



DEPARTMENT OF
ECOLOGY
State of Washington

Response to Comments

**Consent Decree Amendment,
Prospective Purchaser Consent Decree,
Cleanup Action Plan Amendment,
Public Participation Plan**

**Seattle Public Utilities Midway Landfill
Cleanup Site
Kent, WA**

Facility Site ID: 2043
Cleanup Site ID: 4729

April 2020

Publication and Contact Information

This document is available on the Department of Ecology's Midway Landfill website at: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4729>

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Response to Comments

Consent Decree Amendment, Prospective Purchaser Consent Decree, Cleanup Action Plan Amendment, Public Participation Plan

Federal Way Link Extension/SR 509 Midway Project

Seattle Public Utilities Midway Landfill Cleanup Site Kent, WA

Facility Site ID: 2043
Cleanup Site ID: 4729

Washington State Department of Ecology

Northwest Regional Office

Toxics Cleanup Program

Bellevue, Washington

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Comment Summary

From January 27 to February 25, 2020, the Department of Ecology solicited public comments on a Consent Decree Amendment (legal agreement), a Prospective Purchaser Consent Decree (legal agreement), a Cleanup Action Plan Amendment, and a Public Participation Plan for the Seattle Public Utilities Midway Landfill cleanup site (Site or Midway Landfill). These documents were prepared to support proposed transportation developments at the east edge of the landfill – the Federal Way Link Extension/SR 509 Midway Project (FWLE/SR 509 Midway Project). Ecology also hosted a public meeting and hearing on Tuesday, February 11, 2020 where formal comments were also submitted.

The Site is located in Kent, WA next to Interstate 5 (I-5). Seattle Public Utilities (City of Seattle) owns and operates the Site and completed cleanup actions in 1992. The proposed transportation development actions include construction of a Sound Transit light rail line and Washington State Department of Transportation (WSDOT) I-5 highway widening. Ecology requires that human health and the environment be protected during and after development.

Ecology received 17 comments during the 30-day comment period including comments via Ecology’s online comment form, emails and letters to the site manager, and formal comments submitted during the public meeting and hearing.

Table 1: List of Commenters

| | First Name | Last Name | Agency/Organization/Business | Submitted By |
|----|------------------|-----------|--|--------------|
| 1 | Deborah | Miller | | Individual |
| 2 | Gary | Beard | | Individual |
| 3 | Anonymous | Anonymous | | Individual |
| 4 | Katie | Ball | | Individual |
| 5 | Christopher | Ball | | Individual |
| 6 | Brian | Nash | | Individual |
| 7 | Peter | Barbin | | Individual |
| 8 | Bill | Pugnetti | | Individual |
| 9 | Scott | Carson | | Individual |
| 10 | Victor | Anonymous | | Individual |
| 11 | Ken | Broyles | | Individual |
| 12 | Bruce | Anderson | | Individual |
| 13 | Anonymous | Blackman | | Individual |
| 14 | Darshan (Dan) S. | Dhillon | Seattle & King County Public Health, Environmental Services Division: Solid Waste, Rodent and Zoonotic Program | Agency |
| 15 | Erica | Anderson | | Individual |

| | First Name | Last Name | Agency/Organization/Business | Submitted By |
|----|------------|-----------|---------------------------------------|--------------|
| 16 | Henry | Stahl | | Individual |
| 17 | Timothy J. | LaPorte | City of Kent, Public Works Department | Agency |

Comments and Responses

Ecology has reviewed and considered all public comments received on the Consent Decree Amendment, Prospective Purchaser Consent Decree, Cleanup Action Plan Amendment, and Public Participation Plan. Based on Ecology’s evaluation of the comments, no changes were necessary in the documents and they are being finalized.

The public comments are presented below, along with Ecology’s responses. Appendix B, page 24, contains the comments in their original format including the February 11, 2020 hearing transcript.

Comment from: Deborah Miller

[Letter mailed to Site Manager, Mark Adams, dated January 24, 2020 and received by Ecology on January 27, 2020]

GARBAGE

Garbage is waste food and other things that are thrown away into wastebaskets and trash cans. In most cities getting rid of garbage is the job of the Department of Sanitation. Sanitation means cleanliness for the purpose of health. In history there have been cases of great cities that ceased to exist because they had no proper way of getting rid of garbage. Disease germs that bred in the garbage caused epidemics.

The Department of Sanitation is one of the largest and most important departments in most cities. In New York City, the Department employs more than 14,000 persons, uses 1,800 trucks, and costs \$110,000,000 a year.

Engineers, chemists and other scientists are constantly looking for new ways to get rid of garbage more cheaply, and to make it serve useful purposes. One use of garbage is to fill in wastelands such as swamps; this dries them out so they are suitable land for farming and building.

Some garbage is burned in huge furnaces called incinerators. The ashes may be used to fill in land, or are dumped in the ocean if the city is near a coast. Some garbage is chemically dissolved. One way of doing this is to dump it into a big airtight vat and spray it with superhot steam (called live steam). The steam melts the garbage down into a slimy mass, with oil and

Response to Comments: Midway Landfill Cleanup Site

grease floating on the top. The solid matter underneath may be used as fertilizer, to enrich the soil.

New York City uses ashes and rubbish (bottles, cans, rags, wood, shoes, and metals) to fill in swampland and marshland, changing them into parks and recreation areas. The ashes and rubbish are deposited, sprayed with disinfectant, covered with earth to prevent odors and keep away insects and rats, and brought to a proper grade by the Department of Sanitation. The Park Department then plants grass, trees, and shrubbery, and builds baseball diamonds, benches and play areas to complete the job.

When garbage and rubbish contain too much moisture to burn properly (because they are rain-soaked or because of large amounts of watermelon rinds, corncobs, or similar fruits and vegetables), fuel oil is added. The residue (all unburned material) is then taken to the landfill.

Incinerators are not cheaper to run. Incineration costs \$4.75 a ton while the landfill process costs \$2.42 a ton.

New York City's Department of Sanitation collection trucks haul three tons of garbage, or the contents of approximately 250 full garbage cans. The trucks average three loads a day, or 750 cans.

Illustrated World Encyclopedia retyped

No copy machine

ecology

Re: flood control
sanitation
landfill issues
proper land usage

dm

Write back
Ta Ta
Ms Deborah Miller
24510 64th Ave So #219
Kent, WA 98032
Shag Tricourt Park

Response:

Thank you for describing methods for handling or disposing of municipal garbage. The method for managing garbage in the Midway landfill (i.e., the landfill cleanup) was chosen and implemented many years ago. The cleanup method included placing a cap on the landfill and installing landfill gas and stormwater control systems. The development projects currently proposed do not change the landfill management method.

Comment from: Gary Beard

I am pleased to see that the Midway Landfill site is being put to use. It makes sense to me that the Sound Transit light rail facility be built there, rather than taking up other open spaces.

Response:

Thank you for your comment. Ecology will share your comment with the Federal Way Link Extension (FWLE) Midway Project team.

Comment from: Anonymous

WSDOT and the City of Seattle's proposals to ask residents to help them clean up is evidence of short-sighted and ill-conceived plans. The proposed landfill site's air and ground water contamination potential poses a health hazard to Kent, Des Moines and saltwater habitats. It is in close proximity to salmon habitats, park creeks and is less than two miles from residential areas, two grade schools a middle school, less than five miles from a high school, city and state parks and less than a mile from a college. Moreover, it sits on top of a shallow water table connected to McSorley Creek which feeds into Saltwater State Park. This creek routinely floods, affecting surrounding homes, state park and Puget Sound waterfront. The city of Des Moines spent millions of dollars to create sustainable habitat for salmon and divert runoff water flooding the city. The shallow water table contributes to excess water runoff and floods areas east of 16th Ave. S. The ecological hazard the landfill poses is unacceptable. The groundwater pollution, traffic and air pollution negatively affects our saltwater environments, salmon runs, community services and education.

Response:

Ecology appreciates and shares your concern about potential landfill impacts on the environment. To be clear, WSDOT and Seattle are not asking residents to help clean up the Site. Instead, Sound Transit is proposing to build a light rail line and WSDOT is proposing to add additional I-5 lanes at the east edge of the landfill. Construction of these projects will involve excavating some garbage and backfilling the excavation with compacted soil. Environmental protection measures will be maintained during construction of these projects and existing landfill remedial elements will be re-built to ensure post-construction protection.

