

APPENDIX B
LOWER DUWAMISH WATERWAY SUPERFUND SITE
REMEDIAL DESIGN/REMEDIAL ACTION
STATEMENT OF WORK

October 24, 2024

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1. INTRODUCTION

1.1 Purpose of Statement of Work (SOW). This SOW sets forth the procedures and requirements for implementing the Work for the Lower Duwamish Waterway (LDW) Superfund site.

1.2 Structure of the SOW

- Section 2 (Community Involvement and Coordination with Owner Settling Parties) sets forth EPA's and Settling Work Defendants' responsibilities for community involvement and coordination with Owner Settling Parties and Other Property Owners.
- Section 3 (Coordination and Supervision) contains the provisions for selecting the Construction Contract Managers and Project Coordinators regarding the Work.
- Section 4 (Remedial Design for Upper Reach and Middle Reach) incorporates by reference Remedial Design tasks and schedules for the Upper Reach and Middle Reach. This process includes the submission of specified primary deliverables.
- Section 5 (Sitewide Institutional Controls) sets forth the requirements for the planning and implementation of methods to ensure remedy integrity and reduce human health risks from consumption of contaminated seafood.
- Section 6 (Remedial Design for the Lower Reach) sets forth the process for developing the Remedial Design for the Lower Reach. This process includes the submission of specified primary deliverables.
- Section 7 (Remedial Action) sets forth requirements regarding the completion of the Remedial Action, including primary deliverables related to completion of the Remedial Action.
- Section 8 (Deferred Remedial Action) sets forth Settling Work Defendants' obligations regarding implementation of future remediation that may be triggered by the need for maintenance dredging in the federal navigation channel and deferral of certain cleanup areas. The obligations may include the submission of specified primary deliverables.
- Section 9 (Reporting) sets forth Settling Work Defendants' reporting obligations.
- Section 10 (Deliverables) describes the contents of the supporting deliverables and the general requirements regarding Settling Work Defendants' submission of, and EPA's review of, approval of, comment on, and/or modification of, the deliverables.
- Section 11 (Schedules) sets forth the schedule for submitting the primary deliverables, , and sets forth the schedule of milestones regarding the completion of the Remedial Design and Remedial Action.
- Section 12 (State Participation) addresses State participation.
- Section 13 (References) provides a list of references, including URLs.

1.3 Scope of the Remedy

The scope of the remedy includes all actions described in Section 13.2 of the Record of Decision (ROD) for the Site, as corrected in the 2015 Errata Memo and modified in the 2021 Explanation of Significant Differences (ESD).

The selected remedy addresses all areas within the Site where concentrations of contaminants of concern (COC) in sediment exceed cleanup levels in the ROD (Section 8, Table 19 and 20). To achieve Remedial Action Objectives (RAOs) (see ROD Section 8), the selected remedy calls for a combination of active cleanup technologies, monitored natural recovery, and institutional controls, as described in Section 13.2 of the ROD and summarized below:

- (a) **Application of active cleanup technologies** in accordance with ROD Section 13.2 in areas where sediment concentrations exceed the Remedial Action Levels (RALs) in ROD Table 27 and Table 28 (as modified by the 2021 ESD) and as described in ROD Figure 19 and Figure 20 (as corrected in the 2015 Errata Memo):
 - (1) Dredge or partially-dredge and cap highly contaminated sediments.
 - (2) Place engineered sediment caps on highly contaminated sediments where there is sufficient water depth for a cap.
 - (3) Place a thin layer (6 to 9 inches) of clean material (referred to as enhanced natural recovery [ENR]) in areas that meet the criteria for ENR and do not exceed ENR upper limits in ROD Table 28.
 - (4) Apply location-specific cleanup technologies to areas with structural or access restrictions (e.g., under-pier areas and in the vicinity of dolphins/pilings, bulkheads, and riprapped or engineered shorelines).
- (b) **Implementation of monitored natural recovery (MNR)** where surface sediment contaminant concentrations are predicted to be reduced over time through deposition of cleaner sediments from upstream. MNR will apply to those areas that are not subject to active remediation, using either MNR To Benthic sediment cleanup objective (SCO) or MNR Below Benthic SCO, as described in ROD Section 13.2.2 and in ROD Figure 21.
- (c) **Sampling of the entire LDW as part of sitewide post-Early Action Area, construction, post-construction, and long-term monitoring.** Sampling to establish post-Early Action Area sitewide conditions was completed following issuance of the ROD. Conduct construction, post-construction, and long-term monitoring of relevant media, as described in ROD Section 13.2.3.

- (d) **Implementation of effective and appropriate institutional controls (ICs).** ICs are required for the entire waterway to reduce human exposure to contaminants in seafood, protect the integrity of the remedy, and ensure remedy effectiveness. Consistent with Section 13.2.4 of the ROD and as required by Section VI (Property Requirements) of the Consent Decree (Decree), ICs shall include location-specific use restrictions (using proprietary controls in the form of Washington Uniform Environmental Covenants Act (UECA)-compliant environmental covenants and/or governmental controls, such as regulated navigation areas designated by the Coast Guard or controls imposed by another governmental entity to protect capped areas. If such ICs will interfere with waterway activities required for use of a particular area, EPA may determine that dredging is required instead of capping to allow for fewer restrictions on the use of the area. Settling Work Defendants shall incorporate the change in the Remedial Design and shall implement the required dredging. ICs also shall include informational devices and effective and culturally appropriate communication with fishing communities about advisories to reduce human exposure from ingestion of contaminated resident fish and shellfish.
- 1.4** EPA approved a plan for seafood consumption institutional controls following the ROD and these controls must continue to be updated and implemented. Design of the selected remedy for the Upper Reach and Middle Reach began in 2018 and 2021, respectively. Remedial action construction will generally proceed from upstream to downstream in three phases or Remedial Action Projects, in waterway segments identified as the Upper, Middle, and Lower Reaches. As remedial construction is completed for each reach, plans for long-term site monitoring and maintenance and for institutional controls for remedy integrity and effectiveness must be updated for elements within that reach and implemented.
- 1.5** The terms used in this SOW that are defined in CERCLA, in regulations promulgated under CERCLA, or in the Decree, have the meanings assigned to them in CERCLA, in such regulations, or in the Decree, except that the term “Paragraph” or “¶” means a paragraph of the SOW, and the term “Section” means a section of the SOW, unless otherwise stated.
- 2. COMMUNITY INVOLVEMENT AND COORDINATION WITH OWNER SETTLING PARTIES**
- 2.1** As requested by EPA, Settling Work Defendants shall fund, participate in, and support community involvement activities under EPA’s oversight as provided for in, and in accordance with, this Section. Such activities include Settling Work Defendants’ designation of a Community Involvement Coordinator (CI Coordinator).
- 2.2 Community Involvement Responsibilities**
- (a) EPA has the lead responsibility for developing and implementing community involvement activities at the Site. During the Remedial Investigation and Feasibility Study (RI/FS) phase, EPA developed a Community Involvement Plan for the Site which is attached as Attachment 1. EPA may at any time review the existing Community Involvement Plan and revise it to describe further public involvement activities during

the Work. EPA may issue a Technical Assistance Grant (TAG), use the Technical Assistance Services for Communities (TASC) contract, and/or initiate a Technical Assistance Plan (TAP).

- (b) **Settling Work Defendants' CI Coordinator.** Settling Work Defendants shall, within [15] days of the request, designate and notify EPA of Settling Work Defendants' CI Coordinator (Settling Work Defendants' CI Coordinator). Settling Work Defendants' notice must include the name, title, and qualifications of the Settling Work Defendants' CI Coordinator. Settling Work Defendants' CI Coordinator, shall coordinate his/her activities with EPA's CI Coordinator, provide support as requested by EPA's Project or CI Coordinator for EPA's community involvement activities, and shall, as requested by EPA's Project Coordinator or CI Coordinator, provide draft responses to the public's inquiries including requests for information or data about the Site. The Settling Work Defendants have the responsibility to ensure that when they or their CI Coordinator communicate with the public the Settling Work Defendants protect any "Personally Identifiable Information" (PII) (*e.g.*, sample results from residential properties) in accordance with "EPA Policy 2151.0: Privacy Policy." As requested by EPA, Settling Work Defendants shall participate in and support EPA's community involvement activities, including participation in: (1) public meetings that may be held or sponsored by EPA to explain activities at or relating to the Site (with interpreters present for community members with limited English proficiency); and (2) other activities EPA decides are necessary to protect and address the concerns of Environmental Justice (EJ) and disadvantaged communities, *e.g.*, maintaining a project website with technical documents and other records, providing translation or interpretation services for in-language meetings and outreach materials, developing webinars, using virtual meeting platforms, providing live video feed when work is being performed, providing for site visits on land or boat, establishing a community hotline, setting appropriate meeting times for working people, and providing childcare, food, and compensation to allow broad participation. Settling Work Defendants' support of EPA's community involvement activities may include providing online access to initial submissions and updates of deliverables to: (1) any Community Advisory Groups, (2) any TAG recipients and their advisors, (3) Roundtables and (4) other entities identified by EPA to provide them with a reasonable opportunity for review and comment. EPA may describe in its Community Involvement Plan Settling Work Defendants' responsibilities for community involvement activities. All community involvement activities conducted by Settling Work Defendants at EPA's request are subject to EPA's oversight. EPA has established the South Park Library as an information repository. At EPA's request, Settling Work Defendants shall establish an additional location in the community to house design and remedial action documents during remedial action.
- (c) **Information for the Community.** As requested by EPA, Settling Work Defendants shall develop and provide to EPA information about the design and implementation of the remedy including: (1) any validated data from monitoring of impacts to communities as provided in the Community Impacts Mitigation Plan under ¶10.6(e) ; (2) unvalidated results from sampling as provided under ¶10.6(f)(5) and 6.14(b)(5); (3) a copy of the

Community Impacts Mitigation Plan required under ¶10.6(e) ; (4) schedules prepared under Section 11 (Schedules); (5) dates that Settling Work Defendants completed each task listed in the schedules; and (6) digital photographs of the Work being performed, together with descriptions of the Work depicted in each photograph, the purpose of the Work, the equipment being used, and the location of the Work. The EPA Project Coordinator may use this information for communication to the public via EPA's website, social media, or local and mass media. The information provided to EPA should be suitable for sharing with the public and the education levels of the community as indicated in EJ Screen. Translations should be in the dominant language(s) of community members with limited English proficiency.

- (d) **Coordination with Owner Settling Parties and Other Property Owners.** Settling Work Defendants shall coordinate their plans with Owner Settling Parties, consistent with ¶13 of the Decree, as well as other shoreline property owners, as necessary. Staging shall, whenever practicable, occur on property owned by the Settling Work Defendants except as otherwise agreed by an applicable Owner Settling Party(ies) or to allow Settling Work Defendants to respond to an emergency pursuant to ¶7.6 (Emergency Response and Reporting).

2.3 Settling Work Defendants' Responsibilities for Technical Assistance

- (a) If EPA issues a TAG for the LDW, Settling Work Defendants shall reimburse EPA for costs in accordance with ¶34 of the Decree.

3. COORDINATION AND SUPERVISION

3.1 Project Coordinators

- (a) Settling Work Defendants' Project Coordinator(s) must have sufficient technical expertise to coordinate the Work across the Upper, Middle, and Lower reaches. Settling Work Defendants' Project Coordinator(s) may not be an attorney representing any Settling Defendant in this matter and may not act as the Construction Contract Manager. The Project Coordinator shall have a quality assurance system that complies with the most recent version of the *Quality Management Plan Standard (QMP Standard)*. Settling Work Defendants' Project Coordinator may assign other representatives, including other contractors, to assist in coordinating the Work.
- (b) EPA designates Elly Hale (hale.elly@epa.gov, 206-553-1215) as the EPA Project Coordinator[s] with Nasrin Erdelyi (erdelyi.nasrin@epa.gov, 206-553-1691) and Piper Peterson (peterson.piper@epa.gov, 206-553-4951) as Alternate Project Coordinators. EPA will notify Settling Work Defendants of changes to its designated Project Coordinator or Alternate Project Coordinator. EPA may designate, and notify Settling Work Defendants of, other representatives, which may include its employees, contractors, and/or consultants, to oversee the Work. EPA's Project Coordinator/Alternate Project Coordinator will have the same authority as a remedial project manager and/or an on-scene coordinator, as described in the National Oil and

Hazardous Substances Pollution Contingency Plan (NCP). This includes the authority to halt the Work and/or to conduct or direct any necessary response action when it is determined that conditions at the Site constitute an emergency or may present an immediate threat to public health or welfare or the environment due to a release or threatened release of Waste Material.

