



DEPARTMENT OF
ECOLOGY
State of Washington

Response to Comments

Remedial Investigation Report Feasibility Study Report Interim Action Work Plan SEPA Checklist & DNS

**8801 E Marginal Way S
Cleanup Site
Tukwila, WA**

*Facility Site ID: 2072
Cleanup Site ID: 5056*

June 2020

Publication and Contact Information

This document is available on the Department of Ecology's 8801 E Marginal Way S website at: [Ecology's 8801 E Marginal Way S Webpage](#)

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Response to Comments

Remedial Investigation Report Feasibility Study Report Interim Action Work Plan SEPA Checklist and DNS

**8801 E Marginal Way S Cleanup Site
Tukwila, WA**

Facility Site ID: 2072
Cleanup Site ID: 5056

Washington State Department of Ecology

Northwest Regional Office

Toxics Cleanup Program

Bellevue, Washington

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Comment Summary

From August 26 to October 9, 2019, the Department of Ecology solicited public comments on a Remedial Investigation Report, a Feasibility Study Report, an Interim Action Work Plan, and a SEPA Checklist and DNS for the 8801 E Marginal Way S Cleanup Site. Ecology also hosted a public meeting on Thursday September 12, 2019, where formal comments were also submitted.

Ecology received 6 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	Melanio	Ancheta		Individual
2			Just Health Action	Organization
3			Insurance Auto Auctions	Organization
4			DRCC/TAG	Organization
5			Duwamish Tribe	Government
6			City of Tukwila	Government

Comments and Responses

Ecology has reviewed and considered all public comments received on these documents. Based on Ecology’s evaluation of the comments, no significant 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: Melanio Ancheta

I would like to inform you that our area st and highway 99 has to much littered trusses around the corner at look our surroundings untidy. But not only our area but when I am driving most street are also the same. Please do something to bring back our cleanliness in Seattle. I went to South Korea last time and there street and highways is so clean even inside the main city. Thank you if you give this attention to maintain our city cleanliness back not only homeliness. 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.

Response:

Thank you for your comments. An email was sent to the commenter with contact information for City of Seattle services.

Comment from: Just Health Action

The documents indirectly discuss source control. We do understand that the Shannon & Wilson is not required to address source control under this interim cleanup action. However, the fact that source control is not discussed confuses the community. We would like to make some recommendations to Ecology which could be followed in part or combination to address this problem:

1. Ecology's source control website – Ecology's source control website is very general.
 - a. Beef up Ecology's source control website to include site-specific explanations.
 - b. Every time there is a cleanup action under MTCA that has to do with ECY's source control strategy, add that information to the website to explain the relationship between the cleanup (eg, 8801 E. Marginal Way) and your source control strategy.
 - c. Ecology describes the 8 potential pathways to the river in its Source Control Strategy (2016) on pages 17-21 using Figure 4: Pathways of Pollution to the Lower Duwamish Waterway Conceptual Site Model. For every cleanup site, there needs to be a discussion that takes this general CSM concept to one that is more site-specific. A description of all of the potential pathways and how the site specific action is preventing the sources from reaching the river is very important.
 - d. There needs to be a much better explanation of the relationship between a cleanup and how that will help Ecology arrive at a source control sufficiency decision. (This explanation would also be ideal in the cleanup action document – more below). With respect to "8801", How does the ground water restoration timeline link to source control sufficiency? How are closing

Response to Comments: 8801 E Marginal Way S Cleanup Site

off stormwater pipes and treating stormwater related to source control sufficiency? Is this interim action intended to get to source control sufficiency? If not, why not?

e. It might be helpful to develop a site-specific decision tree for how Ecology decides on source control sufficiency.

f. It would be helpful to explain how the source control sufficiency is linked to specific chemicals of concern associated with the LDWG cleanup. For example, for PCBs, it might be helpful to show how pathways are made incomplete to the LDW.

Response:

(1a, 1b, 1d, 1e) Ecology will use this input as we continue to improve our communication and messaging on source control throughout LDW sites.

The cleanup levels set for the remedial activities on the upland portion of the 8801 site detailed in these reports meet MTCA requirements for protection of human health and the environment. Because the MTCA requirements are protective of surface water and sediment, this cleanup is expected to meet the source control sufficiency requirements laid out in Ecology's Source Control Strategy.

For 8801 E Marginal Way S documents specifically:

(1d, 1f) FS (section 1) and IAWP (executive summary and section 1) will be revised to add discussion about how the cleanup impacts source control and protects the LDW.

(1c, 1d) FS (section 3.3) and IAWP (section 3.2) will add a subsection discussing pathways in the conceptual site model (CSM) and the relationship of the cleanup to source control.

Ask the consultant to add a section on source control for "8801". From a broader perspective, ask all consultants to add in a source control discussion in all MTCA cleanup action documents where potential contamination pathways could reach the Lower Duwamish Superfund Site.

