



Response to comments

Agreed order and public participation plan

King County Denny Way Combined Sewer Overflow cleanup site Seattle, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

March 2026

Publication information

This document is available on our website at:

<https://go.ecology.wa.gov/DennyWayCSO>

Related information

- Clean-up site ID: 2582
- Facility site ID: 4455938

Contact information

Toxics Cleanup Program

Northwest region office

Meredith Waldref

Senior Outreach Planner

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Site Manager

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Physical: 15700 Dayton Ave N

Mailing: PO Box 330316

Shoreline, WA 98133

Phone: 206-594-0000

Website¹: [Washington State Department of Ecology](http://www.ecology.wa.gov)

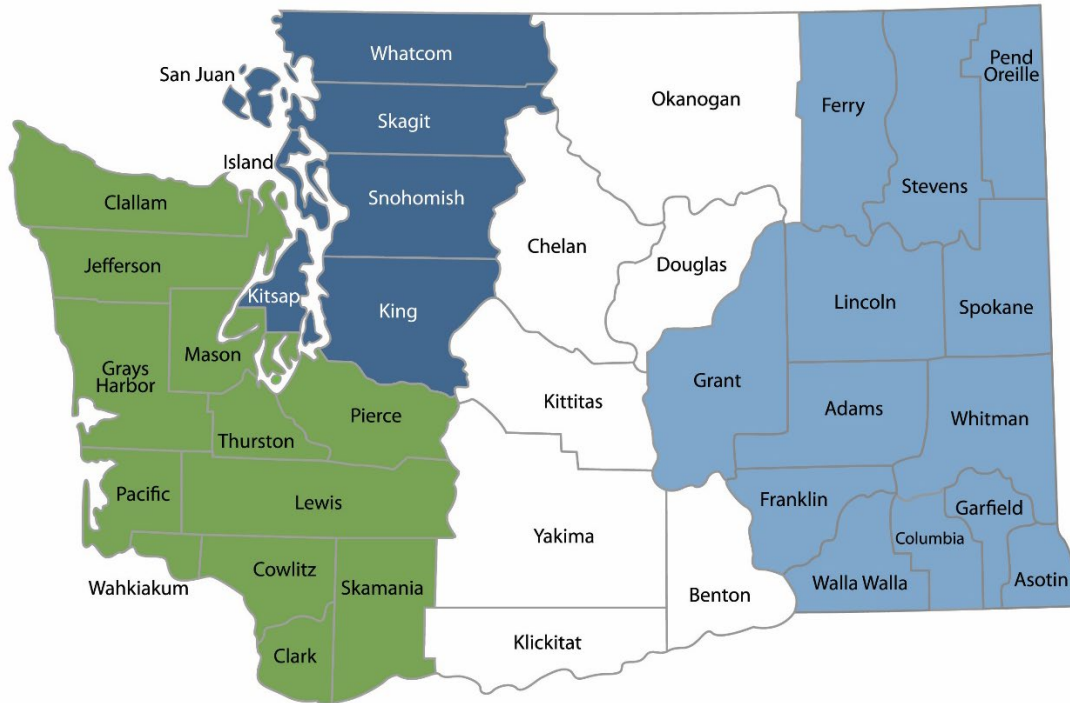
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We are committed to providing people with disabilities access to our information and services by meeting or exceeding the requirements of state and federal laws. To request an ADA accommodation, email meredith.waldref@ecy.wa.gov, call 425-229-3683, or call Ecology through the Washington Telecommunication Relay for services including text telephone (TTY) at 711 or through your preferred relay service provider. Visit Ecology.wa.gov/ADA for more accessibility information.

¹ www.ecology.wa.gov/contact

Department of Ecology's region offices

Map of counties served



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

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**King County Denny Way CSO cleanup site
Seattle, WA**

Toxics Cleanup Program
Washington State Department of Ecology
Northwest Region Office
Shoreline, WA

April 2026



DEPARTMENT OF
ECOLOGY
State of Washington

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Outreach summary

The King County Denny Way CSO cleanup site located in Seattle is continuing Washington State's [formal cleanup process](https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process)² as directed under the Model Toxics Control Act ([MTCA](https://ecology.wa.gov/mtca)³). King County is addressing contamination at the Site under a legal agreement with us.

