



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300
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April 14, 2022

Rich Felsing, Associate Planner
Thurston County Development Services
Building #1, Administration
2000 Lakeridge Drive Southwest
Olympia, WA 98502-6045

Dear Rich Felsing:

Thank you for the opportunity to comment on the mitigated optional determination of nonsignificance/notice of application for the Inspire Kids Preserve Project (2020104385) located at 4849 Johnson Point Road Northeast as proposed by Capitol Lane Trust. The Department of Ecology (Ecology) reviewed the information provided. Ecology's previous comments submitted October 20, 2020 on the project still apply to the project described (see enclosure). After further review, Ecology has the following additional 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 the 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 for proper management of these materials.

WATER QUALITY/WATERSHED RESOURCES UNIT:

Evan Wood (360) 407-7320

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; 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>. 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.

WATER RESOURCES: Jacquelyn Metcalfe, Watermaster (360) 407-6471

In Washington State, ground water withdrawals of up to 5,000 gallons per day used for industrial/commercial purposes are exempt from the permitting process. Water use under the RCW 90.44.050 exemption establishes a water right that is subject to the same privileges,

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Rich Felsing
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restrictions, laws and regulations as a water right permit or certificate obtained directly from Ecology. All water wells constructed shall be in accordance with the provisions of Chapter 173-160 WAC by a driller licensed in the State of Washington. All wells must be located a minimum of 100 feet from any known, suspected, or potential source of contamination and shall not be located within 1,000 feet of the property boundary of solid waste landfills. A well report must be submitted to the Department of Ecology within thirty days after the completion of a well.

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

(RLS:202201358)

cc: Derek Rockett, SWM
Evan Wood, WQ
Jacquelyn Metcalfe, WR
Quita Terrell/David Winter, Applicant



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DEPARTMENT OF ECOLOGY

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October 20, 2020

Ron Buckholt, Planner
Thurston County Development Services
Building #1, Administration
2000 Lakeridge Drive Southwest
Olympia, WA 98502-6045

Dear Ron Buckholt:

Thank you for the opportunity to comment on the prethreshold consultation for the Inspiring Kids Preserve Project (2020104385) located at 4849 Johnson Point Road Northeast as proposed by Capitol Land Trust. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Rebecca Rothwell, Wetlands/Shorelands Specialist (360) 407-7273

Ecology recommends that the applicant request a jurisdictional determination from the Corps. If the Corps determines that the wetlands to be impacted are not waters of the U.S., Ecology will regulate the proposed wetland impacts under the State Water Pollution Control Act, RCW 90.48.

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

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TOXICS CLEANUP/TACOMA SMELTER PLUME:
Eva Barber, Technical Assistance Coordinator (360) 407-7094

This proposed project is located in an area that may have been contaminated with heavy metals due to the air emissions originating from the old Asarco smelter in north Tacoma (visit Ecology's Tacoma Smelter Plume map search tool: <https://fortress.wa.gov/ecy/smeltersearch/>).

Soil contamination from the former Asarco smelter poses a risk to human health and the environment. Children are at especially high risk from direct exposure to contaminated soil. Construction workers, landscapers, gardeners, and others who work in the soils are also at risk.

Ecology recommends that the lead agency include the following as conditions of approval, prior to the issuance of any site development permits or the initiation of grading, filling, or clearing:

- Sample the soil and analyze for arsenic and lead following the [2012 Tacoma Smelter Plume Guidance](#). The soil sampling results shall be sent to Ecology for review. If the project includes open space areas, contact the Technical Assistance Coordinator, Eva Barber, for assistance in soil sampling methodology within the open space area.
- If lead or arsenic are found at concentrations above the Model Toxics Control Act (MTCA) cleanup levels (Chapter 173-340 WAC); the owners, potential buyers, construction workers, and others shall be notified of their occurrence. The MTCA cleanup level for arsenic is 20 parts per million (ppm) and lead is 250 ppm.
- If lead, arsenic and/or other contaminants are found at concentrations above MTCA cleanup levels, the applicant shall:
 - 1) Develop soil remediation plan and enter into the Voluntary Cleanup Program with Ecology. For more information on the Voluntary Cleanup Program, visit Ecology's website at: <http://www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm>.
 - 2) Obtain an opinion letter from Ecology stating that the proposed soil remediation plan will likely result in no further action under MTCA. The applicant shall provide to the local land use permitting agency the opinion letter from Ecology.
 - 3) Prior to finalizing site development permits, provide to the local land use permitting agency "No Further Action" determination from Ecology indicating that the remediation plans were successfully implemented under MTCA.
- If soils are found to be contaminated with arsenic, lead, or other contaminants, extra precautions shall be taken to avoid escaping dust, soil erosion, and water pollution during grading and site construction. Site design shall include protective measures to isolate or remove contaminated soils from public spaces, yards, and children's play areas. Contaminated soils generated during site construction shall be managed and disposed of in accordance with state and local regulations, including the Solid Waste Handling Standards regulation (Chapter 173-350 WAC). For information about soil disposal contact the local health department in the jurisdiction where soils will be placed.

The link below provides a fact sheet that explains more how the arsenic and lead clean-up levels were set and why Ecology sees that they are protective for human health:
<https://fortress.wa.gov/ecy/publications/SummaryPages/1109095.html>.

For assistance and information about Tacoma Smelter Plume and soils contamination, the applicant shall contact, Eva Barber with the Toxics Cleanup Program at (360) 407-7094 or via email at Eva.Barber@ecy.wa.gov.

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.

Ron Buckholt
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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

(GMP:202005122)

cc: Rebecca Rothwell, SEA
Derek Rockett, SWM
Eva Barber, TCP
Quita Terrell (Contact)

