



Seattle DOT Mercer Parcels site

Response to Comments

- **Prospective Purchaser Consent Decree**
- **Public Participation Plan**
- **Remedial Investigation**
- **Focused Feasibility Study**
- **Draft Cleanup Action Plan**
- **State Environmental Policy Act Checklist and Determination of Non-Significance**

**Seattle DOT Mercer Parcels Cleanup Site
Seattle, WA**

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

February 2022



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- Clean-up site ID: 14784
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¹ www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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Seattle DOT Mercer Parcels Cleanup Site Seattle, WA

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DEPARTMENT OF
ECOLOGY
State of Washington

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Public Outreach Summary

The Seattle DOT Mercer Parcels cleanup site (Site) located at 800 Mercer St, Seattle, WA 98109, is continuing Washington State's [formal cleanup process](#)² as directed under the Model Toxics Control Act ([MTCA](#)³). 800 Mercer, LLC is addressing contamination at the Site under a legal agreement with Ecology.

The Department of Ecology's public involvement activities related to this Site's 45-day comment period (Dec. 6 – Jan. 19, 2022) included:

- **Postcard and Fact Sheet:**
 - US mail distribution of a postcard providing information about the cleanup documents, the public comment period, and public meeting to approximately 5,500 addresses including neighboring businesses and other interested parties.
 - The fact sheet was available digitally through [Ecology's cleanup site webpage](#)⁴.
- **Legal Notices:**
 - Publication of one paid display ad in *the Seattle Times*, dated Dec. 13, 2022
- **Site Register:**
 - Publication of 5 notices in Ecology's Toxics Cleanup Site Register:
 - Comment Period Notice:
 - [Site Register notice](#) #1 Dec. 2, 2021
 - [Site Register notice](#) #2 Dec. 16, 2021
 - [Site Register notice](#) #3 Dec. 30, 2021
 - [Site Register notice](#) #4 Jan. 13, 2022
 - Response Summary Notice:
 - Estimated date of publication Mar. 10, 2022
 - Visit [Ecology's Site Register website](#)⁵ to download PDFs.
- **Media Notification:**
 - Ecology sent a media notice on Dec. 6, 2022 to various media outlets in the Seattle area.
- **Social Media:**
 - **Twitter:** Ecology – Northwest Region @ecyseattle posted a tweet⁶ on Dec. 6, 2022 connecting readers to the comment period including the cleanup site webpage and how to submit comments.
 - **Blog:** On Dec. 6, 2022, Ecology's Northwest Regional Office posted a story on [Ecology's blog](#)⁷, which has approximately 1,200 email subscribers.
- **Online Public Meeting**

² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

³ <https://ecology.wa.gov/mtca>

⁴ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=14784>

⁵ <https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter>

⁶ <https://twitter.com/ecyseattle/status/1467962689058050048?cxt=HHwWgMCojbiSoN8oAAAA>

⁷ <https://ecology.wa.gov/Blog/Posts/December-2021/Cleaning-up-Two-South-Lake-Union-cleanups-will-mak>

- Ecology hosted an online meeting Thursday, January 6, 2022 at 6:30 p.m. Ecology and Hart Crowser staff presented details on the site investigations and draft Cleanup Action Plan and answered questions about the Site.
- **Websites:**
 - Ecology announced the public comment period, posted the fact sheet, and made the review documents available on [Ecology’s Seattle DOT Mercer Parcels webpage](#)⁸ and Ecology’s [Public Inputs & Events webpage](#)⁹.
- **Document Repositories:**
 - The Northwest Regional Office offered in-person review of documents by appointment. Outreach materials were available on the Seattle DOT Mercer Parcels website as well.

Comment Summary

From Dec. 6, 2021 – Jan. 19, 2022, Ecology solicited public comments on a Prospective Purchaser Consent Decree, Public Participation Plan, Remedial Investigation, Focused Feasibility Study, draft Cleanup Action Plan, and State Environmental Policy Action checklist and Determination of Non-Significance for the Seattle DOT Mercer Parcels cleanup site.

Ecology received 1 comment during the 45-day comment period.

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Brian William Daniel	O’Neal Haldeman Balbiani	PES Environmental, Inc., on behalf of BMR-Dexter LLC	Business

Next Steps

Ecology has reviewed and considered the public comments received on the Remedial Investigation, Focused Feasibility Study, and draft Cleanup Action Plan. Based on Ecology’s evaluation of the comments, no substantive changes were necessary in the documents, and they are being finalized.

Work will begin on the engineering design for implementing the cleanup action after the Prospective Purchaser Consent Decree becomes effective. See graphic below and visit Ecology’s [cleanup process webpage](#)¹⁰ to learn more about Washington’s formal cleanup process.

