



Lakepointe aka  
Kenmore Industrial Park  
**City Of Kenmore, Washington**

SITE 3,20

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**MEMORANDUM**

To: Kenmore City Council  
From: Nancy Ousley, <sup>NKO</sup> Assistant City Manager  
Date: February 23, 2012  
Subject: Status update of the Lakepointe Site Maintenance Project and other issues associated with surrounding sites

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As you are aware, there is community interest in the Lakepointe site and other issues associated with surrounding sites. I am forwarding three documents that provide information and clarification on some of the questions that have been raised. These documents will be available on the City's website. We plan to schedule a project status briefing for the Council in the next several weeks.

Attachment #1 is a February 23, 2012 city staff memo that provides a status update of site maintenance activities on the Lakepointe site. Inspections by City staff confirm that site maintenance activities completed to date are in compliance with approved plans and city permits.

Attachment #2 is a February 22, 2012 statement issued by Jeannie Summerhays, Regional Director of the Department of Ecology's Northwest Regional Office, to Senator Frockt and Representatives Pollet and Kenney. This statement provides information regarding the Lakepointe site and issues associated with surrounding sites. The statement confirms that the Lakepointe site maintenance project is following the requirements of the state general construction stormwater permit issued by Ecology. The statement also notes that inspections performed by Ecology staff confirm that the maintenance activities project is taking precautions required under the 2001 consent decree to avoid release of movement of contaminated materials and that data collected to date show no violation or increased risk of chemicals of concern migrating from the Lakepointe site. The statement also addresses concerns about elevated PCBs detected in sediment at the Harbor Village Marina related to a proposal to dredge slips and moorage. The statement notes that further steps in the Harbor Village Marina permitting process will develop information and seek to trace a source. The statement confirms that PCB results on the Lakepointe site have been below detection limits.

Attachment #3 is a February 17, 2012 summary and comparison regarding sediment quality issues relative to the Federal Navigation Channel (adjacent to the Lakepointe site) and Harbor Village Marina, provided by David Kendall, Chief, Dredged Material Management Office with the Seattle District Corps of Engineers. This summary notes that testing results of sediments in the navigation channel were last completed in 1996 and exhibited relative low

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concentrations of PCB compared to PCB screening guidelines but no dioxin testing was performed on federal channel sediments at that time. Future maintenance dredging of the navigation channel will require testing at a High Concern Rank including testing of TBT and Dioxin/Furans. The Harbor Village sediment testing results related to the proposed dredging of slips and moorage show elevated Dioxin and PCB levels and to address these levels in the sediment that would be exposed by dredging, one-foot of clean sand cover will be a special condition of the Corps permit.

Attachments:

1. 2/23/12 memo regarding a status of the Lakepointe site maintenance activities, from Nancy Ousley, Acting City Manager to Mayor and members of the Council.
2. 2/23/12 statement regarding compliance with the consent decree, issued by Jeannie Summerhays, Regional Director of the Department of Ecology's Northwest Regional Office to Senator Frockt and Representatives Pollet and Kenney.
3. 2/17/12 summary regarding sediment quality issues relative to the Federal Navigation Channel and Harbor Village Marina, provided by David Kendall, Chief, Dredged Material Management Office with the Seattle District Corps of Engineers



# City Of Kenmore, Washington

## Memorandum

Date: February 23, 2012

To: Kenmore City Council

From: Nancy Ousley, Assistant City Manager

Re: **Project Status Update; Lakepointe - Pioneer Towing; Kenmore Industrial Site, Kenmore, Washington; PRJ2011-095**

The purpose of this memo is to provide a project update on the Lakepointe property regarding site maintenance activities including stockpile relocation, site re-grading and re-surfacing, upgrading the storm drainage facilities, installation of erosion control measures and repairs to the existing wharf. Inspections by City staff confirm that site maintenance activities completed to date are in compliance with approved plans and city permits. Inspections performed by the Department of Ecology staff confirm that the maintenance activities project is taking precautions required under the 2001 Consent Decree to avoid release or movement of contaminated materials. Additional project information is available on the City's website [www.cityofkenmore.com](http://www.cityofkenmore.com) following the link on the front page listed under News Updates.