The actual landfill cleanup was completed almost 30 years ago under Ecology and U.S. EPA guidance and in accordance with an EPA Record of Decision and a Consent Decree between Ecology and SPU. The Consent Decree was lodged in court. The cleanup included placing a cap on the landfill and installing landfill gas and stormwater control systems. The landfill has been monitored and maintained ever since for continued protection of local residents and the environment.

Comment from: Katie Ball

This is such a wonderful way to reuse the landfill site for public benefit. And such a huge potential upgrade for this site. I am so proud to be a resident of a state that puts the public needs first!

Response:

Thank you for your comment. Ecology will share your comment with the Federal Way Link Extension (FWLE) Midway Project team.

Comment from: Christopher Ball

That is the perfect use of public funds to reuse something that is unusable to private enterprise. This is a wonderful way to reclaim useable space in our community.

Response:

Thank you for your comment. Ecology will share your comment with the Federal Way Link Extension (FWLE) Midway Project team.

Comment from: Brian Nash (2/11/2020 Public Hearing)

[This comment was submitted orally at the public hearing on February 11, 2020. See Appendix B for the public hearing transcript and this comment in its original format.]

My name is Brian Nash. And my address is 2600 Second Avenue, Seattle, 98121. And I am a member of a political action committee called Protect Federal Way. And we are here -- I'm here on behalf of them because the citizens and businesses that are members of that wanted to ensure that this project takes into account the potential future of an OMF site at Midway Landfill. That is our favorite site for economic and community impact reasons for the OMF South, and we want to ensure that this plan does not preclude that or increase the costs of that or otherwise make that option less available in the future.

Response:

Thank you for your comment. Ecology has shared it with Sound Transit and WSDOT as these are the project proponents. Their reply is presented in the paragraph below. Ecology's role in this project is to ensure that existing environmental protections are maintained during and following construction in accordance with the Model Toxics Control Act (MTCA) and its implementing regulations (WAC 173-340); MTCA does not provide Ecology with authority over land use development decisions, coordination, or timing.

Sound Transit Response:

Thank you for your comment. Sound Transit hears your concern for this project and will consider your comment in future planning. The Midway Landfill is one of three site alternatives currently under study as part of the Operations and Maintenance Facility South (OMFS) Draft Environmental Impact Statement (EIS). The Federal Way Link Extension project does not preclude the potential siting of the OMFS on the landfill. When the Draft EIS is published it will include conceptual cost estimates for each alternative.

Comment from: Peter Barbin (2/11/2020 Public Hearing)

[This comment was submitted orally at the public hearing on February 11, 2020. See Appendix B for the public hearing transcript and this comment in its original format.]

Peter Barbin. 15100 Sixth Avenue Southwest, Unit 409, Burien, Washington 98166. [...] Purpose of my presence here at this meeting tonight is to bring daylight upon federal Superfund monies to clean up the entire site, not just a portion of the Midway Landfill. It's time to fully integrate a cleanup to provide a platform for Sound Transit's future needs, WSDOT's future needs of the State Route 509 interchange, and WSDOT's lane expansion. Having disjointed projects, such as the OMF South's timeline not integrating with this particular project on the Midway Landfill, is not wise and it's not a proper use of taxpayer dollars. We should clean up this site once and for all, and Sound Transit needs to fully integrate their timeline of all their projects, the OMFs and their stations and their track alignments. Thank you.

Response:

Thank you for your comment requesting that the entire Site be cleaned up, and that development of the FWLE/SR 509 Midway Project be coordinated with a proposed Sound Transit Operations and Maintenance Facility (OMF).

The Site was “cleaned up” through implementation of a Cleanup Action Plan almost 30 years ago under Ecology and U.S. EPA guidance. The cleanup was conducted in accordance with an EPA Record of Decision and a Consent Decree between Ecology and SPU that was lodged in court. There is no provision for re-opening the Consent Decree unless the cleanup action is not protective, and that is not the case at present.

With regard to coordination between projects, Ecology has shared your comment with Sound Transit and WSDOT as these are the project proponents. Their reply is included in the paragraph below. Ecology’s role in the FWLE/SR 509 Midway Project is to ensure that existing environmental protections are maintained during and following construction in accordance with the Model Toxics Control Act (MTCA) and its’ implementing regulations (WAC 173-340); MTCA does not provide Ecology with authority over land use development decisions, coordination, or timing.

Sound Transit Response

Thank you for your comment. Sound Transit hears your concern for this project and will consider your comment in future planning. FWLE and OMFS project staff coordinate designs in support of both projects at the landfill. Construction and design of these projects is also coordinated with WSDOT’s SR 509 project. Consistent with Sound Transit’s Long Range Plan, FWLE and OMFS serve different regional light rail functions and were approved by voters under different ballot measures, in 2008 and 2016 respectively. Consequently, the projects have different construction timelines. The Federal Way Link Extension project, scheduled to open in 2024 does not preclude the potential siting of the OMFS on the landfill, which is scheduled to open in 2026.

Seattle Public Utilities is the owner of the landfill and is the agency responsible for clean up or reuse of the landfill site.

Comment from: Bill Pugnetti (2/11/2020 Public Hearing)

[This comment was submitted orally at the public hearing on February 11, 2020. See Appendix B for the public hearing transcript and this comment in its original format.]

Bill Pugnetti, P-u-g-n-e-t-t-i. 29022 50th Place South, Auburn, Washington 98001. [...] The track layment by the Midway Land Site needs to be -- it needs to be -- need to step back and take a macro look at the greater project of the prospect of putting the Midway Landfill as an OMF. That should be determined first before the track laying precludes the use of the Midway Landfill because it's blocking access for the construction equipment to remove material and send it down I-5.

Response:

Thank you for your comment requesting that development of the FWLE/SR 509 Midway Project be coordinated with a proposed Sound Transit Operations and Maintenance Facility (OMF).

Ecology has shared your comment with Sound Transit and WSDOT as these are the project proponents. Their reply is included in the paragraph below. Ecology's role in the FWLE/SR 509 Midway Project is to ensure that existing environmental protections are maintained during and following construction in accordance with the Model Toxics Control Act (MTCA) and its' implementing regulations (WAC 173-340); MTCA does not provide Ecology with authority over land use development decisions, coordination, or timing.

Sound Transit Response

Thank you for your comment. Sound Transit hears your concern for this project and will consider your comment in future planning. Federal Way Link Extension (FWLE) and the Operations and Maintenance Facility South (OMFS) serve different regional light rail functions and were approved by voters under different ballot measures, in 2008 and 2016 respectively. As a result, while planning for the projects is coordinated, the projects have different construction timelines. The Federal Way Link Extension project, scheduled to open in 2024 does not preclude the potential siting of the OMFS on the landfill, which is scheduled to open in 2026. The projects are coordinating to ensure that a construction access route can be maintained subject to WSDOT approval.

Comment from: Scott Carson (2/11/2020 Public Hearing)

[This comment was submitted orally at the public hearing on February 11, 2020. See Appendix B for the public hearing transcript and this comment in its original format.]

Name is Scott Carson, C-a-r-s-o-n. Address is 29130 Ninth Place South, Federal Way. We were here tonight to hear the presentation on the environmental impact statement. Many of the comments made by the audience tonight, though, are frustration expressed by the absence of any kind of comprehensive integrated plan. Those of us that are affected by it being a potential OMF site feel the lack of that integrated plan is likely to take the most favorable site, the Midway Landfill, out of contention. If that happens, we fully believe that our site is at risk. And it is probably the one that impacts the greatest number of individuals and the greatest number of businesses of any of the three sites being considered. What you heard tonight was our frustration from having made these comments time and time again at board meetings, at public hearings like this one, and getting absolutely zero feedback or zero recognition that our comments were ever made. We are beyond frustrated by this process and by Sound Transit's complete lack of accountability for how they're treating the citizens of this region.