- (c) The State Project Coordinator shall be the Supervisor of the Toxics Cleanup Program Aquatics Unit at the Northwest Regional Office of the Department of Ecology. The State may designate other representatives, including its employees, contractors and/or consultants to oversee the Work. For any scheduled meetings and inspections in which EPA's Project Coordinator participates, the State's Project Coordinator also may participate. Settling Work Defendants shall notify the State reasonably in advance of any such meetings or inspections.
- (d) Settling Work Defendants' Project Coordinator(s) shall communicate with EPA's and the State's Project Coordinators at least monthly.

3.2 Construction Contract Manager(s). Settling Work Defendants' proposed Construction Contract Manager(s) must have sufficient technical expertise to supervise the Work.

3.3 Procedures for Disapproval/Notice to Proceed

- (a) Settling Work Defendants shall designate, and notify EPA, within 10 days after the Effective Date of the Decree, of the name[s], title[s], contact information, and qualifications of the Settling Work Defendants' proposed Project Coordinator and Construction Contract Manager for the Upper Reach Remedial Action. Their qualifications shall be subject to EPA's review for verification based on objective assessment criteria (*e.g.*, experience, capacity, technical expertise). They must not have an unwaivable conflict of interest with respect to the project. Settling Work Defendants shall designate, and notify EPA, of Lower Reach Project Engineer within 10 days of contract selection for Lower Reach Remedial Design.
- (b) If a separate Project Coordinator or Construction Contract Manager will be used for Remedial Design or Remedial Action in other reaches or for other areas described in Section 8, the requirements of Section 3 (Coordination and Supervision) apply. Settling Work Defendants shall designate them and notify EPA within 10 days after contract selection.
- (c) EPA shall issue notices of disapproval and/or authorizations to proceed regarding any proposed Project Coordinator(s), Construction Contract Manager, or Project Engineer (Lower Reach) as applicable. If EPA issues a notice of disapproval, Settling Work Defendants shall, within 20 days of disapproval, submit to EPA a list of supplemental proposed Project Coordinator(s), Construction Contract Managers, Project Engineers, as applicable, including a description of the qualifications of each. Settling Work Defendants may select any coordinator/contractor covered by an EPA authorization to proceed and shall, within 10 days of selection, notify EPA of Settling Work Defendants' selection.

- (d) EPA may disapprove the proposed Project Coordinator(s), the Construction Contract Manager, or Project Engineer (Lower Reach), based on objective assessment criteria (e.g., experience, capacity, technical expertise), if they have a unwaivable conflict of interest regarding the project, or any combination of these factors.
- (e) Settling Work Defendants may change their Project Coordinator(s) and/or Construction Contract Manager, or Project Engineer (Lower Reach), by following the procedures of ¶¶ 3.3(a) and 3.3(b).
- (f) Notwithstanding the procedures of ¶¶ 3.3(a) through 3.3(e), EPA has authorized Settling Work Defendants to proceed regarding the current Project Engineers for the Upper and Middle Reach Remedial Designs.

4. REMEDIAL DESIGN FOR UPPER REACH AND MIDDLE REACH

- 4.1** Settling Work Defendants shall complete the Upper Reach and Middle Reach remedial designs and associated periodic monitoring tasks in accordance with the requirements set forth in the fourth (2018) and fifth (2021) amendments to the RI/FS Administrative Order on Consent (AOC) (2000) and EPA approved remedial design submittals. The amendments are included in Appendix E of the Decree and are incorporated herein by reference. Schedules for remaining middle reach remedial design submittals are incorporated into ¶11.3 of Section 11 (Schedule).
- 4.2** Settling Work Defendants may request EPA approval for programmatic biological assessments, archaeological and cultural resource protection plans, and other elements that may effectively be prepared using a site-wide approach.

5. SITEWIDE INSTITUTIONAL CONTROLS

- 5.1** Settling Work Defendants shall submit a sitewide Institutional Controls Implementation and Assurance Plan (ICIAP) for EPA approval. The ICIAP shall specify institutional controls (ICs) as defined in the Decree, Section III for Upper, Middle, and Lower Reaches, and shall describe detailed plans to implement, maintain, monitor, and enforce the ICs for remedy integrity and effectiveness at the Site, as generally described in the ROD. EPA may approve, and Settling Work Defendants shall implement, if directed by EPA, some or all elements of the ICIAP prior to completion of Remedial Action Project Construction in a given reach. As remedial design and remedial action proceeds by reach, Settling Work Defendants shall update the ICIAP.

The institutional controls shall include proprietary controls in the form of Washington Uniform Environmental Covenants Act (UECA)-compliant environmental covenants and/or location-specific governmental controls such as regulated navigation areas designated by the Coast Guard or other governmental entity that would prohibit spudding and other activities that may damage caps. Restrictions would be applied in specific areas or locations.

The sitewide ICIAP shall also describe informational ICs, including a plan consistent with ¶187 of the Decree for retaining Site chemical and bathymetric data generated by Settling Work Parties, compiling available Site sediment data from other sources (such as Washington State Environmental Information Management, data collected within the Site to support permit applications as provided by EPA, for example) every five years from the effective date of the Decree, producing a geographic information system (GIS) file incorporating Site sediment chemistry and bathymetric data, identifying areas where buried sediments exceed ROD Table 28 RALs applicable to surface sediments, and maintaining the information in a publicly accessible online location.

Section 13.2.4 of the ROD includes ICs to reduce human exposure to contaminants in seafood. The approved ICIAP for Seafood Consumption (Lee et.al., 2019 or as updated) seeks to provide effective and culturally appropriate communication with fishing communities about the Washington Department of Health seafood consumption advisory. The ICIAP for Seafood Consumption was developed through a cooperative agreement between EPA and Public Health - Seattle & King County under the fourth and fifth amendments to the RI/FS AOC.

EPA is overseeing the ongoing implementation of ICs for Seafood Consumption. Consistent with Section IX of the Decree, Settling Work Defendants shall reimburse EPA for costs incurred to revise, update and implement Seafood ICs, including: a community based participatory process for development of and updates to the ICIAP for Seafood Consumption; on-going direct health promotion and outreach to implement the ICIAP for Seafood Consumption as approved or revised; building the capacity of community partners that serve the affected communities to design, pilot test and implement community focused IC tools; monitoring and evaluating the effectiveness of the IC program; issuing regular Progress Reports; and developing recommendations for adaptively managing the program to address changes in demographics and to ensure continued community capacity building. EPA anticipates updating and implementing this work through cooperative agreements between EPA and Public Health - Seattle & King County.

The Sitewide ICIAP shall include procedures for effective and comprehensive review of implemented ICs, procedures for the solicitation of input from affected communities regarding the implementation of ICs, procedures to periodically (no less than every five years) review and report on the ICs to determine if the ICs are having their intended effect, and if not, procedures for the development, approval and implementation of alternative, more effective ICs.

Settling Work Defendants shall develop the ICIAPs in accordance with *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*, OSWER 9355.0-89, EPA/540/R-09/001 (Dec. 2012), and *Institutional Controls: A Guide to Preparing Institutional Controls Implementation and Assurance Plans at Contaminated Sites*, OSWER 9200.0-77, EPA/540/R-09/02 (Dec. 2012). Settling Work Defendants may consider incorporating innovative tools or procedures for tracking changes to shoreline activities and/or waterway uses that may affect remedy effectiveness or

integrity, such as those described in EPA Memorandum: *Advanced Monitoring Technologies and Approaches to Support Long-Term Stewardship* (July 20, 2018).

If requested by EPA, Settling Work Defendants shall, consistent with and in addition to the requirements of ¶15 (Access Agreements and Use Restriction Agreements) of the Decree, include the following additional requirements in the ICIAP for the parts of Affected Properties as defined in the Decree for capped areas.

- (a) Locations of recorded real property interests (*e.g.*, easements, liens) and recorded resource interests in the property that may affect ICs (*e.g.*, surface, mineral, and water rights) including accurate mapping and GIS coordinates of such interests; and
 - (b) When the ICs will be in a document recorded in the chain of title, legal descriptions and survey maps that are prepared according to current American Land Title Association (ALTA) Survey guidelines and certified by a licensed surveyor.
- 5.2** As location-specific ICs are implemented, Settling Work Defendants shall provide documentation of IC implementation in annual progress reports and shall notify EPA when all ICs for a given reach have been implemented. Each update to the ICIAP shall include a compilation of IC implementation to date.

6. REMEDIAL DESIGN FOR THE LOWER REACH

- 6.1** The remedial design is generally defined as those activities to be undertaken to develop final construction plans and specifications, general provisions, special requirements, and all other technical documentation necessary to solicit bids for construction of the remedial action. The remedial design also includes identification of the required documentation to be provided by the construction contractor, subject to approval by EPA during the construction phase, and annotated outlines, conceptual plans, or initial drafts of certain documents to be finalized after construction.
- 6.2** Settling Work Defendants shall design the selected remedy in the LDW ROD as it applies in the LDW Lower Reach. The LDW Lower Reach is defined as River Mile 0 to River Mile 1.6.
- 6.3** Plans and specifications shall be submitted in accordance with the schedule set forth in ¶11.4 (Remedial Design Schedule of Deliverables for Lower Reach). Subject to inclusion in the Lower Reach Remedial Design Work Plan and approval by the EPA, Settling Work Defendants may submit more than one set of design submittals reflecting different components of the remedial action. Remedial design work, including plans and specifications, shall be developed in accordance with the EPA's Superfund Remedial Design and Remedial Action Guidance (OSWER Directive No. 9355.0-4A) and shall demonstrate that the remedial action shall meet all requirements of the ROD. The Settling Work Defendants shall meet regularly with the EPA to discuss design issues.
- 6.4** Settling Work Defendants shall use EPA guidance documents as the basis for development of work plans, quality assurance project plans, sampling plans, water quality monitoring

plans, and other documents. The remedial design and supporting deliverables shall be consistent with current technical guidance, including but not limited to *Contaminated Sediment Remediation Guidance for Hazardous Waste Sites*, 2005 and *Guidance for In Situ Subaqueous Capping of Contaminated Sediments*, 1998, and shall meet professional engineering standards for sediment remediation sites.

- 6.5** Remedial Design will progress from the preliminary design phase (30%) through 60%, 90%, and final design (100%), with deliverables as identified below and in the Remedial Design Work Plan. As information is developed during the phases of design, Settling Work Defendants shall be prepared to present information and receive input through the Community Involvement process, which includes the Roundtable and other public fora.
- 6.6 Lower Reach Remedial Design Work Plan (RDWP).** Settling Work Defendants shall submit a RDWP for EPA approval. The RDWP shall include a proposed plan and schedule for implementing all RD activities for the LDW Lower Reach and identification and development of all RD supporting documents. The RDWP must include:
- (a) A description of the overall management strategy for performing the Remedial Design.
 - (b) A description of the proposed general approach to contracting, construction, maintenance, and monitoring in the LDW Lower Reach.
 - (c) A description of the responsibility and authority of all organizations and key personnel involved with the development of the Remedial Design.
 - (d) A discussion of additional challenges, data needs, investigations or retesting necessary to initiate or complete the remedial design (e.g., how to characterize and remediate areas with structural or access restrictions).
 - (e) A Pre-Design Investigations (PDI) Work Plan, as specified in Section 6.7.
 - (f) Descriptions of any applicable permitting requirements and other regulatory requirements (including but not limited to Applicable or Relevant and Appropriate Requirements [ARARs] identified in the ROD).
 - (g) Description of plans for obtaining access in connection with the remedial design and remedial action, such as property acquisition, property leases, and/or easements, and for developing ICs in accordance with the ROD.
 - (h) Settling Work Defendants' proposed approach to reporting data from the PDI.
 - (i) Discussion of existing data (e.g., upstream suspended solids data, source control storm drain solids data, flow and other hydrodynamic data, pre-design data, waterway user and in-water structures data, and EAA monitoring data) and data to be collected as part of design or following construction that will assist in anticipating the quality of surface sediments over time. This discussion shall include a conceptual site model (CSM) that considers suspended and bedded sediments, including dredge residuals, and how they move during and after construction, to aid in interpreting monitoring outcomes in the Lower Reach.

