UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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OFFICE OF
ECOSYSTEMS, TRIBAL AND
PUBLIC AFFAIRS

February 1, 2010

Mr. Jim Sussex
King County Department of Transportation
Road Services Division
201 South Jackson Street
Seattle, Washington 98104-3856

Re: South Park Bridge Project FEIS and Section 4(f) Evaluation
EPA Project Number: 02-010-DOT

Dear Mr. Sussex:

The U.S. Environmental Protection Agency (EPA) has reviewed the **South Park Bridge Project Final Environmental Impact Statement (FEIS) and Section 4(f) Evaluation.** We are submitting comments in accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

Thank you for the responses to our comments on the Draft EIS. We commend King County DOT, Washington DOT, and FHWA for several additions to the EIS, including: (1) air quality construction mitigation measures that address air toxics and diesel particulate emissions, all of which we recommend be included in the Record of Decision (ROD); (2) the new section on climate change, Section 3.16, which we find informative because it offers an appropriate level of detail for this project; and (3) the rain garden, a Low Impact Development stormwater feature that will be constructed on the south side of the new bridge. We are also pleased that the NHPA Section 106 MOA includes a provision for incorporating as much brick as possible from the historic brick road into a public area associated with the new bridge.

Our remaining comments pertain to issues associated with the need for continued coordination, management, and clean up of contaminated sediments and sites within and adjacent to the project area that occur under EPA's CERCLA and RCRA authorities. These comments are listed below according to the specific EIS section and page numbers:

Summary, Page xxxvi, How Will Permanent Project Effects Be Mitigated?, fourth paragraph. This paragraph refers to the installation of a new water quality vault on the north (Boeing) side of the bridge to improve water quality. Recent sampling data presented in the *Stormwater Source Control Round 3 Sampling Report 2008-2009 for Boeing Plant 2 (July, 2009)* (hereinafter referred to as the *2009 Report*) approved by EPA indicates concentrations of several contaminants above screening levels in Storm Drain Lines "J" and "I." Line "J" appears to be one of the lines to be rerouted to the new water quality vault. Following a review of the *2009 Report*, the EIS should address how constituents within the Line "J", as well as all other lines

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routed to the new vault, will be environmentally managed. These issues should also be referenced in the Operational Impacts section discussed below.

Section 3.12.1, Affected Environment, Page 3-103, Table 3-12-3 and supporting paragraphs, Net Annual Change in Pollutant Loading Comparing Pre- and Post-Project Conditions. The zinc and copper concentrations in the *2009 Report* should be included in this table.

Section 3.15.2, Affected Environment, Page 3-130, Methodology. Information in the *2009 Report* should be included, perhaps as a bullet here.

Section 3.15.3, Environmental Effects, Page 3-141, Acquisition of Sites by King County DOT to Facilitate Project Construction. The EIS states that King County will "assume liability for the remedial cleanup on any hazardous materials contamination on or originating from the acquired project." Solid Waste Management Units (SWMUs) and Other Areas (OAs), as these terms are defined in the Resource Conservation and Recovery Act (RCRA), within parcels King County will acquire, are currently being addressed pursuant to an Administrative Order on Consent (AOC) for corrective action under Section 3008(h) of RCRA, issued to The Boeing Company (Boeing) by the EPA in January 1994.

EPA reads the above-quoted statement to mean that King County intends to perform Boeing's obligations under the AOC and such subsequent corrective action as EPA will select in any Statement of Basis for corrective action for the County-acquired parcels. This would appear to obligate the County to complete portions of the remedial cleanup (in the form of corrective action) to EPA satisfaction, which may include achieving risk-based cleanup levels that are stricter than currently promulgated standards. Stricter standards are applied in order to address human health risks primarily from the consumption of fish and shellfish from the Lower Duwamish Waterway by higher-fish-consuming populations, including Indian Tribal members and Asian-Pacific Islanders. If this is intended, reference should be made in the EIS and in the ROD to the AOC and the requirement to satisfactorily complete RCRA corrective action for the Boeing Plant 2 facility. A comprehensive estimate of the extent of this work and its corresponding cost is not presently available.

Section 3.15.5, Mitigation Measures, Page 3-146, Soil and Sediment, third paragraph. All referenced "listed wastes" should be specifically identified in this paragraph. Based on the map in the FEIS, areas to be acquired by King County include known RCRA SWMs, OAs, and identified spills that may be characterized as listed federal hazardous wastes or state dangerous wastes.

Regarding project area sediments, we would like to convey that EPA is participating in the Dredged Material Management Program's (DMMP) review of chemical and biological analyses being performed on sediments from the north and south bascules. The suitability of sediments from various depth intervals for open water disposal will be determined based on the test data submitted to the DMMP. To date, this test data has not yet been received or reviewed by the DMMP.

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General. In addition to the *2009 Report,* new documents contain significant new information about environmental conditions within the proposed construction area or parcels to be acquired by King County that may materially affect the project. These documents are available upon request by contacting EPA RCRA Project Coordinator, Shawn Blocker, at (206) 553-4166, or at blocker.shawn@epa.gov. These documents include the Uplands Corrective Measures Study Volume IXa: 2-10 Area Data Gap Investigation Work Plan, Boeing Plant 2, Seattle/Tukwila, Washington, November 2009, and the Uplands Corrective Measures Study Volume VIIIa: 2-31 Area Data Gap Investigation Work Plan, Boeing Plant 2, Seattle/Tukwila, Washington, April 2009, among potential others.

Lastly, elevated dioxin levels have been detected in soils adjacent to the project. An early action area is being evaluated in relationship to the Superfund T-117 site. Review of that material may be appropriate.

Thank you for the opportunity to comment on the South Park Bridge Project FEIS. If you have questions or would like to discuss these comments, please contact Elaine Somers of my staff at (206)553-2966 or at somers.elaine@epa.gov.

Sincerely,

Christine B. Reichgott

Christine B. Reichgott, Manager
Environmental Review and Sediment Management Unit

cc: Peter A. Jilek, P.E., Federal Highway Administration
Phil Segami, Washington State Department of Transportation

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