Response:

Thank you for your comment requesting that development of the FWLE/SR 509 Midway Project be coordinated with a proposed Sound Transit Operations and Maintenance Facility (OMF).

Ecology has shared your comment with Sound Transit and WSDOT as these are the project proponents. Their reply is included in the paragraph below. Ecology's role in the FWLE/SR 509 Midway Project is to ensure that existing environmental protections are maintained during and following construction in accordance with the Model Toxics Control Act (MTCA) and its' implementing regulations (WAC 173-340); MTCA does not provide Ecology with authority over land use development decisions, coordination, or timing.

Sound Transit Response

Thank you for your comment. Sound Transit hears your concern for this project and will consider your comment in future planning. The public meeting you attended was a Department of Ecology-hosted public hearing on the consent decree amendment for the Midway Landfill, specific to the Federal Way Link Extension (FWLE) light rail project. Consistent with Sound Transit's Long Range Plan the FWLE and the Operations and Maintenance Facility South (OMFS) were approved by voters under ballot measures, in 2008 and 2016 respectively. While planning for the FWLE and OMFS is coordinated, the projects have different construction timelines. The FWLE project, scheduled to open in 2024 does not preclude the potential siting of the OMFS on the landfill, which is scheduled to open in 2026. Comments received during scoping comment period for the OMFS held from February 19 through April 1, 2019 have been included in the Scoping Summary Report which is available on the [Sound Transit website](#)¹.

The Midway Landfill is one of three site alternatives currently under study as part of the OMFS Draft Environmental Impact Study (EIS). The Draft EIS will analyze the potential impacts on the built and natural environment for the three site alternatives. The Draft EIS is scheduled to be published this fall with a subsequent 30-day public review and comment period. Comments made on the Draft EIS will be responded to in the Final EIS. After publication of the Final EIS at end of 2021, the Sound Transit Board will select the site alternative to build.

Comment from: Victor Anonymous (2/11/2020 Public Hearing)

[This comment was submitted orally at the public hearing on February 11, 2020. See Appendix B for the public hearing transcript and this comment in its original format.]

[...] Victor. And then address is 34204 18th Place South, Federal Way, Washington 22 98003. In all these public meetings, it is primarily frustration and pushback against OMF having their sites located in Federal Way. For the most part, everyone wants to have the site be located on the landfill. And residents and business owners are testifying and are commenting, but it is going nowhere. You need to listen to the public and also consider our needs.

¹ <https://www.soundtransit.org/get-to-know-us/documents-reports/operations-maintenance-facility-south-scoping-summary-report>

Response:

Thank you for your comment requesting that a proposed Sound Transit Operations and Maintenance Facility (OMF) be located at the Midway Landfill property.

Ecology has shared your comment with Sound Transit, and their reply is included in the paragraph below. Ecology's role in any proposed development project at the Site is to ensure that existing environmental protections are maintained during and following construction in accordance with the Model Toxics Control Act (MTCA) and its' implementing regulations (WAC 173-340); MTCA does not provide Ecology with authority over land use development decisions, coordination, or timing.

Sound Transit Response

Thank you for your comment. Sound Transit hears your concern for this project and will consider your comment in future planning. The Midway Landfill is one of three site alternatives currently under study as part of the Operations and Maintenance Facility (OMF) South Project Draft Environmental Impact Study (EIS). The Draft EIS, which is an analysis required by the State of Washington will analyze the potential impacts on the built and natural environments for each of the three site alternatives. The Draft EIS is scheduled to be published this fall with a subsequent 30-day public review and comment period. Following the Draft EIS public comment period, the Sound Transit Board will identify a preferred site alternative for the Final EIS based on the environmental analysis as well as public comments. Comments made on the Draft EIS will be responded to in the Final EIS. After publication of the Final EIS at end of 2021, the Sound Transit Board will select the site alternative to build.

Comment from: Ken Broyles (2/11/2020 Public Hearing)

[This comment was submitted orally at the public hearing on February 11, 2020. See Appendix B for the public hearing transcript and this comment in its original format.]

My name is Ken Broyles. I live at 1907 68th Avenue Northeast, Tacoma, Washington 98422. I'm just a little bit frustrated with this track project because it's like they're putting the cart before the horse. If this track gets completed before they even take into consideration of the landfill, then Sound Transit could use that for an excuse and say, Oh, now we have the new tracks here; we can't bring all that other bad dirt out and haul it away. And, you know, years ago -- I live in Pierce County -- we voted down ST3. And when I got my new car tabs, that was the first time I even -- I looked at that, and I said, What in the world? My wife's car and mine, I got to pay an extra \$800 a year. And the people in Pierce County spoke, and we said we didn't want it. But yet here we set. Our voice has not been heard. Sound Transit doesn't seem like they want to listen to us. I've been to every Sound Transit meeting except for one, and that was on the 23rd of May, because I heard that the vote was already voted on before the public comment on the 23rd. And, you know, it just gets so frustrating that everything is done behind closed doors and Sound Transit is not listening to the public and for what we want. All we need to do is remember in November when we vote and get some people in the State that will listen to the people, because the people running the State now, they don't listen to us. Thank you. [HEARING OFFICER FORSTER: Thank you.] You're welcome.

Response:

Thank you for your comment requesting that development of the FWLE/SR 509 Midway Project be coordinated with a proposed Sound Transit Operations and Maintenance Facility (OMF), and voicing frustration with the cost of car tabs.

Ecology has shared your comment with Sound Transit and WSDOT as these are the project proponents. Their reply is included in the paragraph below. Ecology's role in the FWLE/SR 509 Midway Project is to ensure that existing environmental protections are maintained during and following construction in accordance with the Model Toxics Control Act (MTCA) and its' implementing regulations (WAC 173-340); MTCA does not provide Ecology with authority over land use development decisions, coordination, or timing.

Sound Transit Response

Thank you for your comment. Sound Transit hears your concern for this project and will consider your comment in future planning. Planning for the Federal Way Link Extension (FWLE) and the Operations and Maintenance Facility South (OMFS) coordinated, despite the projects having different construction timelines. The FWLE project, scheduled to open in 2024 does not preclude the potential siting of the OMFS on the landfill, which is scheduled to open in 2026. The projects are coordinating to ensure that a construction access route can be maintained, subject to WSDOT approval. The Midway Landfill is one of three site alternatives currently under study as part of the OMFS Draft Environmental Impact Study (EIS), which is an analysis required by the State of Washington before a single site can be selected.

Comment from: Bruce Anderson

If the Midway landfill brownfield is not used for the light rail OMF I would like to see it put to good use as a mobile home park with amenities (small store, community house, etc). You should be able to fit 500 50 ft x 50 ft lots on this brownfield with community buildings. There has been an increasing shortage of mobile home parks and the existing one to the north just got re-zoned. The mobile homes are light and perfect for any brownfield. This landfill has been sealed and the homes would not disturb the seal. A sound barrier should also be installed.

Response:

Thank you for your comment proposing the Midway Landfill property be used as a mobile home park if a proposed Sound Transit Operations and Maintenance Facility (OMF) is not built at the Site.

Ecology's role in any proposed development project at the Site is to ensure that existing environmental protections are maintained during and following construction in accordance with the Model Toxics Control Act (MTCA) and its' implementing regulations (WAC 173-340); MTCA does not provide Ecology with authority over land use development decisions, coordination, or timing. Decisions regarding future use of the landfill would be made by the City of Seattle in coordination with the City of Kent.

Comment from: Anonymous Blackman

I love the idea of reclaiming and cleaning up this otherwise unusable space. With that said, the 246th-252nd area for the light rail maintenance facility is undesirable due to the psychological health impacts it will introduce on the area's residents.

I need to sleep with the window open. The airplanes overhead already prohibit me from using bedrooms on the west side of my home due to the noise that they create so my only remaining option is the east-facing bedroom. The noise that this facility will create at all hours of the day will prevent me from being able to sleep and impact performance at work. Given the challenges that my medical conditions already introduce and the additional challenges presented by the current environment, adding a new source of noise pollution at the proposed location will impact my only option to remain functional as a contributing member of society by creating fatigue induced hypersomnia which impacts performance.

