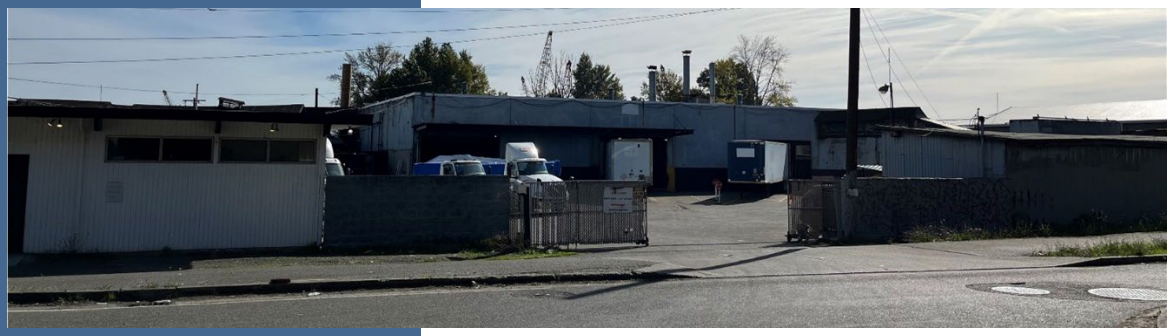

Response to Comments

MTCA stage: Remedial Investigation and Feasibility Study

Industrial Container Services LLC Cleanup Site
Seattle, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Region Office

Shoreline, Washington

April 2025

DEPARTMENT OF ECOLOGY
State of Washington

Publication Information

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- Augie Nuszer, 2024

Related Information

- Clean-up site ID: 62
- Facility site ID: 2154

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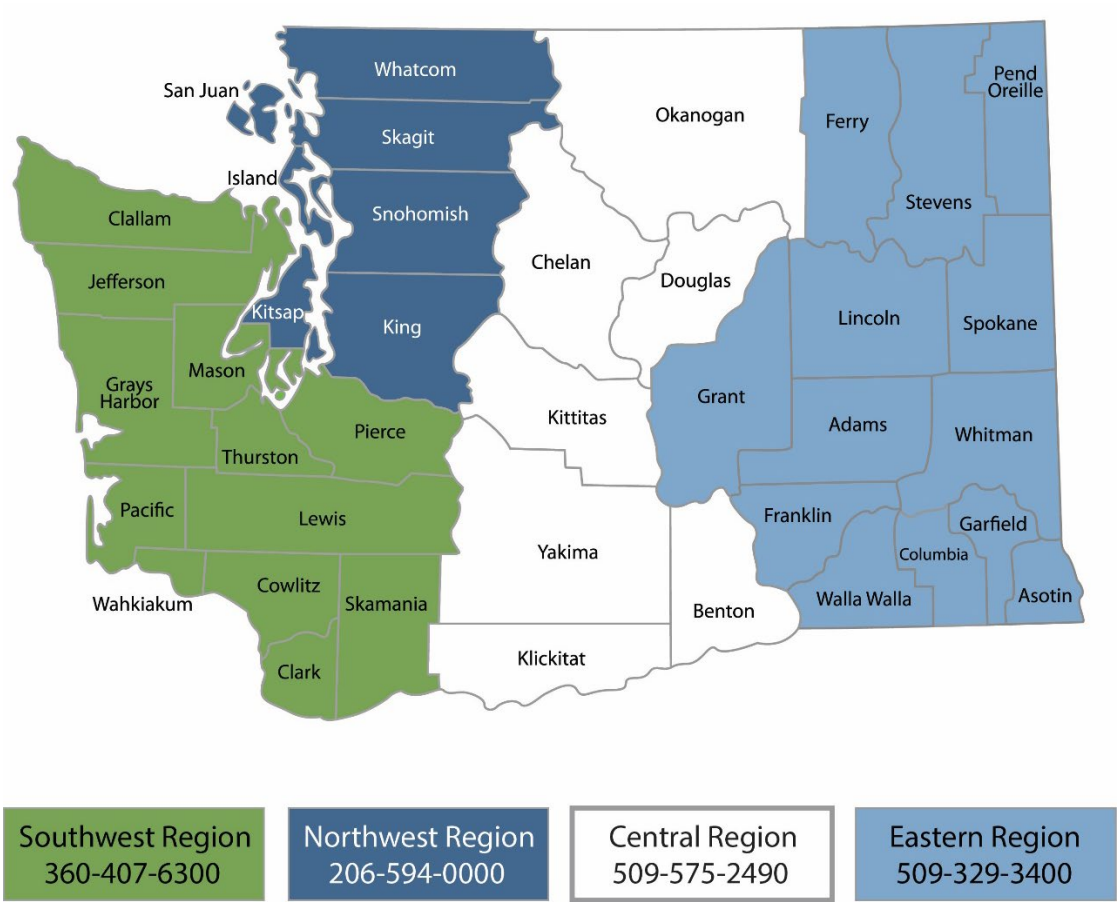
[1] www.ecology.wa.gov/contact

Department of Ecology's Region Offices

Map of Counties Served



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

Response to Comments

Remedial Investigation and Feasibility Study

Industrial Container Services LLC Cleanup Site
Seattle, WA

Toxics Cleanup Program
Washington State Department of Ecology
Northwest Region Office

Shoreline, WA

April 2025

DEPARTMENT OF
ECOLOGY
State of Washington

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Public Outreach Summary

The Industrial Container Services LLC cleanup site (Site) located at 7152 1st Ave. S., Seattle, WA is continuing Washington State's formal cleanup process[2] as directed under the Model Toxics Control Act (MTCA[3]). Herman Trotsky and the site operator, Industrial Container Services-WA, LLC are addressing contamination at the Site under a legal agreement with Ecology.

The Department of Ecology's public involvement activities related to this Site's 75-day comment period (November 18, 2024 – January 31, 2025) included:

- **Fact Sheet:**
  - US mail distribution of a fact sheet providing information about the cleanup documents, the public comment period, office hours to approximately 4,577 addresses including neighboring businesses and other interested parties.
  - Email distribution of the fact sheet to 68 people, including interested individuals, local/county/state/federal agencies, neighborhood associations, and interested community groups.
  - The postcard and fact sheet were available digitally through Ecology's cleanup site webpage[4].
- **Legal Notices:**
  - Publication of one paid display ad in The Seattle Times, dated 15 November 2024
- **Site Register:**
  - Publication of 6 notices in Ecology's Toxics Cleanup Site Register:
    - Comment Period Notice:
      - November 14, 2024
      - November 27, 2024
      - December 12, 2024
      - December 26, 2024
      - January 10, 2025
      - January 23, 2025
    - Response Summary Notice:
      - May 1, 2025
    - Visit Ecology's Site Register website[5] to download PDFs.

[2] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process
[3] https://ecology.wa.gov/mtca
[4] https://apps.ecology.wa.gov/cleanupsearch/site/62
[5]https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter

- **Social Media:**
  - **X:** Ecology – Northwest Region @ecyseattle posted on X[6] on November 18, 2024 connecting readers to the comment period including the cleanup site webpage, attend our LDW office hours, and how to submit comments.
  - **Neighborhood/ community groups:** A head's up email was sent to the South Park Neighborhood Association and Georgetown Community Council about this comment period on December 5, 2024. This comment period was also advertised in the Duwamish River Community Coalition's monthly newsletter on December 12, 2024. A reminder about this comment period was placed on the South Park Neighborhood's Facebook page on January 15, 2025.
- **Office Hours**
  - Ecology hosted office hours at the South Park Library on November 20, 2024 and January 15, 2025 where interested community members could come and talk with Ecology staff about this cleanup site.
- **Websites**:
  - Ecology announced the public comment period, LDW community office hours, and made the review documents available on Ecology's Industrial Container Services LLC webpage[7] and Ecology's Public Inputs & Events webpage[8].
- **Document Repositories:**
  - South Park Branch – Seattle Public Library, 8604 8th Ave S., Seattle, WA

Comment Summary

From November 18, 2024 – January 31, 2025, Ecology solicited public comments on a Remedial Investigation and Feasibility Study for the Industrial Container Services LCC cleanup site.

Ecology received 7 comments during the 75-day comment period.

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Paulina	López	Duwamish River Community Coalition	Organization
2	Greg	Wingard	Green River Coalition	Organization

6 https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fx.com%2Fecyseattle%2Fstatus%2F1858571868401529153&data=05%7C02%7CMPEN461%40ECY.WA.GOV%7C90e0dd31b09d444333e508dd4babdf9b%7C11d0e217264e400a8ba057dcc127d72d%7C0%7C0%7C638749923731920075%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMiIsIkFOIjoiTWFpbCIsIldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=VLw%2FSZIGenbqdESObw3r6ub%2FkI1HgPcPnxVWUB%2FWs1c%3D&reserved=0

7 https://apps.ecology.wa.gov/cleanupsearch/site/62

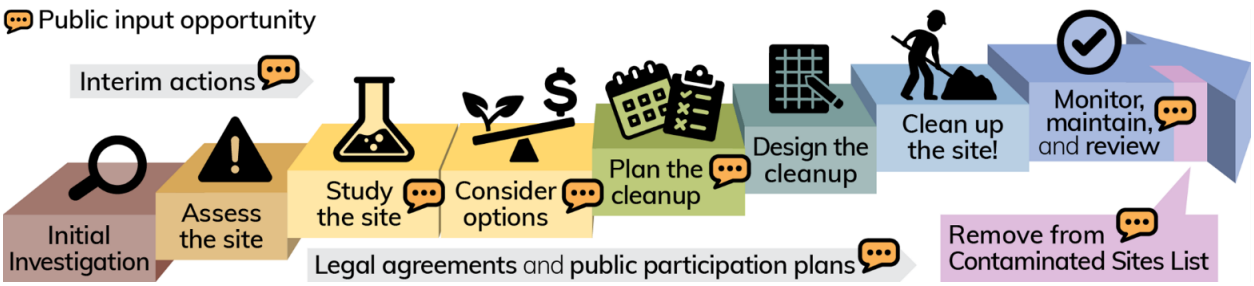
8 https://10ecology.wa.gov/Events/Search/Listing

	First Name	Last Name	Agency/Organization/Business	Submitted By
3	Everett	Billingslea	Lynden Incorporated	Business
4	Renee (Ruby)	Maurel		Individual
5			Lower Duwamish Water Group	Agency
6	Paulina	López	Duwamish River Community Coalition	Organization
7	Kelsey	van der Elst	Muckleshoot Indian Tribe – Fisheries Division	Tribe

Next Steps

Ecology has reviewed and considered the public comments received on the Remedial Investigation and Feasibility Study. Based on Ecology's evaluation of the comments a wording change was made to the fact sheet (Publication 24-09-150 dated November 2024); no changes were necessary in the other documents. They are now being finalized.