⁸ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=14784>

⁹ <https://10ecology.wa.gov/Events/Search/Listing>

¹⁰ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

¹⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html>

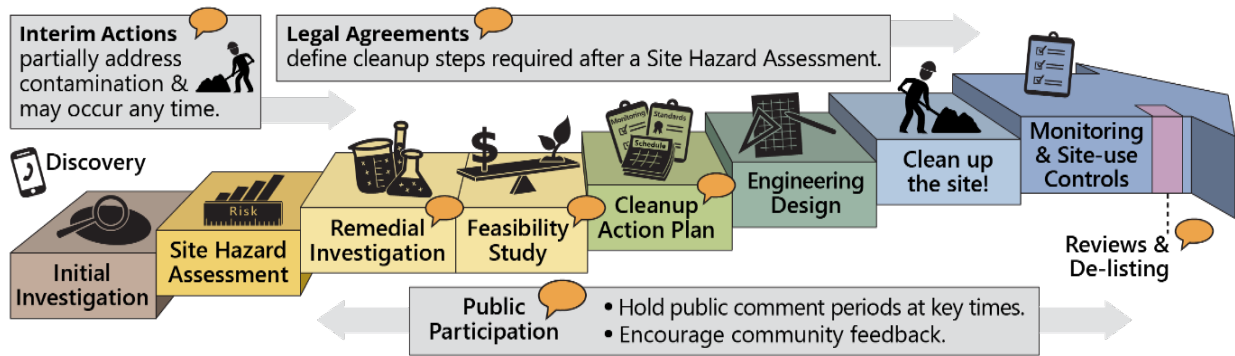


Figure 1: Washington's formal cleanup process ([download a text explanation](#)¹⁵)

¹⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html>

Comments and Responses

The public comments are presented below, along with Ecology's responses. Appendix A, page 17 contains the comments in their original format, including footnotes and citations.

Comments from: **BMR-Dexter LLC (PES Environmental, Inc.), received via letter dated January 19, 2022, submitted by electronic mail**

January 19, 2022

BY EMAIL ONLY

COMMENTS ON THE PUBLIC REVIEW DRAFT REMEDIAL INVESTIGATION REPORT, FOCUSED FEASIBILITY STUDY REPORT, AND DRAFT CLEANUP ACTION PLAN
SEATTLE DOT MERCER PARCELS 800 MERCER STREET, SEATTLE, WASHINGTON

Dear Ms. Seeds:

On behalf of BMR-Dexter LLC ("BMRD"), PES Environmental, Inc. ("PES"), is submitting comments on the Public Review Draft Remedial Investigation Report ("RI Report"), Focused Feasibility Study Report ("FFS Report"), and Draft Cleanup Action Plan ("dCAP") for the Seattle Department of Transportation Mercer Parcels site ("Site" or "Seattle DOT Mercer Parcels Site") located at 800 Mercer Street, Seattle, Washington (the "800 Mercer Property"). BMRD has retained PES to implement an interim action and conduct a remedial investigation at the former American Linen Dexter Avenue North Site (the "American Linen Site") located at 700 Dexter Avenue North, Seattle, Washington (the "American Linen Property"), pursuant to Agreed Order No. DE 14302. As an initial matter, all three of these documents—as well as the associated Draft Prospective Purchaser Consent Decree ("DPPCD")—establish a clear division between contamination associated with the Site and the American Linen Site. BMRD concurs with this distinction. Contaminants at the Seattle DOT Mercer Parcels Site and the American Linen Site are substantially distinct. The comments below are provided to clarify and support this distinction on several important subjects.

We address each document in turn, first identifying the portion of the document for comment in bold, followed by our comments. [...]

Response:

Thank you for providing comments. We appreciate your participation in the cleanup process at this Site.

[...] **RI REPORT COMMENTS**

1. **Section 4.2.2 Groundwater Level Measurements, Page 12, Second Paragraph.** *This section of the RI Report discusses the groundwater flow direction and gradient. This section refers to two groundwater elevation contour maps. The two groundwater contour maps represent groundwater levels measured on March 19 and May 11, 2020, in wells on or immediately adjacent to the Seattle DOT Mercer Parcels and Seattle DOT Dexter Site (the site west of the Site). PES did not measure water levels during the event on March 19, 2020, but did measure water levels in the entire American Linen Site remedial investigation monitoring network during the event on May 11, 2020. The RI Report does not include other groundwater elevations in preparing the groundwater elevation contour maps. That decision produced incorrect groundwater contours and inaccurately represents the groundwater flow directions and gradients on those dates. The construction projects at both the 700 Dexter and Block 38 West properties were operating dewatering systems on the dates these groundwater level measurements were taken. The RI Report does not account for the fact that those dewatering systems significantly influenced groundwater flow in the Shallow and Intermediate A Zones. The RI Report also does not discuss the Intermediate B Zone groundwater mound in the southwest portion of the Site. The mound, which also is present if groundwater elevations from other properties in the area are included, induces a north to northeast groundwater flow direction in the Intermediate B Zone. While the easterly groundwater flow direction represented in the RI Report may be present in the Shallow and Intermediate A Zones in the absence of construction dewatering in the area, that was not the case in March and May 2020. The contour maps presented in the RI Report, therefore, misrepresent groundwater flow and potentially the fate and transport of contaminants in the South Lake Union area, particularly in the Intermediate B Zone. [...]*

Response:

Thank you for your comment regarding groundwater flows, local dewatering effects, and the deeper Intermediate B Zone associated with this Site. Your comment has been considered and is noted for the record.