Please do not build the light rail maintenance facility here, or if so then please offer to buy-out nearby residents who cannot tolerate the disruption it will introduce or otherwise take measures to prevent disruption to residents in this neighborhood such as sound barriers and camouflaging techniques for visual senses.

Response:

Thank you for your comment requesting that a proposed Sound Transit Operations and Maintenance Facility (OMF) not be located at the Midway Landfill property, or if it is to be built there, that nearby residents be offered property buy-outs.

Ecology has shared your comment with Sound Transit, and their reply is included in the paragraph below. Ecology's role in any proposed development project at the Site is to ensure that existing environmental protections are maintained during and following construction in accordance with the Model Toxics Control Act (MTCA) and its' implementing regulations (WAC 173-340); MTCA does not provide Ecology with authority over land use development decisions, coordination, timing, or financing.

Sound Transit Response

Thank you for your comment. Sound Transit hears your concern for this project and will consider your comment in future planning. Sound Transit will seek to minimize community impacts during and after construction. The Midway Landfill is one of three site alternatives currently under study as part of the Operations and Maintenance Facility (OMF) South Project Draft Environmental Impact Study (EIS). Among other topics, the Draft EIS will analyze the potential visual and noise impacts to neighboring communities. If the project is determined to result in unavoidable impacts, mitigation for those impacts would be proposed as part of the Draft EIS. Following the publication of the Draft EIS and 30-day public comment period in fall 2020 the Sound Transit Board will identify a Preferred Alternative for the project and begin work on the Final EIS in 2021.

Comment from: Darshan (Dan) S. Dhillon; Seattle & King County Public Health, Environmental Services Division: Solid Waste, Rodent and Zoonotic Program

[Comment emailed to Site Manager, Mark Adams, on February 24, 2020]

February 24, 2020

Seattle & King County Public Health
Environmental Services Division
Solid Waste, Rodent and Zoonotics Program
401-Fifth Avenue, Suite 1100
Seattle, WA 98104

Midway landfill waste removal project to make room for Sound Transit light rail extension from SeaTac to Federal Way link:

Submitted by Seattle & King County Department of Public Health (SKCDPH): It is our understanding that Seattle Public Utilities (SPU) will be excavating and removing solid waste and soil from a portion of the Midway closed landfill to make room for the extension of light rail from SeaTac to Federal Way. SPU plans to screen and separate soil from waste (soil which was used during the operations of the landfill for daily cover, final cap and for other activities). The screened and separated soil will be deposited back into the landfill to fill the void created by the removal of waste. An environmental professional will be visually screening for any potentially hazardous waste during the excavation.

The SKCDPH would like to make following recommendations for SPU's consideration:

1. The screened separated soil from the Midway Landfill be sampled and analyzed to ensure that it meets the criteria set in the "Method A Soil Cleanup Levels for Industrial Properties" (Table 745-1) stipulated in the Model Toxics Control Act (MTCA) Statute and Regulation [Chapter 173-340 Washington Administrative Code (WAC)].
2. Similarly, soils under the excavated landfill area be tested and analyzed to ensure that it meets the criteria set in the "Method A Soil Cleanup Levels for Industrial Properties" stipulated in the MTCA Statute and Regulation.
3. Any soil that does not meet the MTCA Method A method criteria be disposed of properly as allowed by all applicable local, state, and federal acts, statutes, regulations, codes and ordinances.
4. Backfill with clean soil all voids/cavities created by screened soils and removed waste.
5. If landfill soils are not characterized for MTCA Method A criteria, these soils should be separated from the imported clean material used for the light rail tracks and Washington State Department of Transportation right-of-way.

We appreciate your consideration of our comments and for taking the time to consult us on this project. Please feel free to contact Darshan Dhillon, Landfill Senior, at (206) 263-2992 or darshan.dhillon@kingcounty.gov for any questions or clarification needs.



Darshan (Dan) S. Dhillon
Health & Environmental Investigator III
Public Health Seattle & King County
Solid Waste, Rodent and Zoonotic Program
CNK-PH-1100 401- Fifth Ave., Suite 1100
Seattle, WA 98104

Response:

Thank you for your comments and recommendations. Ecology appreciates input from the Seattle/King County health department in assuring continuing protection of the environment. Responses to your recommendations are as follows:

1. Screened soil obtained from excavated landfill material will be placed back into the excavation entirely within the footprint of the existing landfill. Testing of these soils is therefore unnecessary because they are assumed contaminated above MTCA standards (as is all of the municipal garbage in the landfill) and therefore subject to Midway landfill cleanup measures (capping, gas control, stormwater control, monitoring, etc.). Essentially the screened soils will remain as part of the Midway Site, subject to the requirements of the Cleanup Action Plan.

If there are excess screened soils, they will be transported off-property to a permitted disposal facility. In this case, the soils will need to be tested in accordance with the requirements of the disposal facility.

2. Similarly, native soils immediately below the excavation will be within the footprint of the existing landfill, and considered part of the Site due to potential contamination from contact and leaching. Because these soils will remain and be subject to the requirements of the Cleanup Action Plan, there is no plan to test them against MTCA standards.
3. As noted above, all soils removed from the property will be tested in accordance with the requirements of the receiving disposal facility. Soils remaining on the property within the footprint of the existing landfill and subject to the requirements of the Cleanup Action Plan need not be tested.
4. Voids or cavities that develop in the walls of the project excavation (essentially a long trench) will be backfilled with screened soil on the Sound Transit portion of the project and with imported clean native fill on the WSDOT portion of the project. In both areas, the soil will be compacted to engineering specifications for the purpose of either structural support or slope stability. If there is insufficient screened soil to backfill the Sound Transit portion of the project, imported clean soil will be used.
5. Screened soils obtained from the landfill and used as excavation backfill will be separated from clean imported fill by marker fabric or sheeting. The type and thickness of this separation material will be determined during engineering design.

[Response below is from City of Seattle, Seattle Public Utilities and is available in its original form in Appendix A, page 21.]

February 27, 2020

Mr. Darshan Dhillon
Seattle & King County Public Health
Environmental Services Division
Solid Waste, Rodent and Zoonotics Program
401-Fifth Avenue, Suite 1100
Seattle, WA 98104

RE: Seattle & King County Public Health Comments on Midway CAP Amendment

Dear Darshan:

Thank you for your comments dated February 24. The City of Seattle team working on the project have reviewed the comments and feel that our current plan for waste screening, removal and replacement of suitable soils is appropriate for this project. The project will result in a reduction of waste in the Right of Way, but the primary goal is creating a large area of geotechnically competent sub grade to allow construction of the added freeway lanes and the Link Light Rail extension.

The draft Cleanup Action Plan Amendment was developed to allow the transportation projects to proceed and maintain the protections of the existing remedy at the Midway Landfill. Your alternative proposal of installing a warning barrier between clean imported soils and soil screened from the waste is a good idea, that will enhance the project. We will be working with all the parties to include that concept in the final design.

This response will supplement the formal Ecology Responsiveness Summary.

Thanks again for your comments and please contact me if you have any additional questions. My direct phone is 206 684 7693.

Sincerely,



Jeff Neuner
Landfill Closure Business Area Manager

cc: Mark Adams, Washington State Department of Ecology

Comment from: Erica Anderson

Good use of the Midway Landfill would be Mobil homes. Along with the necessities (plumbing, electricity and laundry facility, etc) properly working. It seems reasonable and practical.

Response:

Thank you for your comment proposing the Midway Landfill property be used for mobile homes.

Ecology's role in any proposed development project at the Site is to ensure that existing environmental protections are maintained during and following construction in accordance with the Model Toxics Control Act (MTCA) and its' implementing regulations (WAC 173-340); MTCA does not provide Ecology with authority over land use development decisions, coordination, or timing. Decisions regarding future use of the landfill would be made by the City of Seattle in coordination with the City of Kent.

