

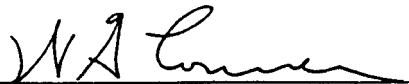
TRUSTEE COUNCIL RESOLUTION 01-5  
ADOPTED August 21, 2001

MONTROSE TRUSTEE COUNCIL  
RESOLUTION REGARDING  
DISPOSAL OF SAMPLES & SPECIMENS


1. The National Oceanic and Atmospheric Administration; the State of California acting through the State Lands Commission, the Department of Parks & Recreation and the Department of Fish & Game; and the Department of the Interior, acting through the U.S. Fish & Wildlife Service and the U.S. Park Service are the natural resource trustees (Trustees) for natural resources injured by releases of DDT and PCBs into the Southern California Bight.
2. Sums recovered in the civil action *United States, et al. v. Montrose Chemical Corp., et al.*, No. CV 90-3122-R (C.D. Cal. 1990) are being held in a registry account administered by the U.S. District Court for the Central District of California.
3. The Trustees have entered into a memorandum of agreement (MOA), as modified, that establishes a Trustee Council (Montrose Trustee Council) composed of one voting member for each trustee agency. Under the terms of that MOA, the Montrose Trustee Council is authorized to disburse funds for activities related to the damage assessment and restoration process. Disposition of samples and specimens collected for the damage assessment is an activity related to the damage assessment and restoration process.
4. The Montrose Trustee Council resolves unanimously to authorize disbursement of up to \$28,000.00 from the registry account to the National Oceanic and Atmospheric Administration (NOAA). Approximately \$7,000.00 of that amount is to reimburse NOAA for expenses incurred by EcoChem Inc. for preparing inventory lists and packing and shipping certain samples to study investigators. The remaining amount will fund the activities described in "Disposal Plan for Samples, Specimens and Other Related Materials from the Montrose Archive" (attached). This disbursement does not cover "in-house" expenses of trustee agencies. "In-house" expenses incurred by NOAA or any other trustee related to these activities are reasonable damage assessment and restoration costs which may be reimbursed from settlement funds upon approval of the Montrose Trustee Council. After completion of the work, NOAA will provide a complete financial accounting of the funds approved by this Resolution to the Montrose Trustee Council.
5. The Montrose Trustee Council reserves the right to reopen, revise, and/or revoke its approval of all or part of this Resolution should any material change be made from the proposed work, or if any of the Trustees determines that the work performed is deficient.

6. The effective date of this resolution shall be the date on which the last Trustee signs this document.


CONCURRED in by the following who are the duly authorized Montrose Trustee Council Representatives:

  
\_\_\_\_\_  
William Conner  
National Oceanic &  
Atmospheric Administration

8/21/01  
Date

  
\_\_\_\_\_  
Daniel Welsh  
U.S. Fish & Wildlife Service

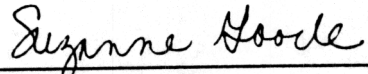
8/21/01  
Date

  
\_\_\_\_\_  
Timothy J. Setnicka  
National Park Service


8/21/01  
Date

  
\_\_\_\_\_  
Lance Kiley  
State Lands Commission

8-2-0  
Date

  
\_\_\_\_\_  
Suzanne Goode  
Department of Parks &  
Recreation

8-21-01  
Date

  
\_\_\_\_\_  
Patricia Velez  
Department of Fish & Game

8-21-01  
Date

## DISPOSAL PLAN FOR SAMPLES, SPECIMENS AND OTHER RELATED MATERIALS FROM THE MONTROSE ARCHIVE

### Objective

The objectives of this project are:

- 1) Dispose of Montrose samples and specimens that are not specifically identified for return to originator or for continued archive. These samples and specimens are currently in the NRDA Archive at NOAA DAC, Sand Point, WA. Disposal of these samples, some of which are preserved in formalin and others of which contain high concentrations of DDTs and PCBs, must occur in a fashion that is scientifically and legally responsible.
- 2) Repackage and/or reorganize any samples and specimens that will continue to be archived in the NRDA archive at NOAA DAC, Sand Point, WA.
- 3) Update the Archive Database with final disposition or new storage location and/or condition.

This Plan includes the Scope of Work, an estimated schedule of activities and estimated costs.

### Introduction and Background

The overall disposal process entails multiple activities (several that are in process or that have been completed under other active Work Orders or Call Numbers):

- 1) Lists of samples/specimens, sorted by originators (Principle Investigators, etc.) were developed from the NRDA Archive Database (Originator Lists). These

lists were sent to Carol Ann Manen, and then sent with a cover letter to the originators requesting them to specify disposal, continued archive or return. (Completed under NOAA PO 45ABNA6B1029, Call No. 46)

2) Return samples/specimens as requested by originators:

Blubbers transferred to Robert DeLong on 4/2/01. (Completed under NOAA PO 45ABNA6B1029, Call No. 37)

Paraffin blocks and slides transferred to Gary D. Marty (for Dr. Hinton) on 4/12/01. (Completed under NOAA PO 45ABNA6B1029, Call No. 53)

The USGS core samples that Dr. Francis Wong currently has in her custody will be transferred to her; and the archive database will be updated to reflect the change. As of now, no other transfers of USGS samples are anticipated.

