

SLURFUND

Fact Sheet

COMMENCEMENT BAY NEARSHORE/TIDEFLATS *Tacoma, Washington*

 **EPA** U.S. ENVIRONMENTAL PROTECTION AGENCY

March 2003

The Department of Justice has announced a 30-day public comment period on three proposed settlement agreements between the U.S. Environmental Protection Agency (EPA) and 111 parties to resolve liability for hazardous waste cleanup at the Hylebos and Thea Foss and Wheeler-Osgood Waterways. Send your comments by April 10, 2003.

EPA and DOJ Need Your Input

The U.S. Department of Justice (DOJ), which represents EPA in matters before the court, has filed the proposed agreements, called consent decrees, in federal district court. Prior to approval of this agreement, the government will take public comments on the agreement for 30 days. After reviewing the public comments, DOJ will determine whether to ask the court to enter the consent decree.

Agreement for Hylebos Waterway

Under the consent decree, 30 settling parties will pay over \$15 Million to resolve their liability for past and future costs associated with the Hylebos Waterway, which contains two of eight contaminated sediment problem areas identified by EPA within the Commencement Bay Nearshore Tideflats Superfund Site.

Written comments should refer to United States v. Mary Jane Anderson, *et al.*, No. C03-5107RBL, DOJ Ref. #90-11-3-07865.

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Two Agreements will cover the Thea Foss and Wheeler-Osgood Waterways

Department of Justice has filed two proposed agreements, called consent decrees, in federal district court. Through both of the agreements, all of the necessary cleanup work will be performed by the City of Tacoma, Puget Sound Energy, Advance Ross Sub Company, and PacifiCorp while 77 other parties will pay money to help fund the work.

Written comments should refer to United States v. Advance Ross Sub Company, *et al.*, No. C03-5117RJB, DOJ Ref. #90-11-2-1049/2.

Send comments to:

Assistant Attorney General
Environment & Natural Resources Division
U.S. Department of Justice
Post Office Box 7611
Washington, D.C. 20044-7611

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What's in the Hylebos Agreement?

EPA has estimated a cleanup cost of \$54 Million. In addition, EPA's costs exceed \$5 Million. The defendants will pay EPA \$15,435,752, which is 25% of the estimated cleanup cost and EPA costs. The defendants are paying an additional amount of money beyond their fair share, called a premium, to offset the risk that actual cleanup might cost more than is currently estimated.

Of the money received through the settlement, EPA will receive an initial payment of \$434,733 that will be placed in a special account established specifically for the Hylebos Waterway Problem Areas which can be used to reimburse enforcement costs or conduct cleanup of the Waterway. The majority of the funds received under the agreement, \$15,001,019, initially will be placed in an escrow account established by the settling parties which could be distributed to other responsible parties if agreement with EPA for performing the work is reached.

If work agreements are not reached within eighteen months, all of the money in the escrow account will be distributed to the Hylebos Waterway special account, which would still be available for either EPA or responsible parties to conduct or finance the Hylebos Waterway cleanup, but would require performing parties to spend the money first and do more paper-work to receive the eligible reimbursement.

The settlement does not resolve the defendants' liability for natural resource damages or for other waterway problem areas in the Commencement Bay Nearshore/Tideflat Site.

Site Background – Hylebos Waterway

The Commencement Bay Nearshore/Tideflats Superfund Site is located on the eastern shore of Puget Sound in Tacoma, Washington. Encompassing about 12 square miles, the site was added to Superfund's National Priorities List in 1983. Residue from chemical manufacturing, shipbuilding, scrap-metal recycling and log shipping has contaminated sediments with metals, Polychlorinated biphenyls (PCBs), and other chemicals. The plan is to dredge 940,000 cubic yards of contaminated sediment, deposit some of it in Blair Slip 1 and haul the remainder to a landfill. Also, 11 acres of contaminated sediment will be capped. Currently four entities are performing the cleanup under orders issued by EPA.

Site Background – Thea Foss and Wheeler-Osgood Waterways

The Commencement Bay Nearshore/Tideflats (CB/NT) Superfund site is located in Tacoma Washington, at the southern end of the main basin of Puget Sound. Over many years, industrial activities and storm water discharge polluted sediments in the Thea Foss and Wheeler-Osgood waterways, the two westernmost waterways in Commencement Bay.

The City of Tacoma will clean 80 percent of the Foss – starting near the SR 509 Bridge up to the mouth of the waterway and including the small Wheeler-Osgood Waterway. Puget Sound Energy, PacifiCorp and Advance Ross Sub Co. will clean up the other 20 percent of the Foss – an area extending south of SR 509 Bridge to the head of the waterway.

Where to Find Copies of the Agreements?

Office of the United States Attorney

601 Union Street, Suite 5100
Seattle, WA 98101

U.S. EPA Region 10

1200 Sixth Avenue
Seattle, Washington 98101
Superfund Record Center; (206) 553-4494

Web site: <http://www.usdoj.gov/enrd/open.html>.

You can request copies of the consent decrees from the Consent Decree Library.

Mail: P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-761.

Fax: (202) 514-0097

E-mail: (tonia.fleetwood@usdoj.gov).

For a confirmation of your request call Tonia Fleetwood at (202) 514-1547.

In requesting a copy, please enclose a check in the amounts specified below (reproduction cost of 25 cents per page) payable to the U.S. Treasury.

For Hylebos Waterway:

United States v. Mary Jane Anderson, et al.

\$16.75 (with attachments) or \$15.00 without attachments

For Thea Foss and Wheeler-Osgood Waterways:

United States v. Atlantic Richfield Company, et al.

\$184.50 with attachments or \$41.00 without attachments.

United States v. Advance Ross Sub Company et al.

\$161.25 with attachments or \$28.00 without attachments.

FOR MORE INFORMATION, contact:

contreras.peter@epa.gov

Project Manager for Hylebos Waterway Cleanup
206-553-6708

peter-lee.piper@epa.gov

Project Manager for Thea Foss and Wheeler-Osgood Waterways
206-553-4951

serrano-velez.lilibeth@epa.gov

Community Involvement Coordinator
206-553-1388

**You may also call our toll free
number: 1-800-424-4372**

*For people with disabilities:
please call Lilibeth Serrano
to request reasonable
accommodations.*

*For TTY users: please call
1-800-977-8339.*

*Please give one week of
advance notice for requests.*

Region 10 Community Involvement and Outreach
1200 Sixth Avenue, ECO-081
Seattle, Washington 98101-1128

SUPERFUND FACT SHEET
Commencement Bay Nearshore/Tideflat
Tacoma, Washington
March 2003