Comment from: Henry Stahl

After attending the public meeting on February 11, I have come to the conclusion that the proposed activity needs to be completely reevaluated and the project resequenced. Since the Midway Landfill in its entirety is being considered for a ST maintenance yard, the track portion of the project proposed in these documents needs to be put on hold pending the decision for siting this maintenance yard. For minimal impact on personnel and property in South King County, the landfill site should be the one selected for the maintenance yard. In the event it is selected, the work done to prepare the track bed by this proposal would significantly impact, possibly restricting, the development work on the rest of the site. It would restrict direct access to I5 which would be critical for removing waste products and hauling in solid base material. If I5 access is not available, an unacceptable amount of traffic would impact Pacific Highway. The ecological impact would be significant. The timing for preparation of the track bed is not so urgent that the overall project could be planned before implementing this activity. It was also obvious at the meeting that Sound Transit has not adequately communicated with the affected public and some of them were blindsided by this proposal. This is another reason that more work needs to be done in planning before rushing into this track bed effort.

Response:

Thank you for your comment requesting that development of the FWLE/SR 509 Midway Project be coordinated with a proposed Sound Transit Operations and Maintenance Facility (OMF).

Ecology has shared your comment with Sound Transit. Their reply is included in the paragraph below. Ecology's role in the FWLE/SR 509 Midway Project is to ensure that existing environmental protections are maintained during and following construction in accordance with the Model Toxics Control Act (MTCA) and its' implementing regulations (WAC 173-340); MTCA does not provide Ecology with authority over land use development decisions, coordination, or timing.

Sound Transit Response

Thank you for your comment. Sound Transit hears your concern for this project and will consider your comment in future planning. Sound Transit will seek to minimize community impacts during and after construction. Consistent with Sound Transit's Long Range Plan, the Federal Way Link Extension and the Operations and Maintenance Facility South (OMFS) were approved by voters under ballot measures, in 2008 and 2016 respectively. While planning for the FWLE and OMFS is coordinated, the projects have different construction timelines. The FWLE project, scheduled to open in 2024 does not preclude the potential siting of the OMFS on the landfill, which is scheduled to open in 2026. The projects are coordinating to ensure that a construction access route can be maintained subject to WSDOT approval.

The Midway Landfill is one of three site alternatives currently under study as part of the Operations and Maintenance Facility (OMF) South Project Draft Environmental Impact Statement (EIS), which is an analysis required by the State of Washington before a single site can be selected. The Draft EIS will analyze the potential impacts on the built and natural environment for the three site alternatives. The Draft EIS is scheduled to be published this fall with a subsequent 30-day public review and comment period. Comments made on the Draft EIS will be responded to in the Final EIS. After publication of the Final EIS at end of 2021, the Sound Transit Board will select the site alternative to build.

Comment from: Timothy J. LaPorte; City of Kent Public Works Department

[Comment emailed to Site Manager, Mark Adams, on February 25, 2020 from Kelly Peterson, City of Kent Office of the Mayor, on behalf of Timothy J. LaPorte, City of Kent Public Works Director.]

From: Peterson, Kelly <KPeterson@kentwa.gov>
Sent: Tuesday, February 25, 2020 8:39 AM
To: Adams, Mark (ECY) <MADA461@ECY.WA.GOV>
Subject: Midway Landfill

Mr. Adams –

Please find attached comments from the City of Kent regarding the proposed waste removal from the Midway Landfill associated with the Federal Way Link Extension.

Contact me at (253)856-5547 if there is any additional information I might be able to provide.

Sincerely,

Kelly

Kelly Peterson, AICP, *City Liaison to Sound Transit FWLE*

Office of the Mayor

Response to Comments: Midway Landfill Cleanup Site

220 Fourth Avenue South, Kent, WA 98032

Phone 253-856-5547 - Cell 253-740-8066

Kpeterson@KentWA.gov

CITY OF KENT, WASHINGTON

KentWA.gov [Facebook](#) [Twitter](#) [YouTube](#)

PLEASE CONSIDER THE ENVIRONMENT BEFORE PRINTING THIS E-MAIL

February 20,2020

Mr. Mark Adams
Site Manager
WA Department of Ecology
3190 160th Ave. SE
Bellevue, WA 98008 -5452

RE: Seattle Public Utilities Midway Landfill

Dear Mr. Adams

Thank you for the opportunity to provide comments on potential development actions to remove landfill waste on the eastern edge of the Midway Landfill Site owned by Seattle Public Utilities adjacent to Interstate-5. These actions would facilitate construction of Sound Transit's Federal Way Link Extension project and the additional auxiliary lane the Washington State Department of Transportation will construct as part of the SR509 Gateway program.

The City of Kent has reviewed documents associated with the proposed waste removal posted on the Washington State Department of Ecology webpage. The City of Kent understands truck haul traffic will access the site from Interstate-5 and not use city streets. The City of Kent supports the potential development actions at the Midway Landfill.

These potential development actions would reduce the number of times waste removal would be required. This would reduce impacts to the traveling public.

Please feel free to contact Kelly Peterson in the Mayor's office at (253)856-5547 if there is any additional information we might be able to provide.

Sincerely,

Timothy J. LaPorte, P.E.
Public Works Director

Response:

Thank you for your comment. Ecology will share your comment with the Federal Way Link Extension (FWLE) Midway Project team.

Public Outreach Summary

Ecology's public involvement activities related to the Seattle Public Utilities Midway Landfill cleanup site's 30-day comment period (January 27 – February 25, 2020) included:

- **Fact Sheet:**
 - US mail distribution of a fact sheet providing information about the Midway Landfill documents and the public comment period to approximately 7,000 people including neighboring businesses and other interested parties. Fact sheets were scheduled to arrive in mailboxes by Friday, January 24, 2020.
 - Email distribution of the outreach notice to approximately 2,000 people through Ecology's news Listserv.
- **Legal Notices:**
 - Publication of three paid display ads in *The Federal Way Mirror* and *The Kent Reporter*, dated Friday, January 24, 2020, and *The Seattle Times*, dated Monday, January 27, 2020.
- **Site Register:**
 - Publication of 4 notices in Ecology's Toxics Cleanup Site Register:
 - Comment Period and Meeting/Hearing:
 - January 16, 2020
 - January 30, 2020
 - February 13, 2020
 - Response to Comments:
 - April 23, 2020
 - Visit [Ecology's Site Register website](#)² to download PDFs.
- **Media Coverage:**
 - A news release was sent to the Associated Press, *Puget Sound Business Journal*, *Crosscut*, *Kent Reporter*, *Federal Way Mirror*, *Robinson Newspapers*, *B-Town Blog*, *Seattle Times*, *Seattle P-I*, *KUOW*, *KNKX*, *KIRO Radio*, *KOMO Radio*, *KOMO-TV*, *KING-TV*, *KIRO-TV*, and *KCPQ-TV*
- **Social Media:**
 - **Blog:** On Friday, January 24, 2020, Ecology's Northwest Regional Office posted a Midway Landfill story on [Ecology's blog](#)³ which has approximately 1,200 email subscribers.
 - **Twitter:** On [Friday, January 24, 2020](#)⁴ and [February 11, 2020](#)⁵ Ecology – Northwest Region @ecyseattle posted tweets connecting readers to the blog post for information on the Midway Landfill comment period, the public meeting/hearing, and how to submit comments.

²<https://fortress.wa.gov/ecy/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter>

³ <https://ecology.wa.gov/Blog/Posts/January-2020/Cleaning-up-How-a-light-rail-project-keeps-a-landf>

⁴ <https://twitter.com/ecyseattle/status/1220781060549537792>

⁵ <https://twitter.com/ecyseattle/status/1227339323130777600>

- **Websites:**
 - Announcement of the public comment period and posting of the fact sheet, and associated documents for review on [Ecology's Midway Landfill website](#)⁶
 - The Midway Landfill comment period was featured on [Ecology's home webpage](#)⁷ beginning the week of January 27, 2020 in the “Public Input & Events” section.
- **Document Repositories:**
 - Provided copies of the documents for public review through two information repositories:
 - Woodmont Public Library in Des Moines, WA
 - Ecology's Northwest Regional Office in Bellevue, WA
- **Public Meeting and Hearing:**
 - Ecology held a public meeting and hearing on Tuesday, February 11, 2020 from 7 – 9 p.m. at Des Moines Elementary School in Des Moines, WA. Approximately 28 attended.
 - Ecology, City of Seattle Public Utilities, Sound Transit, and Kewitt Construction staff presented about the Midway Landfill Project and answered questions throughout the presentation.
 - A hearing followed the presentation during which 6 formal comments were submitted.

