



RESPONSIVENESS SUMMARY

East Bay Redevelopment Cleanup Site

March 16-April 16, 2009 Public Comment Period

**Remedial Investigation and Interim Action Work Plans &
SEPA for NPDES Permit**

Prepared by
Washington State Department of Ecology
Southwest Regional Office
Toxics Cleanup Program
Lacey, Washington

June 2009

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Site Information

Address: 315 Jefferson Street NE

Site Manager: Steve Teel

Public Involvement Coordinator: Meg Bommarito

The Washington State Department of Ecology (Ecology) and the Port of Olympia (Port) entered into an Agreed Order to begin cleanup of contamination at the East Bay Redevelopment site in Olympia in October 2008. The Agreed Order required the Port to:

- Develop a draft Remedial Investigation (RI) work plan outlining how the nature and extent of contamination will be determined.
- Conduct the RI and prepare the RI report.
- Prepare a work plan for and conduct an interim action (partial cleanup) to remove contaminated soil.

In 2009, the Port developed the work plans for the Interim Action and RI. In addition, Ecology did a State Environmental Policy Act (SEPA) review of the Interim Action and associated National Pollutant Discharge Elimination System (NPDES) Permit. Ecology determined that the proposed activities would not cause significant adverse effect on the environment.

The comment period for the work plans and the SEPA Determination and Checklist ran from March 16-April 16, 2008. Public comments and Ecology's responses are summarized in this document.

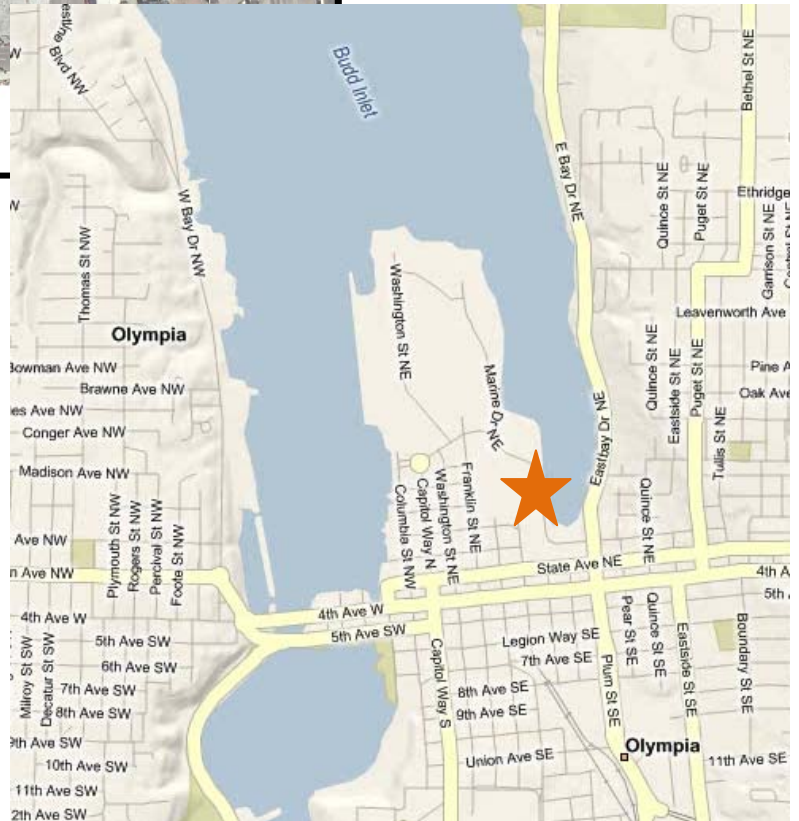
Site Background

The site, generally located at 315 Jefferson Street NE, was used for timber-related industries from the late 1880s until 1968. Previous users included sawmill, planing mill, shingle mill, and plywood manufacturers. From 1968 to the present, the site was used for commercial and light industrial activities and storage. Historic activities at the site caused soil and groundwater contamination. Total petroleum hydrocarbons (TPHs), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), dioxins and furans, and metals have been detected at levels above Model Toxics Control Act (MTCA) cleanup levels in soil. TPHs, SVOCs, PCBs and metals have been detected in groundwater above MTCA cleanup levels. The Port entered the Voluntary Cleanup Program in January 2007. The site was transferred to a formal cleanup process in February 2008 to expedite the cleanup and to ensure Ecology oversight.

Site Location



East Bay Redevelopment Proposed Short Plat Parcel Boundaries
East Bay Redevelopment Project Area



Glossary of Terms

Acronyms

AO	Agreed Order
DEHP	Bis(2-Ethylhexyl) Phthalate; also known as di-(2-ethylhexyl) phthalate
DNAPL	Dense Non-Aqueous Phase Liquid
DNS	Determination of Non-significance
EIS	Environmental Impact Statement
FS	Feasibility Study
IA	Interim Action
IAWP	Interim Action Work Plan
MTCA	Model Toxics Control Act
NPDES	National Pollution Discharge Elimination System
PRP	Potentially Responsible Party
RI	Remedial Investigation
RIWP	Remedial Investigation Work Plan
SEPA	State Environmental Policy Act

Comment #1: Arthur West

RE: COMMENT AND REQUEST FOR
WITHDRAWAL OF MARCH 16
EAST BAY DNS

Please regard this as a formal comment upon, and a request for withdrawal of, the March 16 DNS issued for the East bay redevelopment Cleanup/infrastructure construction project.

The SEPA DNS is inadequate and should be withdrawn for the following reasons:

1. The Project has already resulted in significant adverse impacts to the environment, in the form of an illegal discharge of pollution into Budd inlet, which was disclosed to Ecology on October 9, 2008, and which resulted in a fine to the Port for violating the State pollution control laws. This significant impact alone requires reversal of the DNS, since it is clearly mistaken.
2. The DNS is based upon impermissible piecemealing, made possible by a consistent pattern of misrepresentation and a lack of material disclosure (See WAC 197-11-340 (3)(a)(iii)), and the Environmental Checklist is woefully defective, and contains numerous misrepresentations and internal inconsistencies.
3. The checklist states at Page 7, section (3)(a)(6) that no discharge of waste material to surface water will occur, yet at 3(b)(6) that treated water will be released... which will discharge into the east bay of Budd inlet (See also Page 4, section 10 at #1 and Page 5, paragraph 2, "Associated NPDES Permit") Clearly, if a NPDES permit is required, discharges will occur. Also, the checklist is false and defective due to its failure to include the discharge of waste that has already occurred and which has resulted in a fine by Ecology. The deliberate omission by ecology of their own enforcement action is outrageous and unconscionable, and requires the DNS be withdrawn.
4. Page 2, section 7 states "The environmental impacts of any future EastBay projects will be reviewed at such time as there are sufficient plans and details of future projects available for meaningful evaluation of any future impacts. This is a false statement, since plans for future development are not only known, but the LOTT building is presently being constructed. Such piecemealing violates WAC 197-10-060(1) and (2)1 **Piecemeal review is impermissible where a "series of interrelated steps (constitutes) an integrated plan" and the current project is dependent upon subsequent phases.**" *Cheney v. Mountlake Terrace*, 87 Wn.2d338, 345, 552 P.2d 184 (1976).
5. The DNS fails to include the LOTT site (Page 5, note 1) based upon an arbitrary and capricious "belief" that contamination is not comingled, for no reason other than to justify and facilitate ongoing construction at the LOTT site after it has already commenced, in order to allow it to meet construction deadlines despite the requirement of integrated SEPA review and of an effective MTCA cleanup which is not merely a pretext and cover for environmentally damaging actions which are proceeding at breakneck speed in the absence of any meaningful review.
6. The DNS falsely asserts compliance to unknown and unidentified standards. Page 4, section 10 states "Work performed shall be in accordance with substantive requirements of any applicable law or regulation", yet the sentence immediately preceding states " This list may not include all pertinent laws and regulations" this type of bald faced misrepresentation taints the entire document and requires it be withdrawn.
7. The Checklist at Page 6, section 2(a) falsely states that the action will not result in any emissions to the air yet Page 9, at section 7(a) identifies various types of toxic material present at the site that will degrade air quality due to its volatile nature or from dust if it is disturbed during the course of construction.

*1 (1) The proposal considered by ... the lead agency during the threshold determination and EIS preparation, shall be the total proposal including its direct and indirect impacts... (2) The total proposal is the proposed action, together with all proposed activity functionally related to it. Future activities are functionally related to the present proposal if: (a) The **future activity** is an expansion of the present proposal, facilities or is **necessary to operation of the present proposal**; or (b) The present proposal facilitates or is a **necessary prerequisite** to future activities.*

8. The checklist and SEPA DNS are impermissible ex post facto justifications for prior agency action, including a prior Shoreline permit unlawfully issued without a final SEPA, and including the demolition of structures that has already occurred, yet which is both admitted and denied by the Checklist on page 11, sections c-d.