The following paragraphs provide additional information about details of the site maintenance activities.

**Erosion Control Measures:** The installation of erosion control silt fence around the perimeter of the work area is installed. The 6 to 10 foot high berms on the west and north sides are 100% complete and the south berm is approximately 80% complete. These erosion control measures help prevent sediment from leaving the site and also protect the perimeter vegetation.

**Site Re-Grading and Stockpile Relocation:** The majority of the site re-grading, including clearing and grubbing (removal) of vegetation is complete. Some of the grubbed vegetated material has been mulched, and is being used to cover the perimeter erosion control berms. The placement of the mulch has been inspected and approved by the City's construction inspector.

The site re-grading also includes excavation of approximately 34,000 cubic yards of stockpiled debris on the site. The excavation of stockpiles is above the landfill cap and

does not extend into the landfill materials below the site. Excavated debris is currently being stockpiled in the center of the site and is properly surrounded by a temporary sediment and erosion control fence. It should be noted that debris in soils does not necessarily mean that the soil is contaminated. The City has visited the site several times and has found the work to be consistent with grading plans. Stockpiled material is scheduled to be hauled off-site to a regional landfill in the next few weeks. The receiver (the landfill company) requires the material to be tested by the contractor before accepting the material.

**Site Re-Surfacing:** Approximately 20% of the site re-surfacing is installed. The site re-surfacing includes bringing approximately 34,000 cubic yards of gravel/crushed rock to the site to rehabilitate previous gravel surfaced areas. The surface will consist of approximately 12 inches of new gravel/crushed rock. It is anticipated to be complete within the next few weeks.

**Stormwater Facilities:** The site re-grading ensures that stormwater drains internally on the site to three sediment traps and gravel infiltration beds. These upgrades to the stormwater facilities are designed to contain and infiltrate all stormwater falling on the site up to a 100-year storm event. Two of the three sediment traps are complete and the third is approximately 80% complete. The location and depth of the sediment traps are consistent with the approved grading plans. Also as specified on the approved grading plans, the sediment trap located on the northwest corner of the property, has been built-up to an elevation to within 4-5 feet of the work area. Excavation was not needed at this location. The other two sediment traps have been excavated approximately five feet below the ground surface. As in the initial test pits, wood debris was encountered in excavation area. The wood debris and excavated soil are part of the stockpiled material in the center of the site.

**Compliance with Consent Decree:** The Department of Ecology has verified through on-site inspections that the project is taking precautions required under the 2001 consent decree to avoid release or movement of contaminated materials. In addition, beyond the consent decree requirements, the owner will conduct compliance monitoring next month and in the summer. On February 22, 2012, Jeannie Summerhays, Regional Director of the Department of Ecology's Northwest Regional office provided a statement to Senator Frockt and Representatives Pollet and Kenney, confirming that the project was in compliance with the consent decree.

**Wharf Repair:** Repairs to the existing wharf are proposed in order to restore its structural integrity. The repairs consist of installing upland piles behind the existing bulkhead and resurfacing the wharf with concrete. No in-water work is proposed. The maintenance work is expected to begin at the end of March.

**Restoration Plan:** A restoration plan is required for the existing approximately 50,000 square feet of retained perimeter vegetated area that fronts the Sammamish River and Lake Washington. The perimeter vegetation is currently protected by erosion control measures as described above. The City anticipates approving a restoration plan within the next few weeks. A schedule for implementation and monitoring will be approved as part of the restoration plan.