Our involvement activities related to this site's 30-day comment period (January 12 – February 10, 2026) included:

- **Fact sheet:**
 - US mail distribution of a fact sheet providing information about the cleanup documents, the comment period to approximately 8534 addresses including neighboring businesses and other interested parties.
 - Email distribution of the postcard and a fact sheet to 65 people, including interested individuals, local/county/state/federal agencies, neighborhood associations, and interested community groups.
 - The postcard and fact sheet were available digitally through our [cleanup site webpage](#)⁴.
- **Legal notices:**
 - Publication of one paid display ad in *Seattle Times*, dated Friday, January 9, 2026
- **Site register:**
 - Publication of 4 notices in Ecology's Toxics Cleanup Site Register:
 - Comment period notice:
 - January 8, 2026
 - January 22, 2026
 - February 5, 2026
 - Response summary notice:
 - April 30, 2026
 - Visit [Ecology's Site Register website](#)⁵ to download PDFs.
- **Websites:**
 - Ecology announced the comment period, posted the fact sheet and postcard, and made the review documents available on [Ecology's King County Denny Way CSO webpage](#)⁶ and our [Public Inputs & Events webpage](#)⁷.
- **Document repositories:**

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/2582>

⁵

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

⁶ <https://apps.ecology.wa.gov/cleanupsearch/site/2582>

⁷ <https://ecology.wa.gov/Events/Search/Listing>

- Documents were available at the Seattle Public Library – Downtown Branch and at our Northwest Region Office.

Comment summary

From January 12 – February 10, 2026, we solicited comments on an agreed order and public participation plan for the King County Denny Way CSO cleanup site.

Ecology received four comments during the 30-day comment period.

Table 1: List of commenters

	First name	Last name	Agency/Organization/Business	Submitted by
1	Denice	Taylor	Suquamish Tribe	Tribe
2	Kelsey	van der Elst	Muckleshoot Indian Tribe	Tribe
3	Nancy	Sackman	Duwamish Tribe	Tribe
4	Denice	Taylor	Suquamish Tribe	Tribe

Next steps

Ecology has reviewed and considered the comments received on the agreed order and public participation plan. Based on our evaluation of the comments, minor changes were necessary in the documents, and they are being finalized.

Work will begin on a remedial investigation report. See graphic below and visit Ecology’s [cleanup process webpage](#)⁸ to learn more about Washington’s formal cleanup process.

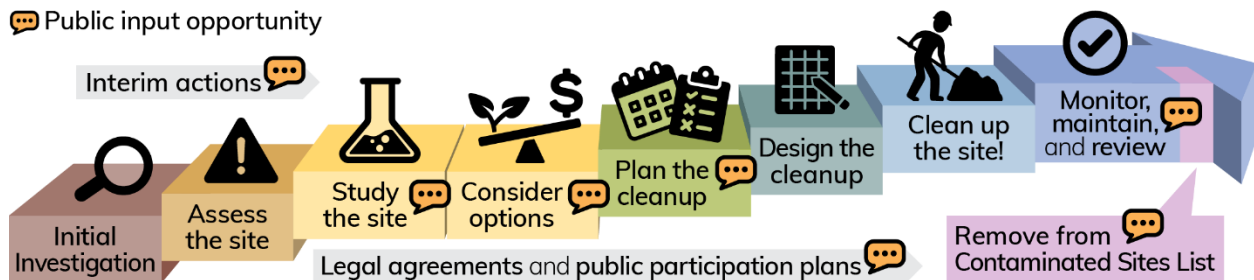


Figure 1 Washington’s formal cleanup process.

⁸ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

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

Comments and Responses

The comments are presented below, along with Ecology's responses. Appendix A, page 13, contains the comments in their original format.

Comment from: Denice Taylor, Suquamish Tribe

Hello Meredith and Brett,

Thank you for providing notice on the Denny Way CSO remediation. The Suquamish Tribe is interested in participating on the project team to scope and review deliverables related to the RI/FS and CAP, including work plans, cultural resource surveys and plans, SAP/QAPPs, risk assessments and draft reports. I'd like to have a call to discuss tribal collaboration. I'm open to a call that includes other interested tribes and have copied Kelsey Vanderelst, Muckleshoot Indian Tribe.

Please suggest some dates and times. I usually work Mondays-Thursdays.

Thank you,

Denice Taylor

Senior Biologist

Ecosystems Recovery Program

Suquamish Tribe

Response:

Hello Denice,

Thank you for your email on Tuesday. Ecology understand that the Suquamish Tribe is interested in participating on the project team to scope and review deliverables for this project and is requesting a call to discuss tribal collaboration along with other interested tribes including the Muckleshoot Indian Tribe.

Kelly Finley with Ecology, and cc'd here, has reached out to coordinate that meeting with you and other interested tribes.