9. The SEPA and Shoreline Management Act process has been impermissibly segmented and piecemealed, to the extent that three (3) separate and contradictory SEPA determinations have issued for various improperly segmented portions of this same project, based upon widely divergent descriptions of the project and project site, and the project was advanced prior to the required adoption of a Comprehensive Scheme of Harbor Improvement mandated by RCW 53.20.020. Although the port has belatedly attempted to adopt the required CSHI on December 12, 2008, this came well after the project had been approved and its review deliberately fragmented in order to evade the requirement of substantive review of actions which cumulatively have a significant adverse impact on the environment.

11. The Checklist and DNS falsely provides justification for a course of action that is dictated by commercial and economic pressures. In the process the potential for environmental harm has been deliberately minimized and obscured, and the requirements of lawful and integrated Shoreline Management Act, SEPA, and Harbor Improvement Act compliance² have been ignored or evaded. In the process of the project proponent's rush to build their project on a previously declared schedule, at any cost to the environment, safe and prudent practices have been subordinated to the political inertia of the project in exactly the manner that SEPA was intended to prevent.

12. The Checklist on page 7, Section 3(a)(5), through officious doubletalk, falsely obscures the fact that the project involves construction on the 100 year flood plain. This again demonstrates the impermissible misrepresentation and obstruction of access to information which taints and corrupts this entire SEPA process and which resembles a cover up far more than an impartial environmental process.

13. The Checklist and DNS fail to assess the impact of the project on threatened and protected species known to exist on the site³ (see Page 9, Section 5 (a-c) and on Indian Moxlie Creek, or the wetlands present on the site (the existence of which are again, as part of a persistent pattern of conduct, misrepresented, despite the fact that the existence of wetlands on the site is evident from maps and is an open and notorious fact, evident to anyone who has ever seen the site or given it even the most cursory examination).

14. The Traffic impact section of both the Checklist and the DNS is completely inadequate and misleading, in that it fails to adequately address any of the transportation related impacts of the project, the east bay redevelopment, or even the cleanup itself. The Checklist also impermissibly relied upon a prior defective SEPA determination which was designed under a voluntary cleanup program which has since been transferred to Ecology for a mandatory and supervised cleanup, due to repeated attempts by the project proponents to evade the law. The statement on Page 13, section 14(f) that the project will not generate any vehicle trips at all is ludicrous and fails to even account for the workers and construction equipment that will be necessary to conduct the cleanup, let alone the cumulative trips that are to be expected as a result of the greater project. Certainly all of the workers are not going to walk to the site every day carrying their construction equipment in paper sacks. In the face of such deliberate misrepresentation and minimization of undeniable impacts of the project, mere words are inadequate to convey the supreme and transcendental inadequacy of the Department's SEPA DNS, which cannot, under any stretch of the imagination, be considered a valid exercise of any degree of agency expertise whatsoever. The DNS also fails to consider the impacts of other projects and activities in the area and their cumulative impact on transportation and water quality, such as the expanded log yard operations,

² See *Merkel v. Port of Brownsville*, 8 Wn. APP. 844, 509 P.2d 390, (1973) To permit the piecemeal development urged upon us by the port would lower the environmental mandates of these acts to the status of mere admonitions. The result would be frustration rather than fulfillment of the legislative intent inherent in these acts. This product will have a significant effect upon the environment. It is to the public's benefit that any project significantly affecting the environment and shorelines of this state comply with the procedures established by SEPA and SMA to insure that the environmental aspects have been fully considered. Irreparable damage would flow from allowing any portion of this project to proceed without full compliance with the permit requirements of the SMA...

³ The existence of the species identified in the present checklist is also inconsistent with those identified in the previous SEPA checklists, and with the sworn testimony of City Planner Laura Keehan, further demonstrating a pattern of obstruction based upon false information

other proposed “cleanup” projects, and the PSP action agenda, which should all have been subject to one larger and all encompassing EIS.

15. The SEPA process has been corrupted and rendered meaningless by the improper issuance of a Shoreline permit for the project, prior to a final SEPA determination, and in the absence of a comprehensive scheme for the cleanup of the entire inlet. In the absence of such a comprehensive plan with a cumulative impact analysis, in coordination with an actual plan to reduce contamination and actually clean up the Sound, the present pattern of financial and political manipulation of the development of the shoreline will be perpetuated, and cover ups and piecemeal approvals of development projects that contaminate and adversely impact the Sound will continue, for the benefit of a few politicians and developers, while the public interest in enforcement of environmental procedures that require reasonable evaluation of the danger of release of contaminated material prior to the commencement of construction activities on the shorelines will be completely ignored and obstructed.

For the following reasons, the March 16 DNS is fatally defective, and should be withdrawn pending a full EIS that considers all of the cumulative impacts of the proposed action, in association with all known related actions and projects, and as a prerequisite to the issuance of any related permits or authorizations for the construction of any part of the East Bay Redevelopment Project.

Done March 24, 2009.

Ecology Response

Ecology has received your comments on the SEPA determination for the East Bay MTCA Interim Action Work Plan and NPDES permit. Ecology takes into account comments received during the public comment period, but may not necessarily reply to each individual comment. We have reviewed your comments and do not feel that any changes to the SEPA documents are necessary. Regarding your question on administrative appeal of the SEPA DNS determination, Ecology does not offer an administrative appeal process for SEPA determination on MTCA remedial actions.

Comment #2: Lois Maffeo

Hello Meg,

I work at Batdorf & Bronson Coffee Roasters, which is located just north of the Port of Olympia’s East Bay clean-up site. Your contact info is in the recent Dept of Ecology mailer, hence this note. My walk to work takes me along Marine Drive, next to the proposed soil excavation area. Some of my fellow co-workers and myself are concerned about any air-borne or other toxins arising from the clean up and whether we should avoid this area during the site clean up. Any answers or advice for us?

Thank you,

Lois Maffeo

Communications Manager

Ecology Response

Yes, based on information that has been collected from the site to date, we do not believe that there is any sort of health risk for people walking along Marine View Drive, either now or during the interim action.

Comment #3: Sharon Conboy

From: Sharon Conboy [mailto:sharonsbirds@gmail.com]
Sent: Thursday, April 16, 2009 7:57 AM
To: Greenup, Sherri (ECY)
Subject: East Bay development

I am extremely concerned about construction at the East Bay area beginning without complete environmental assessments and clean-ups having been done. When the proposed facilities include the Hands On Children's Museum, an education facility (at the LOTT plant), and City Hall, I believe that there will be too many people utilizing the area, for it to be advisable to skimp on safety measures that could adversely impact people's health. I am particularly concerned because some of the facilities will have large populations of children. Because of their still-developing biology and neurology, they are exceedingly vulnerable to damage by environmental toxins. Please use the greatest caution in planning all possible testing, evaluations, and clean-up of this area. Thank-you.

Ecology Response

Ecology is committed to ensuring that the Site is cleaned up to a level that will be protective of human health and the environment. We will continue to use caution in the characterization and cleanup of the site.

Comment #4: Adam Harris

From: Adam Harris, Washington State Geologist Number 2612.
East Bay Remedial Investigation Work Plan Draft comments.

The Remedial Investigation Work Plan Draft (RI) states "... dredged material that was used as fill at the site may contain contaminants". According to the RI, dredged soil fill on the property contains levels of dioxin and other contaminants far exceeding Ecology Action Levels. The RI states that shallow site soils are composed of fill.

Data gaps are reported in shallow site soil contaminant characterization. Shallow soil is listed as a possible pathway to sediment in Budd Inlet. Large portions of the property are composed of uncapped shallow soil, depicted in the RI as fill in boring logs and multiple site cross sections. Surficial soils are exposed to runoff. Old storm drains on the property surface are clearly visible upon property inspection. At least two outfalls visibly connect the property directly to Budd Inlet.

The RI references past and current studies related to detection of contaminants in soil and groundwater and lists these extensively throughout the document and figures. However, no reference is apparent to Budd Inlet Sediment Dioxin studies carried out immediately adjacent to the property boundary in 2008 and before. In those studies, dioxin and other contaminants were detected above Ecology action levels in Budd Inlet sediments close by existing outfalls leading from the East Bay property boundaries.

The RI states that Ecology reports insufficient site shallow soil contaminant characterization on the property. Even with dioxin and other contaminants detected in both property soils and sediments immediately adjacent to outfalls leading from the property, the draft RI states that transport of surface soils to sediment "... is likely not complete based on existing data, it is considered potentially complete for all relevant receptors pending further evaluation."