Cc: Bryan Hampson, Director of Land Development and Permitting  
Gary Sergeant, President, Pioneer Towing  
Jack McCullough, McCullough, Hill, Leary  
Dave Stegeman, Kiewit Infrastructure West Co  
Jeannie Summerhays, Regional Director, Department of Ecology Northwest Regional Office  
Maura O'Brien, Geologist/Hydrologist, Department of Ecology Northwest Regional Office

**Statement Issued by Department of Ecology February 22, 2012****Subject: Kenmore Industrial Park & Surrounding Area Issues**

Dear Senator Frockt and Representatives Pollet and Kenney,

I am Ecology's Regional Director for our Northwest Regional Office. I would like to provide information to you regarding the Kenmore Industrial Park and issues associated with surrounding sites. Though the sites are in the 32<sup>nd</sup> District, I know that some of you, especially Rep. Pollet, are aware of some of the issues and concerns of citizens in the area.

On Thursday, KING-TV aired a story on construction work at Kenmore Industrial Park at the prompting of area residents who oppose industrial use of the property. They and KING claim Ecology is failing to meet its environmental protection responsibilities because the property is a toxic contamination site. The property owner is preparing the site for an industrial tenant who will build bridge anchors for the Department of Transportation SR 520 project over the next three to five years.

Many residents expected redevelopment of the site a decade ago into a commercial-residential waterfront project. The owner maintains a local construction permit for such a project on the site, but has not been able to proceed for business reasons outside the scope of Ecology's involvement.

Ecology provided KING a thorough briefing on the history of the site and the detailed environmental studies of the closed demolition debris landfill that occupies a portion of the property. These studies found few contaminants, at levels below cleanup standards under the state's voter-approved Model Toxics Control Act (MTCA). Testing shows no signs of chemicals of concern migrating from the site into adjacent waterways. The site adjoins the mouth of the Sammamish River at the north end of Lake Washington.

In 2001, Ecology and the site owner entered into a Consent Decree, a legal agreement under MTCA that governs the interim use and cleanup under two possible re-development scenarios: residential development and continued industrial use. The present construction is improving drainage and control of stormwater to prevent polluted surface runoff into the adjoining waters. The owner has construction permits from the city and is following the requirements of the state general construction stormwater permit from Ecology. We have verified through on-site inspections that the project is taking precautions required under the consent decree to avoid release or movement of contaminated materials. In addition, beyond the consent decree requirements, the owner will conduct compliance monitoring next month and in the summer.

Data collected to date show no violation or increased risk of chemicals of concern migrating from this site. Ecology is taking care to protect human health, waterways and the environment to the maximum extent under the law. Ecology presents information on the site on line: <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2134>.

Citizens also have raised concerns about elevated PCBs detected in sediment at the Harbour Village Marina, which is 1200 feet west of the industrial park property, along the lake. The marina owner wishes to dredge slips and moorages. Ecology is part of the multi-agency Dredged Materials Management Program (DMMP) group, which evaluates applications for dredging projects. A preliminary phase of that process identified the PCB problem at the marina. Further steps in that process will develop more refined information and seek to trace a source. There are several possibilities in the area, including historic wood product mills in that vicinity. The DMMP agencies are following up on this matter. In this connection, they have reviewed sediment data for the Kenmore Navigation Channel, taken in 1996. PCBs were detected in the mid 20 ppms, as compared to Harbour Village, which was in the 190 to 280 ppb range. And Lakepointe's PCB results have been below detection limits.

In view of the high citizen interest, we would be happy to provide a briefing to you and to answer any and all questions. I can be contacted at (425) 469-7010 or you may contact Bob Warren at (425) 649-7054.

Sincerely,

Jeannie Summerhays

*Jeannie Summerhays  
Regional Director  
Dept. of Ecology  
Northwest Regional Office  
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**Nancy Ousley**

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**From:** Kendall, David R NWS [David.R.Kendall@usace.army.mil]  
**Sent:** Friday, February 17, 2012 2:51 PM  
**To:** Nancy Ousley  
**Cc:** Pell, John L NWS; Celia.Barton@dnr.wa.gov; Hoffman, Erika; LINO461@ecy.wa.gov; Hicks, John A NWS  
**Subject:** Draft background summary of sediment quality issues relative to Federal Navigation Channel and Harbor Village Marina (UNCLASSIFIED)  
**Attachments:** Kenmore summary.pdf

Classification: UNCLASSIFIED

Caveats: NONE

Hi Nancy: As we discussed, here is a brief summary of Kenmore sediment quality history that I prepared in coordination with my DMMP agency counterparts at DNR and EPA. Please let me know if you need any additional background.

