

60% Remedial Design

Volume II – Part IV

Sitewide Institutional Controls

Implementation and Assurance Plan

Outline

1 Sitewide Institutional Controls Implementation and Assurance Plan Outline

This appendix provides an outline of the Sitewide Institutional Controls Implementation and Assurance Plan (ICIAP)¹ for the Lower Duwamish Waterway. As required by Section 5.1 of Attachment A (Statement of Work) to the Unilateral Administration Order for Remedial Design (RD)/Remedial Action (EPA 2024), the draft Sitewide ICIAP was prepared during the first construction season of the upper reach remedial action and submitted to the U.S. Environmental Protection Agency (EPA) in January 2025 (Anchor QEA and Windward 2025). It contains a placeholder for provisions relevant to the middle reach to be added during the middle reach RD, as discussed in Section 1.2. The Lower Duwamish Waterway Group will complete and implement the Sitewide ICIAP after construction is complete for each reach. This Sitewide ICIAP does not include seafood consumption-related institutional controls because those have been developed separately by EPA (Lee et al. 2019).

1.1 Draft Sitewide ICIAP

The draft Sitewide ICIAP was developed with *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites* (EPA 2012a) and *Institutional Controls: A Guide to Preparing Institutional Controls Implementation and Assurance Plans at Contaminated Sites* (EPA 2012b). The Sitewide ICIAP includes both sitewide institutional controls (Section 3) and elements specific to each reach (Section 4). The Sitewide ICIAP also presents details regarding institutional controls maintenance, enforcement, modifications, and termination (Sections 5 through 7).

1.2 Middle Reach-Specific Outline

Section 4.2 of the Sitewide ICIAP will provide the key elements of planned institutional controls for the middle reach. The outline for this section will be as follows:

1. Key Elements of Planned Institutional Controls for the Middle Reach
 - a. Property Information and Stakeholder Contacts
 - b. Proprietary Controls
 - c. Government Controls
 - i. Permit conditions such as requirements for in-water work in affected areas
 - ii. Use restrictions such as requirements placed via Regulated Navigation Areas
 - d. Informational Devices

¹ This document is simply referred to as the ICIAP in the fifth amendment to the Administrative Order on Consent but is referred to here as the Sitewide ICIAP as it is referred to in the Unilateral Administration Order and to differentiate it from the Duwamish Seafood Consumption ICIAP.

2 References

- Anchor QEA and Windward (Windward Environmental LLC), 2025. *Draft Institutional Controls Implementation and Assurance Plan for Lower Duwamish Waterway*. Prepared for Lower Duwamish Waterway Group. Submitted to EPA January 2025.
- EPA (U.S. Environmental Protection Agency), 2012a. *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*. EPA 540-R-09-001. OSWER 9355.0-89. December 2012.
- EPA, 2012b. *Institutional Controls: A Guide to Preparing Institutional Control Implementation and Assurance Plans at Contaminated Sites*. EPA 540-R-09-002. OSWER 9200.0-77. December 2012.
- EPA, 2024. *Unilateral Administrative Order for Remedial Design and Remedial Action in the matter of: Lower Duwamish Waterway Superfund Site, U.S. EPA Region 10 CERCLA Docket No. 10-2024-1077*. July 18, 2024.
- Lee S., K. Tipples, and K. Ho, 2019. *US EPA's Institutional Control Implementation and Assurance Plan (ICIAP) for Seafood Consumption at the Lower Duwamish Waterway (LDW) Superfund Site, Final, August 2019*. Prepared by Public Health – Seattle & King County for the U.S. Environmental Protection Agency Region 10.