Insufficient data or analyses are provided in the RI to support the likeliness of the soil to sediment pathway being complete. Indeed, much evidence points to surficial fill soils as the source of sediment contamination in the immediate vicinity of Budd Inlet. It is unclear from the draft work plan how

pathway completeness was analyzed or what steps are planned to further evaluate it. Much evidence does exist to support the surficial soil to sediment pathway as having caused or causing now contamination of sediments in Budd Inlet.

- The RI should address acquiring or analyzing sufficient data to determine the statistical significance of the surficial soil to sediment pathway in accordance with the requirements of MTCA and the Washington State Sediment Management Standards.
- The RI should include Budd Inlet sediment investigations carried out in the immediate vicinity of the property, and their relevance to the property and site cleanup as a whole.

1 Section 5.0. Conceptual Site Contaminant Transport Model, Page 10.

1 Boring Logs, Cross Sections.

1 Section 7.0. Supplemental Remedial Investigation Data Objectives and Tasks.

1 Figure 14, Figure 15.

1 Sediment Characterization Study, Budd Inlet, Olympia, WA. March 2008

http://www.ecy.wa.gov/programs/TCP/sites/budd_inlet/Budd%20Inlet%20Final%20Report%202.pdf

1 Figure 15, footnote.

Ecology Response

See responses to individual comments below.

Comment #4a

- The RI should address acquiring or analyzing sufficient data to determine the statistical significance of the surficial soil to sediment pathway in accordance with the requirements of MTCA and the Washington State Sediment Management Standards.

Ecology Response

In the June 3, 2009 comment letter for the RI work plan (Appendix A), the Port of Olympia has been directed to further evaluate the potential for stormwater runoff to have transported contaminants from the Site to Budd Inlet via storm drains or catch basins.

A discussion of the results of the Budd Inlet sediment investigation as it applies to the Site will be included in the RI Report.

Comment #4b

- The RI should include Budd Inlet sediment investigations carried out in the immediate vicinity of the property, and their relevance to the property and site cleanup as a whole.

Ecology Response

A discussion of the results of the Budd Inlet sediment investigation as it applies to the Site will be included in the RI Report.

Comment #5: Heather Trim, People for Puget Sound

Re: East Bay Development site Work plans (Facility Site ID# 5785176) and NPDES Permit (#WA0040231)

To Ms. Greenup and Mr. Teel,

We are writing to request a public meeting regarding the East Bay Development NPDES Permit (#WA0040231) because there is significant public interest in this site. We also are submitting comments on two documents related to this site: Interim Action Work Plan and Remedial Investigation Work Plan.

People For Puget Sound is a nonprofit, citizens' organization whose mission is to protect and restore Puget Sound and the Northwest Straits.

The Port of Olympia, in conjunction with the State of Washington, City of Olympia, LOTT Alliance, and Hands On Children's Museum, is redeveloping the site. The approximately 14-acre site, located at 315 Jefferson Street NE, has used for timber-related industries (sawmill, planing mill, shingle mill and plywood manufacturing) and commercial and light industrial activities and storage. The site is contaminated with total petroleum hydrocarbons (TPH), semi-volatile organic compounds (SVOCs), polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAH), bis(2-ethylhexyl)phthalate, dioxins, furans, and metals that have been detected at levels above Model Toxics Control Act (MTCA) standards in soil and/or groundwater.

NPDES Permit

We concur with the Greg Wingard's comments submitted for this site:

1. Dioxin should not be allowed to flow into Budd Inlet from this site.
2. The schedule should be related to cleanup needs and include full public review.
3. PAH cannot be used as surrogate for dioxin solely to save money.
4. Solid Waste Control Plan is missing.
5. Influent and effluent has not been characterized for dioxin.
6. 303(d) listed chemicals (i.e., dioxin) must be addressed for all relevant discharges.
7. Inappropriate method detection limits appear to be accepted by Ecology.

Interim Action Work Plan (dated March, 2009)

1. Why was the Dewatering Engineering Design Report not provided online?
2. Given that dioxin is present at this site, dust control should be conducted in a more enhanced manner than for normal sites.
3. Air-born dust should be monitored for toxic chemicals.
4. It is not clear that "Gross Contamination Provisions" are adequate for this site.

Remedial Investigation Work Plan (dated October 22, 2008)

1. Has the deeper groundwater aquifer been sampled? How do we know that cross contamination has not occurred (DNAPL, etc) and abandoned wells are shown on the conceptual model?
2. "4.3 Summary Of Previously Collected Chemistry Data" is inadequately complete. This section should summarize in the text the range of chemical contamination levels, the depth of contamination, etc.
3. It is not appropriate that the figures report chemical concentrations as "<MTCA." The actual concentrations should be shown and the samples above MTCA should be in bold or in a different color.
4. The conceptual model figure (figure 14) should be significantly improved. It really doesn't convey much information about deposition or movement of contamination. It doesn't even include the names of the contaminants.
5. The conceptual model narrative in the text document is similarly inadequate.
6. Figures 16 and 17 are not helpful because known contamination levels not shown on the figures.
7. It is unclear from the figures if dioxin was sampled but not detected in some samples. It appears that dioxin may not be adequately characterized at the site.
8. A discussion of the groundwater/soil areas of petroleum products and their potential interaction with dioxin and metals (etc.) is needed.
9. The response from the PRPs as to why more borings are not planned is not adequate. Many assumptions seem to be given instead.
10. On page 13, the assumption that the lower aquifer is uncontaminated is unsubstantiated.
11. Why are human health endpoints related to seafood consumption not considered?
12. Construction workers will potentially come in contact with contaminated soil and/or groundwater contrary to the way the document portrays the situation.
13. Phthalate samples should be considered valid and if the laboratory chosen by the PRP is unable to provide clean phthalate samples, then another laboratory should be used. It is unacceptable to collect and analyze phthalate samples that are unusable. Phthalates are a reproductive toxic chemical that impacts both humans and wildlife.
14. Why does it appear that the work plan was proposed in fall 2008 and the work completed in the fall 2008. Is there any work that has not been completed? Is this a genuine public review?

Please contact me with questions at (206) 382-7007 X215.

Sincerely,

Heather Trim, Urban Bays and Toxics Program Manager

Ecology Response

See responses to individual comments below.

Comment #5a

Interim Action Work Plan (dated March, 2009)

1. Why was the Dewatering Engineering Design Report not provided online?

Ecology Response

At this time, Ecology does not have the web or staff resources to post all documents on our website. However, all documents are available for review upon request. Please call our records coordinator at (360) 407-6365 if you would like to request an appointment.

Comment #5b

2. Given that dioxin is present at this site, dust control should be conducted in a more enhanced manner than for normal sites.

Ecology Response

As discussed in Section 5.2 of the IAWP, dust control will be conducted during the IA in accordance with industry standard best management practices (such as wetting dry soils). Enhancements to these standard dust control practices include a) limiting site access (which keeps the general public away from potential dust generating activities) discussed in Section 5.2 of the IAWP, b) limiting excavation widths (which limits the amount of exposed surface area) as discussed in Section 5.2 of the IAWP, c) covering soil stockpiles as discussed in Section 5.2 of the IAWP, and d) conducting airborne dust monitoring as discussed in Section 1.2 of IAWP Appendix D. Ecology is not aware of any additional measures that are necessary or appropriate for the IA.

Comment #5c

3. Air-born dust should be monitored for toxic chemicals.

Ecology Response

As discussed in Section 1.2 of Appendix D of the IAWP, airborne dust monitoring will be conducted during the IA. The airborne dust monitoring program is appropriate for this site and consistent with approaches used at similar MTCA sites. It should be noted that the airborne dust action level presented in Appendix F of the IAWP is a conservatively protective dust concentration. This action level takes into account the maximum possible concentration in soil for all constituents of potential concern, exposure by the reasonable maximum receptor, and an additional factor of safety.

Comment #5d

4. It is not clear that “Gross Contamination Provisions” are adequate for this site.

Ecology Response

Based on a) the nature of historical operations, b) the general lack of historical operations within the IA area, c) soil and groundwater data collected prior to the RI, and d) soil data collected during Phase 1 of the RI, it is unlikely that “gross contamination” (such as the presence of free product from a leaking underground storage tank) will be encountered during the IA.

Although not expected, there is always a remote possibility that gross contamination could be encountered. As a result, “gross contamination provisions” are included as general guidelines in the IAWP to let Port contractors, the Port, Ecology, and the public know that additional action beyond what is currently planned for the IA will be taken if “gross contamination” is encountered. Since the “gross contamination provisions” are intended for an unlikely contingency that cannot be predicted, the exact nature of what is appropriate for investigation or cleanup activities cannot be specified at this time. However, the gross contamination provisions do require Port contractors, the Port, and Ecology to work together to ensure that any gross contamination that is encountered is investigated and remediated appropriately in accordance with MTCA regulations.

