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January 3, 2025

Mr. Beau Johnson  
State of Washington, Department of Ecology  
Site Manager  
P.O. Box 330316  
Shoreline, WA 98133-9716

Re: Incomplete Feasibility Study for ICS/Trotsky Site

Dear Mr. Johnson:

We are submitting comments on the Public Review Draft of the Feasibility Study Report ("FS Report") prepared by Dalton, Olmsted, and Fuglevand, Inc. (DOF), for the Industrial Container Services, WA, LLC (ICS) MTCA Site ("ICS Site").

7100 1<sup>st</sup> Ave. S. Seattle LLC owns the property ("7100 Property") adjacent to the ICS property located at 7152 1st Avenue South ("ICS Property"), and historical operations on the ICS Property have caused contamination in the deep native soils and groundwater beneath the 7100 Property. While the FS Report acknowledges that the 7100 Property is part of the ICS Site, it does not address the contamination on the 7100 Property, stating that it will be addressed later in a "supplemental" FS. FS Report, § 4.3.1. DOF anticipates completing the Supplemental Investigation (SI) to further delineate the offsite extent of ICS contamination beneath the 7100 property in January of 2025.

This approach is inappropriate and does not comply with the requirements of MTCA or Ecology's Cleanup Rule, ch. 173-340 WAC. The ICS Site includes all locations where contamination originating from the ICS Property or its past operations have "come to be located." See RCW 70A.305.020(8). The ICS Site includes the contaminated deeper native soils and groundwater beneath the 7100 Property.

The FS Report is inadequate in failing to address this contamination as part of the ICS Site. Specifically:

1. The Cleanup Rule requires that a Remedial Investigation and Feasibility Study (RI/FS) be conducted to evaluate the nature and extent of contamination and to develop and evaluate cleanup alternatives for the entire MTCA Site. The FS Report fails to evaluate alternatives for addressing the deep contamination beneath the 7100 Property, which, the FS Report seems to

acknowledge, is part of the ICS Site. WAC 173-340-350, -351. MTCA requires that the entire Site be included in delineating the footprint. The ICS RI fails to provide a figure delineating the entire Site. In the ICS RI, Figure 7.1 only outlines Areas of Concern on the ICS property. The RI must include documentation of the presence of ICS related contamination beneath the 7100 Property including figure(s) illustrating the full extent of the ICS Site.

2. The Cleanup Rule requires that an FS rely on a complete RI. A complete RI must characterize all areas of groundwater and soil contamination within the Site. WAC 173-340-350(6), -351(5), (6). By deferring the evaluation of contamination beneath the 7100 Property to a later "supplemental" FS, the FS Report does not fulfill these requirements. It does not make sense to finalize the RI with the SI soon to follow. To ensure that the SI will be properly documented in the public records, it is necessary for the RI to address the contamination beneath the 7100 Property as it is a contiguous plume and is part of the ICS Site.
3. The Cleanup Rule requires that an FS develop and evaluate cleanup action alternatives for the Site. WAC 173-340-351(1). The exclusion of the 7100 Property from the FS Report means it does not consider cleanup alternatives for the entire Site.
4. The Cleanup Rule outlines the requirements for cleanup actions, including the need to comply with cleanup standards and prevent further migration of hazardous substances. WAC 173-340-360(3)(a).
5. The Cleanup Rule sets Ecology's "expectations" for cleanup actions. WAC 173-340-370. A comprehensive FS that addresses all areas of contamination, including the 7100 Property, is essential to meet these expectations.

In light of these shortcomings, the current FS Report must be revised to include the contamination on the 7100 Property. While the FS Report promises to address this contamination in a future, supplemental FS, it gives no timeline for doing so. Segmenting the cleanup in this way introduces a great deal of uncertainty as to whether that portion of the FS and cleanup will ever occur. Addressing all areas of contamination in a single FS is therefore crucial to ensure a thorough and effective cleanup process that complies with MTCA and its implementing regulations. Incorporating the results of the SI into an FS would avoid confusion and ensure that the entire ICS Site is properly documented and addressed in the public records. Ecology should make available to the public the schedule of deliverables including the RI Addendum (or Supplemental Remedial Investigation Report), and the Supplemental Feasibility Study Report.

Finally, even if Ecology allows ICS to segment the FS and evaluate alternatives for addressing the deep contamination on the 7100 Property in a supplemental FS, Ecology must make clear that ICS must address the cleanup of this contamination in the same Cleanup Action Plan and Cleanup Action as contamination on the ICS/Trotsky property. By bifurcating the ICS contamination under the 7100 Property from the rest of the ICS Site, Ecology risks substantial and unnecessary delays in addressing the ICS plume under the 7100 Property, interfering with the remediation on the 7100 Property, and is in violation of MTCA, the Cleanup Rule and caselaw that provides the definition of a facility or site.

Thank you for considering the above comments.

Mr. Beau Johnson

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Sincerely,

LYNDEN INCORPORATED



Everett H. Billingslea

Sr. Vice President and CLO

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