



U.S. ENVIRONMENTAL PROTECTION AGENCY

August 1998

## EPA Announces Public Comment Period on Proposed Settlement Agreement

*A proposed agreement between the U.S. Environmental Protection Agency and the State of Washington would settle the state's liability for contamination at the Wyckoff/Eagle Harbor Superfund Site. The Comment Period runs from August 14 to September 14, 1998.*

The public is invited to comment on a proposed settlement agreement between the U.S. Environmental Protection Agency (EPA) and the State of Washington Departments of Transportation and Natural Resources. The proposed agreement, called a *Consent Judgment*, is a settlement of the State of Washington's liability under the Superfund law for the Wyckoff/Eagle Harbor Superfund site on Bainbridge Island in Kitsap County, Washington.

This fact sheet is being distributed to notify the affected community and to invite public comment on the proposed consent judgment. Written comments should refer to United States v. Washington, et al. (Ref. #90-7-1-525B) and be sent by September 14 to:

Assistant Attorney General  
Environment & Natural Resources Div.  
Department of Justice  
Washington DC 20530

The U.S. Department of Justice (DOJ), which represents EPA in matters before the court, has filed the proposed consent judgment in federal district court. Prior to the approval of this agreement, however, the consent judgment is subject to 30 days of public comment. DOJ will provide to a federal judge all public comments and EPA responses to those comments. The

### The proposed consent judgment is available for public review at the following locations:

#### **In Bainbridge:**

Kitsap Library, Bainbridge Branch  
1270 Madison Avenue North  
Bainbridge Island, Washington

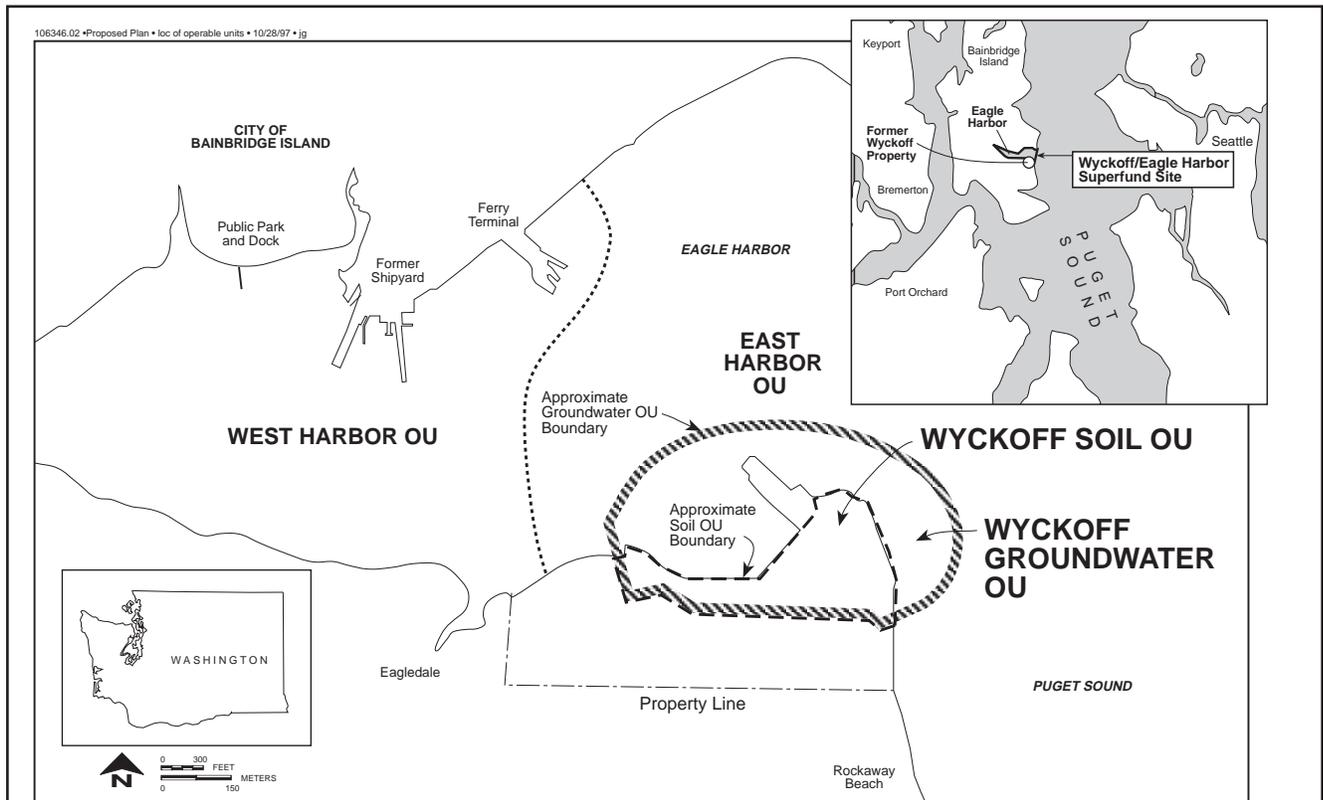
#### **In Seattle:**

U.S. Environmental Protection Agency  
Superfund Records Center  
1200 Sixth Avenue, 7th Floor  
Seattle, Washington 98101

#### **On the Internet:**

Federal Register Web Site:  
[http://www.access.gpo.gov/su\\_docs/](http://www.access.gpo.gov/su_docs/)  
Click on "Federal Register" in left column.  
Scroll down, select "Notices."  
Date range: 08/14/98 to 08/14/98.  
Search terms: "Wyckoff".

judge will determine whether to approve the consent judgment only after all public comments have been addressed.