Comment #5e

Remedial Investigation Work Plan (dated October 22, 2008)

1. Has the deeper groundwater aquifer been sampled? How do we know that cross contamination has not occurred (DNAPL, etc) and abandoned wells are shown on the conceptual model?

Ecology Response

In the June 3, 2009 comment letter for the RI work plan (Appendix A), the Port has been directed to collect samples from the artesian wells at the Site. The Site does not have any historical use of DNAPL compounds nor have any of these compounds been detected. Therefore, DNAPLs are not among the constituents of concern for the Site at this time.

Comment #5f

2. “4.3 Summary Of Previously Collected Chemistry Data” is inadequately complete. This section should summarize in the text the range of chemical contamination levels, the depth of contamination, etc.

Ecology Response

We feel that this section is adequate. The RI Report will discuss the data summary in more detail.

Comment #5g

3. It is not appropriate that the figures report chemical concentrations as “<MTCA.” The actual concentrations should be shown and the samples above MTCA should be in bold or in a different color.

Ecology Response

Comment Noted. This will be corrected for the figures in the RI Report.

Comment #5h

4. The conceptual model figure (figure 14) should be significantly improved. It really doesn't convey much information about deposition or movement of contamination. It doesn't even include the names of the contaminants.

Ecology Response

We feel that this figure is adequate for the RI Work Plan. We will consider your comments when preparing the figures for the RI Report.

Comment #5i

5. The conceptual model narrative in the text document is similarly inadequate.

Ecology Response

We feel that this text is adequate for the RI Work Plan. We will consider your comments when preparing the text for the RI Report.

Comment #5j

6. Figures 16 and 17 are not helpful because known contamination levels not shown on the figures.

Ecology Response

These figures are intended to show locations only, not contamination levels.

Comment #5k

7. It is unclear from the figures if dioxin was sampled but not detected in some samples. It appears that dioxin may not be adequately characterized at the site.

Ecology Response

Additional samples for dioxin are planned as part of the RI.

Comment #5l

8. A discussion of the groundwater/soil areas of petroleum products and their potential interaction with dioxin and metals (etc.) is needed.

Ecology Response

This discussion will be included in the RI Report.

Comment #5m

9. The response from the PRPs as to why more borings are not planned is not adequate. Many assumptions seem to be given instead.

Ecology Response

In the June 3, 2009 comment letter for the RI work plan (Appendix A), the Port of Olympia has been directed to add additional borings.

Comment #5n

10. On page 13, the assumption that the lower aquifer is uncontaminated is unsubstantiated.

Ecology Response

In the June 3, 2009 comment letter for the RI work plan (Appendix A), the Port of Olympia has been directed to collect samples from the artesian wells at the Site.

Comment #5o

11. Why are human health endpoints related to seafood consumption not considered?

Ecology Response

This discussion will be included in the RI Report. Appendix G of the Interim Action Work Plan contains a Technical Memorandum on Fish Consumption Exposure Assumptions.

Comment #5p

12. Construction workers will potentially come in contact with contaminated soil and/or groundwater contrary to the way the document portrays the situation.

Ecology Response

The IAWP addresses this concern. See Sections 5.2 and 9.0, and Appendices C and D of the IAWP.

Comment #5q

13. Phthalate samples should be considered valid and if the laboratory chosen by the PRP is unable to provide clean phthalate samples, then another laboratory should be used. It is unacceptable to collect and analyze phthalate samples that are unusable. Phthalates are a reproductive toxic chemical that impacts both humans and wildlife.

Ecology Response

Although DEHP is a common laboratory contaminant, we do not have any evidence at this time that laboratory contamination was responsible for the observed DEHP concentrations. Therefore, until such evidence is produced, Ecology does not agree with the consultant's opinion that DEHP was "likely the result of lab or sampling error." Additional data will be collected during the RI to characterize DEHP concentrations at the Site.

Comment #5r

14. Why does it appear that the work plan was proposed in fall 2008 and the work completed in the fall 2008. Is there any work that has not been completed? Is this a genuine public review?

Ecology Response

Some RI characterization work occurred prior to the March-April 2009 comment period. This work was necessary to help develop the IAWP for the Site. A substantial amount of RI characterization work remains to be completed. The RIWP is the document that guides this work.

Comment #6: Nigel Blakely

ECORISK SUPPORT SERVICES
RECEIVED

APR 09 2009

Washington State
Department of Ecology



April 7, 2009

Steve Teel, Site Manager
Washington State Department of Ecology
SWRO Toxics Cleanup Program
P.O. Box 47775
Olympia, WA 98504-7775

Re: East Bay Redevelopment Remedial Investigation Work Plan

Dear Mr. Teel,

We have reviewed the Remedial Investigation Work Plan with regard to the proposed approach for meeting the MTCA requirements for conducting a Terrestrial Ecological Evaluation (WAC 173-340-7490).

An initial scoping for a Terrestrial Ecological Evaluation (TEE) may indicate that the site qualifies for an exclusion from further evaluation (WAC 173-340-7491(1)). If so, the basis for this determination should be included in the Remedial Investigation Report (WAC 173-340-350(7)(c)(iii)(F)(III)). Otherwise, an analysis is needed to determine whether a Site-specific or Simplified TEE should be conducted. The basis for the determination, and the Site-specific or Simplified TEE, should be included in the Remedial Investigation Report.

None of these issues are addressed in the current Work Plan and it is therefore unclear whether the Remedial Investigation will meet the requirements of WAC 173-340-7490. We recommend that the Work Plan be revised to resolve these problems.

Thank you for the opportunity to comment. Please contact me if you have any questions.

Yours Sincerely,

Nigel Blakley PhD, PE
EcoRisk Support Services

4946 Beverly Dr NE, Olympia, WA 98516-2213 (360) 951-9586 n4946b@comcast.net

Ecology Response

The RI Report will contain the basis for the determination of whether the Site qualifies for an exclusion from further evaluation or if a Site-specific or simplified Terrestrial Ecological Evaluation (TEE) is necessary. The results of the TEE, if performed, will also be included in the RI Report.

No changes to the RI Work Plan will be made at this time. Section 6.2 of the plan briefly states that the terrestrial ecological pathway will be evaluated.

Comment #7: Bob Jacobs



East Bay Redevelopment Cleanup Site Public Comment Form

RECEIVED

APR 08 2009

Washington State
Department of Ecology

This form is for providing comments on the East Bay Redevelopment cleanup site Interim Remedial Investigation work plans and/or SEPA documents. Your comments will be read by Steve Teel, the Ecology site manager, and a written response may be provided. The comments and Ecology responses will be summarized in a document called a Responsiveness Summary. The summary will become part of public record.

You can submit your formal written comment tonight or, if you need more time, complete it at home and mail it to Steve Teel, Southwest Regional Office, Toxics Cleanup Program, PO Box 47775, Olympia, 98503. You can also email comments to stee461@ecy.wa.gov.

NAME: Bob Jacobs

ADDRESS: 720 Governor Stevens Ave. SE

CITY: Olympia WA

ZIP: 98501-3458

Thank you for your interest in the East Bay Redevelopment Cleanup!

COMMENTS (Please use back side of this form if you need more room)

Please be very careful in doing these cleanups. The health of children - including my grandchild - will depend on it.

Thank you.

Ecology Response

Ecology is committed to ensuring that the Site is cleaned up to a level that will be protective of human health and the environment. We will continue to use caution in the characterization and cleanup of the Site.

Comment # 8: Harry Branch

Regarding NPDES Permit #WA0040231:

The State has failed to conduct an adequate assessment of dioxin and other known contaminants and it has underestimated risk.

Not only is there is no plan for a cleanup this project design will negate the possibility of a future cleanup.

The "sample as you go" nature of the design is unique and illogical.

Stormwater and the tidally impacted shallow water table will be impacted by both the lack of a cleanup and the fact that soil will be disturbed in the process of construction.

Sincerely,

Harry W. Branch

Ecology Response

See responses to individual comments below

Comment # 8a

The State has failed to conduct an adequate assessment of dioxin and other known contaminants and it has underestimated risk.

Ecology Response

Based on the information currently available, we believe that the planned RI will be adequate to assess dioxin and other contaminants at the Site. If data gaps become evident, then additional samples will be collected.

Comment # 8b

Not only is there is no plan for a cleanup this project design will negate the possibility of a future cleanup.

Ecology Response

Before the entire cleanup can be planned, the extent of contamination needs to be defined. The RI will accomplish this. Then the cleanup plans can be prepared. Whether the cleanup is done as one action or a series of Interim Actions (partial cleanups), the resulting cleanup will be protective of human health and the environment.

Comment # 8c

The "sample as you go" nature of the design is unique and illogical.

Ecology Response

We are not exactly sure what you mean by "sample as you go." Are you referring to phased site investigations? These are hardly unique and are a routine approach at many sites.