[...] 2. **Section 7.1.3.1 COCs in Soil, Page 56, First Second-Level Bullet.** *The RI Report provides three potential mechanisms for chlorinated volatile organic compounds (“CVOCs”) to have moved south from the American Linen Property to groundwater beneath the Seattle DOT Mercer Parcels Site. The first potential mechanism presents a theory that is inconsistent with our understanding of the American Linen Site. That first mechanism consists of the lateral movement of dense non-aqueous phase liquid (“DNAPL”). The RI Report postulates that DNAPL could have flowed in pure-phase form southward from source areas on the American Linen Property and come to reside in proximity to the 800 Mercer Property. However, the data discussed in the American Linen Interim Action Plan and Remedial Investigation Work Plan indicate that this mechanism is unlikely. First, the*

American Linen Property source areas where the RI Report inferred DNAPL presence were located near the former western boiler room and the sewer line located near the former loading dock just east of former Building C. These areas are located a significant distance from the Seattle DOT Mercer Parcels Site (170 and 220 feet, respectively), and DNAPL transport that distance is very unlikely. Second, the lithology beneath the American Linen Property, consisting of fine-grained glacial deposits without consistent sloping and high permeability differential layers that would promote lateral gravity flow, is not conducive to extensive lateral DNAPL movement. Third, the independent cleanup action conducted at the American Linen Property in 2013 effectively treated soil in the Shallow and upper Intermediate A Zones, the most likely zones to have received DNAPL. Finally, the groundwater data collected in wells on the American Linen Property south of the source areas did not have high enough PCE concentrations to infer the presence of DNAPL at the southern part of the American Linen Property. [...]

Response:

Thank you for your comment regarding the DNAPL contaminant transport mechanism discussed in the Remedial Investigation Report for this Site. Ecology appreciates you sharing your perspective concerning DNAPL and migration of American Linen site contaminants to the Seattle DOT Mercer Parcels property.

[...] 3. **Section 7.1.3.1 COCs in Soil, Page 56, Third Second-Level Bullet.** *The RI Report's third mechanism for potential CVOC transport from the American Linen Property to the Seattle DOT Mercer Parcels Site is flawed. This potential mechanism centers on the injection of treatment amendments at the American Linen Property. The RI Report cites 2015 and 2016 pilot test data that found (1) increasing groundwater levels in a few wells near the injection wells, (2) an incidence of surfacing of groundwater from a well and (3) shut-in pressures equivalent to significant groundwater mounding. The RI Report does not account for the facts that (1) the occurrences of groundwater mounding were temporary, (2) there were no sudden pressure drops indicative of hydraulic fracturing in the subsurface, (3) the injections included amendments to treat CVOCs and (4) CVOCs in MW114 located at the Site predated the pilot test and interim action injections. Additionally, the target injection volumes during the recent American Linen Interim Action injections accounted for only eight percent of the pore space within the designed radius of influence. Therefore, the amount of amendment injected was low compared to the volume necessary to push CVOCs from the American Linen property to the Site. These factors indicate that former injections at the American Linen Property did not push CVOCs to the Seattle DOT Mercer Parcels Site, and that there is a low likelihood that treatment injections at the American Linen Property have pushed or will push CVOCs to surrounding properties. [...]*

Response:

Thank you for your comment regarding the contaminant transport mechanism related to local treatment fluid injections discussed in the Remedial Investigation Report for this Site. Ecology appreciates you sharing your perspective concerning the injection work performed for the American Linen site and migration of American Linen site contaminants to the Seattle DOT Mercer Parcels property. Your comment has been considered and is noted for the record.

[...] 4. **Table 5-1 Chronological List of Environmental Investigations, Footnotes f and h.** Both bullets use the term “regional” to describe the American Linen Site CVOC plume. The word “regional” generally refers to large geographic units, such as large portions of a state or even multiple states. It is an imprecise and inaccurate term to use when describing the multi-block American Linen Site CVOC plume. The terms “multi-block” or “local” would more appropriate. [...]

Response:

Thank you for your comment regarding the language in the footnotes for Table 5-1. The term “regional” has been changed to “multi-block” in the footnotes that mention the American Linen CVOC plume.

[...] 5. **Figure 7-11 Generalized Diagrammatic Conceptual Cross Section.** This figure, which is also presented in the FFS and dCAP, is problematic and inaccurately portrays conditions between the American Linen Property and the Seattle DOT Mercer Parcels Site for several reasons. First, this figure does not clearly indicate the bend in the section just south of Roy Street. Although the bend is indicated by the curved flow arrow on the small aerial photo at the bottom of the figure, the bend is not clear on the main diagram. Second, and more importantly, the presentation improperly combines a southerly flow regime presumably based on when construction dewatering systems were in operation south of the Site over five years ago with an easterly flow regime presumably present when no construction dewatering occurs in the area. Neither condition existed during the Site remedial investigation, and thus the figure misrepresents the remedial investigation data. This appears in part due to failing to consider other data in the area (see the first comment above). As presented in American Linen Site work plans available at the time of the remedial investigation at the Seattle DOT Mercer Parcels Site, non-pumped groundwater flow beneath the American Linen Property was directed either toward Lake Union (Shallow and Intermediate Zones) or toward the west (Deep Zone), not south toward the 800 Mercer Property, as shown in this figure. Southward groundwater flow would only have occurred during the temporary groundwater dewatering conducted during construction on properties south of the 800 Mercer Property. Third, the figure does not indicate the northward groundwater flow direction from the western part of the 800 Mercer Property toward

the American Linen Property in the Intermediate B Zone. The narrative in the section where the figure is referenced (Section 8.0) does not provide any additional information that would allow the reader to put the figure in context. The figure should be revised, clarified, or discarded. [...]