Work will begin on a new legal agreement and draft cleanup action plan (Plan the cleanup step in green). See graphic below and visit Ecology's cleanup process webpage[9] to learn more about Washington's formal cleanup process.



Washington's formal cleanup process

[9] https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process
[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 27, contains the comments in their original format.

Comment from: Paulina López, Duwamish River Community Coalition

November 18, 2024

Subject: Request for Extension of Public Comment Period for Industrial Container Services Site

Dear Beau Johnson - WA State Dept of Ecology.

On behalf of the Duwamish River Community Coalition DRCC and Coalition members I am writing to formally request an extension of the public comment period for the proposed Industrial Container Services Site, currently scheduled to close on January 16. We learned today this site is out for public comment and given the proximity of major holidays and the importance of ensuring full participation from all impacted communities, including environmental justice communities, we believe additional time is necessary to allow for meaningful input for such a complex and important site.

The holidays often present significant barriers for many residents, particularly in underserved areas, to engage with complex public notices, attend meetings, and submit comments. Extending the comment period would help ensure that all community members, particularly those from environmental justice communities who are most impacted by the proposed site, have an opportunity to thoroughly review the materials, engage in discussions, and provide feedback.

We respectfully request an extension of 30 days to allow for greater community engagement and ensure that the decision-making process reflects the perspectives and concerns of those most affected.

Thank you for considering this request. We look forward to your response and hope that the Department will take this opportunity to facilitate an inclusive and transparent review process.

Warm regards,

Paulina López, LLM (she/her/ella pronouns)
Executive Director
Duwamish River Community Coalition

Comment from: Greg Wingard, Green River Coalition

November 19, 2024

Beau:

Green River Coalition has partnered with DRCC since they started. I've worked on toxic waste and contaminated site issues in the lower Duwamish since the 1980's, and through another

organization administered the EPA Technical Assistant Grant for the Lower Duwamish Waterway Superfund site on behalf of DRCC.

Our coalition also requests an extension of the Industrial Container Services Site public comment period.

Regards,

Greg Wingard, President

Response:

November 20, 2024

Paulina and Greg,

Thank you for reaching out to request an extension of the Industrial Container Services Remedial Investigation and Feasibility Study comment periods. After talking with the team, we will be able to extend the comment period by two weeks making the new ending date Friday, January 31, 2025 (11:59 p.m.). I will move forward with updating our materials to reflect this change today.

While we had already doubled the length of this comment period from 30-days to 60-day in anticipation of end of year holidays and travel time, we recognize the many demands placed upon communities with environmental justice concerns in engaging with these complex cleanup sites.

While we know your organizations are very busy, we welcome any chance to connect our technical staff with anyone from the public who has questions about the cleanups we regulate. Please do not hesitate to reach out to Beau Johnson, Industrial Container Services Site Manager, or myself if you have any questions as you review this site. We would be happy to meet with you directly.

Additionally, feel free to join us at our community office hours, tonight (November 20, 2024), at the South Park Library from 4-6. We will also likely hold another Community Office Hour session in January 2025. The details of this event will be available on our Latest Information webpage once scheduled.

Warmly,

Meredith Waldref (she/her)
Senior Outreach Planner
Washington State Department of Ecology
Northwest Regional Office|Toxics Cleanup Program

Comment from: Everett Billingsly, Lynden Incorporated

Re: Incomplete Feasibility Study for ICS/Trotsky Site

Dear Mr. Johnson:

We are submitting comments on the Public Review Draft of the Feasibility Study Report ("FS Report") prepared by Dalton, Olmsted, and Fuglevand, Inc. (DOF), for the Industrial Container Services, WA, LLC (ICS) MTCA Site ("ICS Site").

7100 1st Ave. S. Seattle LLC owns the property ("7100 Property") adjacent to the ICS property located at 7152 1st Avenue South ("ICS Property"), and historical operations on the ICS Property have caused contamination in the deep native soils and groundwater beneath the 7100 Property. While the FS Report acknowledges that the 7100 Property is part of the ICS Site, it does not address the contamination on the 7100 Property, stating that it will be addressed later in a "supplemental" FS. FS Report, § 4.3.1. DOF anticipates completing the Supplemental Investigation (SI) to further delineate the offsite extent of ICS contamination beneath the 7100 property in January of 2025.

This approach is inappropriate and does not comply with the requirements of MTCA or Ecology's Cleanup Rule, ch. 173-340 WAC. The ICS Site includes all locations where contamination originating from the ICS Property or its past operations have "come to be located." See RCW 70A.305.020(8). The ICS Site includes the contaminated deeper native soils and groundwater beneath the 7100 Property.

The FS Report is inadequate in failing to address this contamination as part of the ICS Site. Specifically:

1. The Cleanup Rule requires that a Remedial Investigation and Feasibility Study (RI/FS) be conducted to evaluate the nature and extent of contamination and to develop and evaluate cleanup alternatives for the entire MTCA Site. The FS Report fails to evaluate alternatives for addressing the deep contamination beneath the 7100 Property, which, the FS Report seems to acknowledge, is part of the ICS Site. WAC 173-340-350, -351. MTCA requires that the entire Site be included in delineating the footprint. The ICS RI fails to provide a figure delineating the entire Site. In the ICS RI, Figure 7.1 only outlines Areas of Concern on the ICS property. The RI must include documentation of the presence of ICS related contamination beneath the 7100 Property including figure(s) illustrating the full extent of the ICS Site.
2. The Cleanup Rule requires that an FS rely on a complete RI. A complete RI must characterize all areas of groundwater and soil contamination within the Site. WAC 173-340-350(6), -351(5), (6). By deferring the evaluation of contamination beneath the 7100 Property to a later "supplemental" FS, the FS Report does not fulfill these requirements. It does not make sense to finalize the RI with the SI soon to follow. To ensure that the SI will be properly documented in the public records, it is necessary for the RI to address the contamination beneath the 7100 Property as it is a contiguous plume and is part of the ICS Site.
3. The Cleanup Rule requires that an FS develop and evaluate cleanup action alternatives for the Site. WAC 173-340-351(1). The exclusion of the 7100 Property from the FS Report means it does not consider cleanup alternatives for the entire Site.

4. The Cleanup Rule outlines the requirements for cleanup actions, including the need to comply with cleanup standards and prevent further migration of hazardous substances. WAC 173-340- 360(3)(a).
5. The Cleanup Rule sets Ecology's "expectations" for cleanup actions. WAC 173-340-370. A comprehensive FS that addresses all areas of contamination, including the 7100 Property, is essential to meet these expectations.

In light of these shortcomings, the current FS Report must be revised to include the contamination on the 7100 Property. While the FS Report promises to address this contamination in a future, supplemental FS, it gives no timeline for doing so. Segmenting the cleanup in this way introduces a great deal of uncertainty as to whether that portion of the FS and cleanup will ever occur. Addressing all areas of contamination in a single FS is therefore crucial to ensure a thorough and effective cleanup process that complies with MTCA and its implementing regulations. Incorporating the results of the SI into an FS would avoid confusion and ensure that the entire ICS Site is properly documented and addressed in the public records. Ecology should make available to the public the schedule of deliverables including the RI Addendum (or Supplemental Remedial Investigation Report), and the Supplemental Feasibility Study Report.

Finally, even if Ecology allows ICS to segment the FS and evaluate alternatives for addressing the deep contamination on the 7100 Property in a supplemental FS, Ecology must make clear that ICS must address the cleanup of this contamination in the same Cleanup Action Plan and Cleanup Action as contamination on the ICS/Trotsky property. By bifurcating the ICS contamination under the 7100 Property from the rest of the ICS Site, Ecology risks substantial and unnecessary delays in addressing the ICS plume under the 7100 Property, interfering with the remediation on the 7100 Property, and is in violation of MTCA, the Cleanup Rule and caselaw that provides the definition of a facility or site.

Thank you for considering the above comments.

Sincerely,

LYNDEN INCORPORATED

Everett H. Billingslea

Sr. Vice President and CLO

cc:Tisha Pagalilauan, Cascadia Law Group Louis Russell, Cascadia Law Group Chris Bailey, GeoEngineers, Inc.
Kurt Harrington, GeoEngineers, Inc.
Industrial Container Services WA, LLC (7152 1st Ave. S., Seattle, WA 98108)
Dalton, Olmsted, Fuglevand (1001 SW Klickitat Way, Suite 200B, Seattle, WA 98134)

Response:

The consultant for ICS is currently investigating the contamination beneath the 7100 Property, which Ecology also knows as Douglas Management (DM). The upcoming draft Cleanup Action Plan (CAP) will present data from ICS's sampling beneath DM's property to

demonstrate that the entire ICS site has been characterized. Additionally, the draft CAP will include remedies to address the impacts at the ICS site and beneath DM's property.

Comment from: Renee Maurel (Ruby)

I just got around to learning about this and wanted to thank you for the studiousness and comprehensive work that has already been done. It seems like a massive task that has been thoroughly studied and I trust your valued decisions so far.

So once again, thank you to all who are involved,

Ruby
Sent from my iPad

Response:

Thank you for your comment.

Comment from: Lower Duwamish Waterway Group

The Lower Duwamish Waterway Group (LDWG) members appreciate the opportunity to comment on the Industrial Container Services (ICS) Feasibility Study Report (FS) conducted under Model Toxics Control Act (MTCA) Agreed Order DE 6720 with the Washington Department of Ecology (Ecology).

LDWG is currently developing the remedial design for the middle reach of the Lower Duwamish Waterway (LDW) Superfund site under the fifth amendment to the Administrative Order on Consent (AOC 5) between LDWG, U.S. EPA and Ecology. The ICS site (FSID: 2154; CSID: 62) is located in the middle reach at river mile (RM) 2.2W and includes an inlet (referred to as the "embayment" in the ICS FS).

To prevent potential recontamination of the inlet, it is crucial that the upland action on the ICS site achieves source control sufficiency at the LDW Superfund site boundary (i.e., the location of the 'vertical' plane at the mean higher high tide elevation). Regardless of the alternatives presented in the ICS FS, we rely on Ecology to select a remedy in its forthcoming draft Cleanup Action Plan (DCAP) that ensures source control is sufficient, considers LDW cleanup goals, and is compatible with the in- water cleanup design. LDWG understands Ecology will be conducting a source control sufficiency evaluation for all properties surrounding the inlet.

Response:

Thank you for your comment. The proposed cleanup remedies for the uplands portion of the ICS site must demonstrate compliance with soil and groundwater sampling post-cleanup. If contaminant concentrations do not meet compliance, additional remedial actions will be required.