I look forward to connecting on this project.

Thank you,

Brett

Comment from: Kelsey van der Elst, Muckleshoot Indian Tribe

Hi Meredith and Brett,

The Muckleshoot Tribe is also interested in participating on the project team for the Denny Way CSO site. Improving habitat, water quality and sediment quality along the shore of Elliott Bay is essential for supporting the fishery resources the Muckleshoot Tribe relies on to support their commercial, subsistence and ceremonial treaty fishing rights.

Thank you for including me on the tribal collaboration call, I look forward to working with you all on this site.

Response:

Hello Kelsey,

Ecology understands that the Muckleshoot Indian Tribe is also interested in participating on the project team to scope and review deliverables for this project.

Kelly Finley with Ecology, and cc'd here, will coordinate with you to make that happen.

I look forward to connecting on this project.

Thank you,
Brett

Comment from: Nancy Sackman, Duwamish Tribe

February 9, 2026

Washington State Department of Ecology

Facility Site ID: 4455938

Cleanup Site ID: 2582

Dear Brett Carp & Meredith Waldref,

Thank you for the opportunity to comment on the King County Denny Way CSO Cleanup Site to review the Greed Order and Public Participation Plan for the Denny Way CSO site (Site) located at 3155 Alaskan Wy in Seattle. The Duwamish Tribe understands that the Agreed Order is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. We further understand that the order "requires King County to prepare and submit a Remedial Investigation (RI) Report, a Feasibility Study (FS), and a DRAFT cleanup Action Plan for the Denny Way Combined Sewer Overflow (CSO) Site". The Duwamish Tribe supports the actions required by King County to clean up stormwater and sewer mix discharge at the Denny Way CSO location. We also agree that further cleanup is needed after the Interim Action was performed in the early 2000s.

Based on the information provided and our understanding of the project and its APE, the Duwamish Tribe would recommend an archeological or cultural resources assessment, especially if any groundbreaking activity occurs below fill, topsoil or other impervious surfaces into native soil. This is an area that the Duwamish Tribe considers culturally significant and has a High probability to have unknown archeological deposits. We note that there are at least 5 ancestral place names within about a mile of the project location. The DAHP WISAARD predictive model indicates that an archeological survey ranges from highly advised with a high risk to a very high risk for encountering cultural resources.

The Tribe also requests that any reports or findings regarding the Denny Way CSO Cleanup Site are made available to us.

The Duwamish Tribe requests that if any archeological work or monitoring is performed, we would like notification. Cultural and archeological resources are non-renewable and are best discovered prior to ground disturbance. The Tribe would also like the opportunity to be present if or when an archeologist is on site.

In addition, the Tribe strongly recommends only native vegetation be used for any proposed landscaping to enhance habitat for fish and wildlife, and native avian life and native pollinators. The Tribe supports observing critical area tracts and stream buggers to preserve any remaining wetlands and stream buffers. Loss of wetland habitat is known to affect the viability of fish, water quality and increase the effects of season urban flooding.

Finally we request that any permanent lighting associated with the project be dark sky complaint to reduce light pollution. Darkened skies were favorable conditions to practice traditional life pathways.

Thank you,

Duwamish Tribal Historic Preservation

Response:

We understand the Duwamish Tribe's requests regarding archeological monitoring; the use of native vegetation to enhance habitat for fish and wildlife; and dark sky compliance for any permanent lighting. No plans for vegetation or landscaping or the permanent lighting have been identified at this time.

As required under MTCA Section 815, the project will be reviewed for potential impacts to cultural resources and consulted on with DAHP and the affected Tribes prior to field activities. This will include, at minimum, an inadvertent discovery plan for the project. Based on the review and consultations, we may require the development and implementation of a cultural resources work plan, such as a survey or monitoring plan, to identify cultural resources and to avoid, minimize, or mitigate adverse impacts to cultural resources at the site. If the cultural resources workplan includes an on-site archeologist, we will reach out to the Duwamish Tribe at that time to discuss their availability to also be on-site.