Response:

Thank you for your comment regarding the generalized diagrammatic conceptual cross section figure. A note has been added to this figure in each of the documents to clarify the illustration; it states “This cross section does not represent a single snapshot in time. Rather, it graphically depicts general groundwater flow directions over time that have led to the migration of contaminants observed in the Remedial Investigation.”

FFS REPORT AND DCAP COMMENTS

[...] **6. Relationship between Seattle DOT Mercer Parcels Site and American Linen Site.** *Throughout the RI Report, FFS Report, and dCAP, there are statements indicating that “contamination from sources on the Property is not comingled with the American Linen site,” and that “data collected on the Property have confirmed that the CVOC contamination from the American Linen Site is not comingled with the Seattle DOT Mercer Parcels Site.” While these statements may be accurate with respect to contaminants from the Site exceeding cleanup levels, it is important to note that petroleum-related contamination from the Site is present within the American Linen CVOC plume in some areas beneath the 800 Mercer Property. For example, gasoline range organics (“GRO”) and benzene, toluene, ethylbenzene, and xylenes (“BTEX”) compounds have been detected in HMW-9IB in amounts below cleanup levels, and BTEX compounds have been detected in MW-350 and other wells sampled as part of the HMW-9IB investigation conducted by BMRD during 2021, also in amounts below cleanup levels. These wells are located below the anticipated depth of the excavation associated with the redevelopment of the 800 Mercer Property. The co-located contaminants (i.e., CVOCs, GRO, and BTEX compounds), while not likely sufficient to constitute a “comingling” of the two Sites, are relevant with respect to certain “incidental remedial actions” identified in the FFS Report and dCAP. Specifically, groundwater extracted from beneath and around the proposed excavation should be managed to address contamination from both Sites. [...]*

Response:

Thank you for your comment regarding the relationship between the American Linen site and the Seattle DOT Mercer Parcels site. Your comment has been considered and is noted for the record.

[...] **7. Inclusion of “Incidental Remedial Actions.”** *Section 4.3 of the FFS Report and Section*

4.2.1 of the dCAP discuss the inclusion of a series of additional actions, termed “incidental remedial actions” in the dCAP, that will supplement the primary cleanup action at the Seattle DOT Mercer Parcels Site (excavation). These incidental remedial actions include groundwater management, soil management, vapor intrusion mitigation, and an environmental covenant. With a minor exception of soil management associated with some areas of contaminated fill from the Broad Street Fill site, the need for these actions is attributed to the American Linen Property CVOC plume. Most of the details for how these incidental actions will be implemented are deferred to the development of the Contaminated Media Management Plan (“CMMP”) that will be submitted in conjunction with the Engineering Design Report. As such, it is difficult to provide detailed comments on these actions. BMRD requests the opportunity to review and comment on the CMMP when it is prepared.

General comments on these actions are as follows:

- a. As noted in the above comment, dewatering during construction may withdraw groundwater with contamination from both Sites (i.e., CVOCs and BTEX compounds), and treating this water prior to discharge must address contaminants from both Sites (not just the American Linen Site), regardless of whether it is above the cleanup levels identified in the dCAP.
- b. Similarly, soil management actions are only being implemented as part of the redevelopment construction work and will need to address the presence of contaminants from both the Seattle DOT Mercer Parcels Site and the American Linen Site, regardless of whether they are above cleanup levels. For example, soil that will be excavated as part of the construction may have petroleum contamination related to the Seattle DOT Mercer Parcels at concentrations below cleanup levels and will need to meet disposal requirements irrespective of whether CVOCs are present.
- c. Regarding the vapor intrusion mitigation action, the dCAP states that “an Ecology-approved vapor barrier will be installed beneath the slabs and along the below-grade walls of the new building structures at the Property as a mitigation measure to prevent soil vapors containing CVOCs from migrating into the buildings.” The FFS Report and dCAP do not provide any basis for requiring such mitigation. In fact, groundwater data collected from wells screened at elevations adjacent to or immediately beneath the proposed building foundation (e.g., above elevation 8 ft) during the American Linen Site remedial investigation and during the Seattle DOT Mercer Parcels Site remedial investigation from along the western, southern, and eastern portions of the 800 Mercer Property show that CVOC concentrations are below groundwater screening levels based on the vapor intrusion pathway. For example, monitoring wells HMW-1s (east), HMW-11s and HMW-315 (south), and HMW-17s and HMW-6IA (west) all either are non-detect for COVCs or have very low concentrations well below the vapor

intrusion screening level. Furthermore, soil vapor data collected by BMRD along the northern boundary of the Seattle DOT Mercer Parcels Site (i.e., soil vapor probes SV-04, SV-05, SV-06, and SV-07) have consistently been below the soil vapor screening levels, indicating that there is not a vapor intrusion risk in these areas resulting from shallow groundwater.

