

Appendix J

Sediment Remedy Institutional Controls Implementation and Assurance Plan Outline

Sediment Remedy Institutional Controls Implementation and Assurance Plan Outline

This appendix provides an outline of the Sediment Remedy Institutional Controls Implementation and Assurance Plan (ICIAP) for the Lower Duwamish Waterway upper reach remedial design. The Final (100%) Remedial Design will prepare an annotated outline of the Sediment Remedy ICIAP. The Implementing Entity will complete and implement the Sediment Remedy ICIAP after construction is complete. This ICIAP does not include seafood consumption-related institutional controls because those have been developed separately for the U.S. Environmental Protection Agency (Lee et al. 2019); the seafood consumption institutional control (IC) program was started in 2017 (King County 2020).

1. Introduction
2. Site Details
 - a. Site Description
 - b. Brief Site History
 - c. Property Information and Owner Contacts
3. Elements of Planned/Implemented ICs
 - a. Objectives of ICs
 - b. Elements Specific to IC Agreement
 - i. Proprietary Controls
 - ii. Governmental Controls
 - iii. Enforcement and Permit Tools with IC Components
 - iv. Informational Devices
 - c. General Institutional Control Elements
 - i. Example IC No. 1
 - ii. Example IC No. 2
 - iii. Example IC No. 3
 - d. IC Relationship Matrix
4. Maintenance
 - a. IC Assurance Monitoring
 - i. Responsible Parties
 - ii. Frequency of Inspections and IC Monitoring
 - iii. Monitoring Activities
 - iv. Events and Activities to be Monitored
 - b. Reporting
 - i. Procedures
 - ii. Frequency
 - iii. Events and Activities to be Reported

- iv. Entity Responsible for Reporting
 - v. Regulatory Entity Contacts
- 5. Enforcement
 - a. Enforcement Entities and Procedure
 - i. Triggering Events
 - ii. Responsible Entity
 - iii. Procedure and Time Frame
 - iv. Enforcing Entity and Notification Procedures
 - v. Legal Authority for Enforcing
 - vi. Contingency Plans
 - vii. Financial Assurances
- 6. IC Modification and Termination Elements
 - a. Modification Process
 - i. Conditions for Modification
 - ii. Responsible Parties
 - b. Termination Process
 - i. Conditions for Termination
 - ii. Responsible Parties
- 7. Attachments
 - a. IC Agreements

References

- EPA (U.S. Environmental Protection Agency), 2012. *Institutional Controls: A Guide to Planning, Implementing, Maintaining and Enforcing Institutional Controls at Contaminated Sites*. EPA 540-R-09-001. OSWER 9355.0-89. December 2012.
- King County, 2020. *About the Fun to Catch, Toxic to Eat Program*. King County. Last modified February 28, 2020; accessed January 30, 2023. Available at: <https://kingcounty.gov/depts/health/environmental-health/healthy-communities/duwamish-fishing/about-us.aspx>.
- 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 Report. Public Health – Seattle & King County. Prepared for U.S. Environmental Protection Agency Region 10. August 2019.