- (j) A comprehensive listing and brief description of elements of remedial design to be addressed or supporting deliverables to be submitted as part of remedial design, including but not limited to those listed below or described in ¶ 6.14 (Components of Remedial Design Reports).
 - (1) Quality Assurance Project Plan (QAPP) and health and safety plan (HASP).
 - (i) A QAPP addresses sample collection, analysis and data handling. The QAPP must include a field sampling plan and a detailed explanation of Settling Work Defendants' quality assurance, quality control, and chain of custody procedures for all treatability, design, compliance, and monitoring samples. The QAPP shall address disposal of Investigation Derived Waste.
 - (2) Remedial action basis of design report, including.
 - (i) Narrative basis of design of dredge, cap, ENR, and MNR>SCO elements, including supporting technical evaluations.
 - (ii) Permitting and site access.
 - (iii) Construction sequence, scheduling and cost estimate.
 - (iv) Anticipated long-term monitoring and maintenance approaches, including any expected measures for climate change adaptation.
 - (v) Evaluation of IC requirements for caps.
 - (vi) Archaeological monitoring and discovery.
 - (vii) Transportation and disposal approaches.
 - (viii) Scheduling and coordination of work under this SOW with other in-water work or navigation or development projects on the bank and intertidal or subtidal areas, if they may substantively affect remedial design or construction in the LDW Lower Reach.
 - (ix) Green and sustainable remediation evaluation and implementation approach.
 - (x) Approach to implementation and assurance of institutional controls.
 - (xi) Geotechnical basis of design.
 - (xii) Sediment excavation prism verification.
 - (3) Water quality monitoring plan.
 - (4) Biological assessment.
 - (5) Construction quality assurance plan.

6.7 Pre-Design Investigation (PDI). The purpose of the PDI is to address data needs for completion of design, by conducting field investigations.

- (a) **PDI Work Plan.** Settling Work Defendants shall submit a Lower Reach PDI Work Plan (PDIWP) for EPA approval. The PDIWP must include:
- (1) An evaluation and summary of existing data and description of data gaps.
 - (2) A strategy for timely characterization, testing or data gathering to support delineation of areas where each remedial technology applies, and engineering design, a discussion of the timing and type of data collection needed to document ARARs compliance, and a plan for natural recovery monitoring where required.
 - (3) A conceptual sampling plan including proposals and clearly stated rationales for any proposed tiering analyses or phasing of work to refine recovery categories, apply remedial technologies, including natural recovery, and design the remedy. The sampling plan shall identify media to be sampled, general location type and purpose, field sampling and lab analyses, bathymetric, hydrogeologic, and geotechnical studies.
 - (4) A schedule for implementing the PDI work.
 - (5) A sampling design that uses the conceptual site model for the Lower Reach and multiple lines of conceptual and statistical evidence to identify RAL exceedance areas with a targeted level of accuracy and uncertainty. The specifics of sampling design will be in the QAPP and QAPP addendum.
 - (6) Phasing of sampling and tiering for chemical and physical analysis will be limited to no more than two phases with no more than two analytical tiers within a phase, unless further tiering or phasing does not affect the project schedule and is approved by EPA. The purpose of this is to ensure timely completion of the pre-design investigation to support future design.
 - (7) A description of interpolation methods that will be used in identifying RAL exceedance areas for design. Any interpolation model that is used for decisions, such as additional sample placement, shall be accompanied with an uncertainty analysis that summarizes the parameters selected for the model and the prediction accuracy and uncertainty of the model. A new uncertainty analysis incorporating new sample data shall be generated for each completed phase that incorporates new sample data.
 - (8) A minimum of 20 percent of the samples collected to ensure spatial coverage must be analyzed for dioxin/furans to ensure development of a complete dataset.
 - (9) The approach to be used to override existing data with new results shall be identified in the PDIWP, including criteria for overriding subsurface data in

limited cases (e.g., if the sampled location was later dredged), proximity requirements, and a process for evaluating discrepancies between existing and new data (e.g., magnitude of increase or decrease) that will be flagged for discussion and approval by EPA.

- (b) **PDI Quality Assurance Project Plan (QAPP).** A QAPP addresses sample collection, analysis and data handling. The QAPP must include a field sampling plan, maps of sampling locations, and an explanation of Settling Work Defendants' data quality objectives, quality assurance, quality control, and chain of custody procedures for all treatability, design, compliance, and monitoring samples. The QAPP shall address disposal of Investigation Derived Waste. Settling Work Defendants shall submit a QAPP for each field sampling effort and shall develop the QAPP in accordance with current EPA Quality Directives (Policy, Procedure, Standards and Guidance), including the [QAPP Standard](#) ; [Guidance on Systematic Planning using the Data Quality Objectives Process \(QA/G-4\)](#); and *Guidance for Quality Assurance Project Plans*, QA/G-5, EPA/240/R 02/009 (Dec. 2002).
- (1) To ensure that Settling Work Defendants' Labs perform all analyses using EPA-accepted methods (i.e., the methods documented in EPA Contract Laboratory Program (CLP) SOW for Inorganic Superfund Methods (ISM02.4, October, 2016); EPA CLP SOW for Organics Superfund Methods (SOM02.4, October, 2016); EPA CLP SOW for High Resolution Superfund Methods (HRSM01.2, October, 2014), or as updated; other methods acceptable to EPA.
 - (2) To ensure that Settling Work Defendants' Labs participate in an EPA-accepted quality assurance/quality control (QA/QC) program or other program QA/QC acceptable to EPA.
 - (3) To ensure that Settling Work Defendants validate data in accordance with EPA-accepted data validation guidelines: *National Functional Guidelines for Inorganic Superfund Methods Data Review* (EPA-540-R-2017-001, January 2017); *National Functional Guidelines for Organic Superfund Methods Data Review* (EPA-540-R-2017-002, January 2017) *National Functional Guidelines for High Resolution Superfund Methods Data Review* (EPA-542-B-16-001, April, 2016) or as updated.
- (c) **PDI Health and Safety Plan(s) (HASP).** A HASP describes all activities to be performed to protect on site personnel and others transiting the area or living or working nearby from physical, chemical, and all other hazards posed by the Work. Settling Work Defendants shall develop HASPs in accordance with EPA's Emergency Responder Health and Safety and Occupational Safety and Health Administration requirements under 29 C.F.R. §§ 1910 and 1926. EPA does not approve the HASP but will review it to ensure that all necessary elements are included and that the plan provides for the protection of human health and the environment.
- (d) **PDI Data.** Settling Work Defendants shall submit data in accordance with schedule in ¶11.4 (Remedial Design Schedule of Deliverables for Lower Reach).

6.8 PDI Data Evaluation Report. Following PDI Phase I and II, Settling Work Defendants shall submit a PDI Data Evaluation Report (PDI DER) for EPA approval. This report must include:

- (a) Summary of the investigations performed.
- (b) Summary of investigation results.
- (c) Narrative interpretation of data and results; with supporting figures and tables, including updated graphics (similar to ROD Figure 18 or more detailed) showing where specific remedial technologies apply and text describing how the decision trees in the ROD (Figure 19 and corrected Figure 20) were applied.
- (d) Results of statistical and modeling analyses, as applicable.
- (e) Photographs documenting the work conducted.
- (f) Conclusions and recommendations for Remedial Design, including design parameters and criteria, and identification of any remaining data gaps needed to support the design.
- (g) Design chemistry dataset (electronic copy) used in each DER.

6.9 Should additional data be needed to support the design, a QAPP addendum shall be submitted per the schedule in ¶11.4.

6.10 Preliminary (30%) Remedial Design. Settling Work Defendants shall submit a Preliminary (30%) Remedial Design for EPA's comment. The Preliminary Remedial Design must include:

- (a) A basis of design report providing descriptions of the analyses conducted to select the design approach, including a summary and detailed justification of design assumptions, restrictions and objectives to be used in design of the selected remedy, and at least one example of essential supporting calculations for each significant or unique design calculation, such as cap thickness or propeller wash modeling).
- (b) Preliminary plans and drawings, with a list of all drawings to be included in the intermediate, pre-final, and final design, and outline of specifications; and identification of candidate transloading location(s), transport methods, and permitted upland off-site landfill facility, and import material sources.
- (c) Identification of areas exceeding RALs in habitat areas, initial remedial technology application, and preliminary identification of potential mitigation needs and options.
- (d) A schedule, contracting strategy, contractor requirements.
- (e) Description of needed controls, monitoring, or mitigation to comply with ARARs and minimize impacts (in accordance with Section 13.2.5 and Section 13.2.8 of the ROD).
- (f) Access and easement requirements and preliminary identification of structures that may need to be removed, modified, or replaced.

- (g) Descriptions of how compliance with ARARs will be achieved and documented, specifying documentation requirements associated with ARARs identified in ROD Table 26.
- (h) A description of anticipated updates to the Long-Term Maintenance, and Monitoring Plan (LTMMP) elements for the Lower Reach.
- (i) Descriptions of permit requirements, if applicable.
- (j) A description of remedy integrity ICs for capped areas that may be specific to the Lower Reach and whether they may be inconsistent with current or reasonably anticipated future uses of the areas.
- (k) A draft Biological Assessment for the Lower Reach, including preliminary information about actions and action areas, species and habitat, effects and mitigation, and identifying potential areas where shoreline revegetation, bank softening, or other options may be considered.

6.11 Intermediate (60%) Remedial Design. Settling Work Defendants shall submit the Intermediate (60%) Remedial Design for EPA's comment. The Intermediate Remedial Design must:

- (a) be a continuation and expansion of the Preliminary Remedial Design, including habitat mitigation, if necessary to comply with the substantive requirements of Section 404 of the Clean Water Act (CWA);
- (b) address EPA's comments regarding the Preliminary Remedial Design;
- (c) include a draft Construction Quality Assurance Plan (CQAP), draft sitewide ICIAP, draft Community Impacts Mitigation Plan, draft Monitoring and Archaeological Discovery Plan for construction, draft Water Quality Monitoring Plan, draft final Biological Assessment, draft sitewide LTMMP, and draft Compensatory Mitigation Plan, if necessary; and
- (d) include the other elements and deliverables required for the Preliminary (30%) Remedial Design, at a 60% level of completion.

6.12 Pre-final (90%) Remedial Design. Settling Work Defendants shall submit the Pre-final (90%) Remedial Design for EPA's comment. The Pre-final Remedial Design must be a continuation and expansion of the previous design submittal and must address EPA's comments regarding the Intermediate Remedial Design. The Pre-final Remedial Design will serve as the approved Final (100%) RD if EPA approves the Pre-final RD without comments. The Pre-Final RD must include:

- (a) A complete set of construction drawings and specifications that are: (1) certified by a registered Professional Engineer; (2) suitable for procurement; and (3) follow the Construction Specifications Institute's MasterFormat (or equivalent) and (4) meet other relevant standards for design of sediment cleanup.

- (b) A survey and engineering drawings showing existing features in the LDW Lower Reach, such as property boundaries, easements, bathymetry, structures to be protected or removed, and other relevant conditions.
- (c) A specification for all necessary construction documentation, including but not limited to photographs and videos, bathymetric surveys, and GPS coordinates.
- (d) Those elements listed for the Preliminary Design, as well as the following (unless previously approved by the EPA) addressing EPA comments:
 - (1) Draft Final CQAP.
 - (2) Draft Final Water Quality Monitoring Plan (WQMP).
 - (3) Draft Final QAPP/HASP for remedial action construction and monitoring activities.
 - (4) Draft Final Permitting and Site Access Plan.
 - (5) Draft ICIAP, incorporating IC elements specific to the Lower Reach.
 - (6) Required elements of a vessel management plan (to be finalized by contractor).
 - (7) Draft LTMMP, incorporating elements specific to the Lower Reach.
 - (8) Biological Assessment as approved (or a revision to address comments).
 - (9) Draft CWA 404 and Section 10 Rivers and Harbors Act memorandum.
 - (10) Engineer's Capital and Operation and Maintenance Cost Estimate.
 - (11) Engineer's Construction Project Schedule.
 - (12) Community Impacts Mitigation Plan.
 - (13) Draft final Compensatory Mitigation Plan, if necessary.
 - (14) Any additional plans identified in the RDWP.

6.13 Final (100%) Remedial Design. If EPA approves the Pre-final Remedial Design without comments, the Pre-final design will be considered Final. If not, Settling Work Defendants shall submit the Final (100%) Remedial Design for EPA approval. The Final Remedial Design must address EPA's comments on the Pre-final Remedial Design and must include final versions of all Pre-final Remedial Design elements and supporting deliverables, except the draft final LTMMP and draft final ICIAP.

6.14 Components of Remedial Design Reports. Settling Work Defendants shall submit each of the following supporting deliverables for EPA approval with each Remedial Design submittal, except as specified in Sections 6.6, 6.7, and 6.8 above. Settling Work Defendants shall develop the deliverables in accordance with all applicable regulations, guidance, and policies (see Section 13 [References]). Settling Work Defendants shall update and refine supporting

deliverables related to design in accordance with the degree of design completion (30/60/90/100%) or as directed by EPA.