Comment from: Denice Taylor, Suquamish Tribe

King County Denny Way CSO Cleanup Site

AO public review

Suquamish Tribe Comments – Exhibit B Work Plan

Denice Taylor, Sr. Biologist

2/10/2026

1. General Comment: The King County Denny Way CSO Cleanup Site is located with the Usual and Accustomed (U&A) harvest area of the Suquamish Tribe (the Tribe). The Tribe has a long history of active participation in remediation and restoration activities within Elliott Bay and the Duwamish River. In order to ensure tribal interests are met, including the protection of treaty rights and resources, the Tribe requests inclusion of tribal staff in the Denny Way CSO project team.
2. Previous Investigations: “...sediment sampling data collected since 2012 will be used to characterize current environmental conditions within the Denny Way Site”

In general, Ecology has expressed a preference for using data not more than 10 years old to characterize current site conditions. Older data can be helpful in looking at contaminant trends over time, the efficacy of previous actions, the potential for recontamination and likely restoration timeframes.

3. Task 1: Remedial Investigation Report:

As written, the first task/deliverable is the RI report. However, WAC 173-204-550 establishes that a work plan must be submitted and approved prior to conducting the RI. The first task should be a kick off meeting to begin RI work plan development; the first deliverable should be the RI work plan. A subsequent deliverable should be added for the RI report.

Elements to be included in the RI work plan should reflect language in the rule, including a CSM describing current and potential human and ecological receptors and exposure pathways.

Given the amount of work already done at this site, it is assumed that King County will be able to provide a detailed evaluation of existing information and identify data gaps.

4. Task 4: Feasibility Study (if required)

The section states King County will prepare an FS after Ecology establishes regional background for Elliott Bay. The regulatory requirement for an FS is not conditional on establishment of regional background. King County may propose how to develop or adapt regional background concentrations, subject to Ecology’s review and approval but an FS is still required. If regional background values are not developed or adapted,

natural background concentrations should be used as default screening and/or cleanup levels for bioaccumulative contaminants.

5. Task 5: Preliminary Draft Cleanup Action Plan

The elements of the draft CAP should reflect rule and guidance language. Elements missing from the description include consideration of impacts to overburdened communities and tribal treaty rights and resources.

Response:

1. We will involve the Suquamish Tribe in the project team decision making processes.
2. Historical project data will be evaluated and used for this project when appropriate. An arbitrary timeframe that project data be less than 10 years old is not an Ecology requirement.
3. There will be no need for an additional workplan for the remedial investigation report. A workplan was already written and is included with the [agreed order as Exhibit B](#)⁹. If the remedial investigation report identifies any data gaps, supplemental remedial investigation data will be collected and the Tribes will have the opportunity to review the workplan for the additional investigation.
4. Ecology agrees. The language will be revised to match the agreed order. It will remove the requirement that Ecology establish a regional background for Elliott Bay.
5. The scope of work for the Cleanup Action Plan (CAP) will reflect proper rule and guidance language. The CAP will include considerations of impacts to overburdened communities and tribal treaty rights and resources.

⁹ <https://apps.ecology.wa.gov/cleanupsearch/document/165408>

Appendices

Appendix A. Comments in original format

From: [Carp, Brett \(ECY\)](#)
To: [Denice Taylor](#)
Cc: [Kelsey Vanderelst](#); [Alison Osullivan](#); [Finley, Kelly \(ECY\)](#); [Waldref, Meredith \(ECY\)](#)
Subject: RE: [External] King County Denny Way CSO site - Comment on cleanup documents starting today (1/12)
Date: Friday, January 16, 2026 9:01:41 AM
Attachments: [image004.png](#)
[image005.png](#)

Hello Denice,

Thank you for your email on Tuesday. Ecology understand that the Suquamish Tribe is interested in participating on the project team to scope and review deliverables for this project and is requesting a call to discuss tribal collaboration along with other interested tribes including the Muckleshoot Indian Tribe.

Kelly Finley with Ecology, and cc'd here, has reached out to coordinate that meeting with you and other interested tribes.

I look forward to connecting on this project.

Thank you,
Brett

Brett T. Carp, MBA, CHMM, CSE

Aquatics Unit Supervisor

Northwest Regional Office

[Toxics Cleanup Program](#)

Mobile: (206) 496-7007



Please note I have a compressed schedule and work Monday through Thursday. If you are not the intended recipient, please notify the sender by replying to this email and deleting the original and all attachments.

