

Department of Natural Resources

The Washington State Department of Natural Resources (DNR) is pleased to provide the following comments on the SSS MGP RI/FS September 26, 2018 Public Review Draft Feasibility Study.

DNR requests that the Feasibility Study be expanded to include specific information about property access and the nature of the institutional restrictions associated with each type of remedy. DNR has the responsibility to provide access to a large portion of the site for implementation of the remedial action. The terms of that access are key to the implementability and, thus, feasibility of each remedy. In addition, other cleanup sites have established that the DNR authorization may function as the primary environmental covenant.

A large portion of the South State Street Manufactured Gas Plant cleanup site is located on State Owned Aquatic Land (SOAL) managed by DNR. Aquatic land laws that prescribe the DNR mission are not exempt under MTCA. Remedial activities that involve SOAL will require one or more authorizations from DNR, which could cover construction activities at a minimum and, if needed, long-term management actions such as caps. The terms of the authorization will be specific to each type of remedy. For example, a sediment cap (natural or engineered) may require institutional controls that restrict the public from benefitting from all or a subset of possible uses of their land. As land manager, DNR will determine if and under what conditions it is appropriate to use SOAL to store and remediate contamination.

Section 3.4.4 of the Feasibility Study on the natural recovery process notes that it is both "not intended to isolate" and "increases isolation." Please clarify whether the performance requirements of each type of remedial action (caps, sand layers, naturally forming caps...etc.) requires institutional use restrictions to prevent disturbance of sediment. Does the engineered/natural/enhanced layer or cap need to isolate deeper layers of contamination? Clarify what types of human uses are and are not compatible with each type of remedy. Indicate the duration of the proposed restrictions (e.g. in perpetuity, until recovery occurs...etc.). Please be clear as to what sediment depth restrictions apply (e.g. all depths, benthic layer, depth of contamination...etc.). These details will factor into the types and terms of the authorization granted by DNR and the cost and feasibility of access.