- (a) **LDW Lower Reach Water Quality Monitoring Plan.** The purpose of the LDW Lower Reach WQMP is to obtain information during construction to identify water quality impacts that may be caused by remedy construction; The WQMP must include:
- (1) Description of the data collection parameters, including existing and proposed monitoring devices and locations, schedule and frequency of monitoring, analytical parameters to be monitored, and analytical methods employed.
 - (2) Description of how performance data will be analyzed, interpreted, and reported, and/or other Site-related requirements.
 - (3) Description of the communications and response protocols to respond to detected exceedances of water quality parameters as defined in the EPA 404 memo.
 - (4) Description of deliverables that will be generated in connection with monitoring, including sampling schedules, laboratory records, monitoring reports, data reports and data evaluation reports to EPA.
 - (5) Description of additional monitoring and data collection actions (such as increases in frequency of monitoring, and/or installation of additional monitoring devices in the affected areas) that would be triggered in the event that monitoring results indicate higher than expected turbidity or concentrations of COCs in surface water.
- (b) **Construction Quality Assurance Plan.** The purpose of the CQAP is to describe planned and systematic activities that provide confidence that the RA construction will satisfy all plans, specifications, and related requirements, including quality objectives. In addition, the purpose is to describe the activities to verify that RA construction has satisfied all plans, specifications, and related requirements, including quality objectives. The CQAP must:
- (1) Identify, and describe the responsibilities of, the organizations and personnel implementing the CQAP.
 - (2) Describe the requirements to be met to achieve completion of the LDW Lower Reach RA Project.
 - (3) Describe the key performance standards and quality control elements required of the Contractor in the technical specifications.
 - (4) Describe verification activities, such as inspections, sampling, testing, monitoring, and production controls, under the CQAP.
 - (5) Describe monitoring of Community Use Areas and commit to immediately provide to EPA any unvalidated sampling data from Community Use Areas as defined in ¶ 10.6.(e) affected by the remedial action that exceed human health

standards and to expedite additional sampling and analysis in Community Use Areas as defined in ¶ 10.6(e) affected by the remedial action (particularly in situations where EPA determines that unvalidated sampling data indicates substantial exceedances of human health standards), including procedures for expedited analysis, validation, and communication of sampling results to affected communities.

- (6) Describe procedures for tracking construction deficiencies from identification through corrective action.
 - (7) Describe procedures for documenting all CQAP activities.
 - (8) Describe procedures for retention of documents and for final storage of documents.
- (c) **Emergency Response Plan.** Specifications for an Emergency Response Plan (ERP) shall be submitted as part of the 30/60/90 and 100% design submittal to address requirements for clear procedures in the event of an accident or emergency during remedial construction (for example, vessel or equipment damage, failure or power outages, unauthorized discharges to water, water impoundment failure, bank slope failure, etc.). The ERP may be updated in future as part of the Remedial Action Work Plan (RAWP). Specifications for the ERP shall address:
- (1) Name of the person or entity responsible for responding in the event of an emergency incident.
 - (2) Plans for meeting(s) with the local community, including local, State, and federal agencies involved in the cleanup, as well as local emergency squads and hospitals.
 - (3) Spill Prevention, Control, and Countermeasures Plan (if applicable), consistent with the regulations under 40 C.F.R. Part 112, describing measures to prevent, and contingency plans for, spills and discharges.
 - (4) Notification activities in the event of a release of hazardous substances requiring reporting under Section 103 of CERCLA, 42 U.S.C. § 9603, or Section 304 of the Emergency Planning and Community Right-to-know Act (EPCRA), 42 U.S.C. § 11004.
 - (5) A description of all necessary actions in the event of an occurrence in the course of performance of the Work that causes or threatens a release of Waste Material from the Site that constitutes an emergency or may present an immediate threat to public health or welfare or the environment.
- (d) **Community Outreach and Communications Plan (COCP).** The COCP shall describe plans for communicating with and responding to the community (e.g. residents, businesses, fishers, commuters, waterway users) during remedial action.
- (e) **Community Impacts Mitigation Plan (CIMP).** See Supporting Deliverables, ¶ 10.6(e).

- (f) **Monitoring and Archeological Discovery Plan.** For the purpose of complying with historical and archaeological preservation requirements, Settling Work Defendants shall document any districts, sites, buildings, structures or objects included or eligible for inclusion in the National Register of Historic Places potentially impacted by remedy implementation and shall include specifications for an archaeological discovery plan to ensure protection of Native American artifacts and cultural or archaeological resources.
- (g) **Biological Assessment.** A Biological Assessment evaluates the potential effects of the Remedial Action on species listed and proposed under the Endangered Species Act and designated and proposed critical habitat and determine whether any such species or habitat are likely to be adversely affected by the remedial action.
- (h) **Compensatory Mitigation Plan.** If necessary to comply with CWA Section 404 requirements, Settling Work Defendants shall submit a final plan for compensatory mitigation, including a design for implementation or indicating how the mitigation is included in the Remedial Design.
- (i) **Section 408 Compliance Documentation.** Settling Work Defendants shall include documentation necessary to evaluate compliance with 33 U.S.C. Section 403 and Section 408.

7. REMEDIAL ACTION

- 7.1** Settling Work Defendants shall implement the approved remedial designs for the Upper, Middle, and Lower reaches of the waterway to meet the schedule in Section 11 (Schedules) (or as otherwise approved) and the Performance Standards. The requirements and deliverables in this section apply to each reach or Remedial Action Project unless otherwise noted below.
- 7.2 Remedial Action Work Plan(s) (RAWP).** Settling Work Defendants shall submit a RAWP(s) for EPA approval that includes:
 - (a) A proposed Remedial Action Construction Schedule in Gantt chart format, or as otherwise agreed to by EPA.
 - (b) A contractor HASP that covers activities during the Remedial Action.
 - (c) Plans for satisfying permitting requirements, including obtaining permits for off-site activity and for satisfying substantive requirements of permits for on-site activity.
 - (d) Other components as defined in the EPA-approved Remedial Design.
- 7.3 Independent Quality Assurance Team (IQAT).** Settling Work Defendants shall notify EPA of Settling Work Defendants' designated IQAT. The IQAT must be independent of, and cannot include, the Construction Contract Manager. Settling Work Defendants may hire a third party for this purpose. Settling Work Defendants' notice must include the names, titles, contact information, and qualifications of the members of the IQAT. The IQAT will have the responsibility to determine whether Work is of expected quality and conforms to applicable

plans and specifications. The IQAT will have the responsibilities as described in ¶ 2.1.3 of the *Guidance on EPA Oversight of Remedial Designs and Remedial Actions Performed by Potentially Responsible Parties*, EPA/540/G-90/001 (Apr. 1990).

7.4 Meetings and Inspections

- (a) **Preconstruction Conference.** Settling Work Defendants shall hold a preconstruction conference with EPA and others as directed or approved by EPA and as described in the *Remedial Design/Remedial Action Handbook*, EPA 540/R-95/059 (June 1995). Settling Work Defendants shall prepare minutes of the conference and shall distribute the minutes to all Parties.
- (b) **Periodic Communications.** During the construction portion of the Remedial Action (Remedial Action Construction), Settling Work Defendants shall communicate weekly with EPA, and others as directed or determined by EPA, to discuss construction issues. Settling Work Defendants shall distribute an agenda and list of attendees to all Parties prior to each meeting or telephone call. Settling Work Defendants shall prepare minutes of the meetings or calls and shall distribute the minutes to all Parties.
- (c) **Inspections and Oversight**
 - (1) EPA or its representative shall conduct periodic inspections and oversight of the Work. At EPA's request, the Supervising Contractor or other designee shall accompany EPA or its representative during inspections and oversight.
 - (2) Upon notification by EPA of any deficiencies in the Remedial Action Construction, Settling Work Defendants shall take all necessary steps to correct the deficiencies and/or bring the Remedial Action Construction into compliance with the approved Final Remedial Design, any approved design changes, and/or the approved RAWP. If applicable, Settling Work Defendants shall comply with any schedule provided by EPA in its notice of deficiency. EPA may confer with the Settling Work Defendants before providing such notice.

7.5 Permits

- (a) As provided in CERCLA § 121(e), and Section 300.400(e) of the NCP, no permit is required for any portion of the Work conducted entirely on-site (*i.e.*, within the areal extent of contamination or in very close proximity to the contamination and necessary for implementation of the Work). Where any portion of the Work that is not on-site requires a federal, state, tribal or local permit or approval, Settling Work Defendants shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals.
- (b) Settling Work Defendants may seek relief under the provisions of Section XI (Force Majeure) of the Decree for any delay in the performance of the Work resulting from a failure to obtain, or a delay in obtaining, any permit or approval referenced in ¶ 7.5(a) and required for the Work, provided that they have submitted timely and complete

applications and taken all other actions necessary to obtain all such permits or approvals.

- (c) Nothing in the Decree or this SOW constitutes a permit issued under any federal, state, tribal or local statute, regulation, or ordinance.

7.6 Emergency Response and Reporting

- (a) **Emergency Action.** If any event occurs in the course of performance of the Work that causes or threatens to cause a release of Waste Material on, at, or from the Site and that either constitutes an emergency situation or that may present an immediate threat to public health or welfare or the environment, Settling Work Defendants shall: (1) immediately take all appropriate action to prevent, abate, or minimize such release or threat of release; (2) immediately notify the authorized EPA officer (as specified in ¶ 7.6(c)) orally; and (3) take such actions in consultation with the authorized EPA officer and in accordance with all applicable provisions of the HASP, the ERP, and any other deliverable approved by EPA under the SOW.
- (b) **Release Reporting.** Upon the occurrence of any event during performance of the Work that Settling Work Defendants are required to report under CERCLA § 103 or Section 304 of the Emergency Planning and Community Right-to-Know Act (EPCRA), Settling Work Defendants shall immediately notify the authorized EPA officer orally.
- (c) The “authorized EPA officer” for purposes of immediate oral notifications and consultations under ¶ 7.6(a) and ¶ 7.6(b) is the EPA Project Coordinator, the EPA Alternate Project Coordinator (if the EPA Project Coordinator is unavailable), or the EPA Emergency Response Branch, Region 10 (if neither EPA Project Coordinator is available).
- (d) For any event covered by ¶ 7.6(a) and ¶ 7.6(b), Settling Work Defendants shall: (1) within [14] days after the onset of such event, submit a report to EPA describing the actions or events that occurred and the measures taken, and to be taken, in response thereto; and (2) within 30 days after the conclusion of such event, submit a report to EPA describing all actions taken in response to such event.
- (e) The reporting requirements under ¶ 7.6 are in addition to the reporting required by CERCLA § 103 or EPCRA § 304.

7.7 Off-Site Shipments

- (a) Settling Work Defendants may ship hazardous substances, pollutants, and contaminants from the Site to an off-Site facility only if they comply with CERCLA § 121(d)(3), and 40 C.F.R. § 300.440. Settling Work Defendants will be deemed to be in compliance with CERCLA § 121(d)(3) and 40 C.F.R. § 300.440 regarding a shipment if Settling Work Defendants obtain a prior determination from EPA that the proposed receiving facility for such shipment is acceptable under the criteria of 40 C.F.R. § 300.440(b).

- (b) Settling Work Defendants may ship Waste Material from the Site to an out-of-state waste management facility only if, prior to any shipment, they provide notice to the appropriate state environmental official in the receiving facility's state and to the EPA Project Coordinator. This notice requirement will not apply to any off-Site shipments when the total quantity of all such shipments does not exceed 10 cubic yards. The notice must include the following information, if available: (1) the name and location of the receiving facility; (2) the type and quantity of Waste Material to be shipped; (3) the schedule for the shipment; and (4) the method of transportation. Settling Work Defendants also shall notify the state environmental official referenced above and the EPA Project Coordinator of any major changes in the shipment plan, such as a decision to ship the Waste Material to a different out-of-state facility. Settling Work Defendants shall provide the notice after the award of the contract for Remedial Action construction and before the Waste Material is shipped.
- (c) Settling Work Defendants may ship Investigation Derived Waste (IDW) from the Site to an off-Site facility only if they comply with CERCLA § 121(d)(3), 40 C.F.R. § 300.440, *EPA's Guide to Management of Investigation Derived Waste*, OSWER 9345.3-03FS (Jan. 1992), and any IDW-specific requirements contained in the ROD. Wastes shipped off-Site to a laboratory for characterization, and Resource Conservation and Recovery Act hazardous wastes that meet the requirements for an exemption from Resource Conservation and Recovery Act under 40 CFR § 261.4(e) shipped off-site for treatability studies, are not subject to 40 C.F.R. § 300.440.