Response:

FS (section 3.3) and IAWP (section 3.2) will add a subsection discussing pathways in the conceptual site model (CSM) and the relationship of the cleanup to source control.

Ecology will take these comments under consideration in review of future documents for other sites along the LDW.

Page 9 of interim action plan – the connection between contaminated sediments off site and what has occurred on site is confusing. Were the contaminated sediments off site related to onsite activities or contamination from other sources?

Response:

Page 9 of the IAWP is a synopsis of investigations undertaken, including a discussion of sediment sampling, but further discussion of sediment contamination is not intended for discussion in this section.

Source of sediment contamination is likely related to both onsite and offsite sources of contamination. Analytical data from surficial and subsurface core sediment samples indicate levels of PCBs were similar to those measured adjacent to upstream and downstream properties. Metals that exceeded criteria in sediments are confined to a limited area along the northern property line.

The planned remediation is designed with the expectation that it will meet the source control goals and prevent additional contamination of sediments to the LDW.

At public meetings, including 8801 East Marginal Way South, it is important to enlarge a few figures/diagrams explaining the relationship between site cleanup and source control. Also, add source control figures/diagrams to ECY public presentations. Be sure to have ECY staff available who can speak to source control at the public meeting.

Response:

Thank you for your comment. Ecology will consider this for future comment periods.

The factsheet for 8801 E. Marginal Way S could be significantly improved on the subject of source control.

Response:

Thank you for your comment. Ecology is reviewing how to best communicate and provide consistency in messaging on source control throughout LDW sites.

Shannon & Wilson locked their pdf documents so that comments could not be made directly onto the files. This level of security is extremely cumbersome for people who want to refer to highlighted sections and transfer them to a comment letter.

Response:

Ecology will keep this in mind going forward, please contact us if this is an issue again in the future.

(IAWP) It is extremely misleading to refer to this report as an interim action. If these are the final actions for the uplands portion of the site, then it is absolutely necessary that Ecology be transparent. The fact sheet states that the cleanup is an interim action. In addition, ECY did not state in its public presentation that the upland cleanup was final. The fact that this upland cleanup is final makes it even more important that the public can be assured about source control at the site.

Response:

While the interim action is intended to address contamination throughout the upland portion of the site it is not a final action. As an interim action, Ecology reserves the right to request additional work if post remedial monitoring shows that the remediation is insufficient. Before approving it as the final action for the site and issuing a Draft Cleanup Action Plan there will be another opportunity for public comment.

(IAWP) The disproportionate cost benefit analysis is not clear, particularly regarding how the preferred alternative is chosen.

Response:

The disproportionate cost analysis (DCA) is a procedure required by MTCA to evaluate and potentially screen out alternatives for which the implementation costs are disproportionate to the benefits achieved. For each of the alternatives presented in the FS, they are evaluated based on the following criteria:

- Protectiveness
- Permanence
- Long-term effectiveness
- Short-term risk management
- Implementability
- Consideration of public concerns
- Cost.

Each of these criteria (except cost) are graded on a scale of 1-10.

According to WAC 173-340-360(3)(e)(i), costs are considered disproportionate to benefits when the incremental costs of the alternative exceed the incremental benefits achieved by the alternative compared to that achieved by other lower-cost alternatives. The selected remedy or “preferred alternative” is the alternative with the greatest benefit for the most reasonable cost.

FS and IAWP text were revised to add further explanation on how the DCA was used and the preferred remedy selected.

(IAWP) Pages 35-39 – the connection between “the preferred remedial alternative” and the interim actions that are occurring is confusing in this section. You might just have to add sentence or two that explains how you get from disproportionate cost analysis to the terminology “preferred alternative”.

Response:

FS and IAWP text will be revised to add further explanation on how the DCA was used and the preferred remedy selected.

(IAWP) Appendix C – The rationale for how the preferred alternatives are chosen seem very fuzzy. On Table C1-B, what is the difference between the RELS for PCBs and cPAHs for Alternatives 1b and 1c? How was that decision made?

Response:

Two remediation levels were selected for total cPAHs TEQ, and PCBs, a more stringent remediation level used in alternative 1c, and slightly less stringent remediation level used in alternative 1b. These remediation levels were based on consultation with Ecology and modeling the percentage of mass removed by using each different level. Using two levels allowed for a comparison of two potential alternatives.

(IAWP) How is Ecology dealing with the revised cPAH toxicity value for Benzo(a)pyrene? 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: Insurance Auto Auctions (IAA)

(FS) Reliance of IAA's stormwater treatment systems:

IAA's previous comments (IAA 2008) on the 2008 draft FS (AMEC, 2008) described concerns that IAA's stormwater treatment systems and stormwater-related contaminant control practices (required under IAA's Industrial Stormwater General Permit [ISGP]) were being relied upon in the draft document as a "line of defense" for the Site's water discharges (including stormwater). This is still a concern. For example, the discussion of contaminant sources in Section 3.3.1 of the current draft FS states that "stormwater borne materials are removed by on-site stormwater treatment systems and the system discharge is managed under the [IAA's] NPDES permit." This gives the impression this type of control will continue into the future when in fact IAA will be vacating the 8801 Site in November 2019 at the latest. The draft FS should describe how discharges will be managed after IAA's tenure.