Next Steps

After review of public comments, Ecology is finalizing all the public review documents. Construction of the Federal Way Link Extension Midway Project will begin in 2020.

⁶ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4729>

⁷ <https://ecology.wa.gov/>

Appendices

Appendix A. Comment Response from City of Seattle, Seattle Public Utilities

Appendix B. Public Comments in Original Format

**Appendix A. Comment Response from City of Seattle, Seattle
Public Utilities**



City of Seattle
Seattle Public Utilities

February 27, 2020

Mr. Darshan Dhillon
Seattle & King County Public Health
Environmental Services Division
Solid Waste, Rodent and Zoonotics Program
401-Fifth Avenue, Suite 1100
Seattle, WA 98104

RE: Seattle & King County Public Health Comments on Midway CAP Amendment

Dear Darshan:

Thank you for your comments dated February 24. The City of Seattle team working on the project have reviewed the comments and feel that our current plan for waste screening, removal and replacement of suitable soils is appropriate for this project. The project will result in a reduction of waste in the Right of Way, but the primary goal is creating a large area of geotechnically competent sub grade to allow construction of the added freeway lanes and the Link Light Rail extension.

The draft Cleanup Action Plan Amendment was developed to allow the transportation projects to proceed and maintain the protections of the existing remedy at the Midway Landfill. Your alternative proposal of installing a warning barrier between clean imported soils and soil screened from the waste is a good idea, that will enhance the project. We will be working with all the parties to include that concept in the final design.

This response will supplement the formal Ecology Responsiveness Summary.

Mami Hara, SPU General Manager/CEO
Seattle Public Utilities
700 5th Avenue, Suite 4900
PO Box 34018
Seattle, WA 98124-4018

Tel (206) 684-5851
Fax (206) 684-4631
TDD (206) 233-7241
mimi.hara@seattle.gov

<http://www.seattle.gov/util>

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Response to Comments: Midway Landfill Cleanup Site

Thanks again for your comments and please contact me if you have any additional questions. My direct phone is 206 684 7693.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Neuner", with a long horizontal flourish extending to the right.

Jeff Neuner

Landfill Closure Business Area Manager

cc: Mark Adams, Washington State Department of Ecology

Appendix B. Public Comments in Original Format

Jan 24, 2021

GARBAGE

DEPARTMENT OF SANITATION
100 NASSAU ST. NEW YORK, N.Y. 10038

Garbage is waste food and other things that are thrown away into wastebaskets and trash cans. In most cities getting rid of garbage is the job of the Department of Sanitation. Sanitation means cleanliness for the purpose of health. In history there have been cases of great cities that ceased to exist because they had no proper way of getting rid of garbage. Disease germs that bred in the garbage caused epidemics.

The Department of Sanitation is one of the largest and most important departments in most cities. In New York City, the Department employs more than 14,000 persons, uses 1,800 trucks, and costs \$110,000,000 a year. Engineers, chemists and other scientists are constantly looking for new ways to get rid of garbage more cheaply, and to make it serve useful purposes. One use of garbage is to fill in wastelands such as swamps; this dries them out so they are suitable land for farming and building.

Some garbage is burned in huge furnaces called incinerators. The ashes may be used to fill in land, or are dumped in the ocean if the city is near a coast. Some garbage is chemically dissolved. One way of doing this is to dump it into a big airtight vat and spray it with superhot steam (called live steam). The steam melts the garbage down into a slimy mass, with oil and grease floating on the top. The solid matter underneath may be used as fertilizer, to enrich the soil.

New York City uses ashes and rubbish (bottles, cans, rags, wood, shoes, and metals) to fill in swampland and marshland, changing them into parks and recreation areas. The ashes and rubbish are deposited, sprayed with disinfectant, covered with earth to prevent odors and keep away insects and rats, and brought to a proper grade by the Department of Sanitation. The Park Department then plants grass, trees, and shrubbery, and builds baseball diamonds, benches and play areas to complete the job.

When garbage and rubbish contain too much moisture to burn properly (because they are rain-soaked or because of large amounts of watermelon

rinds, corncobs, or similar fruits and vegetables), fuel oil is added. The residue (all unburned material) is then taken to the landfill.

Incinerators are not cheaper to run. Incineration costs \$4.75 a ton while the landfill process costs \$2.42 a ton.

New York City's Department of Sanitation collection trucks haul three tons of garbage, or the contents of approximately 250 full garbage cans. The trucks average three loads a day, or 750 cans.

Illustrated World Encyclopedia

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ecology

re: flood control

sanitation

landfill issues

proper land usage

dm

write back

Ta Ta

Ms Deborah Miller
24510 64th Ave So
#219

Kent WA 98032

Shag Tricourt Park

Gary Beard

I am pleased to see that the Midway Landfill site is being put to use. It makes sense to me that the Sound Transit light rail facility be built there, rather than taking up other open spaces.

Anonymous Anonymous

WASDOT and the City of Seattle's proposals to ask residents to help them clean up is evidence of short-sighted and ill-conceived plans. The proposed landfill site's air and ground water contamination potential poses a health hazard to Kent, Des Moines and saltwater habitats. It is in close proximity to salmon habitats, park creeks and is less than two miles from residential areas, two grade schools a middle school, less than five miles from a high school, city and state parks and less than a mile from a college. Moreover, it sits on top of a shallow water table connected to McSorley Creek which feeds into Saltwater State Park. This creek routinely floods, affecting surrounding homes, state park and Puget Sound waterfront. The city of Des Moines spent millions of dollars to create sustainable habitat for salmon and divert runoff water flooding the city. The shallow water table contributes to excess water runoff and floods areas east of 16th Ave. S. The ecological hazard the landfill poses is unacceptable. The groundwater pollution, traffic and air pollution negatively affects our saltwater environments, salmon runs, community services and education.

Katie Ball

This is such a wonderful way to reuse the landfill site for public benefit. And such a huge potential upgrade for this site. I am so proud to be a resident of a state that puts the public needs first!

Christopher Ball

That is the perfect use of public funds to reuse something that is unusable to private enterprise. This is a wonderful way to reclaim useable space in our community.



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February 11, 2020

State of Washington Department of Ecology Public Hearing v.

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STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

Draft Consent Decree Amendment, Prospective Purchaser
Consent Decree, Cleanup Action Plan Amendment, and
Public Participation Plan for the
Seattle Public Utilities Midway Landfill Site

PUBLIC HEARING

February 11, 2020

Des Moines, Washington

1 APPEARANCES

2 Hearing Officer:

3 Melanie Forster
4

5
6 Comments Given By:

7 Brian Nash

8 Peter Barbin

9 Bill Pugnetti

10 Scott Carson

11 Victor

12 Ken Broyles
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25

1 BE IT REMEMBERED that on Tuesday,
2 February 11, 2020, at 23801 16th Avenue South, Des
3 Moines, Washington, at 8:40 p.m., the following
4 public hearing was had, to wit:

5
6 <<<<<< >>>>>>

7
8 HEARING OFFICER FORSTER: Now we
9 will begin the formal hearing section of the meeting,
10 which we record for the public record. At this time,
11 I'm going to read some information that is required
12 for the record.

13 I'm Melanie Forster, Hearings Officer for this
14 hearing. This evening we are to conduct a hearing on
15 the draft consent decree amendment, prospective
16 purchaser consent decree, cleanup action plan
17 amendment, and public --

18 UNIDENTIFIED SPEAKER: We can't
19 hear.

20 HEARING OFFICER FORSTER: --
21 partic --

22 UNIDENTIFIED SPEAKER: We can't
23 hear a thing you're saying back here.

24 HEARING OFFICER FORSTER: This
25 evening we are to conduct a hearing on the draft

1 consent decree amendment, prospective purchaser
2 consent decree, cleanup action plan amendment, and
3 public participation plan for the Seattle Public
4 Utilities Midway Landfill Site.

5 Let the record show it's 8:41 on February 11,
6 2020, and this hearing is being held at Des Moines
7 Elementary School, 23801 16th Avenue South, Des
8 Moines, Washington 98198.