7.8 Remedial Action Construction Completion

- (a) For purposes of this ¶ 7.8, "Remedial Action Construction" comprises the complete physical construction of the selected remedy and habitat mitigation, if required, to achieve construction Performance Standards and as described in remedial design documents and EPA-approved changes thereto, and the performance of all activities necessary for the constructed remedy and mitigation, if required, to function properly and as designed.
- (b) Remedial Action Construction is anticipated to occur as phased Remedial Action Projects: Upper Reach, Middle Reach, and Lower Reach, with Deferred Remedial Action (Section 8) construction performed on the EPA-approved schedule(s) pursuant to ¶8.4. The Remedial Action Project for a given reach may include cleanup of Deferred Remedial Action areas from upstream reaches.
- (c) Multiple construction seasons will be needed to complete each Remedial Action Project. Following each season of Remedial Action Construction, Settling Work Defendants shall submit an **Annual Construction Summary Technical Memorandum** providing a description of the activities performed that construction season specifying volumes of material, areas remediated, a summary and tabulated results of construction related sampling, surveying, and mapping, and as-builts, documenting where Remedial Action Construction has been completed within the reach, and proposing modifications to construction, monitoring, or other practices, for the remaining Remedial Action Construction.

- (d) **Inspection of Constructed Remedy.** Following completion of the Remedial Action Project Construction for each reach, Settling Work Defendants shall schedule an inspection (Pre-Final Inspection) to meet, review construction documentation, and assess whether the remedy was constructed in accordance with the approved Remedial Design and any approved changes thereto and whether it meets Performance Standards. The inspection may involve in-person visits, contractor construction documentation, observations by divers, underwater photographs, bathymetric surveys, and videos from remotely operated vehicles. The inspection must be attended by Settling Work Defendants and EPA and/or their representatives. A Pre-Final Inspection Report identifying punch list items shall be submitted per Schedule ¶11.5. A reinspection (Final Inspection) must be conducted if requested by EPA. By this time, any identified punch list items shall be completed.
- (e) **Remedial Action Project Report.** Settling Work Defendants shall submit a Remedial Action Project Report for each reach. The Remedial Action Project Report for a given reach must: (1) include statements by a registered professional engineer and by Settling Work Defendants' Project Coordinator(s) that the construction of the Remedial Action Project is complete; that the Remedial Action for that reach was constructed as designed, including EPA-approved changes thereto; and that any containment remedial action (cap) in that reach is expected to function properly and as designed; (2) include supporting documentation to demonstrate that construction of the Remedial Action Project is complete; (3) include as-built drawings signed and stamped by a registered professional engineer; (4) be prepared in accordance with Chapter 2 (Remedial Action Completion) of EPA's *Close Out Procedures for NPL Sites* guidance (June, 2022) OLEM Directive 9320.2-23, and (5) be certified in accordance with ¶ 10.4 (Certification).
- (f) If EPA determines that Remedial Action Project Construction for a given reach is not complete, EPA shall so notify Settling Work Defendants. EPA's notice must include a description of the activities that Settling Work Defendants must perform to complete Remedial Action Project construction. EPA's notice may include a schedule for completion of such activities or may require Settling Work Defendants to submit a proposed schedule for EPA approval. Settling Work Defendants shall perform all activities described in the EPA notice in accordance with the EPA-approved schedule.
- (g) If EPA determines that Remedial Action Project Construction is complete, EPA shall so notify Settling Work Defendants.

7.9 Certification of Remedial Action Completion

- (a) The Remedial Action is "Complete" for purposes of this ¶ 7.9 when Remedial Action has been fully performed in all reaches and in Deferred Remedial Action areas in ¶ 8.3, EPA has approved the applicable Remedial Action Project Reports, at least ten years of monitoring following approval of the final Remedial Action Project Report have been completed in accordance with the LTMMP, and all Performance Standards have been achieved.

- (b) **Remedial Action Monitoring Report.** Settling Work Defendants shall submit a Remedial Action Monitoring Report to EPA requesting EPA's Certification of Remedial Action Completion. The report must: (1) include certifications by a registered professional engineer and by Settling Work Defendants' Project Coordinator that the Remedial Action is complete; (2) be prepared in accordance with Chapter 4 (Site Completion) of EPA's *Close Out Procedures for NPL Sites* guidance (June 2022), OLEM Directive 9320.2-23; (3) contain monitoring data to demonstrate that all Performance Standards have been achieved; and (4) be certified in accordance with ¶ 10.4 (Certification).
- (c) Settling Work Defendants shall schedule a meeting after EPA has reviewed the Remedial Action Monitoring Report for the purpose of obtaining EPA's Certification of Remedial Action Completion. The meeting must be attended by Settling Work Defendants and EPA and/or their representatives.
- (d) If EPA concludes that the Remedial Action is not Complete, EPA shall so notify Settling Work Defendants. EPA's notice must include a description of any deficiencies. EPA's notice may include a schedule for addressing such deficiencies or may require Settling Work Defendants to submit a schedule for EPA approval. Settling Work Defendants shall perform all activities described in the notice in accordance with the EPA-approved schedule.
- (e) If EPA concludes, based on the initial or any subsequent Remedial Action Monitoring Report requesting Certification of Remedial Action Completion, that the Remedial Action is Complete, EPA shall so certify to Settling Work Defendants. This certification will constitute the Certification of Remedial Action Completion for purposes of the Decree, including Section XIV of the Decree (Covenants by Plaintiffs). Certification of Remedial Action Completion will not affect Settling Work Defendants' remaining obligations under the Decree.

7.10 Certification of Work Completion

- (a) **Work Completion Inspection.** Settling Work Defendants shall schedule an inspection for the purpose of obtaining EPA's Certification of Work Completion. The inspection must be attended by Settling Work Defendants and EPA and/or their representatives.
- (b) **Work Completion Report.** Following the inspection, Settling Work Defendants shall submit a report to EPA requesting EPA's Certification of Work Completion. The report must: (1) include certifications by a registered professional engineer and by Settling Work Defendants' Project Coordinator that the Work is complete; and (2) be certified in accordance with ¶ 10.4 (Certification). If the Remedial Action Monitoring Report submitted under ¶ 7.9(b) includes all elements required under this ¶ 7.10(b), then the Remedial Action Monitoring Report suffices to satisfy all requirements under this ¶ 7.10(b).
- (c) If EPA concludes that the Work is not complete, EPA shall so notify Settling Work Defendants. EPA's notice must include a description of the activities that Settling Work Defendants must perform to complete the Work. EPA's notice must include

specifications and a schedule for such activities or must require Settling Work Defendants to submit specifications and a schedule for EPA approval. Settling Work Defendants shall perform all activities described in the notice or in the EPA-approved specifications and schedule.

- (d) If EPA concludes, based on the initial or any subsequent report requesting Certification of Work Completion, that the Work is complete, EPA shall so certify in writing to Settling Work Defendants. Issuance of the Certification of Work Completion does not affect the following continuing obligations: (1) obligations under Sections [VI] (Property Requirements), and [XVII] (Records) of the Decree; and (2) reimbursement of EPA's Future Response Costs under Section [IX] (Payments for Response Costs) of the Decree.

8. DEFERRED REMEDIAL ACTION

- 8.1 Currently shoaled areas of the federal navigation channel (including buffer areas as described in the ROD).** Deferral of Remedial Action is allowed by the ROD where concentrations of COCs exceed ROD Table 28 RALs in shoaled area sediments of the Federal Navigation Channel only below the top 60 cm interval, pursuant to ROD section 13.2.1.1, footnote 23. Should the U.S. Army Corps of Engineers (Corps) determine that shoaling in some or all of the federal navigation channel is an impediment to navigation, EPA will notify Settling Work Defendants, and Settling Work Defendants shall perform Remedial Design and Remedial Action for the areas where Remedial Action was deferred. In such areas, Remedial Action will require removal of sediments containing concentrations of contaminants of concern which do not exceed the RALs in order to dredge underlying sediments in accordance with ROD Section 13.2.1.1, Table 28, and corrected Figure 20. The Corps may identify impediments to navigation in different parts of the federal navigation channel at different times. The process described in this paragraph (8.1) will be repeated as necessary.
- 8.2 Shoaled areas of the Federal Navigation Channel where COCs in shoaled interval sediments do not exceed ROD Table 28 RALs.** If the Corps determines that shoaling in some or all of the Federal Navigation Channel is an impediment to navigation and data indicate that maintenance dredging to the authorized depth plus 2 feet will expose sediments containing concentrations of COCs that exceed Table 28 RALs, Settling Work Defendants shall coordinate with the Corps and EPA to ensure that the Corps can implement needed navigation channel maintenance without leaving exposed sediments containing COCs that exceed Table 28 RALs below the maintenance dredging depth.
- 8.3 Remedial Action Areas Where EPA has Determined Source Control is not Sufficient.** For any area or areas of the Site requiring Remedial Action that is/are near a contamination source which EPA determines is not sufficiently controlled prior to submittal of the 90% Remedial Design for the reach within which the area is located, EPA will notify Settling Work Defendants that Remedial Action will be deferred for such area(s). Settling Work Defendants shall perform Remedial Design and Remedial Action for areas where Remedial Action was deferred, in accordance with the requirements of Section 6 (Remedial Design for the Lower Reach) and Section 7 (Remedial Action).

- 8.4 Implementation of Deferred Remedial Action shall proceed** according to schedules to be determined by EPA following consultation with Ecology and the Settling Work Defendants.
- 8.5 Investigations.** If data are needed to support an EPA determination under ¶¶ 8.1 or 8.3, or both, Settling Work Defendants shall submit plans for sampling and analysis for EPA approval and shall implement such plans in accordance with EPA's approval and/or modification of such plan. Settling Work Defendants shall submit reports to EPA regarding the results consistent with Section 11 (Schedules) data reporting and data evaluation reporting.
- 8.6 Reports Regarding Deferred Remedial Action Construction.** If Settling Work Defendants perform Deferred Remedial Action Construction in accordance with ¶ 8.1 or ¶ 8.3, or both, Settling Work Defendants shall submit such reports as EPA requests, for EPA approval, regarding the Remedial Action.
- 8.7 Notification of Deferred Remedial Action.** If EPA determines that Remedial Action Construction is required per ¶¶ 8.1 or 8.3, or both, EPA shall so notify Settling Work Defendants in writing.
- 8.8 Implementation of Deferred Remedial Action.** Settling Work Defendants shall prepare a design for Deferred Remedial Actions in accordance with ¶ 8.1 or ¶ 8.3, or both, for EPA approval consistent with the requirements of Section 6 (Remedial Design for the Lower Reach) and shall implement the Remedial Action for such areas in accordance with Section 7 (Remedial Action).
- 8.9 Other Modifications.** If EPA determines that implementation of Deferred Remedial Action in accordance with ¶8.1 or ¶8.3, or both, will require modifications to any deliverable submitted under this SOW, Settling Work Defendants shall modify those deliverables as directed by EPA.

9. REPORTING

- 9.1 Progress Reports.** Commencing with the month following lodging of the Decree and until EPA approves the final Remedial Action Monitoring Report, Settling Work Defendants shall submit progress reports to EPA on a monthly basis or as otherwise requested by EPA. The reports must cover all activities that took place during the prior reporting period, including:
- (a) The actions that have been taken toward achieving compliance with the Decree.
 - (b) A description, and if requested by EPA, a summary of all results of sampling, tests, and all other data received or generated by Settling Work Defendants.
 - (c) A description of all deliverables that Settling Work Defendants submitted to EPA.
 - (d) A description of all activities relating to Remedial Action Construction that are scheduled for the next six weeks.

- (e) An updated Remedial Action Construction Schedule, together with information regarding percentage of completion, delays encountered or anticipated that may affect the future schedule for implementation of the Work, and a description of efforts made to mitigate those delays or anticipated delays.
 - (f) A description of any modifications to the work plans or other schedules that Settling Work Defendants have proposed or that have been approved by EPA, including updates to the Gantt chart or other format used for tracking schedule information.
 - (g) A description of all activities undertaken in support of the Community Involvement Plan and CIMP during the reporting period and those to be undertaken in the next six weeks.
- 9.2 Field Reports.** Settling Work Defendants shall submit progress reports to EPA on a weekly basis during field activities. Field reports shall summarize activities that took place in the previous week and attach results of field testing, work progress documentation, and relevant photos. A description of any deviations from approved work plans, delays to the field schedule, efforts made to mitigate those delays and a summary of upcoming field activities shall be included in each weekly report.
- 9.3 Notice of Progress Report Schedule Changes.** If the schedule for any activity described in the Progress Reports, including activities required to be described under ¶ 9.1, changes, Settling Work Defendants shall notify EPA of such change at least seven days before performance of the activity.