Response:

Thank you for your comment. FS and IAWP text has been revised as follows: (FS: Section 3.3.1. IAWP: Section 3.2.1.)

Much of the stormwater borne materials are removed by on-site stormwater treatment systems. Stormwater treatment is undertaken by the property owner or its representatives.

(FS) Incorrectly listing IAA's stormwater compliance as remedial activities

On page 13 of the draft FS, the authors list IAA's past stormwater-related work at the 8801 Site under the heading "Past Remedial Activities." On page 14, they describe the slip-lining of the north stormwater conveyance line performed by IAA, referring to the effort as a "removal action." This is

inappropriate terminology; presenting IAA’s stormwater infrastructure improvement efforts and permit compliance work within the context of remediation is erroneous, and it leads the reader to believe that this work was somehow associated with actions implemented under the Agreed Order between Ecology and PACCAR. This text should be corrected.

Response:

Thank you for your comment. FS and IAWP text were revised to retitle section (2.5.3) as “Past Remedial and Major Infrastructure Related Activities” and text reflects changed title.

(IAWP) Like the draft FS, the draft IAWP describes IAA’s stormwater compliance activities as “remedial activities.” This terminology needs to be corrected.

Response:

Thank you for your comment. FS and IAWP text were revised to retitle section (2.5.3) as “Past Remedial and Major Infrastructure Related Activities” and text reflects changed title.

(IAWP) Section 6.1 of the document (Protection Monitoring) describes plans that will be required during remedial construction and references IAA’s stormwater pollution prevention plan (SWPPP) for current operations. Section 6.1 also states: “The best Management Practices (BMPs) associated with the SWPPP are required to be maintained by the existing operator.” This statement leads the reader to believe that IAA will be on-site and maintaining stormwater compliance ensuring remedial construction. As stated, IAA will be vacating the 8801 Site in November 2019.

The language could also be interpreted to mean that IAA’s SWPPP could somehow serve as PACCAR’s construction SWPPP; this is inaccurate. These statements need to be clarified/corrected.

Response:

Thank you for your comment. The text in Section 6.1 of the IAWP has been revised as follows:

The Best Management Practices (BMPs) associated with the SWPPP are required to be maintained by the property owner or operator.

Comment from: Duwamish River Cleanup Coalition (DRCC/TAG)

One of the community’s largest concerns for the 8801 E Marginal Way site is its potential for still being a source of contamination to the Duwamish River. As discussed in the Interim action work plan section 4.1.3 (The restoration timeline associated with achieving the CULs for these COCs in groundwater is in the order of decades even with remedial action.) This cleanup will need to be compliant with the needs of the Superfund Cleanup and EPA. Also, section 4.1.5 states (The restoration timeline for the remediated halogenated VOCs to meet the CULs at the point of

compliance is modeled to be approximately ten years. However, the CULs for total cPAHs TEQ and total PCB aroclors in groundwater is in the order of decades even with remedial action.) Also, in the same section 4.1.5 (The groundwater CULs will be achieved at the boundary of the property with the LDW within a reasonable restoration timeline.) We are not sure what this means at all? Who's definition of reasonable? There should be much more definite and provable solutions. Our review of the Interim Action Work Plan does show that there will be monitoring of groundwater from wells on downgradient of the site but there is no mention for monitoring the 6 seeps located on the western side of the property fig. 11.

Response:

Thank you for your comment. Ecology understands the community's concerns regarding the restoration timeline. A robust long term monitoring program is part of the interim action. This monitoring will allow us to identify if any of the remedies performed are not adequately working as expected. The monitoring program will include groundwater monitoring. However, it does not include seeps; as there is uncertainty in the methods of collecting these type of samples and any differences over time may not reflect actual contaminant changes. Ground water wells at the property boundary are the best means for measuring compliance.

Prior to cleanup PCBs and cPAHs are only occasionally detected above practical quantitation limit (PQL) at the wells directly adjacent to those source areas planned for removal. It is expected that, after soil removal, the groundwater concentrations will drop below the cleanup level at all conditional point of compliance wells. Because the cleanup levels for cPAHs and PCBs in groundwater are set at the PQL, which is the lowest concentration that can reliably be measured by the analysis, the timelines referenced are conservative to account for future improvements in laboratory technology which may lower the PQL allowing for detections of these contaminants at lower concentrations.

The FS and IAWP will be revised to add clarity to the language in several sections and include discussion about how the cleanup impacts source control and protects the LDW. (FS: Section 1. IAWP: Executive summary and section 1.)

The FS and IAWP text will be revised to address restoration timeline comment (FS: Section 5.3.1.3. IAWP: Sections 4.1.3 and 4.1.5.)