With respect to the ICS FS, LDWG has the following comments:

1. LDWG urges Ecology to consider the following expectations in selecting a final site remedy:
    a. Industrial cleanup standards are not appropriate for remediation of the upland portion of the ICS site. Given that the soil-leaching-to-groundwater and groundwater-to-sediment pathways are complete, more restrictive cleanup levels would apply and will need to be established to prevent recontamination of the sediment within the inlet. Accordingly, if the FS is not amended to assess remedial alternatives against the need to meet sediment protective cleanup standards, the DCAP must evaluate and select such a protective remedy. A shoreline buffer zone may be appropriate for application of more restrictive cleanup levels in the upland if demonstrated to be protective.
    b. The FS incorrectly states (e.g., in Table 6.1 at page 38) that MTCA establishes the point of compliance for groundwater and NAPL discharge to the embayment and the LDW at the groundwater-surface water interface. This instead would be a conditional point of compliance (CPOC) under MTCA, for which various conditions must be met to establish. If the FS does not do so, the DCAP must show how all required conditions are met for establishing a conditional point of compliance for sediment-protective soil and groundwater cleanup levels.
    c. If conditions are met for establishing a CPOC for sediment-protective cleanup levels as part of the ICS upland remedy, rather than being established at the groundwater-surface water interface, any such CPOC should instead be established at the LDW Superfund site boundary. It should further be made clear in the DCAP that any conditional point of compliance established is being applied to the upland as an operable unit, and meeting the standard for the upland does not meet all standards for the site (the full extent of contamination from the ICS site).
    d. The FS or DCAP must include an evaluation of the preferred upland remedy that demonstrates that residual soil and groundwater concentrations will not result in recontamination of sediment beyond the LDW Superfund site boundary.
    e. The FS should evaluate if there are any data collection or evaluation gaps that are necessary to support a source control sufficiency demonstration for the ICS site.

Response:

A major goal of the upland cleanup is to reduce identified sources of pollution and minimize recontamination of sediment in the embayment and LDW. Available data indicate that the primary source of potential recontamination is NAPL (dielectric oil discovered in the casing of shoreline monitoring well SA-MW1) that may be leaking in small amounts into the embayment. This oil also contains most of the groundwater contaminants of concern (COCs)

identified in the Remedial Investigation (RI) and Feasibility Study (FS), as summarized in FS Table A3.2. The preferred FS remedial alternative removes this oily material from the site.

The proposed cleanup remedies for the uplands portion of the ICS site must demonstrate compliance with soil and groundwater sampling post-cleanup. If contaminant concentrations do not meet compliance, additional remedial actions will be required.

2. Apart from the dielectric oil discussed above, PCBs are the primary shoreline groundwater COC. The preferred remedial alternative removes most of the PCBs in soil within the upland portion of the ICS site. Soil PCB concentrations are reduced from a Upper Confidence Level 95% concentration of 40 milligrams per kilogram (mg/kg) to approximately 1.4 mg/kg a reduction of 96-97%, as summarized in Table A9-4a of the draft FS. The preferred remedial alternative includes augmenting embayment capping/and backfill materials with 0.5% organic carbon consistent with Section 13.2.1.1 of the LDW 2014 Record of Decision which should sequester any PCBs leaching and migrating in groundwater. The RI/FS presents a simplified fate and transport analysis and cap modeling completed as part of the FS to support this sequestering approach. The draft CAP will address contingencies if groundwater monitoring data does not demonstrate that sources to the embayment and LDW are sustained under sufficient control under the preferred remedy. If the final FS does not do so, the DCAP needs to establish the sequence in which remediation will take place (*i.e*., ICS upland cleanup prior to LDW in-water work, etc.). Further, LDWG requests that Ecology allow our engineering design experts the opportunity to provide meaningful technical input on ICS's design, including, but not necessarily limited to, the elements identified in this letter.

Response:

The remedial sequencing approach will be discussed in the dCAP. Ecology will facilitate technical coordination of the design, once that stage of the project begins.

3. The pending revised ICS FS and all future site documents should make clear that the 2nd Avenue Outfall is not a City of Seattle outfall. The ICS site contains a buried stormwater conveyance system that runs along the western margin on the eastern site boundary. The conveyance system receives stormwater from properties to the south and discharges to the inlet at the 2nd Avenue Outfall. As a source control measure, the ICS FS proposes upgrading the 2nd Avenue Outfall conveyance system to prevent groundwater infiltration. The ICS FS does not include a discussion of the

origin or ownership of the 2nd Avenue Outfall, but the revised ICS RI (dated June 2024) incorrectly refers to the 2nd Avenue Outfall as a "City of Seattle stormwater outfall" (ICS RI Section 2.4.1 – 2nd Ave. Outfall).

The City of Seattle has previously provided Ecology with documentation establishing that the 2nd Ave. outfall is privately owned. We can provide this documentation again if necessary. In summary: Historical air photos show a natural watercourse from the RM 2.2W Inlet heading south to the corner with S Fontenelle St. The property owner subsequently filled the inlet. This filling required installation of culverted drainage to convey the flows that used to discharge at an outfall at 2nd Ave S and S Fontenelle St up into the RM2.2 Inlet. Site drainage for the adjacent properties was plumbed into the culvert as well. The City's documents show that the private property owner, Northwest Cooperage, installed the pipe. The pending revised ICS FS, forthcoming DCAP, and all future site documentation should clearly state that the storm water conveyance system is and has been privately owned and therefore the 2nd Avenue Outfall is not a City of Seattle stormwater outfall.

Response:

Ecology understands that the 2nd avenue outfall is not owned by the City of Seattle, this will be corrected in future documents to state that the 2nd avenue outfall is privately owned.

With respect to Ecology's Fact Sheet on the ICS FS (Publication 24-09-150 dated November 2024), LDWG has the following comment:

1. On Page 4 of the fact sheet, there is a section titled "EPA-selected In-Water Alternative". LDWG would like Ecology to delete the existing text in the fact sheet under "EPA-selected In-Water Alternative" and clarify that EPA has not selected the remedial actions for the inlet yet.

Response:

Ecology will revise the text in the fact sheet to remove references to the "EPA-selected In-Water Alternative". The revised version of the fact sheet in all languages will be uploaded to the site webpage.

Comment from: Paulina López, Duwamish River Community Coalition

Dear Beau Johnson and Meredith Waldref,

Thank you for the opportunity to comment on the Industrial Container Services WA LLC cleanup site RI/FS located 7152 1st Ave. S. in Seattle near Seattle's South Park Neighborhood and First Ave.

It is vitally important that community voices are heard on the issues that directly impact them. The Duwamish River Community Coalition (DRCC) has long been a community steward for environmental justice in the Duwamish Valley, which is one of the most polluted areas in the entire Pacific Northwest following over a century of industrial dumping and release of toxic waste. We seek to amplify the will and voices of community members harmed by the combined impacts of environmental, economic, and health inequities present in the Duwamish Valley.

Response:

Thank you for your comment and attention to cleanup work in the area.

1. Douglas Property coordination

The adjacent Douglas property is going through a separate RI/FS process, but ICS contamination migrated under the property and is being considered here. The ICS RI/FS should explicitly state how coordination will occur on the cleanup for the two sites to ensure that sources to the Duwamish are adequately controlled.

Treating these adjacent sites as independent does not address the potential cumulative, short-term, long-term, direct and indirect impacts that may occur both from the cleanup process itself, and from the final design at each site. Reducing and/or mitigating impacts from these two sites collectively is important to reduce cumulative impacts to aquatic and terrestrial habitat. We would like to see Ecology evaluate the short and long term cumulative environmental impacts of the cleanup process at both sites concurrently.

In the RI/FS, Ecology should consider a more comprehensive approach to habitat mitigation and restoration along the shoreline of the two sites, as further described in comments below.

Response:

The dCAP will address the cleanup remedy for both ICS and contamination beneath the Douglas Management property. The PLPs for each property have been in discussions and agree with this approach.

Based on the conceptual site model, contamination from the ICS site did not flow beneath the Douglas property via the groundwater pathway. The Douglas property was created in the mid- to late-1960s by the placement of dredge fill. It appears that the fill was placed over releases that had occurred prior to the filling.

The areas of contamination originating from the ICS site are not being evaluated as independent sites. Releases from the former ICS site beneath the Douglas property are being evaluated as part of an approved work plan that is currently being implemented. Once the testing results are received and evaluated, they will be incorporated into a dCAP that will address cleanup for the ICS and Douglas properties. Habitat restoration along the northern portion of the ICS property is being conducted voluntarily by the PLP. Habitat restoration is

not being considered for the southern portion of the Douglas Management property due to structural constraints.

2. Preferred alternative impacts and evaluation

While the preferred alternative will result in removal of hot spots for contamination and support riparian vegetation, we have a number of concerns with the alternative and would like Ecology to re-evaluate the alternative with these concerns in mind. We include the concerns below.

We would like more information on whether Ecology believes the impacts from the cleanup will require any habitat mitigation. Potential permanent and temporary habitat impacts include 1) paving over the unpaved portion in the eastern site, 2) installing a new sheetpile wall, and 3) installation of a temporary dam across the embayment. Additional impacts may emerge during the design phase.

Response:

Ecology does not have the regulatory authority to require the site cleanup to include habitat mitigation. The proposed cleanup alternative includes the addition of habitat on the northern portion of the ICS property.

3. The Feasibility Study does not adequately account for the regional ecological and recreational impacts and benefits

The embayment provides connectivity between the Duwamish River and inland habitat at Moore Marsh and to the W Duwamish Greenbelt Trail for wildlife and potentially fish, while also supporting flood reduction and carbon storage. In this industrially zoned area, this type of habitat connectivity is rare and should be restored and maintained to support aquatic and terrestrial species.

Given that the ROD for the Lower Duwamish Waterway Superfund site provides for a beach at the head of the embayment, the preferred alternative should encourage connectivity between the river and the Greenbelt trail. This connection is already informally in place at Highland Park, but could be enhanced as part of this RI/FS.

The Industrial Container Services site is the most viable location to connect with the Greenbelt trail along the river between Salmon Cove and həʔapus Village Park & Shoreline Habitat.

Providing habitat connectivity would also support wetland restoration previously completed west of the site, and other regional efforts to support habitat restoration and enhancement along the Duwamish River and floodplain.1

Similar sites, Salmon Cove and North Wind's Weir support migrating juvenile salmon from five salmon species, including the critical Chinook salmon. Based on the Washington Department of Fish and Wildlife's Priority Habitat and Species Maps,2 the embayment could provide

connectivity between the Duwamish River and WDOT restored wetland to the west for Coho Salmon. The FS should further evaluate impacts and benefits to species that currently or potentially utilize this space.

Response:

Ecology appreciates your comment. Ecology does not have the regulatory authority to require the habitat connectivity described above as a portion of the site cleanup.

4. Evaluate replacement of ecology block wall with natural shoreline

There is a hard "precipitate cap" along the north shoreline and an ecology block wall on the north embayment shoreline. An ecology block wall supports a portion of the north embayment shoreline, and the partially pile supported floor of a demolished building is present on the west side of the wall.