10. DELIVERABLES

- 10.1 Applicability.** Settling Work Defendants shall submit deliverables for EPA approval or for EPA comment as specified in the SOW. If neither is specified, the deliverable does not require EPA's approval or comment. Paragraphs 10.2 (General Requirements for Deliverables) and 10.3 (Technical Specifications) apply to all deliverables. Paragraph 10.4 (Certification) applies to any deliverable that is required to be certified. Paragraph 10.5 (Approval of Deliverables) applies to any deliverable that is required to be submitted for EPA approval.
- 10.2 General Requirements for Deliverables.** All deliverables must be submitted in writing by the deadlines in the Remedial Design Schedule or Remedial Action Schedule, as applicable. Settling Work Defendants shall submit all deliverables to EPA in electronic form. Technical specifications for sampling and monitoring data and spatial data are addressed in ¶ 10.3 (Technical Specifications). All other deliverables shall be submitted to EPA in the electronic form or other form as specified by the EPA Project Coordinator, including files in native format. If any deliverable includes maps, drawings, or other exhibits that are larger than 8.5" by 11", Settling Work Defendants shall also provide EPA with paper copies of such exhibits. Settling Work Defendants shall also provide EPA with paper copies of other deliverables, if and, as requested by EPA.

- 10.3 Technical Specifications** Settling Work Defendants shall submit sampling and monitoring data in standard Region 10 Electronic Data Deliverable format. Settling Work Defendants shall also upload the data into EPA's SCRIBE and into the Department of Ecology's Environmental Information Management database. Uploads to the Environmental Information Management database must include project name established in coordination with Ecology. EPA may agree to other delivery methods if electronic direct submission presents a significant burden or as technology changes. Settling Work Defendants shall provide EPA with a copy of the files created to load data into the EPA database.

Spatial data, including spatially-referenced data and geospatial data, should be submitted in accordance with the National Geospatial Deliverable Standard (www.epa.gov/geospatial/national-geospatial-deliverable-standard and www.epa.gov/sites/default/files/2020/10/documents/nationalgeospatialdeliverablestandard.pdf); and as projected coordinates in Washington State Plane North format using North American Datum 1983 (NAD83) or World Geodetic System 1984 (WGS84) as the datum. If applicable, submissions should include the collection method(s). Unprojected geographic coordinates in decimal degree will also be included at EPA request but must be documented. Spatial data should be accompanied by metadata, and such metadata should be compliant with the Federal Geographic Data Committee (FGDC) Content Standard for Digital Geospatial Metadata and its EPA profile, the EPA Geospatial Metadata Technical Specification. An add-on metadata editor for ESRI software, the EPA Metadata Editor (EME), complies with these FGDC and EPA metadata requirements and is available at <https://edg.epa.gov/EME/>.

- (a) Each file must include an attribute name for each site unit or sub-unit submitted. Consult <https://www.epa.gov/geospatial/geospatial-policies-and-standards> for any further available guidance on attribute identification and naming.
- (b) Spatial data submitted by Settling Work Defendants does not, and is not intended to, define the boundaries of the Site.

- 10.4 Certification.** All deliverables that require compliance with this paragraph must be signed by the Settling Work Defendants' Project Coordinator, or other responsible official of Settling Work Defendants, and must contain the following statement:

I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

10.5 Approval of Deliverables

(a) Initial Submissions

- (1) After review of any deliverable that is required to be submitted for EPA approval under the Decree or the SOW, EPA shall: (i) approve, in whole or in part, the submission; (ii) approve the submission upon specified conditions; (iii) disapprove, in whole or in part, the submission; or (iv) any combination of the foregoing.
- (2) EPA also may modify the initial submission to cure deficiencies in the submission if: (i) EPA determines that disapproving the submission and awaiting a resubmission would cause substantial disruption to the Work; or (ii) previous submission(s) have been disapproved due to material defects and the deficiencies in the initial submission under consideration indicate a bad faith lack of effort to submit an acceptable deliverable.

(b) **Resubmissions.** Upon receipt of a notice of disapproval under ¶ 10.5(a) (Initial Submissions), or if required by a notice of approval upon specified conditions under ¶ 10.5(a), Settling Work Defendants shall, within 30 days or such longer time as specified by EPA in such notice, correct the deficiencies and resubmit the deliverable for approval. After review of the resubmitted deliverable, EPA may: (1) approve, in whole or in part, the resubmission; (2) approve the resubmission upon specified conditions; (3) modify the resubmission; (4) disapprove, in whole or in part, the resubmission, requiring Settling Work Defendants to correct the deficiencies within the number of days specified by EPA; or (5) any combination of the foregoing.

(c) **Implementation.** Upon approval, approval upon conditions, or modification by EPA under ¶ 10.5(a) (Initial Submissions) or ¶ 10.5(b) (Resubmissions), of any deliverable, or any portion thereof: (1) such deliverable, or portion thereof, will be incorporated into and enforceable under the Decree; and (2) Settling Work Defendants shall take any action required by such deliverable, or portion thereof. The implementation of any non-deficient portion of a deliverable submitted or resubmitted under ¶ 10.5(a) or ¶ 10.5(b) does not relieve Settling Work Defendants of any liability for stipulated penalties under Section [XIII] (Stipulated Penalties) of the Decree.

(d) If: (1) an initially submitted deliverable contains a material defect and the conditions are met for modifying the deliverable under ¶ 10.5(a)(2); or (2) a resubmitted deliverable contains a material defect; then the material defect constitutes a lack of compliance for purposes of this Paragraph.

10.6 Supporting Deliverables. Settling Work Defendants shall submit each of the following supporting deliverables for EPA approval, except as specifically provided. Settling Work Defendants shall develop the deliverables in accordance with all applicable regulations, guidances, and policies (see Section 13 [References]). Settling Work Defendants shall update each of these supporting deliverables as necessary or appropriate during the course of the Work, and/or as requested by EPA.

- (a) **Health and Safety Plan (HASP).** The HASP describes all activities to be performed to protect on site personnel and area residents from physical, chemical, and all other hazards posed by the Work. Settling Work Defendants shall develop the HASP in accordance with EPA's *Emergency Responder Health and Safety Manual* and Occupational Safety and Health Administration requirements under 29 C.F.R. §§ 1910 and 1926. The HASP(s) should cover Remedial Design, Remedial Action, and activities after Remedial Action completion. EPA does not approve the HASP(s) but will review it to ensure that all necessary elements are included and that the plan provides for the protection of human health and the environment.
- (b) **Emergency Response Plan ("ERP").** The ERP must describe procedures to be used in the event of an accident or emergency at the Site (for example, power outages, water impoundment failure, treatment plant failure, slope failure, etc.). The ERP must include:
 - (1) Name of the person or entity responsible for responding in the event of an emergency incident.
 - (2) Plan and date(s) for meeting(s) with the local community, including local, State, and federal agencies involved in the cleanup, as well as local emergency squads and hospitals.
 - (3) Spill Prevention, Control, and Countermeasures Plan (if applicable), consistent with the regulations under 40 C.F.R. part 112, describing measures to prevent, and contingency plans for, spills and discharges.
 - (4) Notification activities in accordance with ¶ 7.6(b) (Release Reporting) in the event of a release of hazardous substances requiring reporting under CERCLA § 103 or EPCRA § 304.
 - (5) A description of all necessary actions to ensure compliance with ¶ 7.6 (Emergency Response and Reporting) in the event of an occurrence in the course of the performance of the Work that causes or threatens a release of Waste Material from the Site that constitutes an emergency or may present an immediate threat to public health or welfare or the environment.
- (c) **Quality Assurance Project Plan (QAPP).** Settling Work Defendants shall submit a QAPP (or addendum, if applicable) for each field sampling effort in accordance with EPA Directive CIO 2105.2 (Environmental Information Quality Policy, 2022), the most recent version of EPA's Quality Management Plan Standard ([QMP Standard](#)), and the EPA's [QAPP Standard](#), and *Guidance for Quality Assurance Project Plans*, EPA QA/G-5, EPA Office of Environmental Information (Dec. 2002). The QAPP must be written so that a field sampling team unfamiliar with the project would be able to gather the samples and field information required. Settling Work Defendants shall collect, produce, and evaluate all environmental information at the Site in accordance with the approved QAPP.

- (d) **Data Submittal.** Data files providing the qualified results for a given phase of analytical sampling shall be provided in native format (excel spreadsheet) following data validation, except as required under ¶ 2.2(c) (Community Involvement Responsibilities). At the conclusion of all PDI sampling, the complete PDI dataset, including data incorporated from prior studies, shall be submitted to databases as required in ¶10.3 (Technical Specifications).
- (e) **Community Impacts Mitigation Plan (CIMP).** The CIMP shall incorporate and build on the Community Outreach and Communications Plans developed for the Upper and Middle Reach remedial designs, including input EPA receives from community members regarding potential improvements. The CIMP describes all activities, including any to address concerns of EJ and disadvantaged communities, to be performed: (1) to reduce and manage the impacts from remedy implementation (*e.g.*, air emissions, traffic, noise, odor, temporary or permanent relocation) to residential areas, schools, playgrounds, healthcare facilities, or recreational or impacted public areas (Community Use Areas) from and during remedy implementation; (2) to conduct monitoring in Community Use Areas of impacts from remedy implementation; (3) to expeditiously communicate validated remedy implementation monitoring data; (4) to make adjustments during remedy implementation in order to further reduce and manage impacts from remedy implementation to affected Community Use Areas; (5) to expeditiously restore community resources damaged in the course of remediation such as roads and culverts; (6) to structure remediation contracts to allow more local business participation and to encourage training and hiring of local workers, for example using the Superfund Job Training Initiative; and (7) if requested by EPA, to solicit community input on or support assessment of the approach to community impacts mitigation. The CIMP should contain information about impacts to Community Use Areas that is sufficient to assist EPA's Project Coordinator in performing the evaluations recommended under the *Superfund Community Involvement Handbook*, OLEM 9230.0-51 (March 2020), pp. 53-56.
- (f) **Construction Quality Assurance Plan (CQAP) and Construction Quality Control Plan (CQCP).** The purpose of the CQAP is to describe planned and systematic activities that provide confidence that the Remedial Action construction will satisfy all plans, specifications, and related requirements, including quality objectives. The purpose of the CQCP is to describe the activities to verify that Remedial Action construction has satisfied all plans, specifications, and related requirements, including quality objectives. The CQAP and CQCP must:
- (1) Identify, and describe the responsibilities of, the organizations and personnel implementing the CQAP and CQCP.
 - (2) Describe the Performance Standards required to be met to achieve Completion of the Remedial Action Construction.
 - (3) Describe the activities and quality control elements required of the Contractor in the technical specifications to meet the construction Performance Standards.

- (4) Describe verification activities, such as inspections, sampling, testing, monitoring, and production controls, under the CQAP and CQCP.
 - (5) Describe monitoring and reporting required for the CIMP.
 - (6) Describe industry standards and technical specifications used in implementing the CQAP and CQCP.
 - (7) Describe procedures for tracking construction deficiencies from identification through corrective action.
 - (8) Describe procedures for documenting all CQAP and CQCP activities.
 - (9) Describe procedures for retention of documents and for final storage of documents.
- (g) **Transportation and Off-Site Disposal Plan.** The Transportation and Off-Site Disposal Plan describes plans to ensure compliance with ¶ 7.7 (Off-Site Shipments). The Transportation and Off-Site Disposal Plan must include:
- (1) Proposed times and routes for off-site shipment of Waste Material.
 - (2) Identification of communities, including underserved communities referred to in Executive Order 14008, § 222(b) (Feb. 1, 2021), affected by shipment of Waste Material.
 - (3) Description of plans to minimize impacts (*e.g.*, noise, traffic, dust, odors) on affected communities.
- (h) **Archeological Monitoring and Inadvertent Discovery Plan.** For the purpose of complying with historical and archaeological preservation requirements, Settling Work Defendants shall document any districts, sites, buildings, structures or objects included or eligible for inclusion in the National Register of Historic Places potentially impacted by remedy implementation and shall include specifications for an archaeological discovery plan to ensure protection of Native American artifacts and cultural or archaeological resources during Remedial Action.
- (i) **Biological Assessment.** Settling Work Defendants shall submit a biological assessment for EPA review and use in consultation related to the Endangered Species Act. The Biological Assessment for a given reach must include: (1) information concerning all species listed and proposed for listing under the Endangered Species Act; (2) designated and proposed critical habitat that may be present in the action area of the project; and (3) the evaluation of potential effects of the project on such species and habitat.
- (j) **Compensatory Mitigation Plan.** If necessary to comply with CWA Section 404 requirements, Settling Work Defendants shall submit a plan for compensatory mitigation.