9 Notices of this hearing were published in The
10 Seattle Times, Federal Way Mirror, and Kent Reporter
11 on January 3rd, 2020. A news release was sent to the
12 Associated Press, Puget Sound Business Journal,
13 Crosscut, Kent Reporter, Federal Way Mirror, Robinson
14 Newspapers, B-Town Blog, Seattle Times, Seattle P-I,
15 KUOW, KNKX, KIRO Radio, KOMO Radio, KOMO-TV, KING-TV,
16 KIRO-TV, and KCPQ-TV. This message also went out to
17 about 1200 Ecology news Listserv subscribers, and a
18 blog announcement about this hearing went to around
19 1200 e-mail subscribers.

20 So no one has indicated that they wish to provide
21 oral testimony. But I'm going to open up the floor
22 in case anyone has changed their mind. So is anyone
23 here interested in providing oral testimony?

24 So please state your name and address for the
25 record, and speak clearly so that we can get a good

1 recording of your testimony.

2 BRIAN NASH: My name is Brian Nash.

3 And my address is 2600 Second Avenue, Seattle, 98121.

4 And I am a member of a political action committee

5 called Protect Federal Way. And we are here -- I'm

6 here on behalf of them because the citizens and

7 businesses that are members of that wanted to ensure

8 that this project takes into account the potential

9 future of an OMF site at Midway Landfill. That is

10 our favorite site for economic and community impact

11 reasons for the OMF South, and we want to ensure that

12 this plan does not preclude that or increase the

13 costs of that or otherwise make that option less

14 available in the future.

15 HEARING OFFICER FORSTER: Thank you

16 very much.

17 Would anyone else like to come up and provide

18 testimony?

19 Please state your name and address for the

20 record.

21 PETER BARBIN: Peter Barbin. 15100

22 Sixth Avenue Southwest, Unit 409, Burien, Washington

23 98166.

24 HEARING OFFICER FORSTER: Begin

25 whenever you're ready.

1 PETER BARBIN: Purpose of my
2 presence here at this meeting tonight is to bring
3 daylight upon federal Superfund monies to clean up
4 the entire site, not just a portion of the Midway
5 Landfill. It's time to fully integrate a cleanup to
6 provide a platform for Sound Transit's future needs,
7 WSDOT's future needs of the State Route 509
8 interchange, and WSDOT's lane expansion.

9 Having disjointed projects, such as the OMF
10 South's timeline not integrating with this particular
11 project on the Midway Landfill, is not wise and it's
12 not a proper use of taxpayer dollars. We should
13 clean up this site once and for all, and Sound
14 Transit needs to fully integrate their timeline of
15 all their projects, the OMFs and their stations and
16 their track alignments. Thank you.

17 HEARING OFFICER FORSTER: Anyone
18 else?

19 Have a seat, and please state your name and
20 address for the record. Then you may begin
21 testifying whenever you're ready.

22 BILL PUGNETTI: Okay. Bill
23 Pugnetti, P-u-g-n-e-t-t-i. 29022 50th Place South,
24 Auburn, Washington 98001.

25 HEARING OFFICER FORSTER: Begin

1 whenever you're ready.

2 BILL PUGNETTI: The track layment
3 by the Midway Land Site needs to be -- it needs to
4 be -- need to step back and take a macro look at the
5 greater project of the prospect of putting the Midway
6 Landfill as an OMF. That should be determined first
7 before the track laying precludes the use of the
8 Midway Landfill because it's blocking access for the
9 construction equipment to remove material and send it
10 down I-5.

11 HEARING OFFICER FORSTER: Thank you.

12 State your name and address for the record. And
13 then you may begin testifying whenever you're ready.

14 SCOTT CARSON: Name is Scott
15 Carson, C-a-r-s-o-n. Address is 29130 Ninth Place
16 South, Federal Way.

17 We were here tonight to hear the presentation on
18 the environmental impact statement. Many of the
19 comments made by the audience tonight, though, are
20 frustration expressed by the absence of any kind of
21 comprehensive integrated plan. Those of us that are
22 affected by it being a potential OMF site feel the
23 lack of that integrated plan is likely to take the
24 most favorable site, the Midway Landfill, out of
25 contention. If that happens, we fully believe that

1 our site is at risk. And it is probably the one that
2 impacts the greatest number of individuals and the
3 greatest number of businesses of any of the three
4 sites being considered.

5 What you heard tonight was our frustration from
6 having made these comments time and time again at
7 board meetings, at public hearings like this one, and
8 getting absolutely zero feedback or zero recognition
9 that our comments were ever made.

10 We are beyond frustrated by this process and by
11 Sound Transit's complete lack of accountability for
12 how they're treating the citizens of this region.

13 HEARING OFFICER FORSTER: Thank you
14 very much.

15 Anyone else? Anyone else wish to come up?

16 VICTOR: So what do I say again?

17 HEARING OFFICER FORSTER: Please
18 state your name and address, and begin testifying
19 whenever you're ready.

20 VICTOR: So Victor. And then address
21 is 34204 18th Place South, Federal Way, Washington
22 98003.

23 In all these public meetings, it is primarily
24 frustration and pushback against OMF having their
25 sites located in Federal Way. For the most part,

1 everyone wants to have the site be located on the
2 landfill. And residents and business owners are
3 testifying and are commenting, but it is going
4 nowhere. You need to listen to the public and also
5 consider our needs.

6 HEARING OFFICER FORSTER: Anyone
7 else?

8 Please state your name and address for the record.

9 KEN BROYLES: My name is Ken Broyles.
10 I live at 1907 68th Avenue Northeast, Tacoma,
11 Washington 98422.

12 I'm just a little bit frustrated with this track
13 project because it's like they're putting the cart
14 before the horse. If this track gets completed
15 before they even take into consideration of the
16 landfill, then Sound Transit could use that for an
17 excuse and say, Oh, now we have the new tracks here;
18 we can't bring all that other bad dirt out and haul
19 it away.

20 And, you know, years ago -- I live in Pierce
21 County -- we voted down ST3. And when I got my new
22 car tabs, that was the first time I even -- I looked
23 at that, and I said, What in the world? My wife's
24 car and mine, I got to pay an extra \$800 a year. And
25 the people in Pierce County spoke, and we said we

1 didn't want it. But yet here we set. Our voice has
2 not been heard. Sound Transit doesn't seem like they
3 want to listen to us.

4 I've been to every Sound Transit meeting except
5 for one, and that was on the 23rd of May, because I
6 heard that the vote was already voted on before the
7 public comment on the 23rd. And, you know, it just
8 gets so frustrating that everything is done behind
9 closed doors and Sound Transit is not listening to
10 the public and for what we want.

11 All we need to do is remember in November when we
12 vote and get some people in the State that will
13 listen to the people, because the people running the
14 State now, they don't listen to us. Thank you.

15 HEARING OFFICER FORSTER: Thank you.

16 KEN BROYLES: You're welcome.

17 HEARING OFFICER FORSTER: Anyone
18 else? Anybody here who would still like to provide
19 oral testimony? Last call.

20 All right. If you would like to send Ecology
21 written comments, please remember they're due
22 February 25th, 2020. We accept written comments in
23 the following ways: Here at the hearing, online
24 using our online comment form, by mail.

25 To get instructions on how to comment by mail or

1 online, please pick up one of the flyers on the back
2 table. The information is also available on our
3 website, or you can contact Mark Adams at
4 Mark.Adams@ecy.wa.gov.

5 All testimony received at this hearing, along
6 with all written comments received by February 25th,
7 2020, will be part of the official record for the
8 comment period. Ecology will send notice about the
9 availability of Response to Comments to everyone that
10 provided written comments or oral testimony on the
11 draft consent decree amendment, prospective purchaser
12 consent decree, cleanup action plan amendment, and
13 public participation plan; everyone who signed in for
14 today's hearing, provided an e-mail address; and
15 other interested parties on the agency's mailing list
16 for these documents.

17 The Response to Comments will, among other
18 things, contain agency's response to questions and
19 issues of concern that were raised during the public
20 comment period. If you would like to receive notice
21 about availability of the Response to Comments but
22 did not sign in, please see me after the hearing.

