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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 300

[FRL-5606-1]

#### National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

**AGENCY:** Environmental Protection Agency.

**ACTION:** Notice of Intent for Partial Deletion of the Harbor Island Superfund Site from the National Priorities List.

**SUMMARY:** The Environmental Protection Agency (EPA) Region 10 announces its intent to delete the Lockheed Shipyard portion of the Harbor Island Superfund Site, known as Operable Unit (OU) No. 3, located in Seattle (King County), Washington, from the National Priorities List (NPL) and requests public comment on this proposed action. The NPL constitutes Appendix B to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). This partial deletion of the Harbor Island site is proposed in accordance with 40 CFR 300.425(e) and the Notice of Policy Change: Partial Deletion of Sites Listed on the NPL, published in the Federal Register on November 1, 1995 at (60 FR 55466).

This proposal for partial deletion pertains to OU No. 3, which is defined as the Lockheed Shipyard facility, located in the Harbor Island site. EPA bases its proposal to delete OU No. 3 on the determination by EPA and the State of Washington Department of Ecology (Ecology) that all appropriate actions under CERCLA have been implemented to protect health, welfare, and the environment at OU No. 3.

This partial deletion pertains only to OU No. 3 of the Harbor Island site. Response activities at OU Nos. 1, 2, 4, and 5 of this Site are not yet complete and these OUs will remain on the National Priorities List and are not subject of this partial deletion.

**DATES:** EPA will accept comments concerning its proposal for partial deletion for thirty days (30) after publication of this document in the

Federal Register and a newspaper of record.

**ADDRESSES:** Comments may be mailed to: Mr. Keith Rose, Remedial Project Manager, U. S. Environmental Protection Agency, 1200 Sixth Avenue, Mail Stop: ECL-111, Seattle, Washington 98101.

Comprehensive information on the Harbor Island site as well as information specific to this proposed partial deletion is available for review at the Harbor Island information repository at the following location: U.S. Environmental Protection Agency, Region 10, Environmental Cleanup Office Records Center, 1200 Sixth Avenue, Seattle, Washington 98101. Attn: Lynn Williams.

**FOR FURTHER INFORMATION CONTACT:** Keith Rose, U.S. EPA, 1200 Sixth Avenue, Mail Stop: ECL-111, Seattle, Washington 98101, (206) 553-7721.

#### SUPPLEMENTARY INFORMATION:

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#### I. Introduction

The United States Environmental Protection Agency (EPA) Region 10 announces its intent to delete a portion of the Harbor Island site (Site) from the NPL, Appendix B of the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR Part 300, and requests comments on this proposal. Sites listed on the NPL are those which present a significant risk to human health or the environment. As described in § 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for Fund-financed remedial actions in the unlikely event that conditions at the site warrant such actions.

This proposal for partial deletion pertains to OU No. 3, which consists of the Lockheed Shipyard in the Harbor Island site. OU No. 3 is located at 2929 16th Avenue Southwest, and is bounded on the north by the ARCO petroleum storage tank facility, on the east by 16th Avenue Southwest, on the south by the Fisher Mills facility, and on the west by the West Waterway of the Duwamish River.

Lockheed Martin, the Potentially Responsible Party for OU No. 3, completed a Remedial Investigation and feasibility study for this OU. EPA conducted a risk assessment of OU No. 3 as part of a Site-wide risk assessment conducted during the Site-wide Remedial Investigation. On June 28, 1994, EPA issued a Record of Decision (ROD) for OU No. 3. In September 1995,

Lockheed Martin completed the remedial action selected in the ROD. EPA proposes to delete OU No. 3 because all appropriate CERCLA response activities have been completed in this OU. Response activities at OU Nos. 1, 2, 4, and 5 of this Site are not yet complete and these OUs will remain on the NPL and are not subject of this partial deletion.

EPA will accept comments concerning its intent for partial deletion for thirty days (30) after publication of this document in the Federal Register and a newspaper of record.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Lockheed Shipyard OU and explains how this OU meets the deletion criteria.