**Disposal Plan**

The following table presents a summary of items (samples and standards) that are considered hazardous and that cannot be disposed of in sanitary landfill. Copies of referenced pages from Washington Administrative Code (WAC) are attached to this Disposal Plan.

Items	Number of Items and/or Volume	Designation
Formalin Preserved Samples Standards in Formalin	3903 samples 128 Standards ~80 gal total (maximum)	D002
DDT > 100 ppm but < 10,000 ppm	106 items	Halogenated Hydrocarbon (HH) Persistent Dangerous Waste (DW)
PCB > 50 ppm (also has DDT)	3 items	EPA PCB Regulated Waste
PCB and/or DDT Standards and Stock Solutions	~94	EPA PCB Regulated Waste

***Formalin Preserved Samples***

Formalin is considered to be a Dangerous Waste designated as D002 (corrosivity) as per *Washington Administrative Code (WAC) Dangerous Waste Regulations (WAC 1998, 173-303-090-(6)(b), page 29)*.

Upon query of the Archive Database, it was determined that there are 3903 samples preserved in formalin and 128 standards preserved in formalin. All formalin preserved samples and standards will be considered hazardous waste and will be "lab packed" by a licensed provider of hazardous waste services.

**Note:** It is possible to treat formalin with a process using "Formalex™" and dispose into the Seattle Metro sewer system, however this is only cost effective when the total volume is in larger containers e.g., 5 gal buckets. The labor that would be required to handle and consolidate over 4,000 containers would be more costly than having the containers "lab packed" into drums.

EcoChem personnel will segregate the formalin preserved samples while awaiting the "lab pack". The "lab packing", transportation and disposal services will be coordinated by Dr. Mike Healy, NOAA WRC Environmental Coordinator.

### ***DDT Contaminated Sediment and Tissue Samples***

Samples with known concentrations of DDT >100 ppm (and < 10,000 ppm) are considered to be a Halogenated Hydrocarbon (HH) Persistent Dangerous Waste as per *Washington Administrative Code (WAC) Dangerous Waste Regulations (WAC 1998, 173-303-100 (6)(b), page 32)*.

The Montrose NRDA Analytical Database was queried to determine which sediments and tissues had reported concentrations of DDT > 100 ppm and therefore should be handled as hazardous waste. Calculations were made using a conservative approach e.g., if a sediment core section touched a sediment core section that was >100 ppm DDT, that section was also included in the Dangerous Waste category.

All sediment and tissues with DDT concentrations > 100 ppm (and < 10,000 ppm) will be "lab packed". EcoChem personnel will pull these samples from archive locations and segregate them while awaiting the "lab pack". The "lab packing", transportation and disposal services will be coordinated by Dr. Mike Healy, NOAA WRC Environmental Coordinator.

### ***PCB Contaminated Tissue Samples***

Samples (tissue and sediment) with known concentrations of PCB >50 ppm (and < 500 ppm) are considered "regulated waste" by the *Environmental Protection Agency (EPA) under the Toxic Substances Control Act (TOSCA) (40CFR, Subchapter R, 761.60 - PCB Disposal Requirements)*. These are the regulations used by the Northwest Fisheries Science Center (NWFSC) Montlake Laboratory Facility. NWFSC has written a Hazardous Waste Plan and several pages are attached to this Disposal Plan as reference material.

The Montrose NRDA Analytical Database was queried to determine which sediments and tissues had reported concentrations of PCB > 50 ppm. Only three (3) tissue samples have concentrations > 50 ppm. These same three (3) samples also contain >100 ppm DDT however, the PCB designation takes precedence. Also, ~94 PCB or DDT standards and reference materials will be designated as PCB regulated waste and "lab packed" along with the samples for disposal.

These tissue samples with concentrations > 50 ppm DDT will be "lab packed". EcoChem personnel will pull these samples from archive locations and segregate them while awaiting the "lab pack". The "lab packing", transportation and disposal (incineration) services will be coordinated by Dr. Mike Healy, NOAA WRC Environmental Coordinator.

