



MEMORANDUM

To: Rear Admiral Jeffrey M. Garrett, 13th Coast Guard District Commander

From: David Templeton, Middle Waterway Project Coordinator, Anchor Environmental, L.L.C.

cc: Nancy Harney, EPA; Kim Maree Johannessen, Johannessen & Associates; MWAC; Bill Joyce, Salter Joyce Ziker, PLLC; Bruce McDonald, Anchor Environmental, L.L.C.

Date: April 5, 2005

Re: Request for Establishment of Regulated Navigation Areas

On behalf of the Middle Waterway Action Committee (MWAC), this memo is to request the establishment of regulated navigation areas (RNAs) in Middle Waterway, Commencement Bay, Tacoma, Washington. This request is pursuant to the Code for Federal Registration (CFR) Title 33, Part 165. The proposed RNAs are to be used to preserve the integrity of clean sediment caps placed over certain areas of Middle Waterway—Areas A and B as part of a Superfund cleanup action. This memo proposes to prohibit activities that would remove the sediment cap material placed to contain contaminated sediments, unless the intent is to completely remove the underlying contaminated sediment. As described in detail later in this memo, the thick-layer cap was designed to be compatible with activities common to a working waterfront. The rest of this memo provides background for this request, the purpose of this request, and information required for proposing RNAs.

Background and Purpose

The Middle Waterway—Areas A and B is part of the Commencement Bay Nearshore/Tideflats Superfund Site and is located between the Thea Foss Waterway and the St. Paul Waterway in Commencement Bay, Washington. The Middle Waterway—Areas A and B Superfund cleanup encompassed the northern two-thirds of the waterway (Figure 1). The site includes property

owned by Foss Maritime Company (Foss Maritime), Simpson Timber Company (Simpson), and the Washington State Department of Natural Resources (DNR), as well as property leased by Marine Industries Northwest, Inc. (MINI). MWAC is a group of potentially responsible parties, including Foss Maritime, MINI, and Pioneer Industries, that is leading the cleanup effort in Areas A and B of the waterway in conjunction with the United States Environmental Protection Agency (EPA).

Remediation activities identified for Areas A and B included dredging, placement of enhanced natural recovery material (i.e., 4-6 inches of clean sand), placement of a thick-layer cap, and natural recovery. The thick-layer caps consist of approximately three feet of sand and gravel and light-loose riprap and were placed in various locations within the waterway to contain contaminated sediments. These caps were designed to withstand activities common to a working waterfront. The thick-layer cap areas cover approximately two acres of sediment in Areas A and B of the waterway (Figure 1).

To comply with Section IX of the 2003 Consent Decree and as part of the long-term Operations, Monitoring, and Maintenance Plan (OMMP) for Middle Waterway Areas A and B (Anchor 2005), MWAC must maintain the integrity of these capped areas in perpetuity or until the underlying contaminated sediment is completely removed. Therefore, MWAC is requesting that RNAs prohibiting activities that will remove thick-layer cap material, unless the intent of the activity is to completely remove the underlying contaminated sediment, be established within each of the thick-layer cap areas.

Required Information

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

- (1) **Name of the person submitting the request:** David Templeton, Middle Waterway Project Coordinator, Anchor Environmental, L.L.C. on behalf of MWAC.

- (2) **The location and boundaries of the RNAs:** Location information (northing and easting; coordinates in Washington State Plane South Zone [NAD 83] latitude and longitude) is provided below for the corners of each zone and are shown on Figure 1 and Table 1 (attached).

Table 1
Coordinates for Middle Waterway Cap Areas

1	Simpson	1	709840.875	1160774.956	N 47 15 49.337401538	W 122 25 55.056380380
1	Simpson	2	709253.679	1161009.18	N 47 15 43.600168858	W 122 25 51.452988398
1	Simpson	3	709223.696	1160974.285	N 47 15 43.295900007	W 122 25 51.948121927
1	Simpson	4	709823.823	1160734.968	N 47 15 49.159481958	W 122 25 55.629935854
2	Foss Maritime	5	709688.32	1160532.471	N 47 15 47.773520692	W 122 25 58.516910615
2	Foss Maritime	6	709418.584	1160637.859	N 47 15 45.137532154	W 122 25 56.893557419
2	Foss Maritime	7	709417.712	1160570.939	N 47 15 45.112749606	W 122 25 57.863206866
2	Foss Maritime	8	709655.448	1160453.889	N 47 15 47.430163441	W 122 25 59.644237279
3	DNR	9	709253.516	1160799.084	N 47 15 43.547790609	W 122 25 54.498103351
3	DNR	10	709123.994	1160874.852	N 47 15 42.288113851	W 122 25 53.353927393
3	DNR	11	709224.464	1160730.885	N 47 15 43.244651738	W 122 25 55.476276290
3	DNR	12	709101.104	1160784.653	N 47 15 42.040457355	W 122 25 54.653153189
4	Foss Maritime	13	709126.954	1160752.405	N 47 15 42.287727164	W 122 25 55.129737319
4	Foss Maritime	14	708808.143	1160833.95	N 47 15 39.161739667	W 122 25 53.834632165
4	Foss Maritime	15	708796.405	1160790.685	N 47 15 39.035461547	W 122 25 54.457541589
4	Foss Maritime	16	709072.045	1160718.695	N 47 15 41.737790748	W 122 25 55.598834593
4	Foss Maritime	17	709026.153	1160609.724	N 47 15 41.258635564	W 122 25 57.161966096
4	Foss Maritime	18	709056.929	1160596.677	N 47 15 41.559147141	W 122 25 57.362001106
5	Foss Maritime	19	708163.966	1161136.388	N 47 15 32.878736819	W 122 25 49.222595603
5	Foss Maritime	20	707679.658	1161340.816	N 47 15 28.149446408	W 122 25 46.087999816
5	Foss Maritime	21	707671.729	1161322.509	N 47 15 28.066789560	W 122 25 46.350512285
5	Foss Maritime	22	708087.93	1161139.19	N 47 15 32.129169647	W 122 25 49.155010444

