NWS-2022-337; Marysville, City of (Geddes Marina Phase 2 Remediation) Joint Public Notice dated 7 April 2023 Summary of Public Comments Received through 7 May 2023

	Name	Relationship	Concern
#1	Laura M. Gurley	Director of Planning, Port of Everett	Requests to review Biological Assessment and/or mitigation plan
#2	Roderick "Rod" Malcom	Biologist/Ecologist, Suquamish Tribe	Inquired about the proposed barge use and imported fill material
#3	Joy Dunay	Dredged Material Management Office Lead, U.S. Army Corps of Engineers	Concerns about the dredging associated with the proposed remediation method due to contaminants of concerns above DMMP screening levels and/or state cleanup levels. Concerns about additional evaluation factors that were not considered in the submitted Remedial Investigation and Feasibility Study Report.
#4	Kerry Lyste	Tribal Historic Preservation Officer/GIS Database Administrator, Stillaguamish Tribe	Requests notification of ground disturbance on the project
#5	Erika Shaffer	Sediment Quality Unit, Washington Department of Natural Resources	Concerns about the extent of contamination, the possibility of migration of contaminants, and the proposed realigned stormwater conveyance channel. Recommends sediment sampling and performance monitoring.
#6	Doug Gresham and Joe Burcar	Wetland Specialist and Section Manager (respectively), Washington State Department of Ecology	Multiple concerns from both the Toxic Cleanup Program and the Shorelands and Environmental Assistance Program regarding the inadequacy of the submitted Remedial Investigation and Feasibility Study Report, the proposed remedy, and the proposed compensatory mitigation plan for wetland impacts.
#7	Todd Gray	Environmental Protection Ecologist, Tulalip Tribes	Inquired about proposed design elements and proposed alternatives. Concerned about transmission of contaminated sediments and groundwater into Ebey Slough and the proposed conveyance channel.
#8	Amy Jensen	Regional Wetland Coordinator, Region 10, U.S. Environmental Protection Agency	General support for the proposed project. Concerned about extent of contamination, migration of contaminants, and the projects lack of compliance with the Clean Water Act Section 404(b)(1) Guidelines; specifically, the lack of analyses required to identify the least environmentally damaging practicable alternative. Recommended additional coring and chemical analyses.

Comment 1. Laura Gurley, Port of Everett

Following submittal of her comment letter Laura called the City to follow up and was directed to contact Benn Burke, the consultant team permit lead. Laura wanted to inform the City about the availability of the Port's habitat bank in the event that the City needed to utilize this resource. Benn identified that the City has developed an Advanced Mitigation Site with the intention of using that as project mitigation and that the mitigation site use plan is included as an appendix to the mitigation plan included in the project's Critical Area. We have no issues providing her with the requested materials.

Comment 2. Rod Malcom, Suquamish Tribe

The questions were related to the number of barge trips, if the barge would be used to transfer excavated material, and the source of the fill material.

This is a public sector project and will be put out to bid once permitting and design is complete. As such, a contractor has not been identified for the project. The contractor will develop specific means and methods to implement the project, which must adhere to all permit requirements. Although the specific means and methods have not been identified for the project, based on experience with similar projects the design team anticipates that only one barge round trip will be required. A barge, if used, would be used to bring and stage an excavator for the duration of the project. The barge would not be used to import or export material from the site. Logistically the barge may be used temporarily hold excavated material, but this would be transferred to a dewatering area on the site and will be stockpiled, tested, and exported to an approved facility overland. The transfer would occur within the identified project boundaries.

There are two types of fill material to be used for the project. The proposed cap is composed of structural fill, which will be commercially sourced and delivered overland. Additional select fill will be placed over the cap material to complete the fill of the former boat basin and level the site to prevent water from pooling on the cap. The City has this material on hand and it is stockpiled at their public works facility and/or is currently on site (the on site material was used to preload the adjacent Downtown Stormwater retrofit project). This material will be delivered to the site via truck using existing surface roads.

Comment 3. Joy Dunay Dredged Material Management Office Lead, U.S. Army Corps of Engineers

The City makes no claim that the proposed action will fully remediate the site or that the RI/FS is adequate to demonstrate that full remediation will occur. The City is not looking to sell or develop the Geddes site and is not seeking a No Further Action (NFA) Determination from Ecology.

The project is an independent action with the goal of reducing ongoing degradation until the site can be fully remediated in the future through Ecology and MTCA. The City has implemented a separate project to provide stormwater treatment for runoff from over 400 acres of the City's downtown area. Stormwater from the City's downtown area currently discharges into the former Geddes boat basin. Unless the proposed project is completed, the newly treated stormwater will continue to discharge into

the former boat basin, potentially mobilizing known contaminants. The site is not stable or contained. Contaminants within the existing boat basin have the potential to be mobilized by tidal action and stormwater discharges. There are known periodic scour events during high stormwater flows within the boat basin. The goal of the project is to contain and stabilize the site, provide a reduction in potential degradation pathways, and not constrain future cleanup activities. This is the situation that the City is addressing through implementation of the proposed project. This is described in more detail in the response to Comment 6.