- (k) **Section 401, 403 and 408 Compliance Documentation.** Settling Work Defendants shall submit all documentation and analyses necessary for EPA to evaluate compliance with 33 U.S.C. Section 401, Section 403, and Section 408.
- (l) **Engineering Cost Estimate.** Settling Work Defendants shall submit an estimate of capital costs, providing assumptions.
- (m) **Long-Term Monitoring and Maintenance Plan (LTMMMP).** The overall purpose of long-term monitoring is to obtain information regarding COCs in affected media at the Site, whether by area, reach, or sitewide; to assess the effectiveness and integrity of the remedy over time; to assess monitored natural recovery following active Remedial Action Construction; to ensure that sediment caps continue to function as designed; to assess the need for and to support design of cap maintenance or other corrective actions; to determine whether Performance Standards are achieved and, if not, to assess the need for additional actions; to support EPA's reviews of whether the Remedial Action is protective of human health and the environment in accordance with CERCLA § 121(c) (also known as "Five-Year Reviews"); and to monitor habitat mitigation, if necessary.

The LTMMMP shall include: monitoring to assess natural recovery of sediments to the benthic SCO; sitewide and area monitoring to assess progress toward achieving human health based cleanup levels and ARARs; monitoring to document contaminant trends in site sediment, porewater, surface water, fish, crab, and clam tissue; monitoring of benthic community toxicity and abundance; physical and chemical monitoring to assess enhanced natural recovery and capped area conditions and to support maintenance of caps or other sediment containment areas (including caps within Early Action Areas); periodic bathymetric surveys to identify areas where unexpected erosion may expose contamination; additional characterization to support dredging and/or capping of contaminated sediment in the federal navigation channel consistent with Section 8 (Deferred Remedial Action); monitoring to assess areas of the Site potentially subject to climate change impacts; monitoring areas of the Site to aid in the evaluation of source control effectiveness; data compilation and sampling to assess background concentrations of COCs in seafood to inform target tissue levels; studies to inform EPA evaluations and determinations consistent with Section 14.2 of the ROD, such as additional characterization of Green River suspended sediment; and studies of seafood catch and/or consumption as required by EPA.

Settling Work Defendants shall develop the LTMMMP in accordance with *Guidance for Management of Superfund Remedies in Post Construction*, OLEM 9200.3-105 (Feb. 2017).

Settling Work Defendants shall submit the LTMMMP and updates to the LTMMMP for EPA approval. The LTMMMP must describe the studies and investigations that Settling Work Defendants shall conduct for the purposes above. The LTMMMP shall, at a minimum, include sampling and chemical analysis of sediment, water, fish and shellfish, as well as physical monitoring. Settling Work Defendants shall collect site monitoring data at least once during each five-year period, unless otherwise agreed to by EPA. Settling

Work Defendants shall develop the plan in accordance with *Comprehensive Five-year Review Guidance*, OSWER 9355.7-03B-P (June 2001), and any other relevant five-year review guidances.

The LTMMP shall also include the following:

- (1) Description of Performance Standards required to be met to implement the ROD.
- (2) Description of activities to be performed: (i) to assess progress towards meeting Performance Standards; and (ii) to determine whether Performance Standards have been met.
- (3) Description of records and reports that will be generated during site monitoring and maintenance, such as monitoring data submittals, summary reports, trend analyses, Long-term Monitoring Reports, Remedial Action Monitoring Reports (§ 7.9(b)) and other reports to EPA and State agencies.
- (4) Description of potential corrective actions to be implemented in case of failure of or damage to capped areas, including: (i) alternative procedures to prevent the release or threatened release of COCs at levels which may endanger public health or the environment or may cause a failure to achieve Performance Standards; (ii) analysis of vulnerability and additional resource requirements should failure to meet Performance Standards occur; (iii) notification and reporting requirements should constructed elements of the remedy fail or be in danger of imminent failure; and (iv) community notification requirements.
- (5) Description of potential corrective actions to be implemented in the event that Performance Standards are not achieved, and a schedule for implementing these corrective actions.

Consistent with ROD Section 14.2, if long-term monitoring data and trends indicate that some ARARs cannot be met, EPA will determine whether further In-waterway remedial action in conjunction with source control could practicably achieve the ARAR. If EPA concludes that an ARAR cannot be practicably achieved, EPA will either waive the ARAR on the basis of technical impracticability (TI) in a future decision document (ROD Amendment or ESD), or for Sediment Management Standard (SMS) SCO-based ARARs, EPA will consider whether the criteria in the SMS for adjusting cleanup levels upward from the SCO, to no higher than the cleanup screening level (CSL), can be met as discussed in ROD Section 14.2. If these criteria can be met, EPA will evaluate adjusting the relevant sediment cleanup levels upward to regional background or other CSL-based levels described in the SMS. Any evaluation EPA undertakes or determination it makes related to a technical impracticability waiver or adjustment to sediment cleanup levels shall be in its unreviewable discretion and not subject to dispute resolution procedures in the Decree, Section XII (Dispute Resolution), except to the extent that EPA modifies the Remedial Action or requires further response actions.

The LTMMP must include a QAPP that complies with EPA guidance (see QAPP description in 10.6(c) above) and provides:

- (1) Description of the environmental media to be monitored.
- (2) Description of the data collection parameters, including existing and proposed monitoring devices and locations, schedule and frequency of monitoring, analytical parameters to be monitored, and analytical methods employed.
- (3) Description of how performance data will be analyzed, interpreted, and reported, and/or other Site-related requirements.
- (4) Description of deliverables that will be generated in connection with monitoring, including sampling schedules, laboratory records, monitoring reports, and other reports to EPA and the State.
- (5) Description of process for proposing additional data collection (such as increases in frequency of monitoring, focused Site monitoring to identify potential sources of COCs, and/or additional or changed monitoring methods in the affected areas) in the event that results from monitoring indicate conditions or changes that may affect remedy integrity or effectiveness (such as higher than expected concentrations of the COCs in sediment, water or seafood, unanticipated erosion of sediment, particularly in areas with ENR or caps, changes in vessel or shoreline operations, sea level rise, instability of Site shoreline structures, or seismic activity);

Settling Work Defendants shall submit an updated LTMMP to incorporate location-specific monitoring and maintenance as Remedial Action Construction is completed for each reach and as otherwise directed by EPA. Settling Work Defendants shall submit an updated LTMMP after Performance Standards have been demonstrated to be met and sustained. The updated LTMMP will support EPA's five-year reviews.

11. SCHEDULES

11.1 Applicability and Revisions. All deliverables and tasks required under this SOW must be submitted or completed by the deadlines or within the time durations listed in the Remedial Design and Remedial Action Schedules set forth below. Settling Work Defendants may submit proposed revised Remedial Design Schedules or Remedial Action Schedules for EPA approval. Upon EPA's approval, the revised Remedial Design and/or Remedial Action Schedules supersede the Remedial Design and Remedial Action Schedules set forth below, and any previously approved Remedial Design and/or Remedial Action Schedules.

11.2 Remedial Design Schedule of Deliverables for the Upper Reach. The Upper Reach Final Remedial Design Volume III (specifications and plans) was submitted to EPA on December 13, 2023, and approved by EPA on December 14, 2023. The Upper Reach Final Remedial Design Volumes I and II were submitted to EPA in January 2024 and approved by EPA on January 22, 2024.

11.3 Remedial Design Schedule of Deliverables for Middle Reach

Middle Reach Remedial Design Schedule of Deliverables			
Item	Deliverable, Task	Middle Reach SOW or AOC5 reference	Deadline
done	Notification of contractor/sub-contractor selection	(RI/FS AOC VIII, 1)	180 days from Amendment #5 effective date
done	RDWP	6.3	135 days from Issuance of Notice to Proceed to Contractor
done	PDIWP	6.4a	same as #2 above
done	PDI QAPP/HSP	6.4b/c	same as #2 above
done	Completion of PDI field work	6.4a	In accordance with the schedule in the approved PDIWP, unless otherwise approved by EPA
done	Phase 1 PDI Data Submittal	6.4d	10 days after Settling Work Defendants' receipt of validated PDI sampling data from Tier 1, or from Tier 2 if there are two or more tiers of analysis
done	PDI Phase 1 Data Evaluation Report and Phase II QAPP Addendum	6.4b/e	80 days after Settling Work Defendants' submittal of the PDI data for Phase 1 data collection to EPA
8	Phase II PDI Data Submittal	6.4e	10 days after Settling Work Defendants' receipt of validated PDI sampling data from Tier 1, or from Tier 2 if there are two or more tiers of analysis
9	PDI Phase II Data Evaluation Report	6.4e	60 days after Settling Work Defendants' submittal of PDI Phase II data to EPA
10	Preliminary (30%) Remedial Design submittal	6.6	45 days from EPA approval of PDI Phase II Data Evaluation Report
11	Intermediate (60%) Remedial Design Submittal	6.7	120 days after EPA comments on Preliminary RD
12	Pre-final (90%) Remedial Design Submittal	6.8	90 days after EPA comments on Intermediate RD
13	Final (100%) Remedial Design	6.9	60 days after EPA comments on Pre-final RD.

Middle Reach Remedial Design Schedule of Deliverables			
Item	Deliverable, Task	Middle Reach SOW or AOC5 reference	Deadline
done	Periodic Monitoring QAPP Addendum for clam tissue	4	For clams: concurrent with plans for 2023 fish and crab sampling required under AOC Amendment #4
15	Periodic Monitoring Data Evaluation Report	4	For clams, included with or concurrent with reporting of fish and crab sampling required under AOC Amendment #4
done	Fish and Shellfish Background Compilation Report	5	15 months from Amendment #5 effective date

11.4 Remedial Design Schedule of Deliverables for Lower Reach

Lower Reach Remedial Design Schedule of Deliverables			
Item	Description of Deliverable, Task	¶ Ref. in CD SOW	Deadline
1.	Settling Work Defendants Issuance of Notice to Proceed to Lower Reach Remedial Design Contract	3.3(a)	June 4, 2025 ^a
2.	Lower Reach RDWP and PDI Work Plan, QAPP, and Health and Safety Plan	6.6, 6.7	135 days after Settling Work Defendants Issuance of Notice to Proceed to Lower Reach Remedial Design Contract
3.	Completion of PDI field work		In accordance with the schedule in the approved PDI Work Plan, or as otherwise approved by EPA
4.	Lower Reach Phase 1 PDI Data Submittal	6.7(d)	10 days after Settling Work Defendants' receipt of validated PDI sampling data from Tier 1, or from Tier 2 if there are two or more tiers of analysis
5.	Lower Reach PDI Phase 1 Data Evaluation Report and PDI QAPP Addendum for Phase 2	6.7(b), 6.8, 6.9	80 days after Settling Work Defendants' submittal of the PDI data for Phase 1 data collection to EPA
6.	Lower Reach PDI Phase 2 Data Submittal	6.7(d)	10 days after Settling Work Defendants' receipt of validated PDI sampling data from Tier 1, or from Tier 2 if there are two or more tiers of analysis
7.	Lower Reach PDI Phase 2 Data Evaluation Report	6.8	60 days after Settling Work Defendants' PDI Phase 2 data submittal
8.	Lower Reach Preliminary (30%) Remedial Design	6.10	45 days from EPA approval of PDI Phase 2 Data Evaluation Report
9.	Phase 3 QAPP Addendum	6.9	30 days after submittal of 30% Remedial Design to EPA
10.	Lower Reach PDI Phase 3 Data Submittal	6.7(d)	10 days after Settling Work Defendants' receipt of validated PDI sampling data from Phase 3
11.	Lower Reach Intermediate (60%) Remedial Design	6.11	120 days after EPA comments on Preliminary Remedial Design
12.	Lower Reach (90%) Remedial Design and Phase 3 data evaluation report	6.12	90 days after EPA comments on Intermediate (60%) Remedial Design

Lower Reach Remedial Design Schedule of Deliverables			
Item	Description of Deliverable, Task	¶ Ref. in CD SOW	Deadline
13.	Lower Reach Final (100%) Remedial Design	6.13	60 days after EPA comments on Pre-final Remedial Design

- a. Settling Work Defendants Notice to Proceed for Remedial Design and Remedial Action contractors shall not be issued before EPA review and notice of disapproval, according to the schedule set forth in Section 3.3.