### ***Non-Hazardous Sample Disposal***

All other non-hazardous samples will be prepared for, and disposed of in a sanitary landfill. Preparation will include, but is not limited to:

- removal of all labels etc. that would indicate ownership of materials

- de-watering of sediments, if necessary

- placement into dumpster or transport to local transfer station, as appropriate for material

- placement of fish or other tissues in double 33 gal garbage bags (double bagged) prior to disposal

- preparation of Seattle-King County Waste Characterization Form for disposal of bulk non-hazardous sediments (e.g., < 50 ppm DDT)

Small amounts of non-hazardous materials can be disposed of in regular trash dumpster. Larger amounts (bulk amounts of sediments) will be transported directly to the landfill transfer station in South Seattle. Transportation of the non-hazardous samples and materials will be coordinated with the NOAA WRC Facility Manager, Jesse Hurtado and/or Dr. Mike Healy, NOSS WRC Environmental Coordinator.

### ***Update Archive Database***

The NOAA NRDA Archive Database will be revised/updated, as previously discussed, to reflect changes in Archive. This will include:

Quality control checks of data entry and final database.

Completion of Chain of Custody Records

### **Schedule (Estimated to Provide a Framework)**

<b>Activity No.</b>	<b>Activity Name</b>	<b>Est. Start Date</b>	<b>Est. End Date</b>
3	Plan	6/20/01	7/27/01
4	Dr. Healy discussion	7/1/01	ongoing
5	List of samples above action levels	7/2/01	7/31/01
6	List of locations for hazardous samples	7/09/01	7/31/01
7	Coordination of "lab packing"	7/16/01	8/31/01
8	Preparation and disposal of non-hazardous materials	8/1/01	8/31/01
9	Data entry of final disposition	8/01/01	9/15/01
10	QC checks of data entry and preparation of final chain-of-custody documents	8/07/01	9/15/01

### **Estimated Cost**

Estimated costs are based preliminary queries of the database which indicate approximately 80 - 100 gallons of formalin and 150 other samples to be lab

packed. This indicates a need for 15 lab pack drums at a cost of \$300/ drum, for a total of \$4,500. All other costs are EcoChem labor to develop the Disposal plan, cooperate with Dr. Healy in the lab pack, dispose of the remaining samples and update the database. See attached spreadsheet

**Deliverables**

- 1 Disposal Plan (Draft and Final)
- 2 Updated Archive Database
- 3 Original, completed chain of custody records



Montrose Archived Sample Disposal and Archive Database Update

Personnel	Hourly Rate	Preparation of Disposal Plan		Database/Data Management Support for Disposal Plan, Lab Packing and Disposal Activities		Lab Pack Costs		Disposal of Non-Hazardous Samples		Update of Montrose Archive Database		Total Cost	
		Estimated Hours	Estimated Cost	Estimated Hours	Estimated Cost	Estimated Hours	Estimated Cost	Estimated Hours	Estimated Cost	Estimated Hours	Estimated Cost	Estimated Hours	Estimated Cost
Direct Labor													
PL-4													
A. Bailey	\$ 113.85	2.0	\$ 227.70	-	\$ -	-	\$ -	2.0	\$ 227.70	-	\$ -	4.0	\$ 455.40
	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -
PL-3													
L. Bohannon	\$ 108.30	10.0	\$ 1,083.04	4.0	\$ 433.22	4.0	\$ 433.22	16.0	\$ 1,732.87	2.0	\$ 216.61	36.0	\$ 3,898.95
	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -
PL-2													
J. Leavell	\$ 69.43	8.0	\$ 555.44	24.0	\$ 1,666.32	8.0	\$ 555.44	24.0	\$ 1,666.32	8.0	\$ 555.44	72.0	\$ 4,998.97
	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -
M. Brindle	\$ 60.65	-	\$ -		\$ -	8.0	\$ 485.20	32.0	\$ 1,940.81	-	\$ -	40.0	\$ 2,426.01
	\$ -		\$ -		\$ -		\$ -		\$ -		\$ -		\$ -
PL-1													
J. Calcaterra	\$ 46.21	-	\$ -	16.0	\$ 739.36	8.0	\$ 369.68	32.0	\$ 1,478.71	16.0	\$ 739.36	72.0	\$ 3,327.10
<b>Total Professional Labor</b>		20.0		44.0		28.0		106.0		26.0		224.0	
<b>Total Direct Labor</b>			\$ 1,866.18		\$ 2,838.90		\$ 1,843.54		\$ 7,046.41		\$ 1,511.41		\$ 15,106.43
ODCs (Fax, Phone, Copies, Milage)			\$ 30.00		\$ 75.00		\$ 150.00		\$ 150.00		\$ 75.00		\$ 480.00
Lab Pack Subcontract							\$ 4,500.00						\$ 4,500.00
<b>Total Estimated Cost</b>			\$ 1,896.18		\$ 2,913.90		\$ 6,493.54		\$ 7,196.41		\$ 1,586.41		\$ 20,086.43