remedy at Wyckoff Point, and for operation of the interim extraction and treatment system prior to permanent remedy construction. A timeline diagram is enclosed that lays out the approach graphically. Our approach includes the following elements:

- Ecology will commit to share in the total capital cost of the permanent remedy at an approximate 30% level. This means providing approximately 30% funding for remedy construction, thermal treatment to meet performance criteria (including duration uncertainties), treatment system infrastructure demolition/abandonment, shoreline profiling and site capping.

- Ecology will accept full responsibility for, and provide full funding for, long-term monitoring and cap maintenance.

- Funding and construction specifics of the permanent remedy will be determined following preliminary remedial design and cost estimate refinement. As long as Ecology's overall participation in funding the permanent remedy is approximately 30%, Ecology is willing to consider multiple scenarios for funding logistics, construction and operational responsibilities.

- EPA will initiate preliminary remedial design and cost estimate refinement. Ecology's understanding is that the purpose of this work is to get a strong preliminary design understanding of the components, costs and durations of the in-situ thermal treatment remedy, which will most efficiently remove mobile NAPL to the maximum extent practicable.

  Ecology's expectations are that this preliminary design and cost estimate refinement would be completed by EPA within 12 months. In addition to EPA's proposed NAPL area refinement and evaluation using TarGOST technology, Ecology recommends that the work include the following tasks: thermal treatment modeling to produce preliminary design for system and operations; Puget Sound Energy (PSE) negotiations re: power availability; work with Ecology to clarify remedial action objectives (RAOs); and preliminary design of capping and site restoration components.

- Ecology will take over the interim extraction and treatment system and will operate it for a maximum of five years while EPA is finalizing the design and construction documents for the permanent site remedy. To obligate money in the 2011-13 biennium for extraction and treatment system operations, we will need to have an agreement documented with EPA by midsummer 2011. Once we are in agreement, Ecology will need an initial six-month period in order to prepare to assume the system operations due to necessary staffing, contracting and administrative requirements.

- Funds expended by Ecology to operate the interim extraction and treatment system will be applied as credit towards Ecology's 30% funding of the capital cost of the permanent remedy.

- A new Superfund State Contract (SSC) will document EPA's commitment to a permanent mass-removal remedy. It will also document the agreement between EPA and Ecology on remedy funding and responsibilities, and the approach for Ecology input and review during remedy design and construction.

- Ecology will not assume responsibility for interim extraction and treatment system operations before the SSC is executed.

- Upon completion of the SSC, EPA and Ecology will provide an update to the public describing the content of the SSC and the anticipated timeline for design and construction of the permanent remedy. It is anticipated that EPA will put in place a ROD Amendment or Evaluation Support Document (ESD), with associated public involvement, to document the adjusted remedy. The timing for the ROD Amendment or ESD relative to Preliminary Remedial Design needs to be discussed.

Ecology is willing to make these commitments on behalf of the state of Washington. The level at which we are proposing to provide financial and operational support is well beyond what is normally required for state participation. The significant level of state commitment that we are proposing above is unprecedented. We are making this commitment because of the unique value of this Puget Sound waterfront resource and the strong community and tribal interests in the site.