Additionally, in section 5.3.2 (Removal of PCB-containing caulk: The presence of PCBs in groundwater at MW-16A and MW-34A are likely related to the PCBs in joint compound detected in concrete slab joints near the monitoring well. One viable action was identified to address PCBs at these wells which is the removal of the caulking.) On other sites we have seen that just removing the caulking does not solve the problem. The PCB in the caulking has probably leached into the concrete and will continue to leach from there.

Response:

Thank you for your comment. The IAWP proposes to remove concrete with the caulking.

Response to Comments: 8801 E Marginal Way S Cleanup Site

The language in the FS and IAWP text has been revised to provide clarity by adding “associated concrete”. It is typical to saw cut the concrete approximately ¼ to ½ inch on either side of the caulking and remove the entire strip. The specific methodology will be provided in the Engineering Design Report.

Monitoring will continue after removal to ensure that the action has been effective.

DRCC/TAG’s comments on the Interim Action Plan only relate to this site as a source of contamination to the Duwamish River. We also have concerns beyond that. This is a very contaminated site and needs better scrutiny from Ecology.

Response:

Thank you for your comment. The site will continue to be reviewed by Ecology as it proceeds through the MTCA cleanup process.

Comment from: Duwamish Tribe

The Duwamish Tribe is in receipt of this notice.

Response:

Noted. Thank you.

Comment from: City of Tukwila

PACCAR’s proposed remediation work and CenterPoint’s proposed development at the Site are being reviewed under two separate SEPA documents. Pursuant to WAC 197-11-060(3)(b):

Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. (Phased review is allowed under subsection (5).) Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they:

- (i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or*
- (ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.*

If the CenterPoint redevelopment is related enough to the PACCAR remediation to be discussed in the Interim Action Workplan, as well as in the fact sheet about the project sent out to the public, the proposals should be evaluated in the same SEPA document. While the remediation by PACCAR can,

and shall in some form, be completed without development, the opposite is not true. Development of the Site cannot occur without the remediation, thus the two are interdependent and (ii) as noted above applies. Phased review does not apply in this case.

Response:

Ecology is working with the City of Tukwila to coordinate SEPA responses.

As remediation is not proposed to be finished prior to development, the City has concerns regarding the contingency measures to be employed by the future developer if the cleanup is not successful. In our experience, remediation work must be finished and determined to be successful before development can occur on that Site. This ensures not only the best possible results for the subject environment, but also guarantees the safety of future construction workers, building occupants, city inspection staff, etc. As these two actions are proposed to be completed in tandem, the success of the remediation should be verified, and safety should be maintained during construction. If the final results of the remediation are not known prior to the start of construction, the developer should be provided with assurances or other protections guaranteeing that the remediation was successful.

Response:

A robust long term monitoring program is part of the interim action. This monitoring will allow us to identify if any of the remedies performed are not adequately working as expected. Additionally, the selected remedy includes an institutional controls to minimize the potential for human exposure to contamination soil or groundwater.

Interaction Between MTCA and SMA:

Clarification from Ecology in the interaction between the SMA and its associated local Shoreline regulations and MTCA regulations would be helpful to enable the City and developers to take appropriate actions to protect the shoreline and future developments. Such clarification could include information on how the Department of Ecology considers jurisdictions' Shoreline Master Program (SMP) and whether Ecology considers future development on the site and the physical construction that will take place when making MTCA decisions. The City is in complete support of MTCA actions; however, if those actions make future development unpermittable per our SMP, it makes it difficult moving forward for both the City and future developer. Future development is not merely speculative – it is a reality, particularly here where CenterPoint has submitted a Shoreline Substantial Development Permit to the City for a review for approval. Thus, such planned redevelopment should be considered during the alternative selection process of a MTCA action.

Response:

Pending –

Tukwila's Shoreline Buffer Revegetation Regulations:

The Interim Action Workplan by PACCAR considers alternatives for the remediation work, but the City has concerns regarding the threshold of what was chosen as the preferred decision based solely on cost. While complete excavation may be impractical, partial excavation to enable compliance with

the SMP should be considered (TMC 18.44.060), which includes revegetation of the 100-foot shoreline buffer. As other property owners in the area have successfully demonstrated, remediation can be completed while still allowing for revegetation of the shoreline as required by the City of Tukwila SMP and, thus, should be required for all similarly situated property owners.

