



January 10, 1995

## *Superfund Fact Sheet*

# Ruston/North Tacoma Study Area Ruston and Tacoma, Washington

### **Public Comments Requested on Consent Decree through February 4, 1995**

*You are invited to comment on a proposed agreement, called a Consent Decree, between the U.S. Environmental Protection Agency (EPA), and Asarco, Inc. The Consent Decree outlines the responsibilities for completing Study Area cleanup activities required by EPA's 1993 Record of Decision (ROD) (see background section for more information on the ROD).*

On December 23, 1994 the U.S. Department of Justice (DOJ), who represents EPA in matters before the court, lodged this Consent Decree in Federal District Court in Tacoma. Before the court will consider approval of this agreement, the public has a 30-day opportunity to comment. This public comment period was officially announced in the January 5, 1995 version of the Federal Register.

If you would like to comment on the proposed Consent Decree, please submit your written comments on or before **February 4, 1995**. Your comments should refer to Civil action number **D.J. Ref. No. 90-11-2-698C** Ruston/North Tacoma Consent Decree and be sent to:

Assistant Attorney General  
Environmental & Natural Resources  
Division  
U.S. Department of Justice  
Washington, D.C. 20530

EPA Region 10 staff in Seattle would appreciate a copy of your comments. Please send a copy to: U.S. EPA c/o Mary Kay Voytilla, 1200 Sixth Avenue, HW-113, Seattle, Washington 98101. DOJ and EPA will consider and respond to all public comments received during the comment period. The agencies will prepare a "Responsiveness Memorandum" which will summarize public comments and agency responses. This Memorandum will be submitted to the court for its consideration.

### **Background Highlights**

The Ruston/North Tacoma Study Area includes an arc of land approximately one mile surrounding the Asarco smelter. It includes about 4,500 people and 1,800 houses. Past studies found soil in the Study Area to be contaminated with arsenic and lead from smelter emissions. Slag (a by-product of smelting) is also used in a variety of ways throughout the community.

After completing studies and considering community input, EPA adopted a final cleanup plan for the Study Area in June 1993. The cleanup plan is outlined in a document called a Record of Decision (ROD). The ROD calls for sampling of individual properties, removal and replacement of soil that exceeds 230 parts per million (ppm) arsenic or 500 ppm lead as deep as 18 inches below the surface, re-landscaping in coordination with the property owner, and the removal and replacement of slag, for example, slag driveways.

In order to fulfill EPA's commitment to the community to begin the necessary sampling and cleanup as soon as possible, EPA issued a Unilateral Administrative Order (UAO) to Asarco in August 1993.

Under this Order, Asarco began sampling in October 1993, and cleanup activities in May 1994. To date, approximately 240 yards have been sampled, and 65 yards have been cleaned-up. It will take a total of about three or four years to complete the sampling of properties in the Study Area, and seven to eight years to complete the cleanups.

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## Summary of the Consent Decree

In April 1994, EPA and Asarco began negotiating the proposed Consent Decree for completion of cleanup design and cleanup actions. The Consent Decree addresses the same sampling and cleanup actions covered by the August 1993 Unilateral Administrative Order, however, the following additional provisions were agreed to in the proposed Consent Decree:

Asarco would pay EPA \$2.7 million for money the agency has spent on past activities for the site;

Minor changes to the sampling and cleanup programs. For example, flexibility is provided in determining the number of samples needed for large residential properties and open public areas. These changes were based on experience gained during the past year of conducting the sampling and cleanup activities.

Long-term legal rights and responsibilities, such as:

- A commitment from EPA not to sue Asarco in the future over matters related to the Study Area cleanup, as long as Asarco meets the requirements of the Consent Decree;
- Asarco would pay penalties for failure to perform the work (for example, Asarco is required to cleanup 125 properties in the first year, if they fail to do this they would pay a \$1,000 penalty for each property below 125 that is not completed); and
- A process to resolve disputes, if they arise, between EPA and Asarco.

## Next Steps

After the public comment period closes, EPA and DOJ will prepare a "Responsiveness Memorandum" which will summarize public comments and agency responses. This Memorandum will be submitted to the court for its consideration. The judge will decide whether to approve the Decree as is, or with modifications. Once the court approves the Consent Decree it will replace the August 1993 UAO.

## For More Information

If you have questions, or would like more information, please feel free to contact one of the following EPA representatives toll free in Seattle at **1(800) 424-4EPA**, or as indicated:

**Mary Kay Voytilla**  
Project Manager  
**(206) 553-2712**

**Michelle Pirzadeh**  
Community Relations Coordinator  
**(206) 553-1272**

For those with impaired hearing or speech, please contact EPA's telecommunications device for the hearing impaired (TDD) at **(206) 553-1698**.

To ensure effective communication with everyone, additional services can be made available to persons with disabilities by contacting one of the numbers listed above.

You can visit any of the following information repositories for more information about the Ruston/North Tacoma Study area:

**In Ruston:**

Ruston Town Hall  
5117 North Winnifred

Asarco Information Center \*  
5311 North Commercial

**In Tacoma:**

Tacoma Public Library Main Branch \*  
1102 Tacoma Avenue South, Northwest Room

McCormick Regional Branch Library  
3722 North 26th

City of Tacoma  
747 Market Street, Suite 420

Tacoma Pierce County Health Department  
3633 Pacific Avenue

Citizens for a Healthy Bay \*  
771 Broadway

Pacific Lutheran University Library  
121st and South Park Avenue

**In Olympia:**

Washington Department of Ecology  
300 Desmond Drive S.E.

**In Seattle:**

Environmental Protection Agency \*  
1200 Sixth Avenue, 7th Floor Records Center

\*Copies of the proposed Consent Decree are available at these locations.



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Agency

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