

Agency Comment



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
PO Box 47775, Olympia, WA 98504-7775 • 360-407-6300

January 18, 2023

Jesse Waknitz, Environmental Manager
Port of Port Angeles
338 West First Street
Port Angeles, WA 98362

Dear Jesse Waknitz:

Thank you for the opportunity to comment on the mitigated determination of nonsignificance for the Marine Trades Industrial Park Development Project (2023-1) located at 439 Marine Drive. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SOLID WASTE MANAGEMENT: Derek Rockett (360) 407-6287

All grading and filling of land must utilize only clean fill. All other materials may be considered solid waste and permit approval may be required from your local jurisdictional health department prior to filling. All removed debris resulting from this project must be disposed of at an approved site. Contact the local jurisdictional health department or Department of Ecology for proper management of these materials.

TOXICS CLEANUP: Tim Mullin (360) 999-9589

There are many cleanup sites within 1/4 mile of the proposed project area. The address of the proposed project area coincides with the K Ply cleanup Site, FSID: 1002, CSID: 28. Residual contaminated material remains onsite. Any contaminated material encountered during the proposed project, as mentioned the submitted SEPA checklist (p. 10-11), must be managed per Floyd-Snyder's K Ply Site Soil Management Plan for the Construction Completion Report (December 2016). Site cleanup is ongoing.

<https://apps.ecology.wa.gov/cleanupsearch/site/28>

The proposed project parcels are subject to an environmental covenant with additional use restrictions, including both general and specific restrictions. The environmental covenant is not mentioned in the SEPA checklist. General restrictions include not impacting or interfering with the remedial action, continued protection of human health and the environment, continued compliance with the covenant after any conveyance of the property,

Jesse Waknitz
 January 18, 2023
 Page 2

notifying lease holders of restrictions, and preservation of reference monuments. Specific requirements include using the property in perpetuity for industrial uses, following the Soil Management Plan when disturbing subsurface materials, performing a vapor intrusion assessment prior to construction of buildings, restriction of groundwater use, long term monitoring of soil and groundwater until cleanup levels are achieved, and protection monitoring wells and infiltration galleries.

The K Ply environmental covenant was filed in Clallam County on June 29, 2017, and is available from the cleanup site search page. For questions about the K Ply cleanup site, please contact Ecology site manager Connie Groven at Connie.Groven@ecy.wa.gov or 360-584-7037.

**WATER QUALITY/WATERSHED RESOURCES UNIT:
 Jacob Neuharth (360) 706-4599**

Erosion control measures must be in place prior to any clearing, grading, or construction. These control measures must be effective to prevent stormwater runoff from carrying soil and other pollutants into surface water or stormdrains that lead to waters of the state. Sand, silt, clay particles, and soil will damage aquatic habitat and are considered to be pollutants.

Any discharge of sediment-laden runoff or other pollutants to waters of the state is in violation of Chapter 90.48 RCW, Water Pollution Control, and WAC 173-201A, Water Quality Standards for Surface Waters of the State of Washington, and is subject to enforcement action.

Construction Stormwater General Permit:

The following construction activities require coverage under the Construction Stormwater General Permit:

1. Clearing, grading and/or excavation that results in the disturbance of one or more acres **and** discharges stormwater to surface waters of the State; and
2. Clearing, grading and/or excavation on sites smaller than one acre that are part of a larger common plan of development or sale, if the common plan of development or sale will ultimately disturb one acre or more **and** discharge stormwater to surface waters of the State.
 - a) This includes forest practices (including, but not limited to, class IV conversions) that are part of a construction activity that will result in the disturbance of one or more acres, **and** discharge to surface waters of the State; and
3. Any size construction activity discharging stormwater to waters of the State that Ecology:
 - a) Determines to be a significant contributor of pollutants to waters of the State of Washington.
 - b) Reasonably expects to cause a violation of any water quality standard.

If there are known soil/ground water contaminants present on-site, additional information (including, but not limited to: temporary erosion and sediment control plans; stormwater pollution prevention plan; list of known contaminants with concentrations and depths found;

Jesse Waknitz
January 18, 2023
Page 3

a site map depicting the sample location(s); and additional studies/reports regarding contaminant(s)) will be required to be submitted. For additional information on contaminated construction sites, please contact Carol Serdar at Carol.Serdar@ecy.wa.gov, or by phone at (360) 742-9751.

Additionally, sites that discharge to segments of waterbodies listed as impaired by the State of Washington under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, or phosphorous, or to waterbodies covered by a TMDL may need to meet additional sampling and record keeping requirements. See condition S8 of the Construction Stormwater General Permit for a description of these requirements. To see if your site discharges to a TMDL or 303(d)-listed waterbody, use Ecology's Water Quality Atlas at: <https://fortress.wa.gov/ecy/waterqualityatlas/StartPage.aspx>.

The applicant may apply online or obtain an application from Ecology's website at: [http://www.ecy.wa.gov/programs/wq/stormwater/construction/- Application](http://www.ecy.wa.gov/programs/wq/stormwater/construction/-Application). Construction site operators must apply for a permit at least 60 days prior to discharging stormwater from construction activities and must submit it on or before the date of the first public notice.

Ecology's comments are based upon information provided by the lead agency. As such, they may not constitute an exhaustive list of the various authorizations that must be obtained or legal requirements that must be fulfilled in order to carry out the proposed action.

If you have any questions or would like to respond to these comments, please contact the appropriate reviewing staff listed above.

Department of Ecology
Southwest Regional Office

(JKT:202300018)

cc: Derek Rockett, SWM
Tim Mullin, TCP
Jacob Neuharth, WQ