Response:

Pending –

Public Outreach Summary

Ecology's public involvement activities related to the 8801 E Marginal Way S Cleanup Site 30-day comment period (August 26 – October 9, 2019) included:

- **Fact Sheet:**
 - US mail distribution of a fact sheet providing information about the cleanup site documents and the public comment period to approximately 4,000 people including neighboring businesses and other interested parties. Fact sheets were scheduled to arrive in mailboxes by Friday, August 23, 2019.
 - Email distribution of the outreach notice to approximately 2,000 people through Ecology's news Listserv.
- **Legal Notices:**
 - Publication of one display ad in *The Seattle Times*, dated Thursday, August 22, 2019.
- **Site Register:**
 - Publication of 4 notices in Ecology's Toxics Cleanup Site Register:
 - Comment Period and Meeting:
 - August 22, 2019
 - September 5, 2019
 - September 19, 2019
 - October 3, 2019
 - Visit [Ecology's Site Register website](#)¹ to download PDFs.
- **Media Coverage:**
 - A news release was sent to the Associated Press, *Puget Sound Business Journal*, Crosscut, *Seattle Times*, Seattle P-I, KUOW, KNKX, KIRO Radio, KOMO Radio, KOMO-TV, KING-TV, KIRO-TV, and KCPQ-TV
- **Social Media:**
 - **Twitter:** On Tuesday August 29, 2019 and Wednesday September 11, 2019 Ecology – Northwest Region @ecyseattle posted tweets connecting readers for information on the 8801 E Marginal Way S Site comment period, the public meeting/hearing, and how to submit comments.

¹<https://fortress.wa.gov/ecy/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter>

- **Websites:**
 - Announcement of the public comment period and posting of the fact sheet, and associated documents for review on [Ecology's 8801 E Marginal Way S Website](#)²
 - The 8801 E Marginal Way S comment period was featured on [Ecology's home webpage](#)³ beginning the week of August 26, 2019 in the “Public Input & Events” section.
- **Document Repositories:**
 - Provided copies of the documents for public review through two information repositories:
 - Seattle’s South Park Branch Library in Seattle, WA
 - Ecology’s Northwest Regional Office in Bellevue, WA
- **Public Meeting:**
 - Ecology held a public meeting and hearing on Thursday September 12, 2019 from 5:30 – 7:30 p.m. at South Seattle College in Seattle, WA. Approximately 15 attended.
 - Ecology staff presented about the 8801 E Marginal Way S Project and answered questions throughout the presentation.
 - 6 formal comments were submitted during the comment period.

Next Steps

After review of public comments, Ecology is finalizing all the public review documents. Once the documents are finalized Engineering design reports will be submitted for review by Ecology, followed by implementation of the proposed remedy.

² <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=5056>

³ <https://ecology.wa.gov/>

Appendices

Appendix A. Public Comments in Original Format

09/24/2019

Ancheta Melanio

, AL

Hobbs, Erin (ECY)

From: Melanio Ancheta <mna53150@gmail.com>
Sent: Tuesday, September 24, 2019 11:15 AM
To: Hobbs, Erin (ECY)
Subject: Littering around our street in South Park and highway 99

Follow Up Flag: Follow up
Flag Status: Flagged

I would like to inform you that our area st and highway 99 has to much littered trusses around the corner at look our surroundings untidy. But not only our area but when I am driving most street are also the same. Please do something to bring back our cleanliness in Seattle. I went to South Korea last time and there street and highways is so clean even inside the main city. Thank you if you give this attention to maintain our city cleanliness back not only homeliness .

Concern citizen in South Park.

10/09/2019

Just Health ActionJust Health Action

2015 14th Ave East

Seattle, WA 98112

gouldjha@gmail.com



October 8, 2019

Erin Hobbs, Site Manager
Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue, 98008-5452

Re: Comments on 8801 East Marginal Way S, Tukwila, WA 98108 property
Facility Site ID: #2072
Cleanup Site ID: 5056

Dear Ms Hobbs,

Thank you for the opportunity to review the 8801 East Marginal Way S. property Remedial Investigation, Feasibility Study, and Interim Action Plan.

Just Health Action (JHA) has received a Department of Ecology Public Participation Grant (PPG) called *Engaging Community about Source Control at the Lower Duwamish Waterway Superfund Site*. The community has many misconceptions about source control. Commonly expressed concerns and questions include: 1. What is source control? 2. How does contamination get from the land into the river? 3. How are we ensuring that the river doesn't get recontaminated after cleanup? 4. How are we working with industry (permitted and non-permitted) to stop pollution? 5. Who is watching industry? 6. How do agencies monitor contamination problems? How do residents contribute to LDW pollution?

JHA is planning on using this PPG grant to make recommendations to Ecology (and Seattle Public Utilities and King County) on how to make better outreach materials and better convey source control concepts to the public. It is through this source control lens that JHA has reviewed the three documents and makes the following comments:

The documents indirectly discuss source control. We do understand that the Shannon & Wilson is not required to address source control under this interim cleanup action. However, the fact that source control is not discussed confuses the community.

We would like to make some recommendations to Ecology which could be followed in part or combination to address this problem:

1. Ecology's source control website – Ecology's source control website is very general.
 - a. Beef up Ecology's source control website to include site-specific explanations.