The City utilized the recommendations from the RI/FS study to inform their development of the proposed project, but the City considered other factors including project cost, the ability to meet the project goals, and future compatibility with proposed use as a public park when developing the project.

Comment 4. Kerry Lyste, Tribal Historic Preservation Officer/GIS Database Administrator, Stillaguamish Tribe

Comment noted. The tribe will be included on the notification list for the preconstruction meeting, which will occur prior to any construction.

Comment 5. Erika Shaffer, Sediment Quality Unit, Washington Department of Natural Resources

Please see the response to Comment 6 regarding the City's commitment to work with the Ecology. Please see the response to Comment 3 clarifying that the City is not proposing that the project as a remedy for site contamination.

DNR's concerns about the importance of timing for various construction activities is noted and shared by the City. The City will work to plan and implement the project in consideration of the need to time project activities to avoid additional impacts. In relation to the comment about the stormwater channel, to clarify: the cap will extend below the channel and the cap will be protected by an armoring layer to prevent scour. The City evaluated other alternatives to the stormwater channel prior to including this in the project design, including constructing a pipeline through the site, but other options were determined to be infeasible due to onsite geotechnical conditions.

Comment 6. Doug Gresham and Joe Burcar, Department of Ecology

The City has been working with the Department of Ecology on work related to the Geddes Marina Site since the City acquired the property from the Geddes family. The proposed action is the second phase of a planned interim cleanup process that was initiated in 2013 with the City receiving a grant from the EPA to clean up the site for reuse as a mixed use development site (the mixed use development concept has since been abandoned because of on-site geotechnical issues and other factors).

In 2014 the City received a grant from the Ecology to assist with the development of a proposed cleanup plan for the site. City used the EPA and Ecology Grant funding to prepare remedial investigations, complete cultural resource surveys, conduct geotechnical investigations including on-site sampling, and an integrated planning strategy, and implement the proposed cleanup activities. The grant funding was for work completed through 2016. Ecology maintains an informational website for the Geddes Marina site that includes copies the associated grant awards and the technical documents and studies

associated with the site. These can be accessed at: https://apps.ecology.wa.gov/cleanupsearch/site/12515.

In 2015 the City initiated the process to secure permits and approvals for the proposed interim remediation, which at that time included removing derelict structures from the site and placing a clean cap within the former boat basin and affected upland areas. The City made an application to regulatory agencies for the proposed work. During the review of the initial application several regulatory agencies determined that for boat basin was a regulated feature and the placement fill for the cap would require additional permits or approvals, including but not limited to, Section 404 and 401 of the Clean Water Act permits and certifications. The grant funding expired in 2016 and there was not time to complete the CWA permits and associated Section 106 and Section 7 reviews by the finding deadline. At that point the City decided to split the project into two phases. The City implemented and completed Phase 1, which included site clean up and placing cap material in upland portions of the site in 2016.

Following completion of Phase 1 the City initiated work on Phase 2. Part of this work included the preparation of an additional remediation investigation and feasibility (RI/FS) study. The second study was completed in 2020. It supported the recommendations of the initial study, which included placing a cap over the impacted materials within the former boat basin.

The City has been working closely with Ecology to remediate the Geddes Site for over a decade and is also working with them on a stormwater retrofit project on the same site. That project is under construction and will be completed in 2023. Although the City has implemented the remediation project as an independent action, the project has been developed and effectively funded with Ecology (EPA) as a partner. Ecology has had the RI/FS for several years. The City met with Ecology in July of 2020 and was informed that their Toxic's group would not be reviewing the RI/FS in relation to the Clean Water Act approvals.

That issue aside, the City makes no claim that the proposed action will fully remediate the site or that the RI/FS is adequate to demonstrate that full remediation will occur. The City is not looking to sell or develop the Geddes site and is not seeking a No Further Action (NFA) Determination from Ecology. The City contends that the RI/FS is sufficient to support the project goal. The project is an independent action with the goal of reducing ongoing degradation until the site can be fully remediated in the future through Ecology and MTCA. The City utilized the recommendations from the RI/FS study to inform their development of the proposed project, but the City considered other factors including project cost, the ability to meet the project goals, and future compatibility with proposed use as a public park when developing the project.

Ecology has funded a separate City project to provide stormwater treatment for runoff from over 400 acres of the City's downtown area that is also being constructed on the Geddes Marina Site. Stormwater from the City's downtown area currently discharges into the former Geddes boat basin. Unless the proposed project is completed, the newly treated stormwater will continue to discharge into the former boat basin and potentially mobilize known contaminants. The goal of the project is to contain and stabilize the site, provide a reduction in potential degradation pathways, and not constrain future cleanup activities. This is the situation that the City is addressing through implementation of the proposed project.

The Ecology comment letter did not include detailed specifics from Ecology on what items needed to be addressed for the project to advance. Benn Burke, the City's consultant team permit lead, had a follow up meeting with Doug Gresham with the Department of Ecology on May 11, 2023 to discuss the agencies comments and site specific conditions that resulted in the specific design of the project. Existing site conditions and the relationship between the proposed project and the stormwater retrofit project were discussed. Even though Ecology has been involved with the site for a decade, and has provided funding both to support the initial planning and studies for the remediation of the site, and also has provided funding to the City for the stormwater retrofit project, the Ecology reviewers were not aware of the direct relationship between the stormwater project and the Geddes Marina Phase 2 Remediation project.