David

David R. Kendall, Ph.D.  
Chief, Dredged Material Management Office

Seattle District Corps of Engineers  
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Classification: UNCLASSIFIED

Caveats: NONE



This brief background summary compares/contrasts the sediment quality issues exhibited within the Federal Navigation Channel relative (see attached SDM) to the recent characterization conducted at the Harbor Village Marina for maintenance dredging, which identified elevated concentrations of dioxins and PCBs.

#### Sources of Contamination:

- Based on discussions with Ecology's Toxics Cleanup Program, we believe the principal sediment loading source for the Kenmore Navigation Channel is from the Sammamish River.
- In contrast, the most likely source for the sediments to the Harbor Village Marina is a small creek (listed as River 0056) that flows directly into the marina. This creek may be the source of contaminants observed in the marina sediments (e.g., dioxins, PCBs). Another likely source of contaminants to the marina is a historical plywood site located north of the Lakepoint/Kenmore site, and east of the marina.
- If the historic plywood site is the source of the contamination observed in Harbor Village sediments, it's influence may be limited to the north shore and not extend to the Kenmore navigation channel and the Lakepoint/Kenmore Industrial Park site. However, we have no test data to confirm/refute this hypothesis at this time.

#### Contaminants of Concern in Sediments:

- Sediments from the Federal Channel were last characterized in 1996 (see Enclosure 1: 1996 suitability determination), and exhibited relatively low concentrations of PCB (17 - 88 ppb) as compared to the PCB Screening guideline (130 ppb).
- In contrast, sediments from Harbor Village Marina had PCB levels which ranged from 190 - 280 ppb (see Enclosure 2: 2011 suitability determination).
- In the 1996 testing, some sediments from the Federal Channel exceeded screening guidelines for PAHs, TBT and DDT. Some of these sediments passed biological testing based on PAH exceedances, and were determined to be suitable for open-water disposal. Other sediments with TBT and DDT exceedances failed biological testing guidelines and were unsuitable for open-water

disposal. The unsuitable material was not dredged. No dioxin testing was performed on Federal Channel sediments at that time.

- The Harbor Village Marina maintenance dredging project exhibited elevated Dioxin concentrations with total TEQ's ranging from 43.2 to 92.1 pptr-TEQ within the potential dredged material prism, and concentrations from 0.9 to 64.3 pptr-TEQ within the underlying sediment surface that would be exposed after dredging is completed. To address the elevated dioxins and PCBs in the sediment that would be exposed by dredging, the DMMP agencies will require the placement of a one-foot clean sand cover as a special condition to the Corps permit.

Future Planned Maintenance Dredging of the Navigation Channel will require testing at a High Concern rank, and will include testing of the full DMMP chemical-of-concern (COC) list, including TBT, and Dioxin/Furans.

CENPS-OP-TS

8 July 1996

## MEMORANDUM FOR RECORD

**SUBJECT: DETERMINATION OF THE SUITABILITY OF DREDGED MATERIAL TESTED UNDER PSDDA EVALUATION PROCEDURES FOR USACE KENMORE MAINTENANCE DREDGING FOR DISPOSAL AT THE PSDDA ELLIOTT BAY OPEN WATER DISPOSAL SITE.**

1. The Corps of Engineers proposes to clamshell maintenance dredge approximately 60,000 cubic yards of sediment in the Kenmore Navigation Channel in Lake Washington. The federal Kenmore Navigation Channel project is sponsored by King County. The following summary reflects the PSDDA agencies' (Corps of Engineers, Department of Ecology, Department of Natural Resources and the Environmental Protection Agency) consensus decision on the acceptability of the sampling plan and all relevant test data to make a determination of suitability for the disposal of the material at the Elliott Bay open-water disposal site.
2. This project was ranked "high," based on guidance provided in the Management Plan Report, Phase II, Page A-10. This project is located in an area of known sources of contamination.
3. A sampling and analysis plan was completed for this project and approved by the PSDDA agencies on 18 January 1996. Sampling for this project was initiated on 21 February 1996. Recency for this project will expire 21 February 1998. Due to the limited dredging periods available in Lake Washington, the PSDDA agencies have agreed that this deadline may be extended to July 1998, barring any changes in conditions at the site.