From: Denice Taylor <dtaylor@suquamish.nsn.us>
Sent: Tuesday, January 13, 2026 3:25 PM
To: Waldref, Meredith (ECY) <MPEN461@ECY.WA.GOV>; Carp, Brett (ECY) <brec461@ECY.WA.GOV>
Cc: Kelsey Vanderelst <Kelsey.Vanderelst@muckleshoot.nsn.us>; Alison Osullivan <aosullivan@suquamish.nsn.us>
Subject: RE: [External] King County Denny Way CSO site - Comment on cleanup documents starting today (1/12)

External Email

Hello Meredith and Brett,

Thank you for providing notice on the Denny Way CSO remediation. The Suquamish Tribe is interested in participating on the project team to scope and review deliverables related to the RI/FS and CAP, including work plans, cultural resource surveys and plans, SAP/QAPPs, risk assessments and draft reports. I'd like to have a call to discuss tribal collaboration. I'm open to a call that includes other interested tribes and have copied Kelsey Vanderelst, Muckleshoot Indian Tribe.

Please suggest some dates and times. I usually work Mondays-Thursdays.

Thank you,

Denice Taylor

Senior Biologist

Ecosystems Recovery Program

Suquamish Tribe

360-536-8984

From: Waldref, Meredith (ECY) <MPEN461@ECY.WA.GOV>

Sent: Monday, January 12, 2026 10:43 AM

To: Carp, Brett (ECY) <brec461@ECY.WA.GOV>

Subject: [External] King County Denny Way CSO site - Comment on cleanup documents starting today (1/12)



King County Denny Way Combined Sewer Overflow site.

Good morning,

Starting today, Monday, January 12 through February 10, 2026, the Department of Ecology is holding a public comment period for the King County Denny Way Combined Sewer Overflow cleanup site located along the shoreline of Elliott Bay next to Myrtle Edwards Park in Seattle. Combined sewer overflows (CSOs) are locations where stormwater and sewage mix and are discharged during heavy rainfall events. In the early 2000s, the CSO at this location was closed, and a partial cleanup (known as an Interim Action) was completed; however, additional cleanup is still needed.

Learn more and submit comments on a legal agreement and public engagement plan starting today by visiting the [King County Denny Way CSO site webpage](#).

Sincerely,

Meredith Waldref (she/her)

Senior Outreach Planner

Washington State Department of Ecology

[Northwest Regional Office](#) | Toxics Cleanup Program

Cell: 425-229-3683 | meredith.waldref@ecy.wa.gov



From: [Carp, Brett \(ECY\)](#)
To: [Kelsey Vanderelst](#); [Waldref, Meredith \(ECY\)](#)
Cc: [Alison Osullivan](#); [Finley, Kelly \(ECY\)](#); [Denice Taylor](#); [Wooten, Kim \(ECY\)](#)
Subject: RE: [External] King County Denny Way CSO site - Comment on cleanup documents starting today (1/12)
Date: Tuesday, January 20, 2026 8:32:15 AM
Attachments: [image003.png](#)
[image004.png](#)

Hello Kelsey,

Ecology understands that the Muckleshoot Indian Tribe is also interested in participating on the project team to scope and review deliverables for this project.

Kelly Finley with Ecology, and cc'd here, will coordinate with you to make that happen.

I look forward to connecting on this project.

Thank you,
Brett

Brett T. Carp, MBA, CHMM, CSE
Aquatics Unit Supervisor
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[Toxics Cleanup Program](#)
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Sent: Friday, January 16, 2026 3:07 PM
To: Carp, Brett (ECY) <brec461@ECY.WA.GOV>; Waldref, Meredith (ECY) <MPEN461@ECY.WA.GOV>
Cc: Alison Osullivan <aosullivan@suquamish.nsn.us>; Finley, Kelly (ECY) <KFIN461@ECY.WA.GOV>; Denice Taylor <dtaylor@suquamish.nsn.us>
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Kelsey van der Elst
Habitat Program
Muckleshoot Indian Tribe – Fisheries Division
Kelsey.vanderelst@muckleshoot.nsn.us
253-876-3127 (office)

From: Carp, Brett (ECY) <brec461@ECY.WA.GOV>
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To: Denice Taylor <dtaylor@suquamish.nsn.us>
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Senior Biologist

Ecosystems Recovery Program

Suquamish Tribe

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Meredith Waldref (she/her)
Senior Outreach Planner
Washington State Department of Ecology
[Northwest Regional Office](#) | Toxics Cleanup Program
Cell: 425-229-3683 | meredith.waldref@ecy.wa.gov



From: [Preservation Department](#)
To: [Carp, Brett \(ECY\)](#)
Cc: [Waldref, Meredith \(ECY\)](#)
Subject: Denny Way CSO Cleanup Site Comments
Date: Monday, February 9, 2026 11:34:44 AM
Attachments: [20260209 Denny WAY CSO WA Ecology DUWAMISH TRIBE dxʷdəwʔabš.pdf](#)

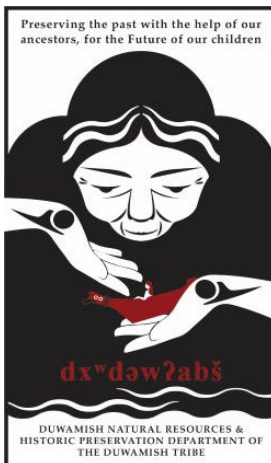
External Email

Hi Brett,

Attached are the Duwamish Tribe comments. Please let us know what the next steps are to continue to be engaged.