- b. Every time there is a cleanup action under MTCA that has to do with ECY's source control strategy, add that information to the website to explain the relationship between the cleanup (eg, 8801 E. Marginal Way) and your source control strategy.
 - c. Ecology describes the 8 potential pathways to the river in its Source Control Strategy (2016) on pages 17-21 using Figure 4: *Pathways of Pollution to the Lower Duwamish Waterway* Conceptual Site Model. For every cleanup site, there needs to be a discussion that takes this general CSM concept to one that is more site-specific. A description of all of the potential pathways and how the site specific action is preventing the sources from reaching the river is very important.
 - d. There needs to be a much better explanation of the relationship between a cleanup and how that will help Ecology arrive at a source control sufficiency decision. (This explanation would also be ideal in the cleanup action document – more below). With respect to “8801”, How does the ground water restoration timeline link to source control sufficiency? How are closing off stormwater pipes and treating stormwater related to source control sufficiency? Is this interim action intended to get to source control sufficiency? If not, why not?
 - e. It might be helpful to develop a site-specific decision tree for how Ecology decides on source control sufficiency.
 - f. It would be helpful to explain how the source control sufficiency is linked to specific chemicals of concern associated with the LDWG cleanup. For example, for PCBs, it might be helpful to show how pathways are made incomplete to the LDW.
2. Source control comments about 8801 East Marginal Way South.
- a. Ask the consultant to add a section on source control for “8801”. From a broader perspective, ask all consultants to add in a source control discussion in all MTCA cleanup action documents where potential contamination pathways could reach the Lower Duwamish Superfund Site.
 - b. Page 9 of interim action plan – the connection between contaminated sediments off site and what has occurred on site is confusing. Were the contaminated sediments off site related to onsite activities or contamination from other sources?
 - c. At public meetings, including 8801 East Marginal Way South, it is important to enlarge a few figures/diagrams explaining the relationship between site cleanup and source control. Also, add source control figures/diagrams to ECY public presentations. Be sure to have ECY staff available who can speak to source control at the public meeting.
 - d. The factsheet for 8801 E. Marginal Way S could be significantly improved on the subject of source control.

General comments about the “8801” Interim Action work plan:

1. Shannon & Wilson locked their pdf documents so that comments could not be made directly onto the files. This level of security is extremely cumbersome for people who want to refer to highlighted sections and transfer them to a comment letter.
2. It is extremely misleading to refer to this report as an interim action. If these are the final actions for the uplands portion of the site, then it is absolutely necessary that Ecology be

transparent. The fact sheet states that the cleanup is an interim action. In addition, ECY did not state in its public presentation that the upland cleanup was final. The fact that this upland cleanup is final makes it even more important that the public can be assured about source control at the site.

3. The disproportionate cost benefit analysis is not clear, particularly regarding how the preferred alternative is chosen.
4. Pages 35-39 – the connection between “the preferred remedial alternative” and the interim actions that are occurring is confusing in this section. You might just have to add sentence or two that explains how you get from disproportionate cost analysis to the terminology “preferred alternative”.
5. Appendix C – The rationale for how the preferred alternatives are chosen seem very fuzzy. On Table C1-B, what is the difference between the RELS for PCBs and cPAHs for Alternatives 1b and 1c? How was that decision made?
6. How is Ecology dealing with the revised cPAH toxicity value for Benzo(a)pyrene?

Again, thanks for the opportunity to comment. JHA is very interested in collaborating with Ecology’s outreach staff on source control in the future. Please don’t hesitate to call or e-mail if you have any concerns or questions.

Linn Gould, MS, MPH
Executive Director

10/09/2019

Insurance Auto Auctions Insurance Auto Auctions

Two Westbrook Corporate Center, 10th Floor

Westchester, IL 60154

pdoder@iaai.com



Via Online Submission

October 9, 2019

Department of Ecology
State of Washington

**Re: Comments on the Public Review Draft Cleanup Documents:
8801 East Marginal Way South, Tukwila, Washington**

To Whom it May Concern:

The comments presented herein are provided on behalf of Insurance Auto Auctions, Inc. (IAA) in response to the opportunity announced by the Washington State Department of Ecology (Ecology) to provide comments on the cleanup documents for the 8801 East Marginal Way South site (8801 Site) in Tukwila, Washington (Ecology 2019). IAA has been a tenant at the 8801 Site since 2004, and its operations and environmental compliance activities are mentioned in the following public review documents:

- ◆ Public review draft feasibility study (draft FS) – 8801 East Marginal Way South, Tukwila, Washington, Agreed Order No. 6069 (Shannon & Wilson 2019a)
- ◆ Public review draft interim action work plan (draft IAWP) – 8801 East Marginal Way South, Tukwila, Washington, Agreed Order No. 6069 (Shannon & Wilson 2019b)

FEASIBILITY STUDY

Reliance on IAA's stormwater treatment systems

IAA's previous comments (IAA 2008) on the 2008 draft FS (AMEC, 2008) described concerns that IAA's stormwater treatment systems and stormwater-related contaminant control practices (required under IAA's Industrial Stormwater General Permit [ISGP]) were being relied upon in the draft document as a "line of defense" for the Site's water discharges (including stormwater). This is still a concern. For example, the discussion of contaminant sources in Section 3.3.1 of the current draft FS states that "stormwater borne materials are removed by on-site stormwater treatment systems and the system discharge is managed under the [IAA's] NPDES permit." This gives the impression this type of control will continue into the future when in fact IAA will be vacating the 8801 Site in November 2019 at the latest. The draft FS should describe how discharges will be managed after IAA's tenure.

