

King County Denny Way CSO Cleanup Site
AO public review
Suquamish Tribe Comments – Exhibit B Work Plan
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1. General Comment: The King County Denny Way CSO Cleanup Site is located with the Usual and Accustomed (U&A) harvest area of the Suquamish Tribe (the Tribe). The Tribe has a long history of active participation in remediation and restoration activities within Elliott Bay and the Duwamish River. In order to ensure tribal interests are met, including the protection of treaty rights and resources, the Tribe requests inclusion of tribal staff in the Denny Way CSO project team.
2. Previous Investigations: "...sediment sampling data collected since 2012 will be used to characterize current environmental conditions within the Denny Way Site"

In general, Ecology has expressed a preference for using data not more than 10 years old to characterize current site conditions. Older data can be helpful in looking at contaminant trends over time, the efficacy of previous actions, the potential for recontamination and likely restoration timeframes.

3. Task 1: Remedial Investigation Report:

As written, the first task/deliverable is the RI report. However, WAC 173-204-550 establishes that a work plan must be submitted and approved prior to conducting the RI. The first task should be a kick off meeting to begin RI work plan development; the first deliverable should be the RI work plan. A subsequent deliverable should be added for the RI report.

Elements to be included in the RI work plan should reflect language in the rule, including a CSM describing current and potential human and ecological receptors and exposure pathways.

Given the amount of work already done at this site, it is assumed that King County will be able to provide a detailed evaluation of existing information and identify data gaps.

4. Task 4: Feasibility Study (if required)

The section states King County will prepare an FS after Ecology establishes regional background for Elliott Bay. The regulatory requirement for an FS is not conditional on establishment of regional background. King County may propose how to develop or adapt regional background concentrations, subject to Ecology's review and approval but an FS is still required. If regional background values are not developed or adapted, natural background concentrations should be used as default screening and/or cleanup levels for bioaccumulative contaminants.

5. Task 5: Preliminary Draft Cleanup Action Plan

The elements of the draft CAP should reflect rule and guidance language. Elements missing from the description include consideration of impacts to overburdened communities and tribal treaty rights and resources.