Based on these data, a vapor barrier is not required for all of the slabs and walls of the new building to address the CVOC contamination associated with the American Linen Site. The FFS Report and dCAP should provide a basis for where such a barrier would be required to address CVOC-related risks. Where groundwater beneath the building either contains CVOC concentrations below vapor intrusion screening levels or has no detected CVOCs, there is no need for a vapor intrusion barrier, and the purpose of any barrier installed in these areas would be to address contamination associated with the Seattle DOT Mercer Parcels Site and/or be solely for waterproofing. [...]

Response:

Thank you for your comment regarding actions concerning contaminants from the other sites that are present on the Seattle DOT Mercer Parcels property. Ecology will coordinate with all affected parties, including BMR-Dexter LLC, 800 Mercer, LLC, and the City of Seattle, during the engineering and design phase of this project and preparation of the Contaminated Media Management Plan. Decisions regarding the planned vapor barrier and other details concerning institutional controls for the property will be addressed at that time. We encourage continued coordination and cooperation between all parties and the different sites that are impacting the Seattle DOT Mercer Parcels property.

[...] **8. Protection of Environmental Infrastructure Related to American Linen Interim Action.** *Section 4.3 of the FFS Report includes a brief statement that the “planned cleanup action selected in the FFS and the Property redevelopment plans take into consideration the ongoing and future investigations, cleanup actions, and monitoring related to the CVOC plume from the off-Property source, the American Linen site, so as not to interfere with these efforts.” Section 4.2.1 of the dCAP includes a similar statement. Neither document provides specific measures that will be taken so that infrastructure needed to implement “ongoing and future investigations, cleanup actions, and monitoring” related to the American Linen Site will be protected. Of particular concern to BMRD is protecting the perimeter injection wells located on the north side of the Roy Street right of way. These injection wells were very difficult to install due to the number of utilities in Roy Street. If these wells are damaged by property redevelopment activities at the Seattle DOT Mercer Parcels Site (e.g., are damaged by shoring tie-backs), replacing them would be difficult or impossible, and the future effectiveness of this component of the American Linen Site interim action would be compromised. In addition to the injection wells, there are 13 monitoring wells located adjacent to the 800 Mercer Property that*

are used by BMRD to monitor the effectiveness of the existing American Linen Site interim action, and will be used to monitor the effectiveness of the interim action to be conducted on the 800 Mercer Property, near monitoring well HMW-91B. These wells should also be protected. BMRD has begun discussions with the 800 Mercer LLC development and engineering team on this matter, but both the FFS Report and the dCAP should include more definitive statements about the requirement to protect this critical environmental infrastructure for the American Linen Site. [...]

Response:

Thank you for expressing your concerns regarding protection of the American Linen perimeter injection wells and other monitoring wells and remedial infrastructure that may be impacted by the cleanup action planned for this Site. Your comment has been noted for the record. Ecology expects that both 800 Mercer, LLC and BMR-Dexter LLC will continue to coordinate with each other on this matter as the cleanup action engineering design plans move forward for this Site.

[...] Thank you for your consideration of these comments. Please call if you have any questions.

Sincerely,

PES ENVIRONMENTAL, INC.

Brian O'Neal, P.E. Principal Engineer

William R. Haldeman, LHG, R.G. Associate Hydrogeologist

Daniel A. Balbiani, P.E Principal Engineer

Response:

Thank you again for taking the time to comment.

Appendices

Appendix A. Public comments in original format

January 19, 2022

1413.001.06

Washington Department of Ecology
Northwest Regional Office Toxics Control Program
15700 Dayton Avenue North
Shoreline, Washington 98133
Attn: Ms. Tena Seeds

BY EMAIL ONLY

**COMMENTS ON THE PUBLIC REVIEW DRAFT REMEDIAL INVESTIGATION REPORT,
FOCUSED FEASIBILITY STUDY REPORT, AND DRAFT CLEANUP ACTION PLAN
SEATTLE DOT MERCER PARCELS
800 MERCER STREET, SEATTLE, WASHINGTON**

Dear Ms. Seeds:

On behalf of BMR-Dexter LLC (“BMRD”), PES Environmental, Inc. (“PES”), is submitting comments on the Public Review Draft Remedial Investigation Report (“RI Report”),¹ Focused Feasibility Study Report (“FFS Report”),² and Draft Cleanup Action Plan (“dCAP”)³ for the Seattle Department of Transportation Mercer Parcels site (“Site” or “Seattle DOT Mercer Parcels Site”) located at 800 Mercer Street, Seattle, Washington (the “800 Mercer Property”). BMRD has retained PES to implement an interim action and conduct a remedial investigation at the former American Linen Dexter Avenue North Site (the “American Linen Site”) located at 700 Dexter Avenue North, Seattle, Washington (the “American Linen Property”), pursuant to Agreed Order No. DE 14302. As an initial matter, all three of these documents — as well as the associated Draft Prospective Purchaser Consent Decree (“DPPCD”) — establish a clear division between contamination associated with the Site and the American Linen Site. BMRD concurs with this distinction. Contaminants at the Seattle DOT Mercer Parcels Site and the American Linen Site are substantially distinct. The comments below are provided to clarify and support this distinction on several important subjects.