Incorrectly listing IAA's stormwater compliance as remedial activities

On page 13 of the draft FS, the authors list IAA's past stormwater-related work at the 8801 Site under the heading "Past Remedial Activities." On page 14, they describe the slip-lining of the north stormwater conveyance line performed by IAA, referring to the effort as a "removal action." This is inappropriate terminology; presenting IAA's stormwater infrastructure improvement efforts and permit compliance work within the context of remediation is erroneous, and it leads the reader to believe that this work was somehow associated with actions

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implemented under the Agreed Order between Ecology and PACCAR. This text should be corrected.

INTERIM ACTON WORK PLAN

Like the draft FS, the draft IAWP describes IAA's stormwater compliance activities as "remedial activities." This terminology needs to be corrected.

Section 6.1 of the document (Protection Monitoring) describes plans that will be required during remedial construction and references IAA's stormwater pollution prevention plan (SWPPP) for current operations. Section 6.1 also states: "The best Management Practices (BMPs) associated with the SWPPP are required to be maintained by the existing operator." This statement leads the reader to believe that IAA will be on-site and maintaining stormwater compliance during remedial construction. As stated, IAA will be vacating the 8801 Site in November 2019.

The language could also be interpreted to mean that IAA's SWPPP could somehow serve as PACCAR's construction SWPPP; this is inaccurate. These statements need to be clarified/corrected.

We appreciate the opportunity to provide these comments.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Peter Doder', is written over a horizontal line.

Peter Doder
Senior Vice President, Market Development

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REFERENCES

AMEC. 2008. Draft interim action work plan with remedial investigation and feasibility study for the upland portion for soil and groundwater cleanup at 8801 East Marginal Way South site and former PACCAR Kenworth Truck Company site, Tukwila, Washington Ecology. 2019. 8801 E Marginal Way S site, Publication 19-09-145. Washington State Department of Ecology.

IAA. 2008. Letter dated November 7, 2008 to M. O'Brien, Washington Department of Ecology, regarding draft cleanup action plan with remedial investigation and feasibility study, 8801 East Marginal Way South, Tukwila, Washington (AMEC Earth & Environmental, Inc. May 16, 2008): comments on behalf of Insurance Auto Auctions, Inc. Insurance Auto Auctions, Inc., Westchester, IL.

Shannon & Wilson. 2019a. Public review draft feasibility study, 8801 East Marginal Way South, Tukwila, Washington. Agreed Order No. 6069. Shannon & Wilson, Inc., Seattle, W.A.

Shannon & Wilson. 2019b. Public review draft interim action work plan, 8801 East Marginal Way S., Tukwila, Washington. Agreed Order No. 6069. Shannon & Wilson, Inc., Seattle, W.A.

10/09/2019

City of TukwilaCity of Tukwila

6300 Southcenter Blvd

Tukwila, WA 98188

Meredith.Sampson@TukwilaWA.gov



City of Tukwila

Department of Community Development – Jack Pace, Director

Allan Ekberg, Mayor

October 9, 2019

To Erin Hobbs,

The City of Tukwila submits the following comments about the proposed remediation to be completed by PACCAR Inc (PACCAR) and the proposed development to be completed by CenterPoint 8801 Marginal LLC (CenterPoint) on property located within the City of Tukwila at 8801 E Marginal Way S (the “Site”).

1. Consolidated SEPA Review

PACCAR’s proposed remediation work and CenterPoint’s proposed development at the Site are being reviewed under two separate SEPA documents. Pursuant to WAC 197-11-060(3)(b):

Proposals or parts of proposals that are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. (Phased review is allowed under subsection (5).) Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they:

- (i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or*
- (ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification or for their implementation.*

If the CenterPoint redevelopment is related enough to the PACCAR remediation to be discussed in the Interim Action Workplan, as well as in the fact sheet about the project sent out to the public, the proposals should be evaluated in the same SEPA document. While the remediation by PACCAR can, and shall in some form, be completed without development, the opposite is not true. Development of the Site cannot occur without the remediation, thus the two are interdependent and (ii) as noted above applies. Phased review does not apply in this case.

