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DEPARTMENT OF ECOLOGY

Northwest Region Office

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June 6, 2024

Grant Hainsworth
CRETE Consulting Inc., PC
16300 Christensen Road
Tukwila, WA 98188
(grant.hainsworth@creteconsulting.com)

Re: Key Comments on the Maralco Interim Action Work Plan Agency Review Draft

Site name: Maralco
Site address: 7730 South 202nd Street, Kent, WA
Facility/Site ID: 2067
Cleanup Site ID: 5055
Agreed Order No.: DE 22343

Dear Grant Hainsworth:

The Washington State Department of Ecology (Ecology) has completed its review of the Interim Action Work Plan (IAWP) Agency Review Draft, dated March 22, 2024, for the second phase of cleanup work at the Maralco Site. Our comments and suggested edits are provided on the Word file containing the IAWP text. Please also see the Comment Matrix summarizing the more notable general and specific comments on the document. Both comment documents are attached to the email along with this letter.

Ecology's review of the IAWP has concluded that there are significant deficiencies in the document and that the submittal does not meet the substantive requirements under the Model Toxics Control Act (MTCA, WAC 173-340). Key comments and Ecology's concerns include the following:

The IAWP needs to be a stand-alone document.

The IAWP is required to include a summary of all available data related to the interim action per WAC 173-340-430(7). The IAWP refers to the Supplemental Remedial Investigation Work Plan (SRIWP) for key information concerning the Site. The SRIWP is currently an Agency Review Draft that is in review and has not yet been approved, so referencing that document for information and/or data is not useful to the reader. Please revise the IAWP to include all data and information necessary to give sufficient context to the work that is planned instead of referencing the SRIWP for that information.

The IAWP needs supporting data.

Data for all sample locations shown on the IAWP figures and/or referenced in the text of the IAWP need to be provided in the document. This includes all relevant groundwater and soil/sediment data representing current

Site conditions. They may be included in the primary tables of the document or as an appendix. Please also include the Preliminary Cleanup Levels (PCULs) table and the constituent of interest (COI) tables.

Remediation levels (RELS) based on direct contact are not appropriate.

The conceptual site model (CSM) is completed based on the results of the RI (WAC 173-340-350[5][d]). Until the RI is completed, the CSM is preliminary and must consider all current and potential human and ecological pathways (complete and incomplete) per WAC 173-340-200. WAC 173-340-740(1)(d) states in part that soil cleanup levels shall be established at concentrations that do not directly or indirectly cause violations of groundwater, surface water, or sediment cleanup standards. Data collected to date indicate that groundwater, surface water, and sediment are also impacted with COIs that exceed respective screening levels. Since the Site has not been fully characterized, there is not enough information for Ecology to determine that the use of MTCA Method B Direct Contact as soil RELs would be protective of those media pathways.

WAC 173-340-702(14) states that any person responsible for undertaking a cleanup action shall have the burden of demonstrating to the department that requirements have been met to ensure protection of human health and the environment. The IAWP does not provide sufficient information for the use of MTCA Method B Direct Contact levels as RELs (target levels); therefore, Ecology does not agree with the use of these RELs for the proposed interim action. During the review of the IAWP, Ecology established PCULs for metals based on all potential exposure pathways and is providing those PCULs with this letter. Please use the most stringent PCULs as soil RELs for the IAWP.

Per WAC 173-340-747(1), soil concentrations shall not cause contamination of groundwater at levels that exceed groundwater cleanup levels. Ecology may consider less stringent interim action RELs for soil if information can be provided to demonstrate that less stringent RELs would be protective of all potential pathways and receptors per WAC 173-340-702(14). Such information should include identification of reasonable and appropriate actions or measures that would be possible to implement following property redevelopment. Empirical demonstrations are discussed in WAC 173-340-747(3)(f) and in Ecology's [Implementation Memo No 15: Frequently Asked Questions \(FAQs\) Regarding Empirical Demonstrations and Related Issues](#).

MTCA requires that contaminated Sites must be cleaned up using permanent solutions to the maximum extent practicable (WAC 173-340-360(3)(a)(x)).

