

# Exponent

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January 3, 2002

Karen L. Keeley  
Office of Environmental Cleanup  
U.S. Environmental Protection Agency  
Region 10, Mail Stop ECL-111  
1200 Sixth Avenue  
Seattle, WA 98101

Subject: Addendum to the Long-term Monitoring and Reporting Plan for Sediment  
Remediation in Ward Cove  
Ward Cove Sediment Remediation Project  
Project No. 8600BOW.001

Dear Ms. Keeley:

This letter addresses an oversight in the long-term monitoring and reporting plan for sediment remediation in Ward Cove. We did not describe a process to define monitoring tasks and data collection necessary for addressing circumstances that are deemed to violate the institutional controls identified in EPA's Record of Decision (ROD)<sup>1</sup> for the Marine Operable Unit (OU) of the Ketchikan Pulp Company Site, and subsequently set forth in Paragraph 43 of the Consent Decree.<sup>2</sup> Description of this process is one of the records and reporting requirements specified for Task 6, Monitoring and Reporting Work Plan, in the Statement of Work for the Consent Decree. As noted in the ROD, the institutional control for the Marine OU requires that future post-remediation activities within the area of concern (AOC) that materially damage the thin-layer cap must redress such damage, at the direction of EPA. Accordingly, the following requirement was included in an "Environmental Protection Easement and Declaration of Restrictive Covenants" recorded on October 28, 1999:

Projects or activities that materially damage the cap or mounds applied to tideland or submerged lands shall be required, at the direction of EPA, to redress such

<sup>1</sup> U.S. EPA. 2000. Ketchikan Pulp Company Marine Operable Unit. Ketchikan, Alaska. Record of Decision. U.S. Environmental Protection Agency, Seattle, WA.

<sup>2</sup> CERCLA Remedial Design/Remedial Action Consent Decree No. A00-225 CV (JKS), U.S. v. Gateway Forest Products, Inc., Ketchikan Pulp Company, and Louisiana-Pacific Corporation, entered 11/20/2000.

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impacts, e.g., a dredging project that may erode or displace large portions of the cap will be required to repair or replace the cap.

The term "cap" in this requirement includes any clean material placed on the bottom of Ward Cove pursuant to the ROD.

As an example, when activities in the AOC, such as dredging projects, expose substantial area(s) of non-native, organic-rich sediments and thus adversely affect the continued recovery of the benthic community in the sediments, the current owner will be required, at the direction of EPA, to replace the cap in exposed areas. This requirement is binding on the current and future owners of patented tidelands in Ward Cove. This control will remain in place even after remedial action objectives are achieved.

For any action that could materially damage (e.g., erode or displace) any portion of the area of the AOC that has a sediment cap, the following actions must be taken:

1. The property owner (currently Gateway Forest Products) of the tidelands will notify the EPA project coordinator for the Marine OU (currently Karen Keeley, 206-553-2141) at least 3 months prior to initiation of such action. The property owner shall provide all information requested by EPA for EPA's evaluation of the proposed action.
2. The property owner of the tidelands will notify the KPC/Louisiana-Pacific project coordinator for Ward Cove (currently Barry Hogarty, 907-225-1928) at least 3 months prior to initiation of such action.
3. The EPA project coordinator (currently Karen Keeley) will notify the appropriate contact at the State of Alaska Department of Natural Resources.
4. EPA will determine the methods needed to assess the magnitude of the damage to or disruption of the cap.
5. The property owner will assess the magnitude and scale of the cap disruption using the methods specified by EPA.
6. EPA will determine the appropriate response action to address the damage.
7. The property owner will ensure replacement of portions of the cap that are materially damaged, as specified by EPA.
8. The property owner will submit two copies of a written report summarizing the completed action(s) to the EPA project coordinator for approval. The report shall describe all work performed (work completed, work dates, results of analyses, project personnel, problems encountered, and resolutions) and

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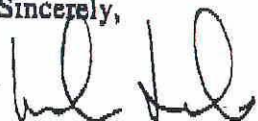
shall include as-built drawings of the completed construction work signed and stamped by a professional engineer registered in the State of Alaska. The report shall be revised in response to EPA comments.

9. The property owner of the tidelands will be liable for EPA's costs associated with reviewing and overseeing the action or proposed action that is deemed by EPA to violate the institutional control.
10. These procedures and requirements do not act to relieve KPC/Louisiana-Pacific or Gateway of any obligations under the CERCLA Consent Decree.

These requirements will generally not apply to anchoring activities. As stated in the ROD, EPA does not intend to restrict vessel access or restrict anchoring of vessels in the Marine OU. Those types of restrictions are not necessary because the sediment cap is not intended to physically isolate problem sediments from the marine environment—the purpose of the cap is simply to provide new substrate for benthic organisms to inhabit.

I believe that this process describes the activities needed to address any circumstances that are deemed to violate the institutional control for the Marine OU in Ward Cove. Please call me at (425) 643-9803 if you have any questions or comments.

Sincerely,



Lucinda Jacobs, Ph.D.  
Principal

cc: Barry Hogarty, KPC  
Eric Fjelstad, Perkins Coie  
Allyn Hayes, Gateway  
Rich McAllister, EPA ORC  
Gina Belt, DOJ  
Dianne Soderlund, EPA

**BARRY HOGARTY**

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**From:** Keeley.Karen@epamail.epa.gov  
**Sent:** Thursday, December 13, 2001 9:23 AM  
**To:** jacobs1@exponent.com; b.hogarty@worldnet.att.net; allyn.hayes@gatewayfp.com  
**Cc:** Mcallister.Rich@epamail.epa.gov; RBelt@enrd.usdoj.gov; Soderlund.Dianne@epamail.epa.gov  
**Subject:** Draft Final Letter addressing ICs in KPC Marine OU (sediments)



Addendum to Plan -  
ICs, 12-01....

Attached is the draft final letter addressing sediment ICs for Ward Cove. As you know, KPC was required to submit this "addendum" to EPA pursuant to Task 6 of the SOW for the Consent Decree - that's why this letter is from Exponent to EPA.

I have made some changes from the original draft letter, and Rich and Gina concur with this version. If you have any questions, please give me a call. If you think it looks OK, let me know and I will ask Lucinda to send it as a final.

(See attached file: Addendum to Plan - ICs, 12-01.doc)

Karen Keeley  
Superfund Project Manager  
U.S. EPA Region 10  
1200 Sixth Avenue, ECL-111  
Seattle, WA 98101

206-553-2141

December 13, 2001

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Projects or activities that materially damage the cap or mounds applied to tideland or submerged lands shall be required, at the direction of EPA, to redress such impacts, e.g., a dredging project that may erode or displace large portions of the cap will be required to repair or replace the cap.

<sup>1</sup> U.S. EPA (2000). Ketchikan Pulp Company Marine Operable Unit. Ketchikan, Alaska. Record of Decision. U.S. Environmental Protection Agency, Seattle, WA.

<sup>2</sup> CERCLA Remedial Design/Remedial Action Consent Decree No. A00-225 CV (JKS), U.S. v. Gateway Forest Products, Inc., Ketchikan Pulp Company, and Louisiana-Pacific Corporation, entered 11/20/2000.

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2. The property owner of the tidelands will notify the KPC/Louisiana-Pacific project coordinator for Ward Cove (currently Barry Hogarty, 907-228-2187) at least 3 months prior to initiation of such action.
3. The U.S. EPA project coordinator (currently Karen Keeley) will notify the appropriate contact at the State of Alaska Department of Natural Resources.
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