2. Timing of Remediation and Redevelopment

As remediation is not proposed to be finished prior to development, the City has concerns regarding the contingency measures to be employed by the future developer if the cleanup is not successful. In our experience, remediation work must be finished and determined to be successful before development can occur on that Site. This ensures not only the best possible results for the subject environment, but also guarantees the safety of future

construction workers, building occupants, city inspection staff, etc. As these two actions are proposed to be completed in tandem, the success of the remediation should be verified, and safety should be maintained during construction. If the final results of the remediation are not known prior to the start of construction, the developer should be provided with assurances or other protections guaranteeing that the remediation was successful.

3. Interaction Between MTCA and SMA

Clarification from Ecology on the interaction between the SMA and its associated local Shoreline regulations and MTCA regulations would be helpful to enable the City and developers to take appropriate actions to protect the shoreline and future development. Such clarification could include information on how the Department of Ecology considers jurisdictions' Shoreline Master Programs (SMP) and whether Ecology considers future development on the site and the physical construction that will take place when making MTCA decisions. The City is in complete support of the MTCA actions; however, if those actions make a future development unpermissible per our SMP, it makes it difficult moving forward for both the City and future developer. Future development is not merely speculative—it is a reality, particularly here where CenterPoint has submitted a Shoreline Substantial Development Permit to the City for a review for approval. Thus, such planned redevelopment should be considered during the alternative selection process of a MTCA action.

4. Tukwila's Shoreline Buffer Revegetation Regulations

The Interim Action Workplan by PACCAR considers alternatives for the remediation work, but the City has concerns regarding the threshold of what was chosen as the preferred decision based solely on cost. While complete excavation may be impractical, partial excavation to enable compliance with the SMP should be considered (TMC 18.44.060), which includes revegetation of the 100-foot shoreline buffer. As other property owners in the area have successfully demonstrated, remediation can be completed while still allowing for revegetation of the shoreline as required by the City of Tukwila SMP and, thus, should be required for all similarly situated property owners.

The City thanks you for taking its comments into consideration. If you have any questions, please contact Meredith Sampson at (206) 431-3661 or Meredith.Sampson@TukwilaWA.gov.

Sincerely,



Jack Pace

Director of Community Development

10/09/2019
DRCCDRCC
, AL



To; Erin Hobbs,

Site Manager

Erin.hobbs@ecy.wa.gov

Re: 8801 E. Marginal Way S. Site

Fro; James Rasmussen

Superfund Manager

Duwamish River Cleanup Coalition/TAG

The Duwamish River Cleanup Coalition/Technical Advisory Group is the Community Advisory Group to EPA for the Duwamish River Superfund Site which is an official position with EPA. We are also the Technical Advisory Group to the communities around the Duwamish River Superfund site again through EPA.

One of the community's largest concerns for the 8801 E Marginal Way site is its potential for still being a source of contamination to the Duwamish River. As discussed in the Interim action work plan section 4.1.3 (The restoration timeline associated with achieving the CULs for these COCs in groundwater is in the order of decades even with remedial action.) This cleanup will need to be compliant with the needs of the Superfund Cleanup and EPA. Also, section 4.1.5 states (The restoration timeline for the remediated halogenated VOCs to meet the CULs at the point of compliance is modeled to be approximately ten years. However, the CULs for total cPAHs TEQ and total PCB aroclors in groundwater are extremely stringent (parts per trillion) and the restoration timeline associated with achieving the CULs for these COCs in groundwater is in the order of decades even with remedial action.) Also, in the same section 4.1.5 (The groundwater CULs will be achieved at the boundary of the property with the LDW within a reasonable

restoration timeline.) We are not sure what this means at all? Who's definition of reasonable? There should be much more definite and provable solutions. Our review of the Interim Action Work Plan does show that there will be monitoring of groundwater from wells on downgradient of the site but there is no mention for monitoring the 6 seeps located on the western side of the property fig. 11.

Additionally, in section 5.3.2 (**Removal of PCB-containing caulk:** The presence of PCBs in groundwater at MW-16A and MW-34A are likely related to the PCBs in joint compound detected in concrete slab joints near the monitoring well. One viable action was identified to address PCBs at these wells which is the removal of the caulking.) On other sites we have seen that just removing the caulking does not solve the problem. The PCB in the caulking has probably leached into the concrete and will continue to leach from there.

DRCC/TAG's comments on the Interim Action Plan only relate to this site as a source of contamination to the Duwamish River. We also have concerns beyond that. This is a very contaminated site and needs better scrutiny from Ecology.

Thank you for the opportunity to comment. We are looking forward to working together for the betterment of our River. Please do not hesitate to contact us if you have any questions/ concerns.

Truly yours,

Superfund Manager

A handwritten signature in blue ink, appearing to read "James P. ...", with a horizontal line extending to the right.

Duwamish River Cleanup Coalition/TAG

7400 3rd Ave. S.

Seattle WA 98108

James@duwamishcleanup .org

09/18/2019

Duwamish Tribe
Duwamish Tribe
4705 W Marginal Way SW
Seattle, WA 98106
dtsnonprofit@duwamishtribe.org

Duwamish Tribe

The Duwamish Tribe is in receipt of this notice.