23 The next step is to consider the comments and
24 make a determination whether to approve the
25 documents. Ecology will look at the public comments,

1 the Response to Comments, and other appropriate
2 documentation and staff recommendations and will make
3 a decision about approving these documents and
4 executing the consent decrees.

5 If we can be of further help to you, please do
6 not hesitate to ask or you can contact Mark Adams if
7 you have other questions. On behalf of Department of
8 Ecology, thank you for coming. I appreciate your
9 cooperation and courtesy.

10 Let the record show this hearing is adjourned at
11 8:54 p.m.

12 (Adjournment at 8:54 p.m.)
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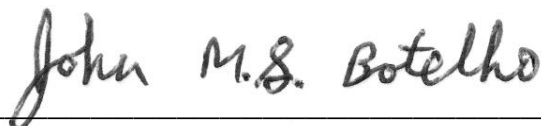
1 STATE OF WASHINGTON) I, John M.S. Botelho, CCR, RPR,
2) ss a certified court reporter
3 County of Pierce) in the State of Washington,
4 do hereby certify:

5 That the foregoing PUBLIC HEARING was conducted in
6 my presence and completed on February 11, 2020, and
7 thereafter was transcribed under my direction; that the
8 transcript is a full, true and complete transcript of the
9 said public hearing, transcribed to the best of my ability;

10 That I am not a relative, employee, attorney or
11 counsel of any party to this action or relative or employee
12 of any such attorney or counsel and that I am not
13 financially interested in the said action or the outcome
14 thereof;

15 That I am herewith securely sealing the said
16 transcript and promptly delivering the same to
17 Nancy Lui, Washington State Department of Ecology.

18 IN WITNESS WHEREOF, I have hereunto set my hand
19 this 19th day of February, 2020.

20 

21 _____
22 John M.S. Botelho, CCR, RPR
23 Certified Court Reporter No. 2976
24 (Certification expires 5/26/20.)
25

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Bruce Anderson

If the Midway landfill brownfield is not used for the light rail OMF I would like to see it put to good use as a mobile home park with amenities (small store, community house, etc). You should be able to fit 500 50 ft x 50 ft lots on this brownfield with community buildings. There has been an increasing shortage of mobile home parks and the existing one to the north just got re-zoned. The mobile homes are light and perfect for any brownfield. This landfill has been sealed and the homes would not disturb the seal. A sound barrier should also be installed.

Anonymous Blackman

I love the idea of reclaiming and cleaning up this otherwise unusable space. With that said, the 246th-252nd area for the light rail maintenance facility is undesirable due to the psychological health impacts it will introduce on the area's residents.

I need to sleep with the window open. The airplanes overhead already prohibit me from using bedrooms on the west side of my home due to the noise that they create so my only remaining option is the east-facing bedroom. The noise that this facility will create at all hours of the day will prevent me from being able to sleep and impact performance at work. Given the challenges that my medical conditions already introduce and the additional challenges presented by the current environment, adding a new source of noise pollution at the proposed location will impact my only option to remain functional as a contributing member of society by creating fatigue induced hypersomnia which impacts performance.

Please do not build the light rail maintenance facility here, or if so then please offer to buy-out nearby residents who cannot tolerate the disruption it will introduce or otherwise take measures to prevent disruption to residents in this neighborhood such as sound barriers and camouflaging techniques for visual senses.

February 24, 2020

Seattle & King County Public Health
Environmental Services Division
Solid Waste, Rodent and Zoonotics Program
401-Fifth Avenue, Suite 1100
Seattle, WA 98104

Midway landfill waste removal project to make room for Sound Transit light rail extension from SeaTac to Federal Way link:

Submitted by Seattle & King County Department of Public Health (SKCDPH): It is our understanding that Seattle Public Utilities (SPU) will be excavating and removing solid waste and soil from a portion of the Midway closed landfill to make room for the extension of light rail from SeaTac to Federal Way. SPU plans to screen and separate soil from waste (soil which was used during the operations of the landfill for daily cover, final cap and for other activities). The screened and separated soil will be deposited back into the landfill to fill the void created by the removal of waste. An environmental professional will be visually screening for any potentially hazardous waste during the excavation.

The SKCDPH would like to make following recommendations for SPU's consideration:

1. The screened separated soil from the Midway Landfill be sampled and analyzed to ensure that it meets the criteria set in the "Method A Soil Cleanup Levels for Industrial Properties" (Table 745-1) stipulated in the Model Toxics Control Act (MTCA) Statute and Regulation [Chapter 173-340 Washington Administrative Code (WAC)].
2. Similarly, soils under the excavated landfill area be tested and analyzed to ensure that it meets the criteria set in the "Method A Soil Cleanup Levels for Industrial Properties" stipulated in the MTCA Statute and Regulation.
3. Any soil that does not meet the MTCA Method A method criteria be disposed of properly as allowed by all applicable local, state, and federal acts, statutes, regulations, codes and ordinances.
4. Backfill with clean soil all voids/cavities created by screened soils and removed waste.
5. If landfill soils are not characterized for MTCA Method A criteria, these soils should be separated from the imported clean material used for the light rail tracks and Washington State Department of Transportation right-of-way.

We appreciate your consideration of our comments and for taking the time to consult us on this project. Please feel free to contact Darshan Dhillon, Landfill Senior, at (206) 263-2992 or darshan.dhillon@kingcounty.gov for any questions or clarification needs.



Darshan (Dan) S. Dhillon
Health & Environmental Investigator III
Public Health Seattle & King County

Solid Waste, Rodent and Zoonotic Program
CNK-PH-1100 401- Fifth Ave., Suite 1100
Seattle, WA 98104

Erica Anderson

Good use of the Midway Landfill would be Mobil homes. Along with the necessities (plumbing, electricity and laundry facility, etc) properly working. It seems reasonable and practical.

Henry Stahl

After attending the public meeting on February 11, I have come to the conclusion that the proposed activity needs to be completely reevaluated and the project resequenced. Since the Midway Landfill in its entirety is being considered for a ST maintenance yard, the track portion of the project proposed in these documents needs to be put on hold pending the decision for siting this maintenance yard. For minimal impact on personnel and property in South King County, the landfill site should be the one selected for the maintenance yard. In the event it is selected, the work done to prepare the track bed by this proposal would significantly impact, possibly restricting, the development work on the rest of the site. It would restrict direct access to I5 which would be critical for removing waste products and hauling in solid base material. If I5 access is not available, an unacceptable amount of traffic would impact Pacific Highway. The ecological impact would be significant. The timing for preparation of the track bed is not so urgent that the overall project could be planned before implementing this activity. It was also obvious at the meeting that Sound Transit has not adequately communicated with the affected public and some of them were blindsided by this proposal. This is another reason that more work needs to be done in planning before rushing into this track bed effort.



ADMINISTRATION
Timothy J. LaPorte, P.E.
Public Works Director
400 West Gowe
Kent, WA 98032
Fax: 253-856-6500

PHONE: 253-856-5500

February 20, 2020

Mr. Mark Adams
Site Manager
WA Department of Ecology
3190 160th Ave. SE
Bellevue, WA 98008-5452

RE: Seattle Public Utilities Midway Landfill

Dear Mr. Adams-

Thank you for the opportunity to provide comments on potential development actions to remove landfill waste on the eastern edge of the Midway Landfill Site owned by Seattle Public Utilities adjacent to Interstate-5. These actions would facilitate construction of Sound Transit's Federal Way Link Extension project and the additional auxiliary lane the Washington State Department of Transportation will construct as part of the SR509 Gateway program.

The City of Kent has reviewed documents associated with the proposed waste removal posted on the Washington State Department of Ecology webpage. The City of Kent understands truck haul traffic will access the site from Interstate-5 and not use city streets.

The City of Kent supports the potential development actions at the Midway Landfill. These potential development actions would reduce the number of times waste removal would be required. This would reduce impacts to the traveling public.

Please feel free to contact Kelly Peterson in the Mayor's Office at (253)856-5547 if there is any additional information we might be able to provide.

Sincerely,

A handwritten signature in blue ink that reads "Timothy J. LaPorte".

Timothy J. LaPorte, P.E.
Public Works Director