

From: [Winslow, Frank \(ECY\)](#)
To: ["Hannah Cohen"](#)
Cc: [Dave Cook](#); [Eric Pravitz](#)
Subject: Ecology Feedback on Homestead Phinney Ridge Draft CMMP
Date: Monday, September 30, 2024 11:02:47 AM

Hi Hannah,

Thank you for submitting the Cleanup Action Plan Amendment and Contaminated Media Management Plan (CMMP). We understand that the CAP Amendment *"provides an overview of additional soil investigation data obtained on the south-adjacent property and summarizes how metals-contaminated soil on this property will be integrated into the selected cleanup remedy (remedial excavation) outlined in the CAP"*. The CMMP was requested within Ecology's March 2, 2022 NFA Likely letter. Adherence to this document is intended to ensure that contaminated soils are all appropriately segregated and properly disposed of offsite during construction excavation and that any unanticipated occurrences found during site work are appropriately responded to. The CMMP appears to be relatively thorough and complete.

The CMMP also discusses soil confirmation sampling. As mentioned in our NFA Likely letter, *"Ecology requests submittal of a confirmation soil sampling plan, including proposed excavation sidewall and base soil sampling locations."* Confirmation soil sampling data can include both data collected for site characterization purposes (if collected at appropriate locations and depths) and soil samples collected at the base and perimeter of the excavation. Ecology is eager to see proposed confirmation sampling locations on a site plan map (such as CMMP Figure 2) so that we can provide our concurrence on the apparent sufficiency of proposed sidewall and base samples. We recognize that such locations are preliminary and have potential to be adjusted in the field.

The CMMP states: "as noted on Figure 2, excavation sidewall and base confirmation soil samples will be collected every 15 feet along any contaminated excavation area sidewalls, and on a 15-foot sampling grid from the bases of excavations." A note was included on Figure 2 indicating the 15 foot spacing for sidewall and floor samples; however, the proposed confirmation soil sampling locations were not shown. Ecology typically recommends that a confirmation soil sampling plan map depicting anticipated confirmation soil sampling locations be prepared and submitted to Ecology prior to the cleanup work. This map can be provided as a separate submittal (no revision of the CMMP is requested). Ecology notes that for sidewall samples, the depth of the sample should be the mid-point of the contaminated interval.

We understand that cleanup of the southern adjacent property (parcel 9523101310) may be performed. The structure on the adjacent property is fairly old (constructed in 1906). If the soil contamination originated from the Property (parcel 9523101290) subsequent to the construction of the house, then the contamination would not be expected to extend to the south side of the structure. However, there is a possibility that the metals in soils contamination could be associated with older fill materials that could be of regional extent. The deeper soil contamination on that property would appear to suggest the contamination could be older and of regional extent, although another hypothesis could be the shallower soil was mixed deeper on that property. Ecology suggests that some soil sampling be performed on the south and southwest part of parcel 9523101310. If contamination is found further west, this may suggest that the soil contamination may be associated with fill materials of potential regional extent. If so, then the limits of cleanup to be done for the Homestead Phinney Ridge project would need to be identified.

We understand that a Site No Further Action (NFA) determination is desired rather than a property-specific NFA. A Site NFA would require that all contamination on the impacted properties be cleaned up and confirmation samples demonstrate clean sidewalks and floors. Remaining contamination that cannot be accessed could potentially be addressed through an environmental covenant(s). However, if contamination remains that is off the Property (parcel 9523101290) that is not addressed with an environmental covenant, then a property-specific NFA could potentially be requested. This becomes a fairly nuanced subject – if contaminated fill materials of regional extent are present, then we recognize that requesting cleanup of the entire contaminated Site may not be practicable. Hence, clearly answering this question (local or regional source) can help to clarify what the anticipated outcome of the cleanup work will be.

We previously discussed the eastern extent of contamination adjacent to the Phinney Avenue North right-of-way (ROW). Hopefully sampling data can demonstrate that the contamination does not extend beneath the street. If it does, then Ecology may be requesting an environmental covenant (EC) be prepared to address that remaining contamination (if it cannot be cleaned up). Note that our legal counsel have advised us the "Property" generally is considered to extend to the mid-point of the street and hence an EC on the Property would be recorded to manage the contamination beneath the street (if it cannot be cleaned up).

Please let me know if you would like to have a Teams call to discuss any of the above. Note that if legal counsel are to participate in any calls, we will need to request participation by Ecology's legal counsel.

Thanks, Frank

Frank P. Winslow, LHG

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Subject: Homestead Phinney Ridge Draft CMMP for review

External Email

Good afternoon Frank,

Aspect has prepared a draft Cleanup Action Plan Amendment and Contaminated Media Management Plan for the Homestead Phinney Ridge project for your review. Attached are both Word and PDF versions for redlining and comments. This project is going to construction in the next few weeks, so please let me know your anticipated review timeline.

Thank you!

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