Comment # 8d

Stormwater and the tidally impacted shallow water table will be impacted by both the lack of a cleanup and the fact that soil will be disturbed in the process of construction.

Ecology Response

We do not believe that the water table will be negatively impacted by the Interim Action. The samples that were collected and analyzed from within the infrastructure area (presented in Appendix A and B of the IAWP) showed that there is a very limited amount of soil contamination present. Stormwater in the IA area will be managed according to the NPDES Permit.

Additional Comments

Ecology received a number of comments from community members who expressed their support of the East Bay Redevelopment Cleanup effort. Ecology staff members appreciate the support of the community and their interest in this project. These comments are listed below.

Comment # 9: Cindy Hageman

Dear Mr. Teel,

We are so pleased to see the East Bay Redevelopment Project moving forward -- and on schedule. The removal of those dreary warehouses was a great first step and getting the comprehensive cleanup plan underway will protect all visitors and dramatically improve that environment. It will also enable installation of infrastructure and lead to strongly needed economic development in Olympia!
Thanks for your consideration.

Cindy Hageman

Comment #10: Bob Potter

Dear Mr. Teel,

I am writing to you to encourage your office to all the East Bay Redevelopment Project to keep moving forward. It appears that the environmental data continues to reinforce the suitability of the property for the planned uses. Also, the comprehensive cleanup program for the property will protect human health and the environment, now and in the future. The clean-up plan is protective, sustainable and cost effective.

I hope that you will consider the positive aspects of this project and allow it to continue on schedule.
Thank you.

Bob Potter

Comment #11: Diana Stroble

Sent: Friday, March 20, 2009 8:42 AM

To: Teel, Steve (ECY)

Subject: East Bay cleanup for HOCCM and new LOTT building

Hello,

I am writing to show my support of the clean-up for the East Bay Redevelopment project as a concerned member of our community.

The project seems to be on schedule and will make the property suitable for all its intended uses. Moreover, the first clean up will expedite clean up for the remainder of the site by enabling the installation of needed infrastructure and creating incentives for community economic development.

thank you,
Diana Stroble

Comment #12: Anna Sayre

Sent: Friday, March 20, 2009 6:54 AM
To: Teel, Steve (ECY)
Subject: East Bay Cleanup

Mr. Teel -

I am writing to comment on the excitement in the community for the projects slated for East Bay and the cleanup that is happening there. How wonderful that this site will help redevelop our downtown while at the same time spurring important cleanup that needs to happen to protect our environment. The cleanup itself and the development of the projects will also provide important economic benefits to our community.

I urge your support of the interim action that will allow installation of the infrastructure necessary to move this project forward.

Thank you,
Anna Sayre

Comment #13: Kimberly Ellwanger

Sent: Saturday, March 21, 2009 4:48 PM
To: Teel, Steve (ECY)
Subject: East Bay project

Hi Mr. Teel –

I am writing to express my support for the East Bay project for the following reasons: The East Bay Redevelopment Project is moving forward on schedule and the environmental data continues to reinforce the suitability of the property for the planned uses.

The comprehensive cleanup program for the property will protect human health and the environment, now and in the future. The clean-up plan is protective, sustainable and cost effective.

The first cleanup action (Interim Action) will expedite cleanup for the balance of the site by enabling installation of infrastructure and creating incentives for economic development important to our community.

I am an Olympia resident and am excited about the possibilities that this project will have for our community.

Thank you for your consideration.
Kimberly Ellwanger

Comment #14: Jamin May

Sent: Tuesday, March 31, 2009 4:15 PM
To: Teel, Steve (ECY)
Subject: Port Clean-Up

I would like to reiterate the positive nature of the current East Bay project and the need for it to continue moving forward without delay due to a small number of vocal individuals in the community. The current East Bay redevelopment project is moving forward and the data that has been presented reinforces the suitability of the property for the planned uses. The clean up plan that is outlined provides a workable plan that is sustainable and cost effective. This first clean up action will expedite cleanup for the balance of the site by enabling installation of infrastructure and creating incentives for economic development important to our community.

The community needs the redevelopment of East Bay to happen now and this is the first important hurdle that must move forward without delay.

I appreciate your time and the consideration of the many comments that you have likely received.

Jamin May, CPA
Director, Accounting & Auditing
McGladrey & Pullen, LLP

Comment #15: Kathy Irwin

Sent: Friday, March 20, 2009 6:33 AM

To: Teel, Steve (ECY)

Subject: East Bay Project

Dear Steve Teel

I support fully the East Bay clean-up. It is the best thing that has happened to Olympia in a long time. The new redevelopment project brings incentives for new business to the area and the planning is environmentally responsible.

It's sort of neat when you think about it...tearing down a stagnant warehouse, cleaning up the toxics on the site, and then building a healthy green project and then for that catalyst project to be a non-profit children's museum. How much forward thinking and wholesome in intent and purpose can a project be? How much more encompassing and sincere can a project be? It all makes our community a healthier place both today and for the future.

This is a gift to the community.

Let the garden grow!!!!

Kathy Irwin

Comment #16: Caroline and Greg Bell

Sent: Tuesday, March 31, 2009 10:14 AM

To: Teel, Steve (ECY)

Subject: Ecology Public Comment

Just wanted to let you know that as I emailed in the previous comment period. Recent developments continue to support this project.

The East Bay Redevelopment Project is moving forward on schedule and the environmental data continues to reinforce the suitability of the property for the planned uses.

The comprehensive cleanup program for the property will protect human health and the environment, now and in the future. The clean-up plan is protective, sustainable and cost effective. The first cleanup action (Interim Action) will expedite cleanup for the balance of the site by enabling installation of infrastructure and creating incentives for economic development important to our community.

Thank you for your support.
Caroline and Greg Bell

Comment #17: Hannah Steinweg

Sent: Tuesday, March 31, 2009 10:24 AM
To: Teel, Steve (ECY)
Subject: I support the Port Clean Up Plan

Dear Mr. Teel,

I want to write to express my support for moving forward on the East Bay Redevelopment Project with the planned timeline/schedule. I have been following the project and know that the environmental data continues to confirm the suitability of the specific properties for the designated/planned uses.

I am excited to see the cleanup program put into action, and am excited at the cleanup plan that will protect the life and environment of the area down there for now and years to come.

I encourage you to move forward on the first cleanup action item to expedite the cleanup to enable the infrastructure to be put in soon!

thank you so much for your attention to this matter, and thank you for working on and supporting a project that has a fabulous future impact on our community,

Hannah Steinweg

Comment #18: Wes and Jodi Ashline

Sent: Tuesday, March 31, 2009 10:25 AM
To: Teel, Steve (ECY)
Subject: East Bay Redevelopment Project

Hi Steve,

Just wanted to drop you a note to send our positive thoughts about the East Bay Redevelopment Project! We have lived in Olympia for many years, and are big supporters in the new Hands On Childrens Museum project.

We are encouraged that the redevelopment project is moving forward and on schedule, and that the environmental data we have seen continues to reinforce the suitability of the project for the planned uses on that site. This comprehensive clean-up will protect health and our environment...for current and future generations! The plan is not only protective, but sustainable and cost effective! And from what we understand, the interim action will expedite the cleanup for the balance of the site allowing the infrastructure to begin and creating incentives for this very important economic development that is so important to the future of Olympia.

As a local Realtor, I have experienced first hand the excitement of many new families moving to Olympia to learn of the vibrant new additions to our waterfront!
Thanks again for your consideration and support of this project.

Sincerely,
Wes & Jodi Ashline

Comment #19: Richard Phillips

Sent: Tuesday, March 31, 2009 10:23 AM
To: Teel, Steve (ECY)
Subject: Comment on Port of Olympia clean up

Steve:

As a kid, I used to ride my bike down to the Port to watch the veneer peelers at the plywood plant on Port property just off State Avenue. I remember the many wood products plants, log dumps, the ends of logs we called "lily pads" floating in Budd Inlet and the complete lack of sewer treatment for most waterfront houses. The "good old days" were a real mess. We have progressed a long way in the past decades and it is time to leap forward. Now, we are finally working toward the clean up of the Port of Olympia property and redevelopment instead of stagnation.

I wholeheartedly support the Port's efforts to proceed with the clean up and the redevelopment of the East Bay area. Not only will it serve as a catalyst for further development it will enhance our natural resources in a meaningful way. I am especially pleased that the Hands On Children's Museum will be located at East Bay and the remainder of the property is being considered for redevelopment. The Port's clean up proposal is solid, based on sound science and should be approved.

