

From: NOREPLY@ECY.WA.GOV
Sent: Tuesday, August 16, 2011 1:25 PM
To: 303d
Cc: Herold, Mike (ECY); Brown, Chad (ECY); Braley, Susan (ECY); Koch, Ken (ECY)
Subject: *** WQ ASSESSMENT - COMMENT ON LISTING 608191 ***0047

WATS 2010 REVIEW TOOL: Comment on Listing 608191

SENDER'S NAME: Larry Beard, PE, LHG, Landau Associates, Inc.

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SENT: 8/16/2011 1:26:00 PM

WEB LINK: [Listing 608191](#)

MAP LINK: [Listing 608191](#)

COMMENT:

On behalf of the parties listed at the end of this comment, we are commenting on proposed listing 621072 and 608191. These proposed listings are located partially (and 608191) or entirely (621072) within what is commonly known at the Port of Everett's 12th Street Marina. Both proposed listings also are located partially within the North Marina Ameron/Hulbert site (FSID 68853261) and the North Marina West End site (FSID 3306834) that are currently under formal agreement with Ecology for implementation of an RI/FS. These two water body segments were not included in the 2008 listing, yet Ecology proposes to list them now for sediment. The basis for the listing are data from EIM which indicate samples collected on or before February 1992 exceeds the CSL bioassay criterion, and in the case of 621072, because it includes a portion of North Marina West End site. These two water body segments should not be listed based on EIM data that are nearly 20 years old and for a number of reasons outlined below. 1) The 12th Street Marina was dredged to about elevation -16 ft MLLW in 2005 as part of the yacht basin development. The sediment previously characterized in this area prior to 1992 was removed as part of marina development. The 1992 data were collected to characterize sediment for navigation dredging. Extensive chemical testing was done on these samples, including metals, pesticides, PAH, PCBs, dioxin, etc and the only failure was for bioassay, an often imprecise and difficult to interpret test. In other words, the pre-dredging quality of the sediment was actually very good, and the bioassay failures should be considered suspect. This was confirmed by three independent investigations of the sediment quality conducted throughout the marina for PSDDA disposal purposes, which did not indicate any CSL exceedances, however, these data were never entered into EIM. 2) Ecology conducted a study of sediment quality in the entirety of Port Gardner Bay in 2008. Ecology's contractor was SAIC. Many samples were collected, including one sample in proposed listing 621072, that indicated no CSL exceedances of any parameter. In fact, Ecology's stated purpose for this study reads "Port Gardner and the lower Snohomish River Estuary (referred to as Port Gardner) are identified under the Toxics Cleanup Program's Puget Sound Initiative (PSI) for focused sediment cleanup and source control. Previous environmental investigations in the area have measured sediment chemical concentrations that have exceeded Sediment Management Standards (SMS), according to Chapter 173-204 Washington Administrative Code (WAC). However, much of the data are outdated and many areas of suspected contamination are not well characterized. This report includes the results of sediment profile imaging (SPI), plan view photography, surface and subsurface sediment chemistry, sediment toxicity testing, and tissue analysis". Therefore, Ecology themselves acknowledged that the existing data were outdated. 3) Currently, Listing 621072 and a portion of 608191 (also known as the North Marina-Ameron/Hulbert Site and the West End Sites) are undergoing an RI/FS under MTCA that includes both upland and sediment quality characterization in the 12th Street Marina. Extensive sediment quality testing was completed in 2009 and 2010. A total of 15 surface sediment samples were collected within the 12th Street Marina between the two sites, and 3 samples were collected near the eastern shoreline in the southern portion of proposed listing 608191. Samples were analyzed for every SMS chemical parameter and none failed CSL criteria. No bioassay testing was necessary. All of the data were collected under Ecology approved sampling and analysis plans and the data are loaded into EIM. We request that Ecology rely on the more recent data in this area for determining 303d listings, not older Pre-1992 data that is outdated and supplanted by newer data. The more recent data overwhelmingly indicate that both of these areas do not exhibit chemical characteristics that warrant a 303d listing. Please refer any questions you may have regarding

the newer data that was collected to Mr. Andy Kallus of the Toxics Cleanup Program, who is Ecology's project manager for both the Ameron/Hulbert site and the North Marina West End site. Thank you for your consideration. Sincerely, Larry Beard PE, LHG, Landau Associates, Inc., on behalf of the Port of Everett Lori Herman, LHG, Aspect Consulting, LHG on behalf of Ameron International, Inc. Janet Knox, LG, Pacific Groundwater Group, on behalf of the Hulberts Tom Colligan LHG, Floyd Snider, on behalf of Oldcastle Precast, Inc.