

November 19, 2024

Please see below for comments from the Port of Seattle (“Port”) on the Boeing Isaacson-Thompson Site (“Site”) Agreed Order (“AO”) and Cleanup Action Plan (“CAP”) draft documents out for public comment. First, we provide general comments regarding the Site and the draft documents. Following that is a table providing specific comments, identified by sections within the documents. Above all, the Port emphasizes that the Port Sliver bulkhead or physical landmass need not be reconstructed following remediation.

I. General Comments


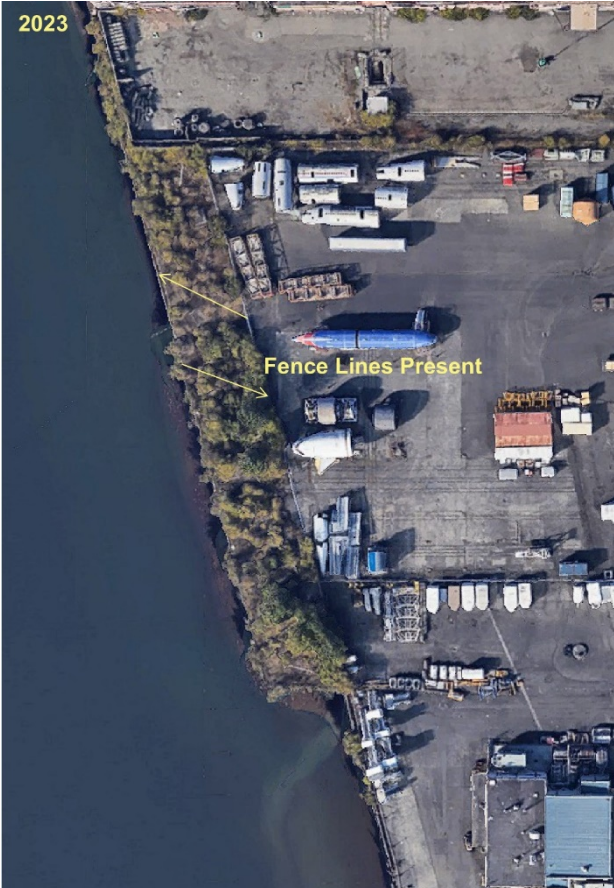
A. The Port Sliver Should Not be Reconstructed

As previously explained to Ecology during the public comment period on the Remedial Investigation/Feasibility Study (RI/FS), the Port did not construct the Port Sliver, nor has it ever conducted operations on, or contributed contamination to, the property. And insofar as the Port Sliver will be excavated as part of Site remediation, from the Port’s perspective, the property should not be reconstructed following remediation. The Sliver falls within the 500-foot right-of-way that should be part of the Lower Duwamish Waterway (LDW). If Boeing or another party wishes to utilize the area for their own purposes in a way that does not interfere with navigation or other public rights, the Port cannot and would not oppose such efforts, but reconstruction of the Sliver is not necessary for protection of human health or the environment, or for navigational purposes. The Port has previously communicated this position to Boeing and Ecology.

II. General Comments

Comment	Section	Comment
1	dCAP Section 2.0	Update text to explain that the chain-link fence was installed between 1998 and 2002 based upon available imagery. See provided aerials from 1985 (USGS), 1998 (WA DNR), 2002 (Google Earth), and 2023 (Google Earth).



Comment	Section	Comment
<p>2002</p>  <p>Fence Lines Established</p>		<p>2003</p>  <p>Fence Lines Present</p>

Comment	Section	Comment
2	dCAP Section 2.1	<p>The summary of site background makes no mention of the history of the Port Sliver and its relationship to historical operations at the Site. Suggest additional context to be added such as the following:</p> <p>“The Port Sliver falls within the 500-foot LDW right-of-way granted to the CWD in 1911 in the effort to straighten, widen, and deepen the lower 5 miles of the Duwamish River. Based on aerial photographs, it appears that the origin of the sliver can be divided into approximate thirds: the northern section was a portion of the CWD-dredged channel that was later filled by Isaacson; the middle section was within the CWD right-of-way and either filled before the 1930s or never dredged; and the southern section was part of the original meander of the Duwamish River and was historically the mouth of Slip 5 before it was filled. A small central portion of the sliver is visible in aerial photographs from the 1930s, during which time the Duwamish Lumber Company (operating on what is today the Boeing Isaacson property) appears to have used the area as part of its operations. This portion of the sliver appears to be within the 500-foot right-of-way granted to the CWD. It is unclear whether Duwamish Lumber Company or another entity created this area with fill, or if it instead represents an area that was never dredged as part of the LDW construction. Aerial photos from the 1940s to 1950s show that the northern portion of the sliver was beginning to be filled, presumably by Isaacson Iron Works, then operator of the Site. By 1960, the southern portion of the sliver had been filled, connecting by 1969 with the Boeing Thompson property to the south, which had been constructed on fill replacing Slip 5 (one of the former Duwamish River meanders). With respect to the Port Sliver specifically, neither the CWD nor the Port constructed or ever used the sliver. The Port inherited the sliver from the former CWD upon its dissolution in 1963.”</p>