SAP Approval Date	18 January 1996
Sampling dates	21-22 February 1996
Data Report submittal date	24 May 1996
Recency determination dates	21 February 1998

4. Fifteen Dredged Material Management Units were characterized. All DMMUs were surface units. Each sample represented one DMMU and approximately 4,000 cubic yards. Because this maintenance project is near the entrance to Kenmore Marina, one sample, S-4, was analyzed for tributyltin in addition to the standard PSDDA chemicals of concern.

5. For three DMMU the chemistry data indicated exceedances of the Dredging Year 1996 PSDDA screening levels. For sample S-1, the screening level was exceeded for acenaphthene, anthracene, fluorene, and phenanthrene. (Chemical values are listed in Table 1.) For sample S-4,

the screening level for tributyltin was exceeded. For sample S-10, the screening level for DDT and DDE were exceeded. No bioaccumulation triggers or maximum levels were exceeded.

6. Due to the exceedance of chemical screening levels, biological testing was required for samples S-1, S-4, and S-10. The amphipod 10-day acute toxicity test, and the bivalve sediment larval combined mortality and abnormality (effective mortality) test, and the *Neanthes* 20-day growth test were conducted. In addition, both the saline extract and solid phase Microtox tests were performed. Use of the Microtox test has been suspended for regulatory decision-making, and the results of these tests are provided for information. Tests were conducted according to the guidelines specified by PSEP (1995), as modified by the PSDDA program.

7. Reference sediment for use in the bioassays was collected from Carr Inlet. Control sediment was collected from West Beach. *Eohaustorius estuarius* was used for the amphipod test due to the freshwater sediments. *Dendroaster excentricus* was used for the sediment larval test.

8. Bioassay results are listed in Table 4. No DMMU showed hits in the amphipod test. For the echinoderm test, hits were exhibited for samples S-4 and S-10. These same two samples had hits on the *Neanthes* and saline microtox tests.

9. Two reference sediments were used, Carr4 and Carr20, to represent the grain-size distribution in the test sediments. Both echinoderm reference sediments failed to meet the quality control limit of 35%. In addition, there was high within replicate variability, especially for Carr4. In these cases a statistical power analysis is required to determine the acceptability of reference sediment results. The power analysis, using Borenstein and Cohen's statistical program, showed that a comparison of S4 to Carr4 had a power of 0.2. In contrast, a comparison of S4 to Carr20 had a power of 0.99. The PSDDA program requires statistical power of 0.6 for the reference sediment value to be considered valid. Therefore, Carr4 was rejected for the echinoderm test, and Carr20 was used for comparison.

10. In summary, PSDDA approved protocols and procedures were followed, and quality assurance/quality control guidelines specified in PSDDA were generally complied with. The data gathered were deemed sufficient and acceptable for regulatory decision-making under the PSDDA program. Based on the results of the chemical and biological testing, both DMMUs S-4 and S-10 (8,000 cubic yards) are not suitable for open-water disposal. The remaining volume (52,000 cubic yards) is suitable for disposal at the Elliott Bay open-water disposal site.

10. This memorandum documents the suitability of proposed dredged sediments for disposal at a PSDDA open-water disposal site. This determination of suitability does not preclude the consideration of this material for an appropriate beneficial use. It does not constitute final agency approval of the project. A dredging plan for this project must be completed as part of the final project approval process. A final decision will be made after full consideration of agency input, and after an alternatives analysis is done under section 404 (b)1 of the Clean Water Act.