Thank you and have a great day, Nancy.

Nancy Sackman | Duwamish Tribal Councilwoman; Cultural Preservation Officer | Duwamish Tribal Historic Preservation | [Duwamish Tribe](#)
M – 206-856-2564 | Desk – 206-431-1582 ext 104



DUWAMISH TRIBE dx̣ḍəẉaḅš

Feb 9, 2026

Washington State Department of Ecology

Facility Site ID: 4455938

Cleanup Site ID: 2582

Dear **Brett Carp & Meredith Waldref**,

Thank you for the opportunity to comment on the **King County Denny Way CSO Cleanup Site** to review the Agreed Order and Public Participation Plan for the Denny Way CSO site (Site) located at 3155 Alaskan Wy in Seattle. The Duwamish Tribe understands that the Agreed Order is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. We further understand that the order "requires King County to prepare and submit a Remedial Investigation (RI) Report, a Feasibility Study (FS), and a DRAFT Cleanup Action Plan for the Denny Way Combined Sewer Overflow (CSO) Site". The Duwamish Tribe supports the actions required by King County to cleanup stormwater and sewer mix discharged at the Denny Way CSO location. We also agree that further cleanup is needed after the Interim Action was performed in the early 2000s.

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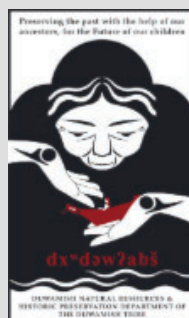
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Finally we request that any permanent lighting associated with the project be [dark sky compliant](#) to reduce light pollution. Darkened skies were favorable conditions to practice traditional life pathways.

Thank you,

Duwamish Tribal Historic Preservation



Duwamish Tribe | 4705 W. Marginal Way SW, Seattle, WA 98106 | 206-431-1582

www.duwamishtribe.org

King County Denny Way CSO Cleanup Site
AO public review
Suquamish Tribe Comments – Exhibit B Work Plan
Denice Taylor, Sr. Biologist
2/10/2026

1. General Comment: The King County Denny Way CSO Cleanup Site is located with the Usual and Accustomed (U&A) harvest area of the Suquamish Tribe (the Tribe). The Tribe has a long history of active participation in remediation and restoration activities within Elliott Bay and the Duwamish River. In order to ensure tribal interests are met, including the protection of treaty rights and resources, the Tribe requests inclusion of tribal staff in the Denny Way CSO project team.
2. Previous Investigations: "...sediment sampling data collected since 2012 will be used to characterize current environmental conditions within the Denny Way Site"

In general, Ecology has expressed a preference for using data not more than 10 years old to characterize current site conditions. Older data can be helpful in looking at contaminant trends over time, the efficacy of previous actions, the potential for recontamination and likely restoration timeframes.

3. Task 1: Remedial Investigation Report:

As written, the first task/deliverable is the RI report. However, WAC 173-204-550 establishes that a work plan must be submitted and approved prior to conducting the RI. The first task should be a kick off meeting to begin RI work plan development; the first deliverable should be the RI work plan. A subsequent deliverable should be added for the RI report.

Elements to be included in the RI work plan should reflect language in the rule, including a CSM describing current and potential human and ecological receptors and exposure pathways.

Given the amount of work already done at this site, it is assumed that King County will be able to provide a detailed evaluation of existing information and identify data gaps.

4. Task 4: Feasibility Study (if required)

The section states King County will prepare an FS after Ecology establishes regional background for Elliott Bay. The regulatory requirement for an FS is not conditional on establishment of regional background. King County may propose how to develop or adapt regional background concentrations, subject to Ecology's review and approval but an FS is still required. If regional background values are not developed or adapted, natural background concentrations should be used as default screening and/or cleanup levels for bioaccumulative contaminants.

5. Task 5: Preliminary Draft Cleanup Action Plan

The elements of the draft CAP should reflect rule and guidance language. Elements missing from the description include consideration of impacts to overburdened communities and tribal treaty rights and resources.