Comment	Section	Comment
		<p><u>Citations for Fill History and Historical Use of the Sliver:</u></p> <ul style="list-style-type: none"> • Dames & Moore. 1983. <i>Report of Evaluation of Site Contamination Isaacson Steel Property for the Boeing Aerospace Company</i>. 4 October. • Floyd Snider. 2023. <i>Isaacson-Thompson Port of Seattle Sliver Property Site History and Aerial Photographs</i>. September. (Provided as an attachment to comment submission). • Foster, Richard F. 1945. <i>Sources of Pollution in the Duwamish-Green River Drainage Area</i>. Pollution Control Commission Survey. 6 December. • Landau Associates. 2009. <i>Data Summary Report Thompson-Isaacson Property, Tukwila, Washington</i>. Prepared for The Boeing Company. 2 September. • Leidos. 2018. <i>Lower Duwamish Waterway, Inventory of Lower Duwamish Waterway Slivers</i>. Prepared for the Washington State Department of Ecology. May. • Wicks and Sweet, Edwards & Associates, Inc. 1983. <i>Evaluation of Potential Soil and Ground Water Contamination at the Isaacson Corporation Property, Seattle, Washington</i>. Submitted to Isaacson Corporation and Graham & Dunn. 21 December.
3	dCAP Section 2.4.1.1	<p>Based on Ecology’s response to Port comments provided on the Feasibility Study, it is our understanding that elevated arsenic concentrations at the northern boundary of the site (Fig 2–9, MW-20, 21, and 22) that may extend north into the neighboring property will be resolved during the pre-remedial design investigation phase.</p>
4	dCAP Section 5.1.1	<p>Can you clarify if potential remedial actions may extend north of the property boundary for a groundwater remedy? Similar to the previous comment (Section 2.4.1.1), it is our understanding that further characterization of arsenic in groundwater will be addressed during the pre-remedial design investigation phase.</p>

Comment	Section	Comment
5	dCAP Section 5.1.2	<p>The proposed remedial alternative involves excavating the Port Sliver, filling the excavated area with clean fill to an elevation above the high-water line, and replacing the existing bulkhead. However, the Port does not support returning the Port Sliver to grade or replacing the existing bulkhead.</p> <p>As previously explained to Ecology during the public comment period on the RI/FS, the Port did not construct the Port Sliver, nor has it ever conducted operations on, or contributed contamination to, the property. And insofar as the Port Sliver will be excavated as part of Site remediation, from the Port’s perspective, the property should not be reconstructed following remediation. The Sliver falls within the 500-foot right-of-way that should be part of the LDW. If Boeing or another party wishes to utilize the area for their own purposes in a way that does not interfere with navigation or other public rights, the Port cannot and would not oppose such efforts, but reconstruction of the Sliver is not necessary for protection of human health or the environment, or for navigational purposes. The Port has previously communicated this position to Boeing and Ecology.</p> <p>If the Port Sliver is not reconstructed, the bulkhead would not need to be replaced. For shoreline stability purposes, consider extending the wooden/steel bulkhead that exists along the Boeing Thompson shoreline northward along the Boeing Isaacson property and Port Sliver boundary.</p> <p>This recommendation was Provided by the Port to Ecology during the public comment period for the RI/FS on January 11, 2024. Ecology response was the following:</p> <p>“Assuming that the Port Sliver would be backfilled with clean material following excavation was a conservative assumption made for the purposes of completing the FS-level cost estimate. The final design for the remedy will be discussed between Ecology, Boeing, and the Port.”</p> <p>Details regarding the fate of the Port Sliver should be decided at this time in the CAP and before initiation of the pre-remedial design investigation.</p>

Comment	Section	Comment
6	dCAP Section 5.1.4 Paragraphs 1 and 2	The Port does not support reconstructing the Port Sliver or replacing the existing bulkhead along this extent of shoreline. If the Port Sliver is not reconstructed, there would be no need for an environmental covenant (EC) in this area. The Port does not consent to an EC on the Sliver; in the event the Sliver were reconstructed, it would need to be free of any remaining contamination and not subject to an EC.
7	dCAP Section 5.1.5	<p>Recommend detailing a contingency action should the PRB experience breakthrough at various concentrations (low, medium, high).</p> <p>Recommend that contingency requirements be tied more directly to attainment of groundwater cleanup levels at compliance locations within the estimated restoration time frame of 5 years, based on performance monitoring.</p>
8	dCAP Section 5.3.3	Recommend including a Compliance Monitoring Plan (CMP) figure that presents recommended compliance well locations to review in context of the proposed PRB remedy. The CMP layout is integral to ensuring an effective PRB performance.
9	dCAP Section 7.0	Are any elements of the implementation schedule tied to Ecology’s sufficiency evaluation and the greater LDW cleanup?
10	Agreed Order Sections 5.2.2 and 5.5	With respect to Draft Agreed Order No. 22391, the Port objects to Sections 5.2.2 and 5.5 to the extent that they are inconsistent with the Port’s analysis laid out in its February 16, 2024, letter to David Butler (Ecology) and Ivy Anderson (Attorney General’s Office) regarding the Site. Specifically, for the reasons set forth in that letter, the Port disputes that “[t]he Port property is owned by the Port of Seattle” (5.2.2), that “[t]he Port property was part of the land the Commercial Waterway District No. 1 (CWD) acquired in the early 1990s” (5.5), and that “the Port is an ‘owner or operator’ as defined in RCW...” (5.5).