Mick Phillips
Richard G. Phillips, Jr.
Owens Davies Fristoe
Taylor & Schultz, PS

Comment #20: Christine Swanson

Sent: Tuesday, March 31, 2009 10:28 AM
To: Teel, Steve (ECY)
Subject: Comment Submission for Port of Olympia Clean Up Plan for East Bay

Mr. Steel, please accept my comments when considering the clean up plan request from the Port of Olympia. I am on the Board for the Hands on Children's Museum which is an integral piece of the East Bay Redevelopment Project. We are excited about the transformation of the East Bay Project for which the clean up plays a major role for the community and the development. The Museum and its East Bay Partners (LOTT Alliance, Port of Olympia and the City of Olympia) are committed to the comprehensive clean up plan that you are considering. The East Bay Project is moving forward on schedule and the environmental data continues to reinforce the suitability of the property for the planned uses. I believe the clean-up plan is protective, sustainable and cost effective. This interim action will expedite cleanup by enabling installation of infrastructure and creating incentives for economic development important to our community.

I urge your support of the cleanup plan as submitted. Thank you for allowing me the opportunity to comment.

Sincerely, Christine Swanson
Christine Swanson
Associated General Contractors of Washington

Comment #21: Robin Brake

Sent: Tuesday, March 31, 2009 10:31 AM
To: Teel, Steve (ECY)
Subject: East Bay Redevelopment Project

Dear Mr. Teel-

I wanted to express my support for the East Bay Redevelopment Project. The development planned for the East Bay site is a suitable use of the property that will enrich the environment, community, and the economy. The cleanup plan of the property will protect both human and environmental health now and in the future, allowing members of our community to enjoy the beautiful South Sound and the New Children's Museum that will be built there. I feel that this plan is both sustainable and cost effective and will help promote much needed economic development.

Thank you,
Robin Brake

Comment #22: Caitlin Johnson

Sent: Tuesday, March 31, 2009 10:50 AM
To: Teel, Steve (ECY)
Subject: New Development On East Bay

Good morning Steve, hope this finds you well~

I wanted to take a brief moment and voice my opinion and thoughts for the development on East Bay and the positive effects it will have on the downtown community.

The project is putting more than the traditional amount of clean-up time into this area, not just looking at the area the Museum will be on, but the surrounding land and any that may be developed in the future. With most projects this size planning, permits and other roadblocks seems to make sure no project will ever remain on course, not the case here. The project has moved along in a very timely manor and it looks as though it will continue to do so.

One of the most beneficial aspects of the project, besides that of the revitalization, is tha fact that all the clean-up being done will help with past pollutants, dismantle current issues and restore health to the land for all future use.

The economic revitalization will be an enormous asset to our local community. Olympia is the ideal family town, but needs more activties and draw for tourism to maintain the community - the East Bay Project wil do just that.

Thank you so much for your time,
Caitlin

Comment #23: Steven Murden

Sent: Tuesday, March 31, 2009 11:04 AM
To: Teel, Steve (ECY)
Subject: East Bay Redevelopment Project - Port's Clean-up Plan

Dear Mr. Teel,

I am writing to you regarding the East Bay Redevelopment Project and the proposed environmental clean-up. I strongly support the redevelopment of East Bay. I appreciate the Port and Ecology working together to stay on schedule and hope that the clean-up can progress in a timely manner so that the redevelopment of East Bay can stay on track. I am confident that the proposed comprehensive cleanup program for the East Bay property will protect human health and the environment, now and in the future. I feel that the clean-up plan is protective, sustainable and cost effective. The first cleanup action will expedite cleanup for the balance of the site by enabling installation of infrastructure and creating incentives for economic development important to our community. Press on!
Thank you and I hope that you will continue with the clean-up as planned for East Bay so that we can make it a destination for our families.

Kind regards,
Steven B. Murden

Comment #24: Ellen Middleton

Sent: Tuesday, March 31, 2009 11:36 AM
To: Teel, Steve (ECY)
Subject: HOCM development of the East Bay

To whom it may concern,

I want to pledge my support for the redevelopment of downtown Olympia and the East Bay project. This project will clean up the East Bay area and provide a healthier environment for all citizens. Developing this area now will result in a healthier community and hopefully spur on the the cleanup of other properties in the area. The HOCM outdoor activity area will serve as a wonderful community example of what a cleaned up downtown can look like and hopefully contribute to additional cleanup projects in downtown.

Thanks and Regards,
Ellen Middleton

Comment #25: Patty Belmonte

Sent: Tuesday, March 31, 2009 3:07 PM
To: Teel, Steve (ECY)
Cc: 'Sam'
Subject: East Bay Comments

Dear Mr. Teel:

On behalf of the Hands On Children's Museum, I am submitting written support for the Interim Action work plan for the clean-up that will occur when the roads and utilities are constructed on East Bay. As you know I am deeply involved in this project and have followed the process from the beginning. The environmental data continues to support the East Bay site as a good one for the New Hands On Children's Museum with contamination levels below other similar sites in the downtown.

We believe that the comprehensive clean-up program proposed for the property will protect human health and the environment both now and in the future. In addition, the plan is cost-effective which is important so that the East Bay Partners can move forward in getting this property cleaned and restored for the benefit of the citizens in the region and the State.

The East Bay revitalization represents a critical economic development project--much needed in our downtown. In addition, it will be a model for environmentally responsible development. This project can be shovel-ready by year-end provided we stay on track with our clean-up process. I strongly urge you to support this next step in the Agreed Order and move us another step closer to improving the environmental quality of our downtown.

Sincerely,
Patty

Patty Belmonte
Executive Director
Hands On Children's Museum

Comment #26: John C. Warjone

Sent: Tuesday, March 31, 2009 3:07 PM
To: Teel, Steve (ECY)
Subject: Ecology's cleanup plan for the Port of Olympia

Mr Teel:

The East Bay Redevelopment Project is moving forward on schedule. To date all the environmental testing of the site has proven the property to be suitable for all the planned uses. The comprehensive cleanup program will be more than adequate for protection of human health as well as the environment. The clean up is protective and most important very cost effective. The first cleanup action (interim) will speed up the clean up of the balance of the site by enabling installation of the infrastructure and creating opportunities for economic development which is very important to the revitalization of the Port area and the community.

Thank you

John W. Warjone
TriChair - Capital Campaign Committee
Hands On Children's Museum

Comment #27: James D. Wright

Sent: Mon, 23 Mar 2009 22:02:20 +0000 (UTC)

Subject: East Bay redevelopment #5785176

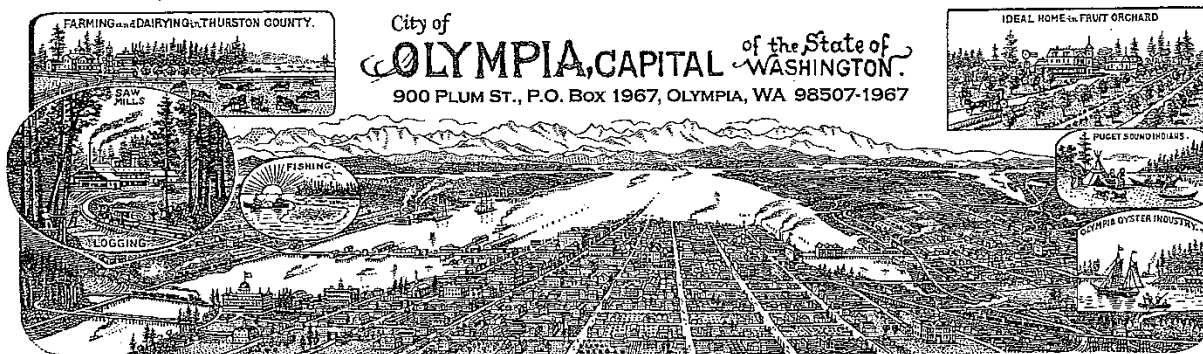
I have read your report on the East Bay redevelopment program and am impressed with the amount of detail and comprehensive review. It appears to me that the program is in good hands by your department and the project should proceed.

The entire project will enhance the East Bay area and have the proper ecological attention that is necessary in that area of our community. 30 years ago the city referred to the East Bay as a dump, now this area will be enhanced for greater public use and recreation .

James D. Wright

Have a good day

Comment #28: Doug Mah, Mayor of Olympia



This letterhead is a replica of 1899 City of Olympia letterhead, which we are using in commemoration of the City's 150th Anniversary.

March 24, 2009

Mr. Steve Teel, Site Manager
WA Dept. of Ecology
SWRO Toxics Cleanup Program
P.O. Box 47775
Olympia, WA 98504-7775

RECEIVED

MAR 25 2009
Washington State
Department of Ecology

RE: Port of Olympia East Bay Development Project's Proposed Interim Action Plan

Dear Mr. Teel:

Thank you for the opportunity to comment on the Port of Olympia's East Bay Development Project's SEPA review of the proposed Interim Action Plan (IAP).