The ecology block wall is composed of at least five levels of blocks rising eight to ten feet above bottom sediment with concrete debris, bulkheads and pilings along the shoreline. A shallow shelf extends 50 to 70 feet out from the steeper northern bank walls. The north sheetpile wall is on the Douglas property and it is believed the current owner has responsibility to prevent collapse of the ecology block wall and north shoreline during remediation.

The preferred alternative for the embayment includes a structural sheet pile wall that would be installed along the north embayment shoreline. The RI/FS states the structural wall is needed to support the existing ecology block wall and embayment slopes while excavation and capping proceed. The RI/FS should clarify if this is a temporary sheetpile wall or if it will be removed as part of the future Douglas Property cleanup.

Either way, because the final cleanup for the embayment through the ROD includes a recreational beach and clamming area, shoreline habitat is necessary to support healthy waters. Removal of the sheetpile wall and ecology block, along with adequate sediment cleanup, provides an opportunity for habitat restoration. Supporting shoreline marsh habitat would help clean and filter water and provide additional habitat to support clam populations. By both enhancing shoreline habitat and supporting connectivity through the embayment, flooding risks from extreme storms and sea level rise could be supported.

The preferred alternative includes riparian restoration but does not outline the locations for riparian plantings. We would like to see more details on the vegetation plan and biological assessment that will inform this.

Response:

The north sheet pile wall is necessary to allow cleanup of sediment in the embayment and to provide structural support during the remedial work. It is anticipated that the wall will be permanent to improve the overall stability of the north shoreline.

The dCAP will include a more detailed plan for the vegetation/habitat. The dCAP will be available for public review and comment.

5. The depth for exposure for clamming and beach play is insufficient

Exposure to sediment and surface water during clamming, beach play, kayaking in the embayment could occur. We recognize that the RI/FS uses the thresholds in the ROD such as clean materials in the upper 45 cm of sediment and increasing the cap thickness to 4 feet in clamming areas.

However, this depth is insufficient for the range of clams that may be found in the Duwamish, and especially in depositional and protected areas like the embayment. For instance, in the 2004 Slip 4 Early Action Report and Intertidal Clam Survey Report, the following clam species were found: Baltic macoma, Bent-nose macoma, Fat gaper (horse clam), and Eastern softshell clams. While it is true the other clam species reside in the upper foot of sediment, the fat gaper clam is found at depths of up to 2 feet or 60 cm3 and in California these clams are accessed with shovels and are as deep as four feet in the sediment.4 These clams also live in protected bays, and may be more common in the embayment. The embayment sediment is exposed during low tides, which creates a scenario popular for clammers, and since gaper clams live in aggregations, clammers may disturb a greater area than expected when these aggregations are encountered. For this reason, we believe the most protective measure would include a 60 cm deep clamming layer.

The RI/FS also does not clearly show the locations where clamming is proposed, and thus where a deeper cap is proposed to be placed. For reference, the ROD proposes the entirety of the embayment as clamming habitat. To fully evaluate the RI/FS, a map of the proposed clamming and beach areas is needed.

Response:

The extent of clamming habitat and suitable depth of substrate in the embayment will be consistent with that required by the LDW 2014 ROD and will be presented in the dCAP. It should be noted that a City of Seattle Reservoir outfall exists at the head of the waterway and the cap will need to prevent erosion of capping material from outfall flows.

6. Additional evaluation of the possible impact of stormwater solids discharge from the 2nd Ave and potential infiltration

As the RI notes, “Additional evaluation of the possible impact of stormwater solids discharge from the 2nd Ave. Outfall is warranted but is beyond the scope of this RI, as these solids are derived from properties upstream of the ICS/NWC property.”

In the RI, on page 50 it notes that if the maximum exceedance factor (EF) was greater than ten (EF>10) the constituent was identified as a proposed sediment contaminant of potential concern. For stormwater solids, which eventually become sediment, contaminants with an EF greater than 10 in the RI included 1,4-Dichlorobenzene, Benzyl Alcohol, 1,2-Dichlorobenzene, 1,2,4-Trichlorobenzene, and Hexachlorobenzene. PCBs did not exceed the 2015 stormwater guidance SLs of 130 to 1,000 ug/kg-dw, but are above the LDW-ROD CUL of 2 ug/kg.

The RI/FS should further evaluate potential contributions of stormwater to the Industrial Container Services, embayment, and the Duwamish River areas. This will be necessary to demonstrate source control sufficiency and prevent recontamination of these areas.

There is also potential infiltration of water from the site into the stormwater pipes. The RI did not provide sufficient evidence that this is not occurring. Ecology should include further evaluation of any potential leaks in the stormwater conveyance system.

Response:

Stormwater from the ICS site is collected, treated as necessary, and discharged to the sanitary sewer under permit. There is no evidence that stormwater from the ICS property is entering the 2nd Ave. Outfall. Stormwater that discharges at the outfall is likely derived from properties located south of the ICS site. There are two control structures located near the south ICS property line that are trapping at least a portion of the stormwater solids migrating in stormwater. Sediment monitoring will be completed at the outfall to assess whether solids are impacting sediment in the embayment and whether additional actions are necessary to control this potential source.

7. Address seeps present along the shoreline

There are at least 4 seeps along the shoreline, primarily along the embayment. Baseline data did not appear to be available for all contaminants in the RI/FS at the seeps, but some data in the RI/FS suggest elevated contaminants near the seeps. For example, Figures 4-17b and 4-17c show the PCB levels in the upper and lower zones from samples taken adjacent to the seeps with levels that exceed screening levels. Additionally, the aquitard overlaps some of the seeps and could facilitate movement of contaminants into the seeps, but does not appear to be included in the RI/FS.

The preferred alternative, Embayment #3 doesn't mention seeps like the other alternatives do. The FS also does not mention how seeps will be addressed during remediation or whether monitoring of seeps will occur after the cleanup.

According to the RI/FS at least 7% of groundwater enters the embayment, which could include through seeps. Ecology should include a more explicit evaluation of the current contribution of seeps to contaminant movement and evaluate and describe the benefits of the preferred alternative to control of contaminant movement through seeps. The RI/FS should further describe additional data that will be collected on seeps prior to and after construction.

Response:

The estimated 7% of groundwater entering the embayment occurs through the sides and bottom of the embayment, not just through seeps. The potential for releases to the embayment by seeps will be reduced by removing contaminated oil and the bulk of contaminated soil from the shoreline area, and by placing an engineered cap augmented with organic carbon to sequester any remaining residues migrating in groundwater. Monitoring of

groundwater entering the embayment will also be conducted to confirm that the upland remedy is functioning as intended.

8. Further address the changes in aerobic and anaerobic conditions on contaminants

Table 4.1 of the FS notes the degradation potential of contaminants in anaerobic and aerobic conditions. The degradation of groundwater contaminants could be influenced by the level of restoration that occurs at the site and the influence of tides on groundwater-surface water interactions.

The potential shift between aerobic and anaerobic conditions is especially important for PCE/TCE since it degrades to vinyl chloride under anaerobic conditions. This potential to degrade into a more volatile contaminant is also important as most of the bottom of the embayment is exposed during periods of relatively low tide, which could create fluctuating aerobic and anaerobic conditions. Metals are also prone to higher mobility in anaerobic conditions. A further evaluation of the potential impacts of shifting anaerobic and aerobic conditions in the RI/FS should be considered.

Response:

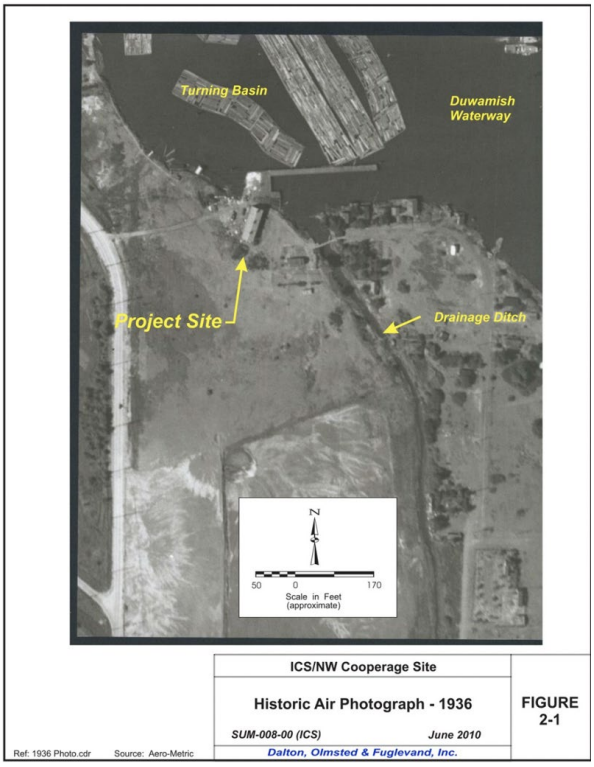
The degradation of PCE/TCE has been adequately addressed in the RI. Vinyl chloride, a degradation product of PCE/TCE, has been detected on-site, most of which is associated with the dielectric oil detected in the well casing of SA-MW1 (which will be removed). Groundwater COCs were identified based on multiple rounds of groundwater sampling/analysis under existing conditions. To the extent that anaerobic groundwater is flowing to the LDW, as groundwater mixes with estuarine water it will become more aerobic as it mixes with oxygenated estuarine water. This mixing favors the degradation of the already low concentrations of vinyl chloride and substantially reduces the mobility of metals.

9. Address potential contributions of the former ditch

A surficial drainage ditch occupied the property until it was filled in the late 1960s (shown in Figure 2-1). A portion of this ditch was used as a wastewater settling lagoon. The filled-in ditch now flows in a buried storm water drainage pipe to the 2nd Avenue Outfall.

As noted in the RI/FS the samples from wells near the former drainage ditch had estuarine water contributions that ranged between 49% and 87%. This suggests a high degree of exchange between the river and the former drainage ditch soils and groundwater.

The former ditch has high levels of arsenic, total chromium, lead, zinc, sum 4,4'-DDE, -DDD, -DDT, DRO/RROs, and total PCBs near the bottom of the filled-in drainage ditch. While the RI/FS states that "Available groundwater analytical data indicate that PCBs and DRO/RRO are not migrating in groundwater above SLs from the filled-in drainage ditch", the presence of high levels of contaminants and a clear pathway to the Duwamish River indicate additional and focused sampling is needed.



Response:

A portion of the filled in drainage ditch was formerly used as a settling basin. Buried sediments in the bottom of ditch are contaminated. The preferred remedial alternative for the area includes excavation of the contaminated sediments to a practical extent. The remedy is supported by an approach of downgradient groundwater monitoring and a contingency plan if the remedy does not control sources of contamination to the LDW.

