



**STATE OF WASHINGTON**  
**DEPARTMENT OF ECOLOGY**

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

February 16, 2023

Ron Buckholt, Staff Contact  
 Thurston County Development Services  
 Building #1, Administration  
 3000 Pacific Avenue Southeast, Suite 100  
 Olympia, WA 98501

Dear Ron Buckholt:

Thank you for the opportunity to comment on the prethreshold consultation for the Lakeside Industries Asphalt Plant Project (2022105075) located at 11125 Durgin Road Southeast. The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SPILL PREVENTION, PREPAREDNESS & RESPONSE: Brittany Flittner (360) 584-4490**

Ecology recommends the following be included:

- Describe how the Lakeside Industries Durgin Road Plant – Asphalt Recycling will be resized as described in #11 in the SEPA Checklist.
- It does not appear that the site has a Spill Prevention, Control, and Countermeasure (SPCC) Plan. Provide a written memo or similar documentation that an oil release from either the recycled asphalt or the oils stored onsite would not discharge to Waters of the United States (WOTUS). Section 2.6 “Reasonable Expectation of Discharge to Navigable Waters in Quantities That May Be Harmful,” which can be found in the document “[SPCC Guidance for Regional Inspectors](#)” (2013), may be helpful in writing this type of documentation.
- Provide drawings of the current secondary containment for oil storage at the site and calculations for the volume of the secondary containment. In addition, list the tanks, their volumes, and their contents that are located in the secondary containment. While the site may not be subject to 40 C.F.R. 112, it is in the Critical Aquifer Recharge Area Category I and protection of critical aquifer recharge areas is required under the Growth Management Act.
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Please contact Brittany Flittner, Project Specialist with the Spills Program, at 360-584-4490 or [Brittany.flittner@ecy.wa.gov](mailto:Brittany.flittner@ecy.wa.gov) for questions.

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

Storage and recycling of asphalt must be in compliance with Chapter 173-350 WAC, Solid Waste Handling Standards. Contact the local jurisdictional health department or the Department of Ecology for proper management of these materials.

**TOXICS CLEANUP: Eva Barber (360) 999-9593**

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](mailto:Eva.Barber@ecy.wa.gov).

**TOXICS CLEANUP: Thomas Middleton (360) 999-9594**

If contamination is suspected, discovered, or occurs during the proposed SEPA action, testing of the potentially contaminated media must be conducted. If contamination of soil or groundwater is readily apparent, or is revealed by testing, Ecology must be notified. Contact the Environmental Report Tracking System Coordinator for the Southwest Regional Office (SWRO) at (360) 407-6300. For assistance and information about subsequent cleanup and to identify the type of testing that will be required, contact Thomas Middleton with the SWRO, Toxics Cleanup Program at the phone number provided above.

**WATER QUALITY/WATERSHED RESOURCES UNIT:  
Jacob Neuharth (360) 742-9751**

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 Evan Wood at [evan.wood@ecy.wa.gov](mailto:evan.wood@ecy.wa.gov), or by phone at (360) 706-4599.

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.

**WATER QUALITY/INDUSTRIAL OPERATIONS UNIT:**  
**Jessica McConnell (360) 280-7374**

Lakeside Industries Durgin Road Plant (WAG501512) has active Sand and Gravel General Permit (SGGP) coverage with the Department of Ecology and is currently approved to conduct NAICS Code 324121 – Asphalt Paving Mixture and Block Manufacturing. Following a land use decision by Thurston County, Lakeside Industries must modify SGGP coverage to include Ecology Code ECY001 – Recycling Asphalt should they begin recycling asphalt onsite. For further assistance, contact Jessica McConnell, Sand and Gravel General Permit Manager, in Ecology's Water Quality Program at [Jessica.McConnell@ecy.wa.gov](mailto:Jessica.McConnell@ecy.wa.gov) or by phone at (360) 280-7374.

Donella Clark  
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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

(GMP:202300374)

cc: Brittany Flittner, SPPR  
Derek Rockett, SWM  
Eva Barber, TCP  
Thomas Middleton, TCP  
Jacob Neuharth, WQ  
Jessica McConnell, WQ