#### II. NPL Deletion Criteria

Section 300.425(e) of the NCP provides that sites, where a release of hazardous substances have occurred, may be deleted from, or recategorized on the NPL, where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed response under CERCLA have been implemented, and no further action by responsible parties is appropriate, or

(iii) The Remedial Investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Deletion of a portion of a site from the NPL does not preclude eligibility for subsequent Fund-financed actions at the area deleted if future site conditions warrant such actions. Section 300.425(e)(3) of the NCP provides that Fund-financed actions may be taken at sites that have been deleted from the NPL. A partial deletion of a site from the NPL does not affect or impede EPA's ability to conduct CERCLA response activities at areas not deleted and remaining on the NPL. In addition, deletion of a portion of a site from the NPL does not affect the liability of responsible parties or impede agency efforts to recover costs associated with response efforts.

#### III. Deletion Procedures

Deletion of a portion of a site from the NPL does not itself create, alter, or

revoke any person's rights or obligations. The NPL is designed primarily for informational purposes and to assist Agency management.

The following procedures were used for the proposed deletion of OU No. 3 of the Harbor Island site:

(1) EPA has recommended the partial deletion and has prepared the relevant documents.

(2) The Washington State Department of Ecology has concurred with this partial deletion.

(3) Concurrent with this national Notice of Intent for Partial Deletion, a display ad has been published in a newspaper of record and has been distributed to appropriate federal, State, and local officials, and interested members of the community. These notices announce a thirty (30) day public comment period on the deletion, which commences on the date of publication of this document in the Federal Register and a newspaper of record.

(4) EPA has made all relevant documents available at the information repositories listed previously.

For deletion of the Lockheed Shipyard OU, EPA's Regional Office will accept and evaluate public comments on EPA's Notice of Intent to Delete before making a final decision to delete. If necessary, the Agency will prepare a Responsiveness Summary in response to any significant public comments received.

Upon completion of the thirty (30) day public comment period, EPA will evaluate all comments received before issuing the final decision on the partial deletion. EPA will prepare a Responsiveness Summary for comments received during the public comment period and will address concerns presented in the comments. The Responsiveness Summary will be made available to the public at the information repositories listed previously.

If, after review of all public comments, EPA determines that the partial deletion from the NPL is appropriate, EPA will publish a final notice of deletion in the Federal Register. Deletion of OU 3 does not actually occur until the final Notice of Deletion is published in the Federal Register.

#### IV. Basis for Intended Partial Site Deletion

The following summary provides the Agency's rationale for deletion of OU No. 3 of the Harbor Island site from the NPL and EPA's finding that the criteria in 40 CFR 300.425(e) are satisfied:

#### A. Site Background

Harbor Island is a man-made island, of approximately 400 acres in size, located about one mile southwest of Seattle, in King County, Washington. Since its construction at the turn of the century, the island has been used for commercial and industrial activities including ship building and maintenance, cargo shipping, secondary lead smelting, bulk petroleum storage and transfer, and metal fabrication. Primary contaminants of concern at the Harbor Island site include arsenic, lead, mercury, PCBs, polynuclear aromatic hydrocarbons (PAHs), and petroleum products. The Harbor Island site was added to the NPL in 1983.

In order to expedite Superfund response actions at this large Site, EPA has divided the Site into five OUs:

- (1) The Soil and Groundwater OU
- (2) The Petroleum Storage Tank OU
- (3) The Lockheed Shipyard OU
- (4) The Shipyard Sediment OU
- (5) The Island-wide Sediment OU

EPA has been investigating and making CERCLA response action decisions for each OU separately.

The Lockheed Shipyard OU is an 18 acre shipbuilding facility located on the west side of Harbor Island at 2929 16th Avenue Southwest. This OU is bounded on the north by the ARCO petroleum storage tank facility, on the east by 16th Avenue Southwest, on the south by the Fisher Mills facility, and on the west by the West Waterway of the Duwamish River. The Lockheed Shipyard was used as a shipbuilding facility from the 1930's until 1986. Shipbuilding activities included metal fabrication, sandblasting and painting. Paints used at this facility contained copper, lead, mercury, and zinc. The sandblast grit used at this facility contained arsenic and lead.

#### B. Response Actions Taken at the Lockheed Shipyard OU

A Remedial Investigation of the Lockheed Shipyard was completed in 1993 by Lockheed Martin, the Potentially Responsible Party. Based on data collected during the Remedial Investigation, a risk assessment was conducted to identify contaminants of concern, potential exposure pathways, and potential human health risks resulting from exposure to contaminants found at the Lockheed Shipyard. This risk assessment determined that the most significant potential human health risk was exposure to arsenic, lead, and PAHs through accidental ingestion of contaminated soil by industrial workers.