10. Clarify the role of the Seattle reservoir outfall

As noted in the RI/FS, a Seattle reservoir overflow outfall exists at the head of the embayment. Seattle Public Utilities (SPU) operates an overflow pipeline from the West Seattle reservoir that discharges excess potable water to the embayment (Sewer Card No. 5340-79). As noted in the RI, visual observation noted that this outfall contributes to erosion on the shoreline.

Figure 5-5a of the RI shows a hotspot of elevated PCB levels in sediment just below this outfall in 2012. However, no other subsequent samples are shown to further characterize the sediment below the outfall. This is confirmed in the sample location map (Figure 4-1a) in the FS. Because the outfall has the potential to erode sediment and soils at low tides, the area around the outfall should be further characterized.

In addition, since the outfall is located at the head of the embayment, it would likely be a viable location for habitat restoration.

We appreciate this opportunity to provide comments. Please do not hesitate to contact us if you have any questions.

Paulina López Executive Director

Duwamish River Community Coalition, paulina@drcc.org

Response:

The hot-spot referred to on Figure 5-5a of the RI is a surface sediment sample. Additional characterization is not necessary. As shown on Figure 7-4a of the FS, sediment in the head of the embayment will be removed to a minimum depth of 3-feet and erosion protection will be incorporated into the engineered cap to protect the integrity of the cap. Habitat will be improved throughout the embayment.

Comment from: Kelsey van der Elst, Muckleshoot Indian Tribe Fisheries Division

RE: Comments on the Feasibility Study for the Industrial Container Services, WA, LLC (ICS) MTCA Site (ICS Site)

Dear Mr. Johnson,

The Muckleshoot Indian Tribe's Usual and Accustomed Fishing Grounds include all of the aquatic areas of the Duwamish Waterway. The Duwamish River is an important location where the Tribe exercises its federally-adjudicated fishing rights.

Adequate cleanup of the ICS site is a necessary step for the protection of the health of tribal fishers exercising their treaty rights in this area and for the protection of the aquatic ecosystems, which contribute to the health of the fishery itself. It's imperative that cleanup of the ICS site move forward quickly to control sources of sediment, soil and groundwater contamination to the Duwamish waterway and prevent delays to EPA's cleanup of the Lower Duwamish Waterway due to uncontrolled upland sources.

This site has been listed in Ecology's ISIS database since 1988. After 37 years of investigation and study, Ecology has provided the opportunity for public comment on the Remedial Investigation and Feasibility Study for the ICS Site. Please see specific comments below.

1. The Remedial investigation included the Douglass property to the North of the inlet at RM 2.2, yet this area is not included in the Feasibility Study. What is the timeline for determining the cleanup plan for the Douglass Property? Are there potential groundwater impacts from the Douglass property that could impact the inlet?

Response:

Additional testing is currently being conducted on the Douglas property to assess potential impacts to groundwater caused by releases from the ICS property The testing is being conducted according to an approved work plan. Once this testing is complete, supplemental RI and FS reports will be prepared to address the impacts beneath the Douglas Property, the results of which will be incorporated into dCAP.

2. The preferred cleanup alternative as identified in the Feasibility Study relies on EPA's cleanup of the LDW to address sediment contamination in the embayment, or inlet at RM 2.2. How will the appropriate coordination and timing of activities be ensured between Ecology and EPA?

Response:

Ecology and the EPA have already begun coordination between the uplands and inlet cleanups. Each agency will continue to coordinate in order to ensure efficiency in the cleanup actions.

3. Off-channel habitat is severely lacking in the Lower Duwamish River and the inlet at RM 2.2 represents some of the only remaining off-channel habitat. The habitat value of the inlet should be improved by incorporating salmon friendly habitat elements in the design, including on the north side of the inlet bordering the Douglass property.

Response:

Ecology appreciates your comment. Ecology does not have the regulatory authority to require the inclusion of habitat during cleanup activities. The proposed remedy includes the addition of habitat on the southern portion of the inlet.

4. The proposed action occurs within the Tribe's Usual and Accustomed Fishing Area and has the potential to generate impacts to tribal fishing. It is too soon in the cleanup planning process to have specific details involved with the work that will required, but the proposed activities have the real potential to adversely affect Tribal fishing in the area, either through direct displacement of fishing areas or through net damage caused by the construction activities. The Tribe expects to coordinate with Ecology on cleanup activities, as plans and details become available.

Response:

Ecology will coordinate with the Tribe during planning and implementation of the in-water components of the cleanup actions in this area.

Thank you for the opportunity to comment on this important component of cleanup of the Duwamish River. We look forward to working with you closely on this issue at a government-to-government level as you develop a cleanup plan.

Please contact me at 253-876-3127 for further coordination.

Sincerely,

Kelsey van der Elst

Environmental Regulations Specialist, Muckleshoot Indian Tribe Fisheries Division

CC'd:

Nancy Rapin, Muckleshoot Indian Tribe

Elly Hale, EPA LDW RPM

Nasrin Erdelyi, EPA LDW RPM

Kim Wooten, Ecology TCP

Appendices

Appendix A. Public comments in original format

From:	Paulina Lopez
To:	Johnson, Beau (ECY); Waldref, Meredith (ECY)
Cc:	Greg Wingard; Sean Dixon; Nancy Sackman; Chiyo Crawford; Linn Gould; Marcus Griswold; Robin Schwartz
Subject:	Request Public comment extension Industrial Container Services
Date:	Monday, November 18, 2024 4:24:14 PM

External Email

Subject: Request for Extension of Public Comment Period for Industrial Container Services Site

Dear Beau Johnson - WA State Dept of Ecology.

On behalf of the Duwamish River Community Coalition DRCC and Coalition members I am writing to formally request an extension of the public comment period for the proposed Industrial Container Services Site, currently scheduled to close on January 16. We learned today this site is out for public comment and given the proximity of major holidays and the importance of ensuring full participation from all impacted communities, including environmental justice communities, we believe additional time is necessary to allow for meaningful input for such a complex and important site.

The holidays often present significant barriers for many residents, particularly in underserved areas, to engage with complex public notices, attend meetings, and submit comments. Extending the comment period would help ensure that all community members, particularly those from environmental justice communities who are most impacted by the proposed site, have an opportunity to thoroughly review the materials, engage in discussions, and provide feedback.

We respectfully request an **extension of 30 days t**o allow for greater community engagement and ensure that the decision-making process reflects the perspectives and concerns of those most affected.

Thank you for considering this request. We look forward to your response and hope that the Department will take this opportunity to facilitate an inclusive and transparent review process.

Warm regards,

Paulina López, LLM **(she/her/ella pronouns)**
Executive Director
Duwamish River Community Coalition
7400 3rd Ave South. Seattle WA 98108
www.drcc.org #Riverforall #EJforDV #Climatejusticenow
Follow us Facebook and Instagram @drcc_org
Phone 206-251-2038

Our Vision: An empowered Duwamish Valley community thriving in a healthy and just environment

Read our 2024 State of the Duwamish River Valley! (español) (vietnamese) (khmer)

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From: Greg Wingard
To: Paulina Lopez; Johnson, Beau (ECY); Waldref, Meredith (ECY)
Cc: Sean Dixon; Nancy Sackman; Chiyo Crawford; Linn Gould; Marcus Griswold; Robin Schwartz
Subject: Re: Request Public comment extension Industrial Container Services
Date: Tuesday, November 19, 2024 10:16:20 AM

External Email

Beau:

Green River Coalition has partnered with DRCC since they started. I've worked on toxic waste and contaminated site issues in the lower Duwamish since the 1980's, and through another organization administered the EPA Technical Assistant Grant for the Lower Duwamish Waterway Superfund site on behalf of DRCC.

Our coalition also requests an extension of the Industrial Container Services Site public comment period.

Regards,

Greg Wingard,
President

From: Paulina Lopez <paulina@drcc.org>
Sent: Monday, November 18, 2024 4:23 PM
To: beau.johnson@ecy.wa.gov <beau.johnson@ecy.wa.gov>; meredith.waldref@ecy.wa.gov <meredith.waldref@ecy.wa.gov>
Cc: Greg Wingard <greg@greenrivercoalition.org>; Sean Dixon <sean@pugetsoundkeeper.org>; Nancy Sackman <nancys@duwamishtribe.org>; Chiyo Crawford <chiyo@ecoss.org>; Linn Gould <gouldjha@gmail.com>; Marcus Griswold <mgriswold@calmwatersgroup.com>; Robin Schwartz <robin@drcc.org>
Subject: Request Public comment extension Industrial Container Services

Subject: Request for Extension of Public Comment Period for Industrial Container Services Site
Dear Beau Johnson - WA State Dept of Ecology.
On behalf of the Duwamish River Community Coalition DRCC and Coalition members I am writing to formally request an extension of the public comment period for the proposed Industrial Container Services Site, currently scheduled to close on January 16. We learned today this site is out for public comment and given the proximity of major holidays and the importance of ensuring full participation from all impacted communities, including environmental justice communities, we believe additional time is necessary to allow for meaningful input for such a complex and important site.
The holidays often present significant barriers for many residents, particularly in underserved areas, to engage with complex public notices, attend meetings, and submit comments. Extending the comment period would help ensure that all community members, particularly

those from environmental justice communities who are most impacted by the proposed site, have an opportunity to thoroughly review the materials, engage in discussions, and provide feedback.

We respectfully request an **extension of 30 days t**o allow for greater community engagement and ensure that the decision-making process reflects the perspectives and concerns of those most affected.

Thank you for considering this request. We look forward to your response and hope that the Department will take this opportunity to facilitate an inclusive and transparent review process.

Warm regards,

Paulina López, LLM **(she/her/ella pronouns)**
Executive Director
Duwamish River Community Coalition
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Read our 2024 State of the Duwamish River Valley! (español) (vietnamese) (khmer)

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Lynden Incorporated
P.O. Box 3757
Seattle, WA 98124-3757
Main: (206) 241-8778
Toll-Free: (800) 426-3201
Fax: (206) 243-8415

January 3, 2025

Mr. Beau Johnson
State of Washington, Department of Ecology
Site Manager
P.O. Box 330316
Shoreline, WA 98133-9716

Re: Incomplete Feasibility Study for ICS/Trotsky Site

Dear Mr. Johnson:

We are submitting comments on the Public Review Draft of the Feasibility Study Report ("FS Report") prepared by Dalton, Olmsted, and Fuglevand, Inc. (DOF), for the Industrial Container Services, WA, LLC (ICS) MTCA Site ("ICS Site").

7100 1st Ave. S. Seattle LLC owns the property ("7100 Property") adjacent to the ICS property located at 7152 1st Avenue South ("ICS Property"), and historical operations on the ICS Property have caused contamination in the deep native soils and groundwater beneath the 7100 Property. While the FS Report acknowledges that the 7100 Property is part of the ICS Site, it does not address the contamination on the 7100 Property, stating that it will be addressed later in a "supplemental" FS. FS Report, § 4.3.1. DOF anticipates completing the Supplemental Investigation (SI) to further delineate the offsite extent of ICS contamination beneath the 7100 property in January of 2025.