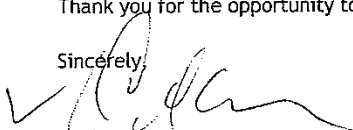
The City of Olympia is in support of the Port's IAP because it will expedite cleanup for the balance of the site by enabling installation of infrastructure and creating incentives for economic development that are important to our community.

We are supportive of the fact that all cleanup actions are part of a comprehensive and sustainable strategy for the East Bay site developed in collaboration with the Department of Ecology. The actions are based on over two years of comprehensive data collection, and the cleanup actions will occur in coordinated stages as parcels become ready for redevelopment.

The East Bay Redevelopment Project is moving forward on schedule and the environmental data continues to reinforce the suitability of the property for the planned uses. We believe that the comprehensive cleanup program for the property will be protective for human health and the environment, now and in the future.

Thank you for the opportunity to comment.

Sincerely,



Doug Mah, Mayor



COUNCILMEMBER CRAIG OTTAVELLI
COUNCILMEMBER RHENDA IRIS STRUB
COUNCILMEMBER KAREN MESSMER

COUNCILMEMBER JOAN MACHLIS
COUNCILMEMBER JOE HYER

MAYOR DOUG MAH
MAYOR PRO TEM JEFF KINGSBURY,
CITY MANAGER STEVE HALL



APPENDIX A

JUNE 3, 2009 COMMENT LETTER

REMEDIAL INVESTIGATION WORK PLAN



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

CERTIFIED MAIL

7008 2810 0001 3940 9679

June 3, 2009

Ms. Joanne Snarski,
Environmental Program & Project Manager
Port of Olympia
915 Washington Street NE
Olympia, WA 98501

Re: Transmittal of Ecology Comments on the Remedial Investigation Work Plan, East Bay Redevelopment, Port of Olympia, Olympia, Washington, Ecology Facility/Site No. 5785176, Agreed Order DE5471.

Dear Ms. Snarski:

We have reviewed the comments received during the public comment period (March-April 2009) on the Remedial Investigation (RI) Work Plan as well as the proposed changes in the May 29, 2009 and June 2, 2009 e-mails from Troy Bussey (attached). We have also further reviewed the results of the Phase I RI analytical results provided in the Final Interim Action Work Plan (May 2009). Please incorporate the following changes in an addendum to the work plan (including revised figures and tables) and then submit it for our review:

1. Groundwater Constituents: Please add copper and nickel to the list of constituents for all groundwater monitoring wells and seep samples. These metals were elevated in samples collected during the pilot dewatering test.
2. Extent of Dioxins/Furans: Additional sampling locations are necessary to determine the horizontal and vertical extent of chlorinated dibenzo-p-dioxins and chlorinated dibenzofurans (dioxins/furans) at the following locations: TP1, TP2, TP3, TP4, and DP30.
3. Characterization of P-1 Area: A suspected hydraulic hoist was discovered at location P-1 on the attached Figure 2. Additional soil samples are needed in



this area to determine the extent of contamination associated with this hoist. Samples should be analyzed for total petroleum hydrocarbons – diesel range (TPH-D), carcinogenic polycyclic aromatic hydrocarbons (cPAHs), polychlorinated biphenyls (PCBs), and metals.


4. Extent of cPAHs: Additional soil samples are needed east of DP33 and north of DP27 to determine the horizontal and vertical extent of cPAH contamination.
5. MW23S and -24S: We agree with the proposal in the attached e-mails to move these wells. However, due to the proximity of MW24S to TP3, dioxins/furans shall be added to the constituent list for the 4-6 feet and 6-10 feet samples and a sample shall also be collected and analyzed for dioxins/furans from the 2-4 feet depth.
6. DP39: Dioxins/furans shall be added to the constituent list for the 0-2 feet and 2-6 feet samples. This will help characterize the extent of dioxins/furans south of TP3.
7. DP28: Add cPAHs to the constituent list for the 0-2 feet and 2-6 feet samples.
8. MW21S: Add cPAHs to the constituent list for the 0-2 feet sample.
9. MW22S: Samples shall be collected and analyzed for dioxins/furans from the 0-2 feet and 2-4 feet depths. This will help characterize the extent of dioxins/furans in the TP4 area.
10. The potential for stormwater runoff to have transported contaminants from the Site to Budd Inlet via storm drains or catch basins (drains/basins) needs to be further evaluated. This type of evaluation typically includes sampling of sediment within drains/basins, determining the connections between drains/basins and outfalls, water sampling from outfalls, and sediment sampling adjacent to outfalls.
11. Concerns have been raised from the public regarding the potential for human contact with the standing water that is commonly present east of the boat yard. An unfiltered water sample shall be collected from this area during the first groundwater sampling event and analyzed for all of the constituents of concern from the Site, including dioxins/furans. If standing water is not present during the first groundwater sampling event, then a sample shall be collected as soon as standing water reappears.

Ms. Joanne Snarski
June 4, 2009
Page 3

12. One of the comments received during the comment period was that the “assumption that the lower aquifer is uncontaminated is unsubstantiated.” To address this concern, samples shall be collected from the artesian wells prior to decommissioning and analyzed for all of the constituents of concern for the Site, including dioxins/furans.

If you have any questions about any of the information presented in this letter, please contact me at (360) 407-6247 or via e-mail at stee461@ecy.wa.gov.

Sincerely,



Steve Teel, LHG
Hydrogeologist
Toxics Cleanup Program
Southwest Regional Office

ST/ksc:Comments East Bay RI Workplan 0609

ATTACHMENTS: May 29 and June 2, 2009 e-mails from Troy Bussey to Steve Teel
Figure 2, Artesian Well Locations

cc: Mr. Kevin Dragon, Port of Olympia
Mr. Troy Bussey, Senior Professional Engineer, PIONEER Technologies Corp
Mr. Tom Morrill, City of Olympia, City Attorney
Mr. Chris Cleveland, Brown and Caldwell
Mr. Rick Dougherty – City of Olympia, Public Works Department
Ms. Margaret Lee – Goodstein Law Group
Ivy Anderson – Office of the Attorney General
Rebecca Lawson – Department of Ecology
Scott Rose – Department of Ecology
Mohsen Kourehdar – Department of Ecology
Meg Bommarito – Department of Ecology



Teel, Steve (ECY)

From: Troy Bussey [busseyt@USPIONEER.COM]
Sent: Wednesday, June 03, 2009 5:04 PM
To: Teel, Steve (ECY)
Subject: RE: RI Phase 2

Steve -

Resend

Respectfully,
Troy

Troy Bussey Jr., P.E., L.G., L.H.G.
Senior Professional Engineer
PIONEER Technologies Corporation
360.570.1700
<http://www.uspioneer.com>
<mailto:busseyt@uspioneer.com>

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From: Troy Bussey
Sent: Tuesday, June 02, 2009 12:19 PM
To: 'Teel, Steve (ECY)'
Cc: 'Joanne Snarski'; 'Kevin Dragon'; Kara Roberts
Subject: RE: RI Phase 2

Steve -

Just wanted to check to see if you were ready to let me know about your proposed analytical additions. I've got a lot of moving parts right now in anticipation for starting on June 10th and would like to pin this one down ASAP.

In addition to moving MW24S (as described previously), we would like to move the proposed MW23S south about 20 feet to better accommodate the construction contractors plan for stockpiling soils. That seems reasonable to me, but what do you think?

P.S. If you have already replied to my original message below, can you please resend (we were having email connection issues on Monday)

P.S.S. I got your forwarded email from Bill Harris and I am working on it.

Respectfully,
Troy

Troy Bussey Jr., P.E., L.G., L.H.G.
Senior Professional Engineer
PIONEER Technologies Corporation
360.570.1700
<http://www.uspioneer.com>
<mailto:busseyt@uspioneer.com>

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From: Troy Bussey
Sent: Friday, May 29, 2009 11:36 AM
To: 'Teel, Steve (ECY)'
Cc: 'Joanne Snarski'; 'Kevin Dragon'; Kara Roberts
Subject: RI Phase 2

Steve -

Thank you again for meeting with us yesterday. Here is what I am currently planning for the Phase 2 of the RI based on our discussion yesterday:

1. PIONEER will mobilize on June 10th to complete the following:

- o Collect soil samples from the 9 proposed soil borings (i.e., DP37, DP39, DP28, DP35, DP29, DP31, DP41, DP26, and DP42) as prescribed in the October 2008 RIWP.
- o Collect soil samples from the 5 proposed MWs (i.e., MW21S through MW25S) and then install and develop the 5 MWs as prescribed in the October 2008 RIWP, with the following exception. I propose moving proposed MW24S ~ 30 to 40 feet to the east since MW05 needs to be decommissioned (see attached figure). Also note on the attached figure that four existing MWs (MW02, MW12, MW18, and MW20) are located within proposed sidewalks. My current assumption is that the construction contractor will be able to work around these four MWs and then have a licensed driller redo the surface seals at a slightly higher elevation during construction.
- o Decommission existing MW05 since it is in the proposed road.
- o You mentioned yesterday that you may want to add additional soil analytes for the originally proposed 9 soil borings and 5 MWs. If you could please let me know ASAP for my planning purposes, I would greatly appreciate it.
- o Also, we realize you may want to add additional soil borings in the future beyond the 9 soil borings described in the October 2008 RIWP.