**Site Background:** The former Wyckoff wood-treating facility, located at the mouth of Eagle Harbor on Bainbridge Island, forms part of the Wyckoff/Eagle Harbor Superfund site. The facility operated as a wood-treating operation from 1903 until 1988. As a result of these operations, surface and subsurface soils at the facility, and groundwater beneath the facility, have been severely contaminated with creosote and pentachlorophenol. Bottom sediments in much of Eagle Harbor are contaminated with chemicals from wood-treating and shipyard operations. The shipyard operated at the current site of the ferry maintenance yard. Some sediments in Eagle Harbor are toxic to marine organisms. A public health advisory is in effect recommending against eating fish and shellfish harvested from the Harbor.

The Wyckoff/Eagle Harbor site is divided, for program purposes, into four work areas called "operable units." The four areas are: West Harbor Operable Unit, East Harbor Operable Unit, Wyckoff Soil Operable Unit, and Wyckoff Groundwater Operable Unit. Cleanup up of the West Harbor is complete. In the East Harbor, a 50 acre "cap" has been put in place to isolate contaminated sediments on the harbor floor; additional future capping may be necessary following source control at Wyckoff. Possible cleanup remedies for the Groundwater Operable unit are currently under evaluation. Work on the Soils Operable Unit is on hold pending the outcome of the the groundwater remedy.

## Summary of Proposed Consent Judgment

The consent judgment is a legal document which resolves the State of Washington's liability under Superfund for cleanup of Eagle Harbor. As part of the settlement, the State of Washington will provide \$2,200,000 dollars toward cleanup of the East Harbor portion of the Wyckoff/Eagle Harbor Superfund site and

\$100,000 toward EPA oversight of response actions in the West Harbor. In addition, the State will remain responsible for long-term operations and maintenance of the West Harbor cleanup action, completed in 1997, and for habitat mitigation required as compensation for lost habitat due to cleanup. The State also agrees to make state-owned sediments available for use in any future Eagle Harbor sediment capping work.



The State of Washington owns contaminated lands at the site, including sediments in Eagle Harbor and a former shipyard. The upland areas and adjacent tidelands at the shipyard were contaminated by over half a century of boat construction and repair. The Washington Department of Natural Resources manages the subtidal lands on behalf of the state, while the Washington Department of Transportation manages the lands used by the Washington State Ferries for a ferry terminal and a ferry maintenance facility in Eagle Harbor. Ownership and operation of these facilities led EPA to name these two state agencies "potentially responsible parties" for the cost of response actions at the site.

Several other parties have resolved their liability in previous settlements. Pacific Sound Resources (PSR), also known as the Wyckoff Company, owned the wood treating facility on the south shore of Eagle Harbor. PSR resolved its liability at two Superfund sites in May 1994, establishing an environmental cleanup trust fund from the liquidation of company assets. PACCAR Inc. and the U.S. Government (including the Navy, Army, Coast Guard and other parts of the Government which had ships worked on at the shipyard) settled in April 1997. Under that settlement, PACCAR Inc. completed cleanup of the West Harbor (including sediments and the former shipyard) and the U.S. Government provided \$4,800,000 dollars toward future cleanup in the East Harbor. In addition, each party contributed \$100,000 to pay for EPA oversight of the West Harbor cleanup.

**For more information...Contact:**

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**Toll-Free Telephone Number:**

1-800-424-4372

**EPA Region 10 Internet Homepage:** <http://www.epa.gov/r10earth/>

**Wyckoff/Eagle Harbor Homepage:** <http://epainotes1.rtpnc.epa.gov.7777/r10/cleanup.nsf/webpage/wyckoff-Eagle+Harbor>

**Documents:** The Administrative Record is a file that contains all information used by EPA to make decisions on cleanup actions from the beginning of the site's history. The Administrative Record can be reviewed at the EPA Records Center, 7th Floor, 1200 Sixth Avenue, Seattle. Call 206/553-4494 to make an appointment. Select documents can be viewed at the Information Repository located at the Bainbridge Island Public Library, 1270 Madison Avenue North. If the library does not have the document you need, feel free to call **Andrea Lindsay, EPA Community Relations Coordinator, at 206-553-1896.**

*Additional services can be made available to persons with disabilities by contacting one of the EPA staff listed on this page or call toll-free 1-800-424-4372.*



United States  
Environmental Protection  
Agency

EPA Region 10  
Community Relations and Outreach  
1200 Sixth Avenue, ECO-081  
Seattle, Washington 98101-1128

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