This approach is inappropriate and does not comply with the requirements of MTCA or Ecology's Cleanup Rule, ch. 173-340 WAC. The ICS Site includes all locations where contamination originating from the ICS Property or its past operations have "come to be located." *See* RCW 70A.305.020(8). The ICS Site includes the contaminated deeper native soils and groundwater beneath the 7100 Property.

The FS Report is inadequate in failing to address this contamination as part of the ICS Site. Specifically:

1. The Cleanup Rule requires that a Remedial Investigation and Feasibility Study (RI/FS) be conducted to evaluate the nature and extent of contamination and to develop and evaluate cleanup alternatives for the entire MTCA Site. The FS Report fails to evaluate alternatives for addressing the deep contamination beneath the 7100 Property, which, the FS Report seems to

acknowledge, is part of the ICS Site. WAC 173-340-350, -351. MTCA requires that the entire Site be included in delineating the footprint. The ICS RI fails to provide a figure delineating the entire Site. In the ICS RI, Figure 7.1 only outlines Areas of Concern on the ICS property. The RI must include documentation of the presence of ICS related contamination beneath the 7100 Property including figure(s) illustrating the full extent of the ICS Site.

2. The Cleanup Rule requires that an FS rely on a complete RI. A complete RI must characterize all areas of groundwater and soil contamination within the Site. WAC 173-340-350(6), -351(5), (6). By deferring the evaluation of contamination beneath the 7100 Property to a later "supplemental" FS, the FS Report does not fulfill these requirements. It does not make sense to finalize the RI with the SI soon to follow. To ensure that the SI will be properly documented in the public records, it is necessary for the RI to address the contamination beneath the 7100 Property as it is a contiguous plume and is part of the ICS Site.
3. The Cleanup Rule requires that an FS develop and evaluate cleanup action alternatives for the Site. WAC 173-340-351(1). The exclusion of the 7100 Property from the FS Report means it does not consider cleanup alternatives for the entire Site.
4. The Cleanup Rule outlines the requirements for cleanup actions, including the need to comply with cleanup standards and prevent further migration of hazardous substances. WAC 173-340-360(3)(a).
5. The Cleanup Rule sets Ecology's "expectations" for cleanup actions. WAC 173-340-370. A comprehensive FS that addresses all areas of contamination, including the 7100 Property, is essential to meet these expectations.

In light of these shortcomings, the current FS Report must be revised to include the contamination on the 7100 Property. While the FS Report promises to address this contamination in a future, supplemental FS, it gives no timeline for doing so. Segmenting the cleanup in this way introduces a great deal of uncertainty as to whether that portion of the FS and cleanup will ever occur. Addressing all areas of contamination in a single FS is therefore crucial to ensure a thorough and effective cleanup process that complies with MTCA and its implementing regulations. Incorporating the results of the SI into an FS would avoid confusion and ensure that the entire ICS Site is properly documented and addressed in the public records. Ecology should make available to the public the schedule of deliverables including the RI Addendum (or Supplemental Remedial Investigation Report), and the Supplemental Feasibility Study Report.

Finally, even if Ecology allows ICS to segment the FS and evaluate alternatives for addressing the deep contamination on the 7100 Property in a supplemental FS, Ecology must make clear that ICS must address the cleanup of this contamination in the same Cleanup Action Plan and Cleanup Action as contamination on the ICS/Trotsky property. By bifurcating the ICS contamination under the 7100 Property from the rest of the ICS Site, Ecology risks substantial and unnecessary delays in addressing the ICS plume under the 7100 Property, interfering with the remediation on the 7100 Property, and is in violation of MTCA, the Cleanup Rule and caselaw that provides the definition of a facility or site.

Thank you for considering the above comments.

Sincerely,

LYNDEN INCORPORATED

Everett H. Billingslea
Sr. Vice President and CLO

cc: Tisha Pagalilauan, Cascadia Law Group
Louis Russell, Cascadia Law Group
Chris Bailey, GeoEngineers, Inc.
Kurt Harrington, GeoEngineers, Inc.
Industrial Container Services WA, LLC (7152 1st Ave. S., Seattle, WA 98108)
Dalton, Olmsted, Fuglevand (1001 SW Klickitat Way, Suite 200B, Seattle, WA 98134)

From: Johnson, Beau (ECY)
To: Waldref, Meredith (ECY)
Subject: FW: Facility Site id 2154, cleanup id 62
Date: Monday, January 6, 2025 3:49:58 PM

FYI, got another comment for ICS.

Beau A. Johnson, LG
Cleanup Site Manager
Toxics Cleanup Program, NWRO
Washington State Department of Ecology
Cell: (206) 638-0816

-----Original Message-----
From: Renee Maurel <rubybohica@comcast.net>
Sent: Monday, January 6, 2025 3:21 PM
To: Johnson, Beau (ECY) <BEJO461@ECY.WA.GOV>
Subject: Facility Site id 2154, cleanup id 62

External Email

I just got around to learning about this and wanted to thank you for the studiousness and comprehensive work that has already been done. It seems like a massive task that has been thoroughly studied and I trust your valued decisions so far.
So once again, thank you to all who are involved, Ruby Sent from my iPad
. . . .

Lower Duwamish Waterway Group

City of Seattle / King County / The Boeing Company

MEMORANDUM

To:	Beau Johnson, Ecology
Cc:	Elly Hale, U.S. EPA Nasrin, Erdelyi, U.S. EPA
From:	Lower Duwamish Waterway Group Members
Subject:	Comments on the Industrial Container Services Feasibility Study Report
Date:	January 30, 2025

The Lower Duwamish Waterway Group (LDWG) members appreciate the opportunity to comment on the Industrial Container Services (ICS) Feasibility Study Report (FS) conducted under Model Toxics Control Act (MTCA) Agreed Order DE 6720 with the Washington Department of Ecology (Ecology). LDWG is currently developing the remedial design for the middle reach of the Lower Duwamish Waterway (LDW) Superfund site under the fifth amendment to the Administrative Order on Consent (AOC 5) between LDWG, U.S. EPA and Ecology. The ICS site (FSID: 2154; CSID: 62) is located in the middle reach at river mile (RM) 2.2W and includes an inlet (referred to as the "embayment" in the ICS FS).

To prevent potential recontamination of the inlet, it is crucial that the upland action on the ICS site achieves source control sufficiency at the LDW Superfund site boundary (i.e., the location of the 'vertical' plane at the mean higher high tide elevation). Regardless of the alternatives presented in the ICS FS, we rely on Ecology to select a remedy in its forthcoming draft Cleanup Action Plan (DCAP) that ensures source control is sufficient, considers LDW cleanup goals, and is compatible with the in-water cleanup design. LDWG understands Ecology will be conducting a source control sufficiency evaluation for all properties surrounding the inlet.

With respect to the ICS FS, LDWG has the following comments:

1. LDWG urges Ecology to consider the following expectations in selecting a final site remedy:

    a. Industrial cleanup standards are not appropriate for remediation of the upland portion of the ICS site. Given that the soil-leaching-to-groundwater and groundwater-to-sediment pathways are complete, more restrictive cleanup levels would apply and will need to be established to prevent recontamination of the sediment within the inlet. Accordingly, if the FS is not amended to assess remedial alternatives against the need to meet sediment-

protective cleanup standards, the DCAP must evaluate and select such a protective remedy. A shoreline buffer zone may be appropriate for application of more restrictive cleanup levels in the upland if demonstrated to be protective.

b. The FS incorrectly states (*e.g.*, in Table 6.1 at page 38) that MTCA establishes the point of compliance for groundwater and NAPL discharge to the embayment and the LDW at the groundwater-surface water interface. This instead would be a conditional point of compliance (CPOC) under MTCA, for which various conditions must be met to establish. If the FS does not do so, the DCAP must show how all required conditions are met for establishing a conditional point of compliance for sediment-protective soil and groundwater cleanup levels.

c. If conditions are met for establishing a CPOC for sediment-protective cleanup levels as part of the ICS upland remedy, rather than being established at the groundwater-surface water interface, any such CPOC should instead be established at the LDW Superfund site boundary. It should further be made clear in the DCAP that any conditional point of compliance established is being applied to the upland as an operable unit, and meeting the standard for the upland does not meet all standards for the site (the full extent of contamination from the ICS site).

d. The FS or DCAP must include an evaluation of the preferred upland remedy that demonstrates that residual soil and groundwater concentrations will not result in recontamination of sediment beyond the LDW Superfund site boundary.

e. The FS should evaluate if there are any data collection or evaluation gaps that are necessary to support a source control sufficiency demonstration for the ICS site.

2. If the final FS does not do so, the DCAP needs to establish the sequence in which remediation will take place (*i.e.*, ICS upland cleanup prior to LDW in-water work, etc.). Further, LDWG requests that Ecology allow our engineering design experts the opportunity to provide meaningful technical input on ICS's design, including, but not necessarily limited to, the elements identified in this letter.

3. The pending revised ICS FS and all future site documents should make clear that the 2nd Avenue Outfall is not a City of Seattle outfall. The ICS site contains a buried stormwater conveyance system that runs along the western margin on the eastern site boundary. The conveyance system receives stormwater from properties to the south and discharges to the inlet at the 2nd Avenue Outfall. As a source control measure, the ICS FS proposes upgrading the 2nd Avenue Outfall conveyance system to prevent groundwater infiltration. The ICS FS does not include a discussion

of the origin or ownership of the 2nd Avenue Outfall, but the revised ICS RI (dated June 2024) incorrectly refers to the 2nd Avenue Outfall as a "City of Seattle stormwater outfall" (ICS RI Section 2.4.1 – 2nd Ave. Outfall).

The City of Seattle has previously provided Ecology with documentation establishing that the 2nd Ave. outfall is privately owned. We can provide this documentation again if necessary. In summary: Historical air photos show a natural watercourse from the RM 2.2W Inlet heading south to the corner with S Fontenelle St. The property owner subsequently filled the inlet. This filling required installation of culverted drainage to convey the flows that used to discharge at an outfall at 2nd Ave S and S Fontenelle St up into the RM2.2 Inlet. Site drainage for the adjacent properties was plumbed into the culvert as well. The City's documents show that the private property owner, Northwest Cooperage, installed the pipe. The pending revised ICS FS, forthcoming DCAP, and all future site documentation should clearly state that the storm water conveyance system is and has been privately owned and therefore the 2nd Avenue Outfall is not a City of Seattle stormwater outfall.