2. Groundwater Monitoring:

- o PIONEER will mobilize around July 1 to complete the 1st groundwater monitoring event prescribed in the October 2008 RIWP.
- o You mentioned you may want to propose adding a few more metals to the list of groundwater analytes, so if you could please let me know ASAP I would appreciate it.

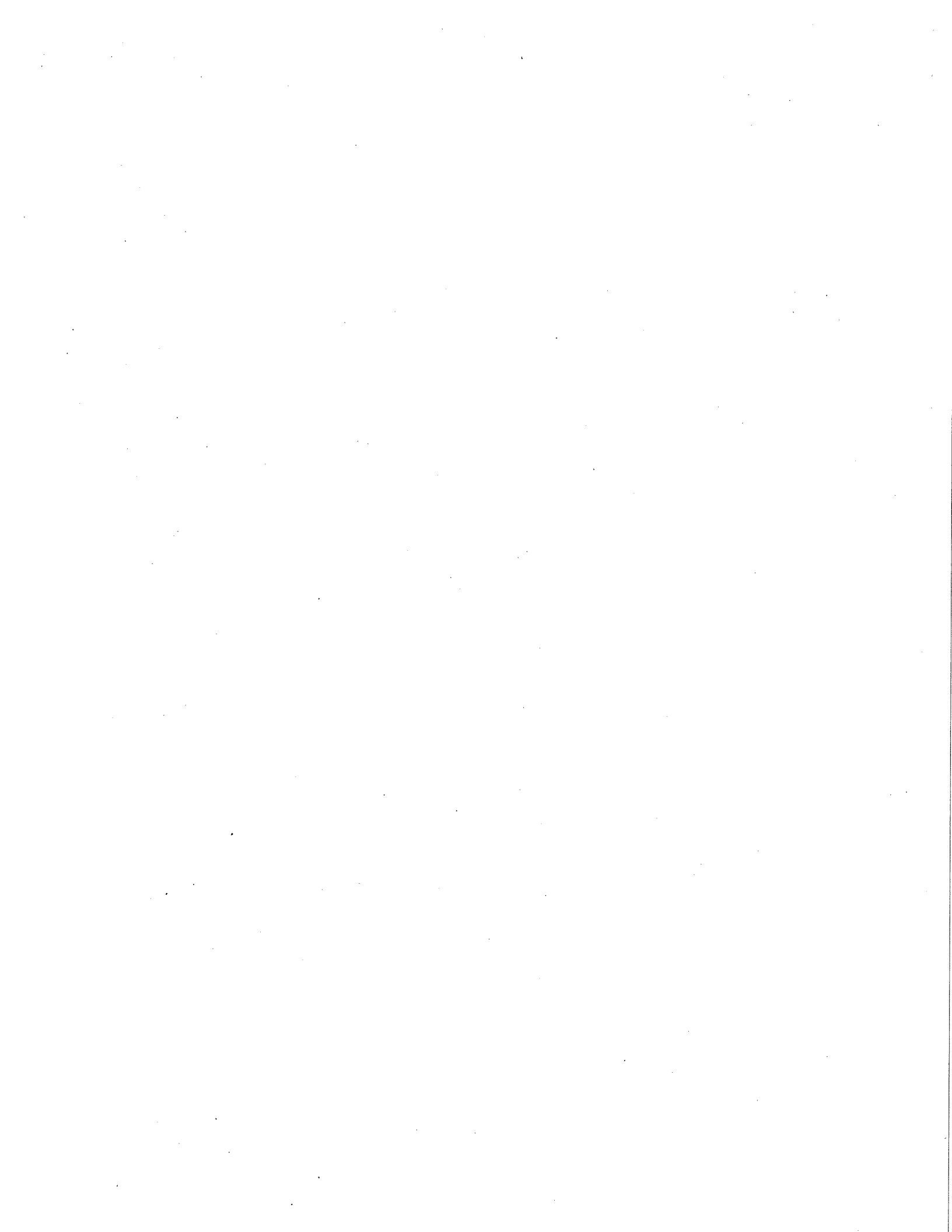
<< File: MW locations & planned improvements.pdf >>

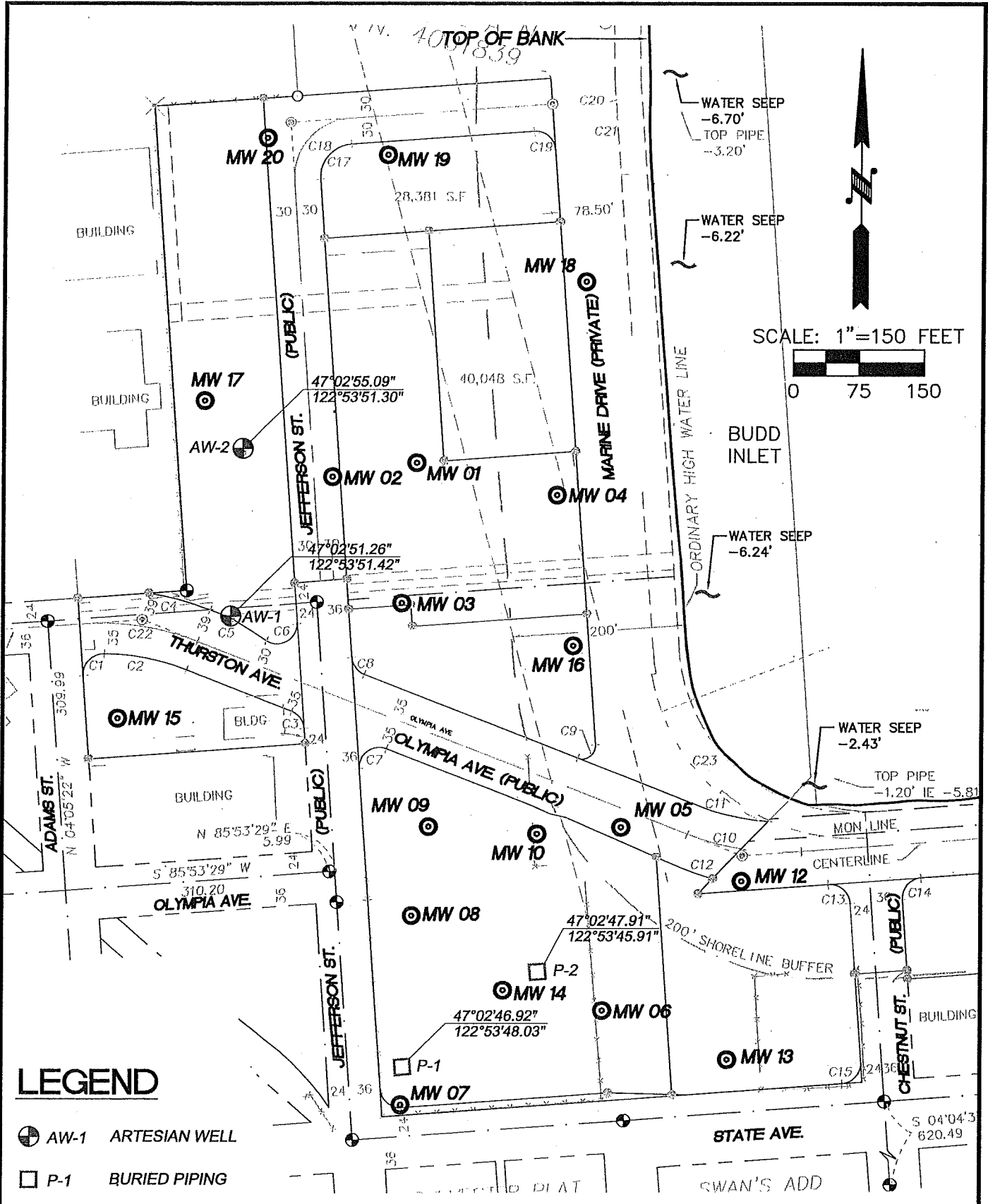
Respectfully,
Troy

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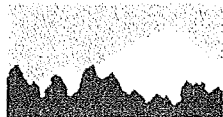
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GREYLOCK CONSULTING LLC
 Water Resources & Environmental Services

TITLE: **FIGURE 2**
ARTESIAN WELL FINDINGS

DRAWN BY:
CPS

DATE:
04/21/09

East Bay Site, Port of Olympia
 Modified from Skillings Connolly July, 2008

SHEET NO:
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