- (3) **Date, Time, and Duration that the RNAs should be established:** The RNAs should be established as soon as possible and last in perpetuity, or until the underlying contaminated sediment is completely removed.

- (4) **Description of the activities planned for the RNAs:** As described above, the proposed RNAs are areas where a thick-layer cap consisting of sand, gravel, and riprap was placed during the Middle Waterway Areas A and B Superfund cleanup project. Planned activities in the thick-layer cap areas are consistent with existing waterfront uses within Areas A and B of the waterway. Cap area #1 is currently used by Simpson as a log haul-out area. Routine activities in this area include tug-boat and log-rafting activities.

Foss Maritime owns a floating dock, consisting of steel piles and floating dock sections, used for tug-boat moorage over cap area #2. MINI leases cap area #4 from Foss Maritime and operates a marine railway. Activities common in this area include removal and launching of boats for repair and other boat repair and maintenance activities. MINI also operates a moveable dry dock over cap area #3. This land is owned by DNR and is leased to MINI under an Aquatic Use Authorization Permit. Cap area #5 is located in a more passive area of the waterway and is not currently used for industrial waterway activities.

The thick-layer cap areas were designed to be compatible with the activities described above that are associated with a working waterfront. The material used for the cap was chosen to be able to contain underlying sediments without altering the main activities of the working waterway.

- (5) **Nature of the restrictions desired:** MWAC requests that the restrictions prohibit activities such as anchoring, dragging, trawling, or other activities that involve disrupting the integrity of the cap. The caps are able to withstand site-specific activities (e.g., pile driving, log rafting, barge traffic) without compromising their function. No other navigation restrictions are desired.
- (6) **Reason why the restrictions are desired:** The RNAs are desired to comply with the long-term operations, monitoring, and maintenance requirements of thick-layer cap areas completed under EPA's Superfund cleanup process. MWAC is required by EPA to maintain the structural integrity of the thick-layer cap areas in perpetuity or until the underlying contaminated sediments are completely removed.

Please provide documentation that this memo has been received and a status update of the rule-making process to establish the RNAs. If you need additional information please feel free to contact David Templeton at (206) 287-9130 or via email at dtempleton@anchorenv.com.