Since the contamination will be accessible following Site demolition, Ecology strongly recommends that contaminated media be permanently removed prior to the construction of the proposed building foundation. Construction of the proposed building would severely hinder access to remaining contamination if left in place. There is not enough information provided in the IAWP for Ecology to determine whether engineering and institutional controls (i.e., capping and an environmental covenant) would be appropriate as part of the final remedy. Ecology is concerned that access will be severely limited for future cleanup of any contaminated soil left in place beneath the proposed building should such actions be necessary.

Ecology requires the completion of a feasibility study prior to setting cleanup standards, WAC 173-340-351(3)(a). There is not enough data to indicate the appropriateness of Method B Direct Contact levels as RELs; therefore, Ecology cannot make a determination regarding the protectiveness of the proposed RELs with regards to the final cleanup action. WAC 173-340-430(3)(b) requires that if the cleanup action is not known,

the interim action shall not foreclose reasonable alternatives for the cleanup action and is not meant to preclude the destruction or removal of hazardous substances.

Ditch material should be considered soil.

Ecology does not consider the ditch material as sediment, since it does not meet the Sediment Management Standards (SMS) definition of sediment (see WAC 173-204-505[22]), nor does it appear to support benthic organisms. For the purposes of the IAWP, the ditch material should be considered soil, and associated sampling should not be directly evaluated against the Sediment Cleanup Objective (SCO) values. Instead, please use RELs that are protective of soil leaching to groundwater that migrates to surface water and sediment, since the ditch ultimately drains to Mill Creek. The PCULs table provided by Ecology includes metals values that have been derived for these pathways; however, please include all COIs in the final PCULs table submitted with the IAWP.

Clarification on “Areas” is needed.

There are inconsistencies in identification of areas of concern and areas of cleanup in the text, tables, and figures. For example, Area 2 discussed in Section 3.2 consists of two separate areas in the northeast portion of the Property, but in Section 4, Area 2 refers to contamination in the on-Property ditches. None of the figures show an “Area 2”. Please be consistent in designating and discussing contaminated “Areas” subject to the interim action throughout the text, tables, and figures.

Ecology suggests the following:

- Area 1: the area within the former dross pile (note that this may need to include the area beneath the former dross pile, based on more stringent RELs),
- Area 2: the area around HB-5 (please make sure this area fully encompasses this sample location; the figures currently do not),
- Area 3: the area around HB-1, HB-2, HB-3, and DP-5,
- Area 4: contaminated material within the on-Property ditches and associated culverts and manholes,
- Area 5: the former stormwater pond area in the NW portion of the Property,
- Area 6: contaminated material within the off-Property ditch.

The Health and Safety Plan (HASP) and Quality Assurance Project Plan (QAPP) need to be specific to the Maralco Site and the IAWP.

There is a lot of carry-over language contained in the HASP and QAPP either from another project or another document that does not apply to the Maralco IAWP. Please conduct a careful review of these attachments and make the necessary corrections.

Conduct a thorough review of the agency review documents for quality control.

This agency review draft IAWP has shown a lot of issues that should have been caught during an internal quality control review prior to submittal to Ecology. The revised document and attachments need to be

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6/6/2024

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reviewed for quality control to make sure everything is consistent, accurate, site-specific, readable, etc., prior to submittal to the agency. This will make the review process quicker and more efficient.

Schedule for resubmittal.

Ecology requests that the revised IAWP Agency Review Draft be submitted to Ecology within 90 days of receiving this letter. Included in the submitted should be an electronic copy of the revised document in track changes (Word document), revised figures, tables, and appendices, and the completed Comment Matrix table with response to Ecology comments.

Please let us know if you would like to schedule a meeting with Ecology to discuss this letter or comments regarding the IAWP.

Sincerely,



Nick Treat
VCP Unit Supervisor
Toxics Cleanup Program, NWRO



Kim Vik, LG
Site Manager
Toxics Cleanup Program, NWRO

cc: Kyle Siekawitch, 7730 202nd Street, LLC, (ksiekawitch@bridgeindustrial.com)