

Lower Duwamish Waterway Group

City of Seattle / King County / The Boeing Company

MEMORANDUM

To: Beau Johnson, Ecology
Cc: Elly Hale, U.S. EPA
Nasrin, Erdelyi, U.S. EPA
From: Lower Duwamish Waterway Group Members
Subject: Comments on the Industrial Container Services Feasibility Study Report
Date: January 30, 2025

The Lower Duwamish Waterway Group (LDWG) members appreciate the opportunity to comment on the Industrial Container Services (ICS) Feasibility Study Report (FS) conducted under Model Toxics Control Act (MTCA) Agreed Order DE 6720 with the Washington Department of Ecology (Ecology). LDWG is currently developing the remedial design for the middle reach of the Lower Duwamish Waterway (LDW) Superfund site under the fifth amendment to the Administrative Order on Consent (AOC 5) between LDWG, U.S. EPA and Ecology. The ICS site (FSID: 2154; CSID: 62) is located in the middle reach at river mile (RM) 2.2W and includes an inlet (referred to as the "embayment" in the ICS FS).

To prevent potential recontamination of the inlet, it is crucial that the upland action on the ICS site achieves source control sufficiency at the LDW Superfund site boundary (i.e., the location of the 'vertical' plane at the mean higher high tide elevation). Regardless of the alternatives presented in the ICS FS, we rely on Ecology to select a remedy in its forthcoming draft Cleanup Action Plan (DCAP) that ensures source control is sufficient, considers LDW cleanup goals, and is compatible with the in-water cleanup design. LDWG understands Ecology will be conducting a source control sufficiency evaluation for all properties surrounding the inlet.

With respect to the ICS FS, LDWG has the following comments:

1. LDWG urges Ecology to consider the following expectations in selecting a final site remedy:
 - a. Industrial cleanup standards are not appropriate for remediation of the upland portion of the ICS site. Given that the soil-leaching-to-groundwater and groundwater-to-sediment pathways are complete, more restrictive cleanup levels would apply and will need to be established to prevent recontamination of the sediment within the inlet. Accordingly, if the FS is not amended to assess remedial alternatives against the need to meet sediment-

- protective cleanup standards, the DCAP must evaluate and select such a protective remedy. A shoreline buffer zone may be appropriate for application of more restrictive cleanup levels in the upland if demonstrated to be protective.
- b. The FS incorrectly states (*e.g.*, in Table 6.1 at page 38) that MTCA establishes the point of compliance for groundwater and NAPL discharge to the embayment and the LDW at the groundwater-surface water interface. This instead would be a conditional point of compliance (CPOC) under MTCA, for which various conditions must be met to establish. If the FS does not do so, the DCAP must show how all required conditions are met for establishing a conditional point of compliance for sediment-protective soil and groundwater cleanup levels.
 - c. If conditions are met for establishing a CPOC for sediment-protective cleanup levels as part of the ICS upland remedy, rather than being established at the groundwater-surface water interface, any such CPOC should instead be established at the LDW Superfund site boundary. It should further be made clear in the DCAP that any conditional point of compliance established is being applied to the upland as an operable unit, and meeting the standard for the upland does not meet all standards for the site (the full extent of contamination from the ICS site).
 - d. The FS or DCAP must include an evaluation of the preferred upland remedy that demonstrates that residual soil and groundwater concentrations will not result in recontamination of sediment beyond the LDW Superfund site boundary.
 - e. The FS should evaluate if there are any data collection or evaluation gaps that are necessary to support a source control sufficiency demonstration for the ICS site.
2. If the final FS does not do so, the DCAP needs to establish the sequence in which remediation will take place (*i.e.*, ICS upland cleanup prior to LDW in-water work, etc.). Further, LDWG requests that Ecology allow our engineering design experts the opportunity to provide meaningful technical input on ICS's design, including, but not necessarily limited to, the elements identified in this letter.
 3. The pending revised ICS FS and all future site documents should make clear that the 2nd Avenue Outfall is not a City of Seattle outfall. The ICS site contains a buried stormwater conveyance system that runs along the western margin on the eastern site boundary. The conveyance system receives stormwater from properties to the south and discharges to the inlet at the 2nd Avenue Outfall. As a source control measure, the ICS FS proposes upgrading the 2nd Avenue Outfall conveyance system to prevent groundwater infiltration. The ICS FS does not include a discussion

of the origin or ownership of the 2nd Avenue Outfall, but the revised ICS RI (dated June 2024) incorrectly refers to the 2nd Avenue Outfall as a “City of Seattle stormwater outfall” (ICS RI Section 2.4.1 – 2nd Ave. Outfall).

The City of Seattle has previously provided Ecology with documentation establishing that the 2nd Ave. outfall is privately owned. We can provide this documentation again if necessary. In summary: Historical air photos show a natural watercourse from the RM 2.2W Inlet heading south to the corner with S Fontenelle St. The property owner subsequently filled the inlet. This filling required installation of culverted drainage to convey the flows that used to discharge at an outfall at 2nd Ave S and S Fontenelle St up into the RM2.2 Inlet. Site drainage for the adjacent properties was plumbed into the culvert as well. The City’s documents show that the private property owner, Northwest Cooperage, installed the pipe. The pending revised ICS FS, forthcoming DCAP, and all future site documentation should clearly state that the storm water conveyance system is and has been privately owned and therefore the 2nd Avenue Outfall is not a City of Seattle stormwater outfall.

With respect to Ecology’s Fact Sheet on the ICS FS (Publication 24-09-150 dated November 2024), LDWG has the following comment:

1. On Page 4 of the fact sheet, there is a section titled “EPA-selected In-Water Alternative”. LDWG would like Ecology to delete the existing text in the fact sheet under “EPA-selected In-Water Alternative” and clarify that EPA has not selected the remedial actions for the inlet yet.