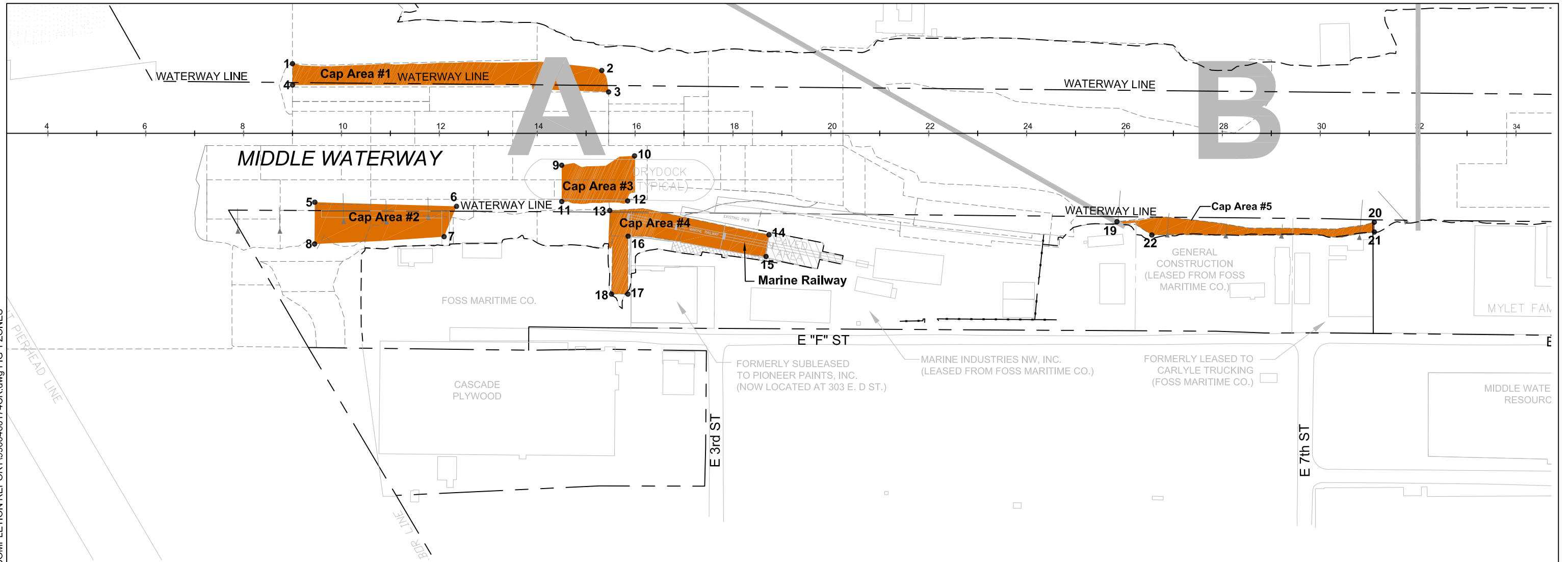
References

Anchor Environmental, L.L.C. (Anchor). 2005. Operations, Monitoring, and Maintenance Plan, Areas A and B. Middle Waterway Problem Area Commencement Bay Nearshore/Tideflats Superfund Site. Prepared by Anchor Environmental for Middle Waterway Action Committee. February 2005.

EPA. 2002. Final Explanation of Significant Differences. Middle Waterway Problem Area. Commencement Bay Nearshore/Tideflats. EPA Region 10.

EPA. 1989. Commencement Bay Nearshore/Tideflats Record of Decision. EPA Region 10. September 1989.

Feb 17, 2005 3:44pm cdavidson K:\Jobs\990046-Middle_Waterway\99004601\2004_COMPLETION REPORT\9900460174CR.dwg FIG. 1 ZONES



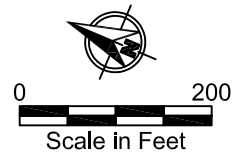
Coordinate Table

Cap Area	Owner	ID	NORTHING	EASTING	LAT-DMS-NAD 83	LONG-DMS-NAD83
1	Simpson	1	709840.8751	1160774.956	N 47 15 49.337401538	W 122 25 55.056380380
1	Simpson	2	709253.679	1161009.18	N 47 15 43.600168858	W 122 25 51.452988398
1	Simpson	3	709223.6963	1160974.285	N 47 15 43.295900007	W 122 25 51.948121927
1	Simpson	4	709823.8229	1160734.968	N 47 15 49.159481958	W 122 25 55.629935854
2	Foss Maritime	5	709688.3201	1160532.471	N 47 15 47.773520692	W 122 25 58.516910615
2	Foss Maritime	6	709418.5839	1160637.859	N 47 15 45.137532154	W 122 25 56.893557419
2	Foss Maritime	7	709417.7122	1160570.939	N 47 15 45.112749606	W 122 25 57.863206866
2	Foss Maritime	8	709655.4476	1160453.889	N 47 15 47.430163441	W 122 25 59.644237279
3	WA DNR	9	709253.516	1160799.084	N 47 15 43.547790609	W 122 25 54.498103351
3	WA DNR	10	709123.9939	1160874.852	N 47 15 42.288113851	W 122 25 53.353927393
3	WA DNR	11	709224.4641	1160730.885	N 47 15 43.244651738	W 122 25 55.476276290
3	WA DNR	12	709101.1037	1160784.653	N 47 15 42.040457355	W 122 25 54.653153189
4	Foss Maritime	13	709126.9541	1160752.405	N 47 15 42.287727164	W 122 25 55.129737319
4	Foss Maritime	14	708808.1428	1160833.95	N 47 15 39.161739667	W 122 25 53.834632165
4	Foss Maritime	15	708796.4045	1160790.685	N 47 15 39.035461547	W 122 25 54.457541589
4	Foss Maritime	16	709072.0448	1160718.695	N 47 15 41.737790748	W 122 25 55.598834593
4	Foss Maritime	17	709026.1533	1160609.724	N 47 15 41.258635564	W 122 25 57.161966096
4	Foss Maritime	18	709056.9294	1160596.677	N 47 15 41.559147141	W 122 25 57.362001106
5	Foss Maritime	19	708163.9657	1161136.388	N 47 15 32.878736819	W 122 25 49.222595603
5	Foss Maritime	20	707679.6578	1161340.816	N 47 15 28.149446408	W 122 25 46.087999816
5	Foss Maritime	21	707671.7286	1161322.509	N 47 15 28.066789560	W 122 25 46.350512285
5	Foss Maritime	22	708087.9298	1161139.19	N 47 15 32.129169647	W 122 25 49.155010444

Thick-Layer Cap Areas

Coordinate Location and ID
See Coordinate Table

WATERWAY AREAS
A Working Waterway Area
B Central Tidelats



- Notes:**
- Property line information has been compiled from multiple data sources, which have not been verified. These data are to be used for reference purposes only.
 - Horizontal Datum: WA State Plane South Zone (NAD83) Vertical Datum: USACE Mean Lower Low Water
 - Bathymetry is from the Post-Cap Survey provided by Bluewater Engineering.