During the Remedial Investigation, high concentrations of petroleum

products in the soil, referred to as "hot spots", were also identified at four locations on the Lockheed Shipyard OU. These petroleum hot spots were considered to be potential sources of contamination to the groundwater.

Contaminants found in the groundwater included benzene, tetrachloroethylene, copper, lead, and zinc. Since the groundwater at Harbor Island is not a drinking water source, groundwater contaminants do not pose a risk to human health. However, groundwater contaminants which reach the shoreline and enter the adjacent surface water are of concern because of their potential adverse effects on marine organisms. Groundwater modeling conducted during the Remedial Investigation indicate that it is unlikely that groundwater contaminants would reach the shoreline at concentrations exceeding the marine chronic criteria in less than 50 years.

A Record of Decision (ROD) for the Lockheed Shipyard OU was signed EPA's Regional Administrator on June 28, 1994. The ROD established cleanup levels for arsenic, lead, PAHs, and petroleum in soil based on standards in the State of Washington Model Toxics Control Act (MTCA). The ROD also established the marine chronic criteria as the cleanup goal for groundwater at the shoreline, which would be protective of marine organisms. The main components of the selected remedy were: (1) excavation and treatment of petroleum hot spot soil by thermal desorption, (2) placing three inches of asphalt over exposed soil contaminated above MTCA cleanup goals, (3) consolidating and capping sandblast grit on-site or disposing the grit off-site, and (4) monitoring groundwater quality semi-annually to verify that response actions taken will prevent groundwater contaminants from reaching the shoreline at concentrations which exceed the marine chronic criteria.

The selected remedy was completed by Lockheed Martin in September 1995. Confirmational soil sampling conducted after completing the remedy demonstrates that no significant risk to public health or the environment is posed by residual levels of contamination remaining in the soil. Groundwater monitoring conducted to date indicate that groundwater contaminant have not reached the shoreline at concentrations exceeding the marine chronic criteria. Semi-annual groundwater monitoring will be conducted at the Lockheed Shipyard until it is confirmed that groundwater contaminants will not exceed the

marine chronic criteria at the shoreline in the future.

#### *C. Community Involvement*

During the remedial activities at the Site, including the Lockheed Shipyard OU, EPA kept the community informed of its cleanup actions primarily through fact sheets, public meetings, and newspaper articles. EPA representatives met with facility owners and operators, local officials, and interested members of the community in order to develop a Community Relations Plan. EPA representatives also met several times with the Potentially Responsible Parties to discuss their potential liability for cleanup at the Site. A Proposed Plan for the Lockheed OU was issued on April 22, 1994, and subject to public comment for 30 days. This Proposed Plan was mailed to individuals on EPA's mailing list and was also announced in a local newspaper notice. EPA also held a public meeting on the Proposed Plan in EPA's regional office in Seattle on May 11, 1994. EPA responded to all

comments received in the Responsiveness Summary, which is attached to the ROD.

#### *D. Current Status*

One of the three criteria for deletion specifies that EPA may delete a site from the NPL if "Responsible parties or other persons have implemented all appropriate response actions required." EPA, with concurrence of Ecology, believes that this criterion for deletion has been met for the Lockheed Shipyard OU. Groundwater quality will be monitored semi-annually to verify that response actions taken will prevent groundwater contaminants from reaching the shoreline at concentrations which exceed the marine chronic criteria. Five-year reviews will be conducted by EPA to evaluate trends in groundwater contamination until it has been determined that cleanup goals will not be exceeded at the shoreline and that additional groundwater monitoring is not necessary.

While EPA does not believe that any future response actions in OU No. 3 will be needed, if future conditions warrant such action, the proposed deletion area of the Harbor Island site remains eligible for future Fund-financed response actions. Furthermore, this partial deletion does not alter the status of OU Nos. 1, 2, 4, and 5 of the Site which are not proposed for deletion and remain on the NPL.

EPA, with concurrence from the State of Washington, has determined that all appropriate CERCLA response actions have been completed at OU No. 3 of the Harbor Island site and protection of human health and the environment has been achieved in this area. Therefore, EPA makes this proposal to delete only OU No. 3 of the Harbor Island Superfund site from the NPL.

Dated: August 28, 1996.  
Charles E. Findley,  
*Acting Regional Administrator, U.S.  
Environmental Protection Agency, Region 10.*

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