With respect to Ecology's Fact Sheet on the ICS FS (Publication 24-09-150 dated November 2024), LDWG has the following comment:

1. On Page 4 of the fact sheet, there is a section titled "EPA-selected In-Water Alternative". LDWG would like Ecology to delete the existing text in the fact sheet under "EPA-selected In-Water Alternative" and clarify that EPA has not selected the remedial actions for the inlet yet.

From: Paulina Lopez
To: Johnson, Beau (ECY); Waldref, Meredith (ECY)
Subject: Industrial Container Services Public Comment DRCC
Date: Friday, January 31, 2025 11:40:29 AM
Attachments: Memo_Industrial Container Services Remedial Investigation and Feasibility Study.docx.pdf

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External Email

Dear Beau Johnson and Meredith Waldref,

Thank you for the opportunity to comment on the Industrial Container Services WA LLC cleanup site RI/FS located 7152 1st Ave. S. in Seattle near Seattle's South Park Neighborhood and First Ave.

It is vitally important that community voices are heard on the issues that directly impact them. *The Duwamish River Community Coalition (DRCC)* has long been a community steward for environmental justice in the Duwamish Valley, which is one of the most polluted areas in the entire Pacific Northwest following over a century of industrial dumping and release of toxic waste. We seek to amplify the will and voices of community members harmed by the combined impacts of environmental, economic, and health inequities present in the Duwamish Valley.

Please find our comments attached to this email.

Thank you so much!

Paulina López, LLM **(she/her/ella pronouns)**
Executive Director
Duwamish River Community Coalition
7400 3rd Ave South. Seattle WA 98108
www.drcc.org #Riverforall #EJforDV #Climatejusticenow
Follow us Facebook and Instagram @drcc_org
Phone 206-251-2038

Our Vision: An empowered Duwamish Valley community thriving in a healthy and just environment

Read our 2024 State of the Duwamish River Valley! (español) (vietnamese) (khmer)
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DUWAMISH RIVER
COMMUNITY COALITION

Elevating the voices of those impacted by the Duwamish River pollution and other environmental injustices to advocate for a clean, healthy, and equitable environment for people and wildlife. Promoting place-keeping and prioritizing community capacity and resilience.

January 31, 2025

Beau Johnson
beau.johnson@ecy.wa.gov
Site Manager
Washington Department of Ecology

Re: **Industrial Container Services (ICS) Remedial Investigation (RI) and Feasibility Study (FS)**

Dear Beau Johnson and Meredith Waldref,

Thank you for the opportunity to comment on the Industrial Container Services WA LLC cleanup site RI/FS located 7152 1st Ave. S. in Seattle near Seattle's South Park Neighborhood and First Ave.

It is vitally important that community voices are heard on the issues that directly impact them. *The Duwamish River Community Coalition (DRCC)* has long been a community steward for environmental justice in the Duwamish Valley, which is one of the most polluted areas in the entire Pacific Northwest following over a century of industrial dumping and release of toxic waste. We seek to amplify the will and voices of community members harmed by the combined impacts of environmental, economic, and health inequities present in the Duwamish Valley.

1. **Douglas Property coordination**

The adjacent Douglas property is going through a separate RI/FS process, but ICS contamination migrated under the property and is being considered here. The ICS RI/FS should explicitly state how coordination will occur on the cleanup for the two sites to ensure that sources to the Duwamish are adequately controlled.

Treating these adjacent sites as independent does not address the potential cumulative, short-term, long-term, direct and indirect impacts that may occur both from the cleanup process itself, and from the final design at each site. Reducing and/or mitigating impacts from these two sites collectively is important to reduce cumulative impacts to aquatic and terrestrial habitat. We would like to see Ecology evaluate the short and long term cumulative environmental impacts of the cleanup process at both sites concurrently.

In the RI/FS, Ecology should consider a more comprehensive approach to habitat mitigation and restoration along the shoreline of the two sites, as further described in comments below.

2. **Preferred alternative impacts and evaluation**

While the preferred alternative will result in removal of hot spots for contamination and support riparian vegetation, we have a number of concerns with the alternative and would like Ecology to re-evaluate the alternative with these concerns in mind. We include the concerns below.

We would like more information on whether Ecology believes the impacts from the cleanup will require any habitat mitigation. Potential permanent and temporary habitat impacts include 1) paving over the unpaved portion in the eastern site, 2) installing a new sheetpile wall, and 3) installation of a temporary dam across the embayment. Additional impacts may emerge during the design phase.

3. **The Feasibility Study does not adequately account for the regional ecological and recreational impacts and benefits**

The embayment provides connectivity between the Duwamish River and inland habitat at Moore Marsh and to the W Duwamish Greenbelt Trail for wildlife and potentially fish, while also supporting flood reduction and carbon storage. In this industrially zoned area, this type of habitat connectivity is rare and should be restored and maintained to support aquatic and terrestrial species.

Given that the ROD for the Lower Duwamish Waterway Superfund site provides for a beach at the head of the embayment, the preferred alternative should encourage connectivity between the river and the Greenbelt trail. This connection is already informally in place at Highland Park, but could be enhanced as part of this RI/FS.

The Industrial Container Services site is the most viable location to connect with the Greenbelt trail along the river between Salmon Cove and həʔapus Village Park & Shoreline Habitat.

Providing habitat connectivity would also support wetland restoration previously completed west of the site, and other regional efforts to support habitat restoration and enhancement along the Duwamish River and floodplain.[1]

Similar sites, Salmon Cove and North Wind's Weir support migrating juvenile salmon from five salmon species, including the critical Chinook salmon. Based on the Washington Department of Fish and Wildlife's Priority Habitat and Species Maps,[2] the embayment could provide connectivity between the Duwamish River and WDOT restored wetland to the west for Coho Salmon. The FS should further evaluate impacts and benefits to species that currently or potentially utilize this space.

4. **Evaluate replacement of ecology block wall with natural shoreline**

There is a hard "precipitate cap" along the north shoreline and an ecology block wall on the north embayment shoreline. An ecology block wall supports a portion of the north embayment shoreline, and the partially pile supported floor of a demolished building is present on the west side of the wall.

The ecology block wall is composed of at least five levels of blocks rising eight to ten feet above bottom sediment with concrete debris, bulkheads and pilings along the

[1]https://cdn.kingcounty.gov/-/media/king-county/depts/dnrp/waste-services/wastewater-treatment/program/lower-duwamish/docs/1208_restoration_map_handout_v8_final.pdf
[2] https://geodataservices.wdfw.wa.gov/hp/phs/

shoreline. A shallow shelf extends 50 to 70 feet out from the steeper northern bank walls. The north sheetpile wall is on the Douglas property and it is believed the current owner has responsibility to prevent collapse of the ecology block wall and north shoreline during remediation.

The preferred alternative for the embayment includes a structural sheet pile wall that would be installed along the north embayment shoreline. The RI/FS states the structural wall is needed to support the existing ecology block wall and embayment slopes while excavation and capping proceed. The RI/FS should clarify if this is a temporary sheetpile wall or if it will be removed as part of the future Douglas Property cleanup.

Either way, because the final cleanup for the embayment through the ROD includes a recreational beach and clamming area, shoreline habitat is necessary to support healthy waters. Removal of the sheetpile wall and ecology block, along with adequate sediment cleanup, provides an opportunity for habitat restoration. Supporting shoreline marsh habitat would help clean and filter water and provide additional habitat to support clam populations. By both enhancing shoreline habitat and supporting connectivity through the embayment, flooding risks from extreme storms and sea level rise could be supported.

The preferred alternative includes riparian restoration but does not outline the locations for riparian plantings. We would like to see more details on the vegetation plan and biological assessment that will inform this.

5. **The depth for exposure for clamming and beach play is insufficient**

Exposure to sediment and surface water during clamming, beach play, kayaking in the embayment could occur. We recognize that the RI/FS uses the thresholds in the ROD such as clean materials in the upper 45 cm of sediment and increasing the cap thickness to 4 feet in clamming areas.

However, this depth is insufficient for the range of clams that may be found in the Duwamish, and especially in depositional and protected areas like the embayment. For

instance, in the 2004 Slip 4 Early Action Report and Intertidal Clam Survey Report, the following clam species were found: Baltic macoma, Bent-nose macoma, Fat gaper (horse clam), and Eastern softshell clams. While it is true the other clam species reside in the upper foot of sediment, the fat gaper clam is found at depths of up to 2 feet or 60 cm^3 and in California these clams are accessed with shovels and are as deep as four feet in the sediment.[4] These clams also live in protected bays, and may be more common in the embayment. The embayment sediment is exposed during low tides, which creates a scenario popular for clammers, and since gaper clams live in aggregations, clammers may disturb a greater area than expected when these aggregations are encountered. For this reason, we believe the most protective measure would include a 60 cm deep clamming layer.

The RI/FS also does not clearly show the locations where clamming is proposed, and thus where a deeper cap is proposed to be placed. For reference, the ROD proposes the entirety of the embayment as clamming habitat. To fully evaluate the RI/FS, a map of the proposed clamming and beach areas is needed.

6. **Additional evaluation of the possible impact of stormwater solids discharge from the 2nd Ave and potential infiltration**

As the RI notes, “Additional evaluation of the possible impact of stormwater solids discharge from the 2nd Ave. Outfall is warranted but is beyond the scope of this RI, as these solids are derived from properties upstream of the ICS/NWC property.”

In the RI, on page 50 it notes that if the maximum exceedance factor (EF) was greater than ten (EF>10) the constituent was identified as a proposed sediment contaminant of potential concern. For stormwater solids, which eventually become sediment, contaminants with an EF greater than 10 in the RI included 1,4-Dichlorobenzene, Benzyl Alcohol, 1,2-Dichlorobenzene, 1,2,4-Trichlorobenzene, and Hexachlorobenzene.

[3]Lower Duwamish Waterway Slip 4 Early Action Area: Summary of Existing Information and Identification of Data Gaps. 2004. https://your.kingcounty.gov/dnrp/library/2004/kcr2051.pdf
[4] https://cdfwmarine.wordpress.com/2015/06/05/creature-feature-gaper-clams/

PCBs did not exceed the 2015 stormwater guidance SLs of 130 to 1,000 ug/kg-dw, but are above the LDW-ROD CUL of 2 ug/kg.

The RI/FS should further evaluate potential contributions of stormwater to the Industrial Container Services, embayment, and the Duwamish River areas. This will be necessary to demonstrate source control sufficiency and prevent recontamination of these areas.

There is also potential infiltration of water from the site into the stormwater pipes. The RI did not provide sufficient evidence that this is not occurring. Ecology should include further evaluation of any potential leaks in the stormwater conveyance system.