We address each document in turn, first identifying the portion of the document for comment in bold, followed by our comments.

¹ Hart Crowser. 2021. *Public Review Draft Remedial Investigation, Seattle DOT Mercer Parcels, 800 Mercer Street, Seattle, Washington*. Prepared for 800 Mercer, LLC. June 25.

² Hart Crowser. 2021. *Public Review Draft Focused Feasibility Study, Seattle DOT Mercer Parcels, 800 Mercer Street, Seattle, Washington*. Prepared for 800 Mercer, LLC. July 13.

³ Ecology. 2021. *Public Review Draft Cleanup Action Plan, Seattle DOT Mercer Parcels, 800 Mercer Street, Seattle, Washington*. November.

RI REPORT COMMENTS

1. **Section 4.2.2 Groundwater Level Measurements, Page 12, Second Paragraph.** This section of the RI Report discusses the groundwater flow direction and gradient. This section refers to two groundwater elevation contour maps. The two groundwater contour maps represent groundwater levels measured on March 19 and May 11, 2020, in wells on or immediately adjacent to the Seattle DOT Mercer Parcels and Seattle DOT Dexter Site (the site west of the Site). PES did not measure water levels during the event on March 19, 2020, but did measure water levels in the entire American Linen Site remedial investigation monitoring network during the event on May 11, 2020. The RI Report does not include other groundwater elevations in preparing the groundwater elevation contour maps. That decision produced incorrect groundwater contours and inaccurately represents the groundwater flow directions and gradients on those dates. The construction projects at both the 700 Dexter and Block 38 West properties were operating dewatering systems on the dates these groundwater level measurements were taken. The RI Report does not account for the fact that those dewatering systems significantly influenced groundwater flow in the Shallow and Intermediate A Zones. The RI Report also does not discuss the Intermediate B Zone groundwater mound in the southwest portion of the Site. The mound, which also is present if groundwater elevations from other properties in the area are included, induces a north to northeast groundwater flow direction in the Intermediate B Zone. While the easterly groundwater flow direction represented in the RI Report may be present in the Shallow and Intermediate A Zones in the absence of construction dewatering in the area, that was not the case in March and May 2020. The contour maps presented in the RI Report, therefore, misrepresent groundwater flow and potentially the fate and transport of contaminants in the South Lake Union area, particularly in the Intermediate B Zone.
2. **Section 7.1.3.1 COCs in Soil, Page 56, First Second-Level Bullet.** The RI Report provides three potential mechanisms for chlorinated volatile organic compounds (“CVOCs”) to have moved south from the American Linen Property to groundwater beneath the Seattle DOT Mercer Parcels Site. The first potential mechanism presents a theory that is inconsistent with our understanding of the American Linen Site. That first mechanism consists of the lateral movement of dense non-aqueous phase liquid (“DNAPL”). The RI Report postulates that DNAPL could have flowed in pure-phase form southward from source areas on the American Linen Property and come to reside in proximity to the 800 Mercer Property. However, the data discussed in the American Linen Interim Action Plan⁴ and Remedial Investigation Work Plan⁵ indicate that this mechanism is unlikely. First, the American Linen Property source areas where the RI Report inferred DNAPL presence were located near the former western boiler room and the sewer line located near the former loading dock just east of former Building C. These areas are located a significant distance from the Seattle DOT Mercer Parcels Site (170 and 220 feet, respectively), and DNAPL transport that distance is very unlikely. Second, the lithology beneath the American Linen Property, consisting of fine-grained glacial deposits without consistent sloping and high permeability differential layers that would promote lateral gravity flow, is not conducive to extensive lateral DNAPL movement. Third, the independent cleanup action

⁴ PES Environmental, Inc. 2018. *Final Interim Action Work Plan, American Linen Supply CO–Dexter Avenue Site, 700 Dexter Avenue North, Seattle, Washington*. Prepared for BMR-Dexter LLC. August.

⁵ PES Environmental, Inc. 2019. *Final Remedial Investigation/Feasibility Study Work Plan, American Linen Supply CO–Dexter Avenue Site, 700 Dexter Avenue North, Seattle, Washington*. Prepared for BMR-Dexter LLC. December 4.

conducted at the American Linen Property in 2013 effectively treated soil in the Shallow and upper Intermediate A Zones, the most likely zones to have received DNAPL. Finally, the groundwater data collected in wells on the American Linen Property south of the source areas did not have high enough PCE concentrations to infer the presence of DNAPL at the southern part of the American Linen Property.