11.5 Remedial Action Schedule for All Reaches. Remedial Action construction is subject to in-water work windows for fish protection, except as specifically authorized by EPA in consultation with USFWS and NOAA.

Remedial Action Schedule Applicable to All Reaches, except as noted			
Item	Deliverable, Task	Decree SOW ¶ reference	Deadline
REMEDIAL ACTION			
1.	Sitewide ICIAP with location specific ICs for applicable reach	5.1	Draft: 45 days after start of construction for first season for applicable reach Draft final: 30 days after receipt of EPA comments on Remedial Action Project Report for applicable reach The Sitewide ICIAP shall be amended 30 days after construction of each Deferred Remedial Action pursuant to ¶ 8.3. IC implementation shall commence 30 days after EPA approval of amended ICIAP
2.	Sitewide LTMMP with specific plans for applicable reach	10.6(m)	Draft: 60 days after first season of construction for applicable reach Draft final: 30 days after receipt of EPA comments on Remedial Action Project Report for applicable reach

Remedial Action Schedule Applicable to All Reaches, except as noted			
Item	Deliverable, Task	Decree SOW ¶ reference	Deadline
3.	Issuance of Notice to Proceed for Remedial Action Construction Contract	7.1	210 days from EPA approval of remedial design for the applicable reach
4.	Community Impacts Mitigation Plan for Upper and Middle Reach	10.6 (e)	45 days after Issuance of Notice to Proceed of Remedial Action Construction Contract for the applicable reach
5.	Remedial Action Work Plan (RAWP)	7.2	60 days after Issuance of Notice to Proceed of Remedial Action contract for applicable reach
6.	Pre-Construction Conference	7.4(a)	Within 15 days after receipt of EPA comments on RAWP for applicable reach
7.	Start of Construction	7.2	Within 30 days of EPA approval of RAWP for applicable reach or as otherwise approved by EPA
8.	Annual Construction Summary Technical Memorandum	7.8(c)	90 days after contractor demobilization each year
9.	Completion of Construction	7.8	Per approved RAWP construction schedule, unless otherwise approved by EPA
10.	Pre-final Inspection	7.8(d)	Per approved RAWP construction schedule for applicable reach, unless otherwise approved by EPA
11.	Pre-final Inspection Report	7.8(d)	30 days after completion of Pre-final Inspection of applicable reach
12.	Final Inspection	7.8(d)	45 days after Completion of Work in applicable reach identified in Pre-final Inspection Report
13.	Remedial Action Project Report	7.8(e)	90 days after Final Inspection for applicable reach
14.	IC implementation report	5.2	Per EPA-approved Sitewide ICIAP for applicable reach, or annually if not specified

Remedial Action Schedule Applicable to All Reaches, except as noted			
Item	Deliverable, Task	Decree SOW ¶ reference	Deadline
Site-Wide Deliverables			
1	Site-Wide LTMMP Reports	10.6(m)	Per EPA approved LTMMP schedule
2	LTMMP Data Submittals	10.6(m)	10 days after receipt of validated data following each LTM sampling event
3	Remedial Action Monitoring Reports	7.9(b)	Per EPA approved schedule

12. STATE PARTICIPATION

- 12.1 Copies.** Settling Work Defendants shall, at any time they send a deliverable to EPA, send a copy of such deliverable to the State. EPA shall, at any time it sends a notice, authorization, approval, disapproval, or certification to Settling Work Defendants, send a copy of such document to the State. Settling Work Defendants shall submit copies of deliverables electronically or in hard copy as requested or agreed to by EPA. Deliverables made available for downloading shall be provided at an unrestricted link.
- 12.2 Review and Comment.** The State will have a reasonable opportunity for review and comment prior to:
- (a) Any EPA notice to proceed under ¶ 3.3 (Procedures for Disapproval/Notice to Proceed).
 - (b) Any EPA approval or disapproval under ¶ 10.5 (Approval of Deliverables) of any deliverables that are required to be submitted for EPA approval.
 - (c) Any approval or disapproval of the Construction Phase under ¶ 7.8 (Remedial Action Construction Completion), any disapproval of, or Certification of Remedial Action Completion under ¶ 7.9 (Certification of Remedial Action Completion), and any disapproval of, or Certification of Work Completion under ¶ 7.10 (Certification of Work Completion).
- 12.3 Memorandum of Understanding.** EPA and the State may enter into a Memorandum of Understanding that may identify additional opportunities and procedures for State review and comment.

13. REFERENCES

- 13.1** The following regulations and guidance documents, among others, apply to the Work. Any item for which a specific URL is not provided below is available on one of the three EPA web pages listed in ¶ 13.2:
- (a) A Compendium of Superfund Field Operations Methods, OSWER 9355.0-14, EPA/540/P-87/001a (Aug. 1987).
 - (b) CERCLA Compliance with Other Laws Manual, Part I: Interim Final, OSWER 9234.1-01, EPA/540/G-89/006 (Aug. 1988).
 - (c) Guidance for Conducting Remedial Investigations and Feasibility Studies, OSWER 9355.3-01, EPA/540/G-89/004 (Oct. 1988).
 - (d) CERCLA Compliance with Other Laws Manual, Part II, OSWER 9234.1-02, EPA/540/G-89/009 (Aug. 1989).
 - (e) Guidance on EPA Oversight of Remedial Designs and Remedial Actions Performed by Potentially Responsible Parties, OSWER 9355.5-01, EPA/540/G90/001 (Apr.1990).

- (f) Guidance on Expediting Remedial Design and Remedial Actions, OSWER 9355.5-02, EPA/540/G-90/006 (Aug. 1990).
- (g) Guide to Management of Investigation-Derived Wastes, OSWER 9345.3-03FS (Jan. 1992).
- (h) Permits and Permit Equivalency Processes for CERCLA On-Site Response Actions, OSWER 9355.7-03 (Feb. 1992).
- (i) Guidance for Conducting Treatability Studies under CERCLA, OSWER 9380.3-10, EPA/540/R-92/071A (Nov. 1992).
- (j) National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule, 40 C.F.R. part 300 (Oct. 1994).
- (k) Guidance for Scoping the Remedial Design, OSWER 9355.0-43, EPA/540/R-95/025 (Mar. 1995).
- (l) Remedial Design/Remedial Action Handbook, OSWER 9355.0-04B, EPA/540/R-95/059 (June 1995).
- (m) EPA Guidance for Data Quality Assessment, Practical Methods for Data Analysis, QA/G-9, EPA/600/R-96/084 (July 2000).
- (n) Comprehensive Five-year Review Guidance, OSWER 9355.7-03B-P, EPA/540-R-01-007 (June 2001).
- (o) Guidance for Quality Assurance Project Plans, EPA QA/G-5, EPA Office of Environmental Information (Dec. 2002) <https://www.epa.gov/quality/guidance-quality-assurance-project-plans-epa-qag-5>.
- (p) Institutional Controls: Third-Party Beneficiary Rights in Proprietary Controls, OECA (Apr. 2004).
- (q) EPA Guidance on Systematic Planning Using the Data Quality Objectives Process, QA/G-4, EPA/240/B-06/001 (Feb. 2006).
- (r) EPA Requirements for Quality Management Plans, QA/R-2, EPA/240/B-01/002 (Mar. 2001, reissued May 2006).
- (s) EPA National Geospatial Data Policy, CIO Policy Transmittal 05-002 (Aug. 2005), <https://www.epa.gov/geospatial/epa-national-geospatial-data-policy>.
- (t) Principles for Greener Cleanups (Aug. 2009), <https://www.epa.gov/greenercleanups/epa-principles-greener-cleanups>.
- (u) Close Out Procedures for National Priorities List Sites, (OLEM Directive 9320.2-23) OSWER 9320.2-23 (June 2022).
- (v) Recommended Evaluation of Institutional Controls: Supplement to the “Comprehensive Five-Year Review Guidance,” OSWER 9355.7-18 (Sep. 2011).

- (w) Plan EJ 2014: Legal Tools, EPA Office of General Counsel (Dec. 2011), <https://www.epa.gov/environmentaljustice/plan-ej-2014-legal-tools>.
- (x) Construction Specifications Institute's MasterFormat (most current edition), available from the Construction Specifications Institute, <http://www.csinet.org/masterformat>, or comparable alternative approved by EPA.
- (y) Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites, OSWER 9355.0-89, EPA/540/R-09/001 (Dec. 2012), <https://semspub.epa.gov/work/HQ/175446.pdf>.
- (z) Institutional Controls: A Guide to Preparing Institutional Controls Implementation and Assurance Plans at Contaminated Sites, OSWER 9200.0-77, EPA/540/R-09/02 (Dec. 2012), <https://semspub.epa.gov/work/HQ/175449.pdf>.
- (aa) EPA's Emergency Responder Health and Safety Manual, OSWER 9285.3-12 (July 2005 and updates), <https://www.epaosc.org/HealthSafetyManual/manual-index.htm>.
- (bb) Broader Application of Remedial Design and Remedial Action Pilot Project Lessons Learned, OSWER 9200.2-129 (Feb. 2013).
- (cc) Quality Management Systems for Environmental Information and Technology Programs -- Requirements with Guidance for Use, ASQ/ANSI E-4 (February 2014), available at <https://webstore.ansi.org/>.
- (dd) Guidance for Management of Superfund Remedies in Post Construction, OLEM 9200.3-105 (Feb. 2017), <https://www.epa.gov/superfund/superfund-post-construction-completion>.
- (ee) Sediment Cleanup User's Manual (Washington Department of Ecology Publication Number 12-09-057) December 2021.
- (ff) Contaminated Sediment Remediation Guidance for Hazardous Waste Sites EPA-540-R-05-012 OSWER 9355.0-85 December 2005.
- (gg) Guidance for In Situ Subaqueous Capping of Contaminated Sediments (EPA and USACE) 1998
- (hh) EPA Contract Laboratory Program SOW for Inorganic Superfund Methods (ISM02.4, October, 2016);
- (ii) EPA Contract Laboratory Program SOW for Organics Superfund Methods (SOM02.4, October, 2016);
- (jj) EPA Contract Laboratory Program SOW for High Resolution Superfund Methods (HRSM01.2, October, 2014)
- (kk) Advanced Monitoring Technologies and Approaches to Support Long-Term Stewardship (July 20, 2018), <https://www.epa.gov/enforcement/use-advanced-monitoring-technologies-and-approaches-support-long-term-stewardship>.

- (ll) [US EPA's Institutional Control Implementation and Assurance Plan \(ICIAP\) report \(kingcounty.gov\).](#) Lee S., Tippens K., and Ho K. (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 United States Environmental Protection Agency Region 10.
- (mm) Superfund Community Involvement Handbook, OLEM 9230.0-51 (March 2020). More information on Superfund community involvement is available on the Agency's Superfund Community Involvement Tools and Resources web page at <https://www.epa.gov/superfund/superfund-community-involvement-tools-and-resources>.
- (nn) Quality Management Plan Standard. EPA Directive No. CIO 2105-S-01.0. (June 2020) https://www.epa.gov/system/files/documents/2023-01/quality_management_plan_standard.pdf
- (oo) Quality Assurance Project Plan Standard. EPA Directive No. CIO 2105-S-02.0. (March 2023) https://www.epa.gov/system/files/documents/2023-07/quality_assurance_project_plan_standard.pdf
- (pp) EPA directive CIO 2105.1 (Environmental Information Quality Policy, 2021), https://www.epa.gov/sites/production/files/2021-04/documents/environmental_information_quality_policy.pdf.

13.2 A more complete list may be found on the following EPA web pages:

- (a) Laws, Policy, and Guidance at <https://www.epa.gov/superfund/superfund-policy-guidance-and-laws>.
- (b) Search Superfund Documents at <https://www.epa.gov/superfund/search-superfund-documents>.
- (c) Test Methods Collections at: <https://www.epa.gov/measurements/collection-methods>
- (d) EPA Quality Directives (Policy, Procedure, Standards and Guidance) can be found here: <https://www.epa.gov/quality/quality-program-directives>
- (e) Superfund Contaminated Sediments: Guidance and Technical Support <https://www.epa.gov/superfund/superfund-contaminated-sediments-guidance-and-technical-support>

For any regulation or guidance referenced in the Decree or SOW, the reference will be read to include any subsequent modification, amendment, or replacement of such regulation or guidance. Such modifications, amendments, or replacements apply to the Work only after Settling Work Defendants receive notification from EPA of the modification, amendment, or replacement.

Attachment 1: Lower Duwamish Waterway Superfund Site Community Involvement Plan