

ENVIRONMENTAL Fact Sheet



Commencement Bay Nearshore/Tideflats, Tacoma, WA

U.S. Environmental Protection Agency, Region 10

June 2004

COMMENTS INVITED ON HYLEBOS CLEANUP AGREEMENT

The U.S. Department of Justice (DOJ) has announced a 30-day public comment period on a proposed settlement between the U.S. Environmental Protection Agency (EPA), Atofina Chemicals, Inc. and General Metals of Tacoma, Inc. The agreement resolves liability for hazardous waste cleanup at the Head of the Hylebos Waterway. Send your comments by **July 19, 2004**.

EPA and DOJ Need Your Input

The Department of Justice, which represents EPA in matters before the court, has filed the proposed agreement—called a Consent Decree—in federal district court. Before approving this agreement, the government will accept 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.

A Closer Look at the Agreement

Design of the cleanup at the Head of Hylebos Waterway was substantially completed in 2002 and 2003. In the summer of 2003, General Metals and Atofina Chemicals conducted cleanup actions of designated intertidal properties. In July 2004, the companies will begin work on the main dredging effort to remove about 400,000 cubic yards of contaminated sediment for upland disposal in Roosevelt Regional Landfill. That work is scheduled to be completed by February 15, 2005.

The proposed Consent Decree includes provisions for that work to be conducted with EPA oversight, similar to the requirements under the current UAO. In addition, the Consent Decree resolves liabilities of General Metals and Atofina for past and future CERCLA cleanup costs. The Consent Decree does not address liabilities for natural resource damages. As part of the Consent Decree, EPA agrees to provide the companies with one-half of the settlement proceeds from other potentially responsible parties,

Written comments should refer to:

United States v. Atofina, et al.
No. C04-5319-RBL
DOJ Ref. # 90-11-2-726/1

Send comments to:

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

about \$7 million, from a cash-out Consent Decree (United States v. Mary Jane Anderson, et al). The money received by the companies will offset their cost for conducting the cleanup, estimated at \$30 million.

Background

The Commencement Bay Nearshore/Tideflats (CB/NT) Superfund site is located in Tacoma, WA at the southern end of Puget Sound. EPA placed the site on the Superfund National Priorities List in 1983 due to widespread contamination. In March 2002, EPA issued three administrative orders: one to the Port of Tacoma and Occidental Chemical, another order to Occidental, and a third one to General Metals and Atofina Chemicals.

The Port and Occidental will clean up about two thirds of the waterway by filling Blair Slip 1 with the contaminated sediments, which will be covered by clean

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United States Environmental Protection Agency

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*Commencement Bay Nearshore/Tideflats
Head of Hylebos Waterway
Public Comments Invited
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Background *(continued)*

fill. The filled area will be paved and the resulting land will be used to expand an adjacent container terminal. In 2003, Occidental dredged sediments from Area 5106, part of the former Occidental facility, and treated

sediments with slurry aeration before disposal at Slip 1. General Metals and Atofina Chemicals are responsible for cleaning the remaining area of the waterway, at the Head of Hylebos Waterway.

Where to Find Copies of the Agreements

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

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

You can request a copy from
The Consent Decree Library.
U.S. Department of Justice, P.O. Box 7611
Washington, DC 20044-7611
Fax: (202) 514-0097
E-mail: Tonia.fleetwood@usdoj.gov
For a confirmation call Tonia Fleetwood
(202) 514-1547

Please enclose a check in the amount of \$53.50 (with attachments) or \$23.25 without attachments, payable to the U.S. Treasury.

For More Information, contact:

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Project Coordinator for Area 5106 & Occidental
Chemical Embankment, 206-553-1369

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Community Involvement Coordinator,
206-553-1388

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