3. **Section 7.1.3.1 COCs in Soil, Page 56, Third Second-Level Bullet.** The RI Report's third mechanism for potential CVOC transport from the American Linen Property to the Seattle DOT Mercer Parcels Site is flawed. This potential mechanism centers on the injection of treatment amendments at the American Linen Property. The RI Report cites 2015 and 2016 pilot test data that found (1) increasing groundwater levels in a few wells near the injection wells, (2) an incidence of surfacing of groundwater from a well and (3) shut-in pressures equivalent to significant groundwater mounding. The RI Report does not account for the facts that (1) the occurrences of groundwater mounding were temporary, (2) there were no sudden pressure drops indicative of hydraulic fracturing in the subsurface, (3) the injections included amendments *to treat* CVOCs and (4) CVOCs in MW114 located at the Site predated the pilot test and interim action injections. Additionally, the target injection volumes during the recent American Linen Interim Action injections accounted for only eight percent of the pore space within the designed radius of influence. Therefore, the amount of amendment injected was low compared to the volume necessary to push CVOCs from the American Linen property to the Site. These factors indicate that former injections at the American Linen Property did not push CVOCs to the Seattle DOT Mercer Parcels Site, and that there is a low likelihood that treatment injections at the American Linen Property have pushed or will push CVOCs to surrounding properties.
4. **Table 5-1 Chronological List of Environmental Investigations, Footnotes f and h.** Both bullets use the term "regional" to describe the American Linen Site CVOC plume. The word "regional" generally refers to large geographic units, such as large portions of a state or even multiple states. It is an imprecise and inaccurate term to use when describing the multi-block American Linen Site CVOC plume. The terms "multi-block" or "local" would more appropriate.
5. **Figure 7-11 Generalized Diagrammatic Conceptual Cross Section.** This figure, which is also presented in the FFS and dCAP, is problematic and inaccurately portrays conditions between the American Linen Property and the Seattle DOT Mercer Parcels Site for several reasons. First, this figure does not clearly indicate the bend in the section just south of Roy Street. Although the bend is indicated by the curved flow arrow on the small aerial photo at the bottom of the figure, the bend is not clear on the main diagram. Second, and more importantly, the presentation improperly combines a southerly flow regime presumably based on when construction dewatering systems were in operation south of the Site over five years ago with an easterly flow regime presumably present when no construction dewatering occurs in the area. Neither condition existed during the Site remedial investigation, and thus the figure misrepresents the remedial investigation data. This appears in part due to failing to consider other data in the area (see the first comment above). As presented in American Linen Site work plans available at the time of the remedial investigation at the Seattle DOT Mercer Parcels Site, non-pumped groundwater flow beneath the American Linen Property was directed either toward Lake Union (Shallow and Intermediate Zones) or toward the west (Deep Zone), not south toward the 800 Mercer Property, as shown in this figure. Southward groundwater flow would only have

occurred during the temporary groundwater dewatering conducted during construction on properties south of the 800 Mercer Property. Third, the figure does not indicate the northward groundwater flow direction from the western part of the 800 Mercer Property toward the American Linen Property in the Intermediate B Zone. The narrative in the section where the figure is referenced (Section 8.0) does not provide any additional information that would allow the reader to put the figure in context. The figure should be revised, clarified, or discarded.

FFS REPORT AND DCAP COMMENTS

6. **Relationship between Seattle DOT Mercer Parcels Site and American Linen Site.** Throughout the RI Report, FFS Report, and dCAP, there are statements indicating that “contamination from sources on the Property is not commingled with the American Linen site,”⁶ and that “data collected on the Property have confirmed that the CVOC contamination from the American Linen Site is not commingled with the Seattle DOT Mercer Parcels Site.”⁷ While these statements may be accurate with respect to contaminants from the Site exceeding cleanup levels, it is important to note that petroleum-related contamination from the Site is present within the American Linen CVOC plume in some areas beneath the 800 Mercer Property. For example, gasoline range organics (“GRO”) and benzene, toluene, ethylbenzene, and xylenes (“BTEX”) compounds have been detected in HMW-9IB in amounts below cleanup levels, and BTEX compounds have been detected in MW-350 and other wells sampled as part of the HMW-9IB investigation conducted by BMRD during 2021, also in amounts below cleanup levels.⁸ These wells are located below the anticipated depth of the excavation associated with the redevelopment of the 800 Mercer Property. The co-located contaminants (i.e., CVOCs, GRO, and BTEX compounds), while not likely sufficient to constitute a “commingling” of the two Sites, are relevant with respect to certain “incidental remedial actions” identified in the FFS Report and dCAP. Specifically, groundwater extracted from beneath and around the proposed excavation should be managed to address contamination from both Sites.
7. **Inclusion of “Incidental Remedial Actions.”** Section 4.3 of the FFS Report and Section 4.2.1 of the dCAP discuss the inclusion of a series of additional actions, termed “incidental remedial actions” in the dCAP, that will supplement the primary cleanup action at the Seattle DOT Mercer Parcels Site (excavation). These incidental remedial actions include groundwater management, soil management, vapor intrusion mitigation, and an environmental covenant. With a minor exception of soil management associated with some areas of contaminated fill from the Broad Street Fill site, the need for these actions is attributed to the American Linen Property CVOC plume. Most of the details for how these incidental actions will be implemented are deferred to the development of the Contaminated Media Management Plan (“CMMP”) that will be submitted in conjunction with the Engineering Design Report. As such, it is difficult to provide detailed comments on these actions. BMRD requests the opportunity to review and comment on the CMMP when it is prepared.