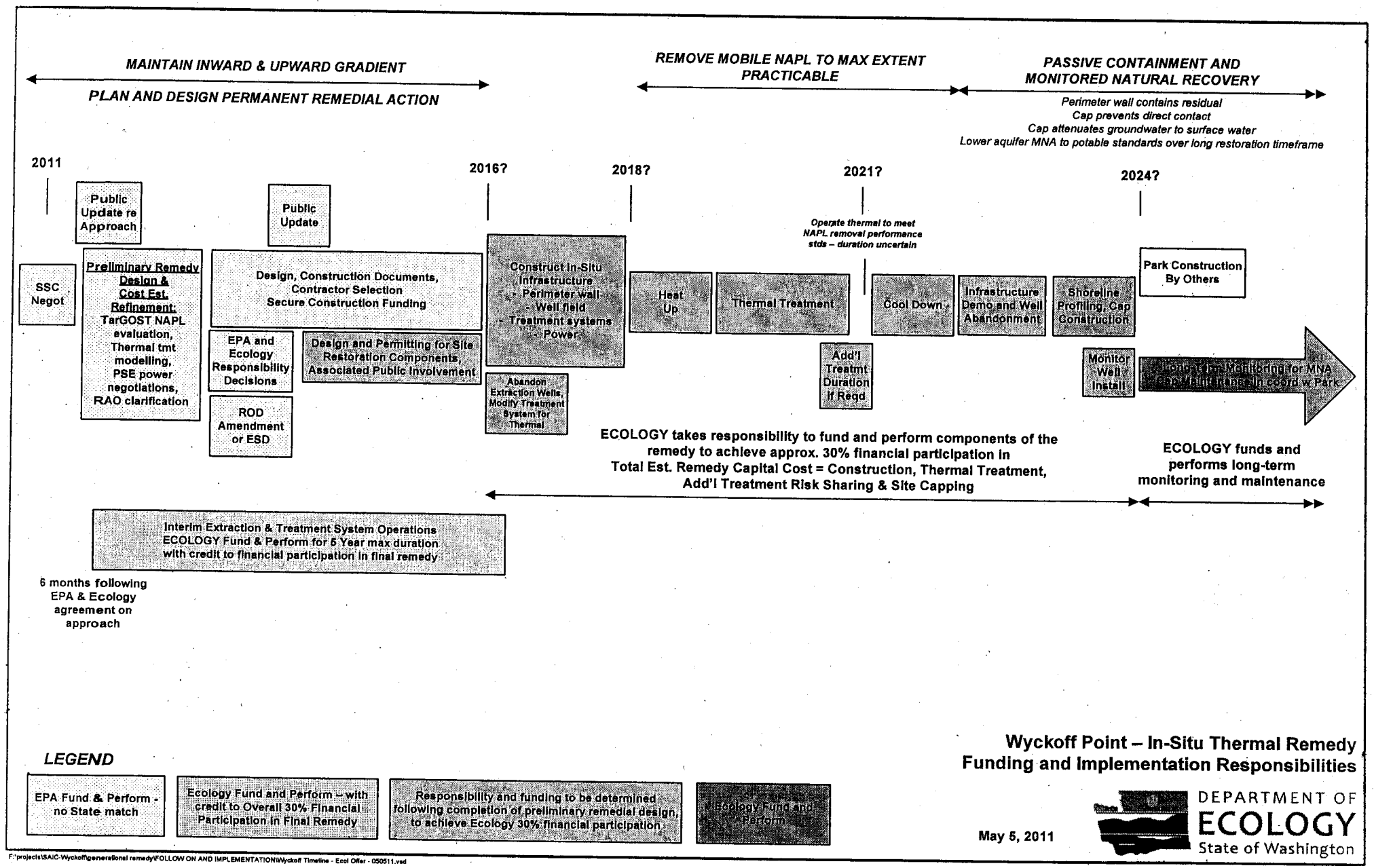
My view is that the conceptual negotiations between our agencies have achieved their purpose. I believe that EPA and Ecology should now move to finalize our commitments to the approach in order to be responsive to community concerns, achieve efficient transfer of the extraction and treatment system and move the permanent remedy forward. After you have had the opportunity to discuss our proposal internally, please contact me to discuss how we proceed. I look forward to continuing to work closely with you on this very important project.

Sincerely,

Ted Sturdevant,
Director

Enclosure

cc: Tim Nord, Ecology
Dan Opalski, USEPA
Jim Pendowski, Ecology
Polly Zehm, Ecology


MAINTAIN INWARD & UPWARD GRADIENT
PLAN AND DESIGN PERMANENT REMEDIAL ACTION
REMOVE MOBILE NAPL TO MAX EXTENT PRACTICABLE
PASSIVE CONTAINMENT AND MONITORED NATURAL RECOVERY
Perimeter wall contains residual
Cap prevents direct contact
Cap attenuates groundwater to surface water
Lower aquifer MNA to potable standards over long restoration timeframe
2011
2016?
2018?
2021?
2024?
Public Update re Approach
Public Update
SSC Negot
Preliminary Remedy Design & Cost Est. Refinement: TarGOST NAPL evaluation, Thermal tmt modelling, PSE power negotiations, RAO clarification
Design, Construction Documents, Contractor Selection Secure Construction Funding
EPA and Ecology Responsibility Decisions
Design and Permitting for Site Restoration Components, Associated Public Involvement
ROD Amendment or ESD
Construct In-Situ Infrastructure - Perimeter wall - Well field - Treatment systems - Power
Abandon Extraction Wells, Modify Treatment System for Thermal
Heat Up
Thermal Treatment
Operate thermal to meet NAPL removal performance stds – duration uncertain
Cool Down
Add'l Treatmt Duration If Reqd
Infrastructure Demo and Well Abandonment
Shoreline Profiling, Cap Construction
Park Construction By Others
Monitor Well Install
Long-Term Monitoring for MNA Cap Maintenance in coord w Park
ECOLOGY takes responsibility to fund and perform components of the remedy to achieve approx. 30% financial participation in Total Est. Remedy Capital Cost = Construction, Thermal Treatment, Add'l Treatment Risk Sharing & Site Capping
ECOLOGY funds and performs long-term monitoring and maintenance
Interim Extraction & Treatment System Operations ECOLOGY Fund & Perform for 5 Year max duration with credit to financial participation in final remedy
6 months following EPA & Ecology agreement on approach
LEGEND
EPA Fund & Perform - no State match
Ecology Fund and Perform – with credit to Overall 30% Financial Participation in Final Remedy
Responsibility and funding to be determined following completion of preliminary remedial design, to achieve Ecology 30% financial participation
Ecology Fund and Perform
Wyckoff Point – In-Situ Thermal Remedy Funding and Implementation Responsibilities
May 5, 2011
DEPARTMENT OF ECOLOGY State of Washington
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