7. **Address seeps present along the shoreline**

There are at least 4 seeps along the shoreline, primarily along the embayment. Baseline data did not appear to be available for all contaminants in the RI/FS at the seeps, but some data in the RI/FS suggest elevated contaminants near the seeps. For example, Figures 4-17b and 4-17c show the PCB levels in the upper and lower zones from samples taken adjacent to the seeps with levels that exceed screening levels. Additionally, the aquitard overlaps some of the seeps and could facilitate movement of contaminants into the seeps, but does not appear to be included in the RI/FS.

The preferred alternative, Embayment #3 doesn't mention seeps like the other alternatives do. The FS also does not mention how seeps will be addressed during remediation or whether monitoring of seeps will occur after the cleanup.

According to the RI/FS at least 7% of groundwater enters the embayment, which could include through seeps. Ecology should include a more explicit evaluation of the current contribution of seeps to contaminant movement and evaluate and describe the benefits of the preferred alternative to control of contaminant movement through seeps. The RI/FS should further describe additional data that will be collected on seeps prior to and after construction.

8. **Further address the changes in aerobic and anaerobic conditions on contaminants**

Table 4.1 of the FS notes the degradation potential of contaminants in anaerobic and aerobic conditions. The degradation of groundwater contaminants could be influenced by the level of restoration that occurs at the site and the influence of tides on groundwater-surface water interactions.

The potential shift between aerobic and anaerobic conditions is especially important for PCE/TCE since it degrades to vinyl chloride under anaerobic conditions. This potential to degrade into a more volatile contaminant is also important as most of the bottom of the embayment is exposed during periods of relatively low tide, which could create fluctuating aerobic and anaerobic conditions. Metals are also prone to higher mobility in anaerobic conditions. A further evaluation of the potential impacts of shifting anaerobic and aerobic conditions in the RI/FS should be considered.

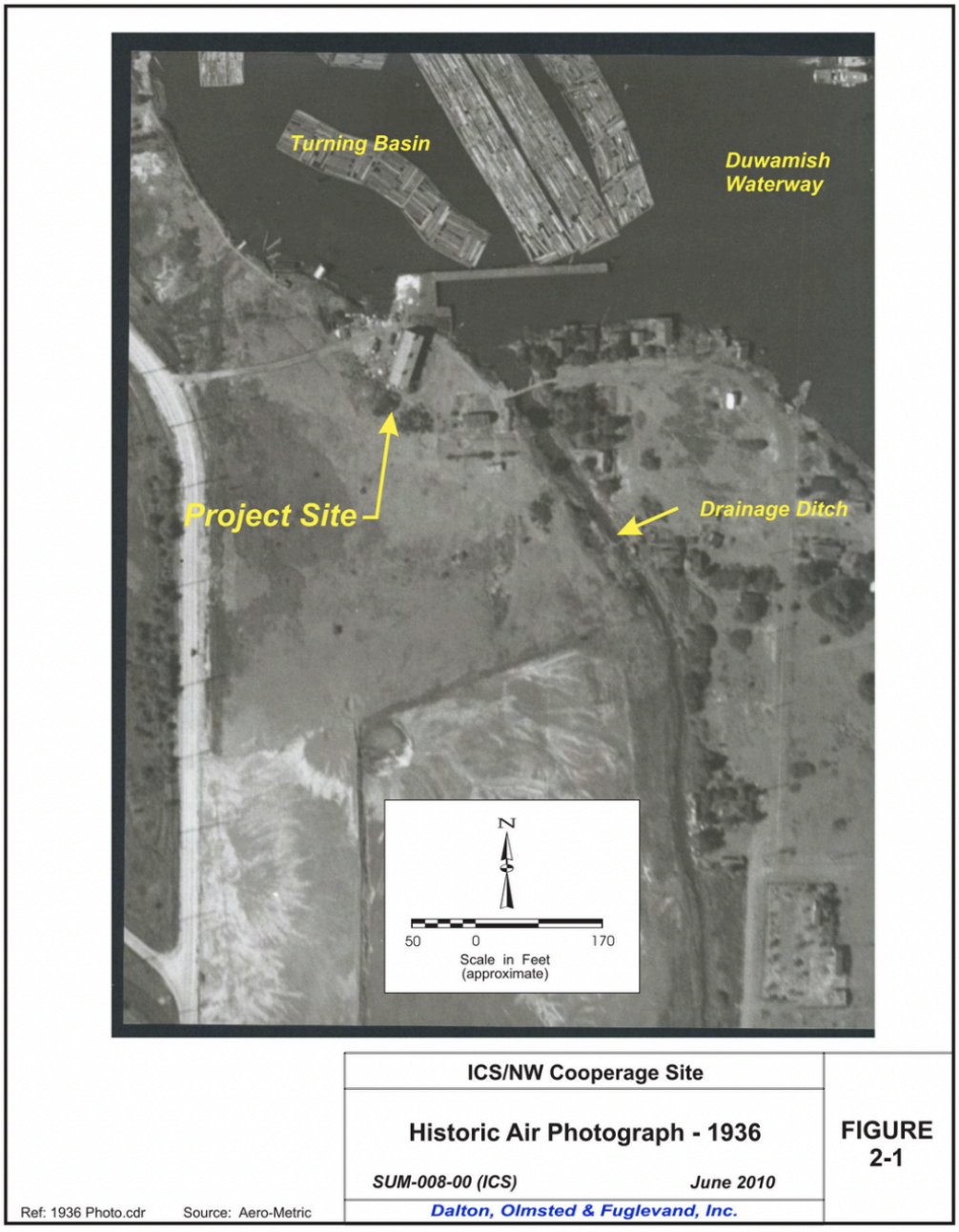
9. **Address potential contributions of the former ditch**

A surficial drainage ditch occupied the property until it was filled in the late 1960s (shown in Figure 2-1). A portion of this ditch was used as a wastewater settling lagoon. The filled-in ditch now flows in a buried storm water drainage pipe to the 2nd Avenue Outfall.

As noted in the RI/FS the samples from wells near the former drainage ditch had estuarine water contributions that ranged between 49% and 87%. This suggests a high degree of exchange between the river and the former drainage ditch soils and groundwater.

The former ditch has high levels of arsenic, total chromium, lead, zinc, sum 4,4'-DDE, -DDD, -DDT, DRO/RROs, and total PCBs near the bottom of the filled-in drainage ditch. While the RI/FS states that "Available groundwater analytical data indicate that PCBs and DRO/RRO are not migrating in groundwater above SLs from the filled-in drainage ditch", the presence of high levels of contaminants and a clear pathway to the

Duwamish River indicate additional and focused sampling is needed.



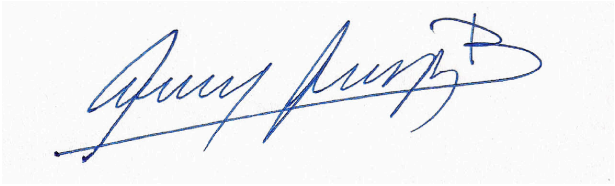
10. Clarify the role of the Seattle reservoir outfall

As noted in the RI/FS, a Seattle reservoir overflow outfall exists at the head of the embayment. Seattle Public Utilities (SPU) operates an overflow pipeline from the West Seattle reservoir that discharges excess potable water to the embayment (Sewer Card No. 5340-79). As noted in the RI, visual observation noted that this outfall contributes to erosion on the shoreline.

Figure 5-5a of the RI shows a hotspot of elevated PCB levels in sediment just below this outfall in 2012. However, no other subsequent samples are shown to further characterize the sediment below the outfall. This is confirmed in the sample location map (Figure 4-1a) in the FS. Because the outfall has the potential to erode sediment and soils at low tides, the area around the outfall should be further characterized.

In addition, since the outfall is located at the head of the embayment, it would likely be a viable location for habitat restoration.

We appreciate this opportunity to provide comments. Please do not hesitate to contact us if you have any questions.



Paulina López
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Duwamish River Community Coalition
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MUCKLESHOOT INDIAN TRIBE

Fisheries Division

39015 - 172nd Avenue SE • Auburn, Washington 98092-9763
Phone: (253) 939-3311 • Fax: (253) 931-0752

January 31, 2025

Beau Johnson
State of Washington, Department of Ecology
Site Manager
P.O. Box 330316
Shoreline, WA 98133-9716

RE: Comments on the Feasibility Study for the Industrial Container Services, WA, LLC (ICS) MTCA Site (ICS Site)

Dear Mr. Johnson,

The Muckleshoot Indian Tribe's Usual and Accustomed Fishing Grounds include all of the aquatic areas of the Duwamish Waterway. The Duwamish River is an important location where the Tribe exercises its federally-adjudicated fishing rights.

Adequate cleanup of the ICS site is a necessary step for the protection of the health of tribal fishers exercising their treaty rights in this area and for the protection of the aquatic ecosystems, which contribute to the health of the fishery itself. It's imperative that cleanup of the ICS site move forward quickly to control sources of sediment, soil and groundwater contamination to the Duwamish waterway and prevent delays to EPA's cleanup of the Lower Duwamish Waterway due to uncontrolled upland sources.

This site has been listed in Ecology's ISIS database since 1988. After 37 years of investigation and study, Ecology has provided the opportunity for public comment on the Remedial Investigation and Feasibility Study for the ICS Site. Please see specific comments below.

1. The Remedial investigation included the Douglass property to the North of the inlet at RM 2.2, yet this area is not included in the Feasibility Study. What is the timeline for determining the cleanup plan for the Douglass Property? Are there potential groundwater impacts from the Douglass property that could impact the inlet?
2. The preferred cleanup alternative as identified in the Feasibility Study relies on EPA's cleanup of the LDW to address sediment contamination in the embayment, or inlet at RM 2.2. How will the appropriate coordination and timing of activities be ensured between Ecology and EPA?

3. Off-channel habitat is severely lacking in the Lower Duwamish River and the inlet at RM 2.2 represents some of the only remaining off-channel habitat. The habitat value of the inlet should be improved by incorporating salmon friendly habitat elements in the design, including on the north side of the inlet bordering the Douglass property.
4. The proposed action occurs within the Tribe's Usual and Accustomed Fishing Area and has the potential to generate impacts to tribal fishing. It is too soon in the cleanup planning process to have specific details involved with the work that will required, but the proposed activities have the real potential to adversely affect Tribal fishing in the area, either through direct displacement of fishing areas or through net damage caused by the construction activities. The Tribe expects to coordinate with Ecology on cleanup activities, as plans and details become available.

Thank you for the opportunity to comment on this important component of cleanup of the Duwamish River. We look forward to working with you closely on this issue at a government-to-government level as you develop a cleanup plan.

Please contact me at 253-876-3127 for further coordination.

Sincerely,

Kelsey van der Elst

Kelsey van der Elst
Environmental Regulations Specialist
Muckleshoot Indian Tribe Fisheries Division

CC'd:

Nancy Rapin, Muckleshoot Indian Tribe
Elly Hale, EPA LDW RPM
Nasrin Erdelyi, EPA LDW RPM
Kim Wooten, Ecology TCP