



June 22, 2021

Ruji Ding, PE
Senior Development Engineer
City of Mercer Island – Public Works/Operations

Via Email

Re: Revised Response to Engineering Comments for SEPA Review
Mercer Island Shell, 7833 SE 28th Street (DSR20-010/SEP20-025)
Aspect Project No. 200433

Dear Ruji:

In follow up to your email request for additional information pursuant to the SEPA review, as well as our subsequent phone conversations, I have prepared the following revised responses to the engineering comments from the City of Mercer Island (the City) dated February 16, 2021.

As we discussed over the phone, we are not requesting an environmental covenant at this time. The following responses have been revised to clarify the Model Toxics Control Act (MTCA) process for addressing potential soil or groundwater impacts in the right-of-way (ROW) following the planned cleanup activities. Relevant excerpted engineering comments from the City are provided in italics, followed by our responses, below.

...Notwithstanding the foregoing, there is nothing in the work description or accompanying Scope of Work submitted with the project application that indicates any intent to remove the impacted soil or the groundwater that the PLIA Report shows extends into the City's right-of-way. In fact, the Scope of Work states that its price assumes soil is not contaminated and also does not include dewatering. As noted above, however, the PLIA Report advises that dewatering and removal of the impacted groundwater likely need to be done in conjunction with replacement of the USTs, which the project does expressly include. Consequently, the City seeks clarification on whether the applicant intends to carry out the necessary dewatering to remediate impacted groundwater that extends into its right-of-way as a part of the project and, if so, to provide details on how such work would be performed given that it does not appear to be included in the original proposal. Alternatively, if the proposed project does not intend to accomplish dewatering of the impacted groundwater, the City would respectfully request an explanation for the exclusion of such work, in particular if the project is designed to serve as the Independent Remedial Action under MTCA for which the PLIA Report was prepared.

The proposed project is designed to serve as an independent remedial action under MTCA and intends to follow the guidance as laid out in PLIA's opinion letter dated April 20, 2020. Depth to groundwater at the Site ranges between 3 and 12 feet below ground surface (bgs). Given the targeted depths of the excavation, the proposed interim cleanup action will require dewatering to reach the vertical depth of soil contamination and remove impacted groundwater.



Detailed construction requirements for dewatering to meet the interim cleanup action objectives will be identified by a state-licensed hydrogeologist or professional engineer in coordination with the shoring design and construction contractor's planned means and methods for the excavation approach. Recommended performance criteria for excavation dewatering include:

- Dewater excavations as needed to maintain unsaturated conditions to facilitate soil excavation/handling/loading for transport, confirmation soil sampling in the excavation, and excavation backfilling.
- Collect and treat all water generated during dewatering to meet water quantity and quality requirements for discharge to sanitary sewer under an Individual Discharge Authorization from the City and/or other appropriate agencies.
- Alternatively, pumped water may be conveyed to a water storage system. Water storage will be sized appropriately to contain the necessary volume of water with consideration for disposal frequency. Collected water will be disposed of in accordance with applicable regulations at an approved treatment facility.

Second, SEPA authorizes the imposition of mitigation measures as a condition to approval of project applications under certain circumstances. WAC 197-11-660. For example, SEPA mitigation measures need to be related to specific, adverse environmental impacts attributable to the proposal under review. In addition, the City recognizes that, before mitigation measures may be required, consideration must be given as to whether local, state, or federal requirements and enforcement would mitigate an identified significant impact. That further supports the City's interest in ascertaining whether the proposed project is designed to serve as an independent remedial action under MTCA and intends to follow the guidance for such an action as laid out in the PLIA Report. In addition, although the City would not of course impose mitigation under SEPA on the basis of past actions for which the applicant bears no responsibility, at the same time it would like further information and explanation as to whether and how the proposed project may have impacts that intersect with or could exacerbate existing groundwater contamination in its ROW as described in the PLIA Report, and whether project impacts are wholly segregable from the existing impacted groundwater at the site as defined in that report.

Again, the proposed project is designed to serve as an independent remedial action under MTCA and intends to follow the guidance as laid out in PLIA's opinion letter. The project as planned will result in the removal of the soil source area as delineated by Puget Environmental in their report dated January 2020. As discussed above, dewatering will be required to remove groundwater during excavation to facilitate the excavation and cleanup. During the excavation, performance monitoring for soil will be conducted as described in Section 5.2.3 of Aspect Consulting's (Aspect) Interim Cleanup Action Work Plan dated March 2021. Post-cleanup performance monitoring of groundwater is projected for 2 years for compliance, as stated in PLIA's opinion letter.

Additionally, the property redevelopment is not expected to impact or exacerbate existing groundwater contamination in the ROW. To the contrary, the excavation and dewatering will remove the source of the groundwater impacts. Following redevelopment, the property and ROW will remain paved and there are no plans for stormwater infiltration, therefore the proposed development of the property is considered wholly segregable from existing impacted groundwater at the site.

If soil impacts are encountered at or beyond the property boundary during the cleanup, or during related work such as the connection of utilities in the ROW, the soil will be sampled to document the concentration and the location of impacts. Impacted soil removed during those activities will be managed in accordance with the soil management and disposal guidelines described in Section 5.2.4 of Aspect's Interim Clean Action Work Plan dated March 2021.

If residual soil or groundwater impacts exceeding MTCA's unrestricted Method A cleanup levels are documented at or beyond the property boundary following the cleanup and performance monitoring period, then that contamination will be addressed under MTCA and PLIA oversight. Additional remedial actions to mitigate residual impacts above MTCA cleanup levels will be evaluated through a Feasibility Study in accordance with WAC 173-340-350, and a final remedy will be selected in accordance with WAC 173-340-360.

I hope these responses have provided the needed clarification to explain how off-property impacts to soil and/or groundwater will be documented and addressed, if they are encountered during or following the cleanup action.

Limitations

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If you have further questions or would like to discuss, please do not hesitate to contact me. I look forward to working with you to make progress on cleaning up this site.

Sincerely,

Aspect consulting, LLC



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cc: Matt Randish, Sun Pacific Energy
Bradley Kaul, Kaul Design Architecture