⁶ RI Report, Section 7.1.2.1

⁷ DCAP, Section 2.3.5

⁸ PES Environmental, Inc. 2021. *Draft Interim Action Work Plan Addendum No. 2 – American Linen Supply Co. – Dexter Avenue Site, Agree Order No. DE 14302*. December 22.

General comments on these actions are as follows:

- a. As noted in the above comment, dewatering during construction may withdraw groundwater with contamination from both Sites (i.e., CVOCs and BTEX compounds), and treating this water prior to discharge must address contaminants from both Sites (not just the American Linen Site), regardless of whether it is above the cleanup levels identified in the dCAP.
- b. Similarly, soil management actions are only being implemented as part of the redevelopment construction work and will need to address the presence of contaminants from both the Seattle DOT Mercer Parcels Site and the American Linen Site, regardless of whether they are above cleanup levels. For example, soil that will be excavated as part of the construction may have petroleum contamination related to the Seattle DOT Mercer Parcels at concentrations below cleanup levels and will need to meet disposal requirements irrespective of whether CVOCs are present.
- c. Regarding the vapor intrusion mitigation action, the dCAP states that “an Ecology-approved vapor barrier will be installed beneath the slabs and along the below-grade walls of the new building structures at the Property as a mitigation measure to prevent soil vapors containing CVOCs from migrating into the buildings.” The FFS Report and dCAP do not provide any basis for requiring such mitigation. In fact, groundwater data collected from wells screened at elevations adjacent to or immediately beneath the proposed building foundation (e.g., above elevation 8 ft) during the American Linen Site remedial investigation and during the Seattle DOT Mercer Parcels Site remedial investigation from along the western, southern, and eastern portions of the 800 Mercer Property show that CVOC concentrations are below groundwater screening levels based on the vapor intrusion pathway. For example, monitoring wells HMW-1s (east), HMW-11s and HMW-315 (south), and HMW-17s and HMW-61A (west) all either are non-detect for COVCs or have very low concentrations well below the vapor intrusion screening level. Furthermore, soil vapor data collected by BMRD along the northern boundary of the Seattle DOT Mercer Parcels Site (i.e., soil vapor probes SV-04, SV-05, SV-06, and SV-07) have consistently been below the soil vapor screening levels, indicating that there is not a vapor intrusion risk in these areas resulting from shallow groundwater.

Based on these data, a vapor barrier is not required for all of the slabs and walls of the new building to address the CVOC contamination associated with the American Linen Site. The FFS Report and dCAP should provide a basis for where such a barrier would be required to address CVOC-related risks. Where groundwater beneath the building either contains CVOC concentrations below vapor intrusion screening levels or has no detected CVOCs, there is no need for a vapor intrusion barrier, and the purpose of any barrier installed in these areas would be to address contamination associated with the Seattle DOT Mercer Parcels Site and/or be solely for waterproofing.

8. **Protection of Environmental Infrastructure Related to American Linen Interim Action.** Section 4.3 of the FFS Report includes a brief statement that the “planned cleanup action selected in the FFS and the Property redevelopment plans take into consideration the ongoing and future investigations, cleanup actions, and monitoring related to the CVOC plume from the off-Property source, the American Linen site, so as not to interfere with these efforts.” Section 4.2.1 of the dCAP includes a similar statement. Neither document provides specific measures that will be taken so that infrastructure needed to implement “ongoing and future investigations, cleanup actions, and monitoring” related to the American Linen Site will be protected. Of particular concern to BMRD is protecting the perimeter injection wells located on the north side of the Roy Street right of way. These injection wells were very difficult to install due to the number of utilities in Roy Street. If these wells are damaged by property redevelopment activities at the Seattle DOT Mercer Parcels Site (e.g., are damaged by shoring tie-backs), replacing them would be difficult or impossible, and the future effectiveness of this component of the American Linen Site interim action would be compromised. In addition to the injection wells, there are 13 monitoring wells⁹ located adjacent to the 800 Mercer Property that are used by BMRD to monitor the effectiveness of the existing American Linen Site interim action, and will be used to monitor the effectiveness of the interim action to be conducted on the 800 Mercer Property, near monitoring well HMW-9IB. These wells should also be protected. BMRD has begun discussions with the 800 Mercer LLC development and engineering team on this matter, but both the FFS Report and the dCAP should include more definitive statements about the requirement to protect this critical environmental infrastructure for the American Linen Site.

Thank you for your consideration of these comments. Please call if you have any questions.

Sincerely,

PES ENVIRONMENTAL, INC.



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⁹ The specific monitoring wells are: MW105, MW119, BB-8, MW-146, MW-147, MW-148, MW-153, MW-154, MW-155, MW-315, MW-316, MW-325, and MW-326.

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