During the meeting, Benn also identified that the City understands that they are undertaking an independent action and that the project is only intended to stabilize and contain the contamination and that the City was not proposing that the project would result in a full and complete site clean-up. The City understands that the Geddes Site will remain on Ecology's site list and will be subject to eventual clean up under MTCA. There are currently no development plans for the former boat basin area on the site. None of the actions associated with the proposed project will conflict with Ecology's future cleanup of the site. Although the City is not proposing to fully remediate the site, Benn identified that the City is confident that the proposed project will reduce the ongoing degradation to Ebey Slough and other surface waters and will not result in additional degradation above the current baseline.

Following the meeting with Ecology on May 11, 2023 the Ecology commentor stated that he would follow on these issues with other agency staff and provide additional input and feedback to the Corps and the City regarding their comment letter and/or provide specific recommendations to the City to address the main agencies concerns. Several possible actions were discussed on a conceptual basis during the meeting. These include the possibility of installing a non or semi permeable liner between the existing sediments and the cap, providing a physical barrier to limit movement of groundwater between the site and Ebey Slough, and implementing a sampling and monitoring program to establish baseline conditions, identify potential issues during and following construction, and evaluate the long term effectiveness of the project. Benn followed up with the Ecology reviewer via email on June 7, 2023 and provided some additional information to them, but they had not had a chance at that time to provide site specific recommendations.

The City is committed to working with Ecology and the Corps to resolve any outstanding issues and is prepared to revise the project design and implement and implement a sampling and monitoring program to demonstrate the project's effectiveness; however, the City's resources are finite. The City can only revise the project and add additional components or requirements that increase the project costs to a certain point. At that point the proposed project will not be feasible as an independent and voluntary action. If that occurs, the existing potential for continued degradation from tidal action and stormwater discharges to the former boat basin will continue until Ecology implements a cleanup action. It is our understanding that the Geddes Marina site is low on the agency's priority list and that agency action may not occur for many years.

Comment 7. Todd Gray Environmental Protection Ecologist, Tulalip Tribes

Channel Design. To clarify, the referenced 2019 channel design was developed for a different project with different project goals. At the time, the proposed channel was intended to be a backwater habitat feature and was intended as mitigation for project specific impacts associated with proposed new overwater structures. The project that the 2019 channel design was associated with was determined to be infeasible following completion of additional on site investigations conducted for the RI/FS study and site specific geotechnical work conducted for the proposed project and the adjoining City stormwater retrofit project. All applications for that project have been withdrawn.

The City recognizes that the proposed channel does not represent natural conditions or provide significant habitat value. That is no longer the purpose of that project element. The channel is necessary to convey stormwater from the stormwater retrofit project over the sediment cap to Ebey Slough. The proposed streambed aggregate and rock armoring are necessary to protect the cap from scour during large stormwater events.

Shoreline Design. To clarify, no armoring is proposed along the shoreline. There is existing armoring along the shoreline that is proposed to be removed within the project extents, but no new armoring is proposed. The specific backfill material will not be identified until final design, but it is expected to be a clean sand or similarly fine-grained material.

Proposed Plantings. As noted in the channel design comment, the project is different from the project that the City originally proposed on this site. The areal extents of the project are similar, including the planting areas, but the proposed site elevations have changed. The site is being filled to be above the high-water elevation and the site will be filled and graded to drain to prevent water from pooling on the cap and infiltrating into the contaminated material. As such, the elevation of the planting zones will be higher than previously proposed. However, the comments about plant selection are noted and appreciated. We will revise the proposed planting plan to reflect the recommendations.

Marina Basin Remediation. The City concurs that capping the former boat basin will be adequate to prevent materials leaching of contaminated materials. The primary contaminates of concern bind to soil particles. This is a current concern because tidal action and stormwater discharges can mobilize impacted sediments and transport these contaminants to the Ebey Slough along with the sediment particles. Capping the site will address this issue as sediments will be buried and will not be mobilized by scour.

Prior site investigations did identify that some contaminants that are known to be soluble in groundwater occur on the site. This is not uncommon. Most sites in the region are known to have high background concentrations of metals, including arsenic. Arsenic and other metals were identified in groundwater samples from before Phase 1 remediation was complete. Sampling conducted prior to the current project did not find the same high levels of metals in the groundwater. The RI/FS report authors speculate that this is because the Phase 1 work was effective at eliminating water infiltration into the contaminated materials, so materials were not being mobilized. This is a primary reason the City is proposing the current approach, which will contain contamination bound to sediment particles in the boat basin and reduce infiltration of water that may mobilize soluble material. The referenced 2020

RI/FS study including the most recent sampling results can be accessed at: https://apps.ecology.wa.gov/cleanupsearch/site/12515.

Comment 8. Amy Jensen Regional Wetland Coordinator, Region 10, U.S. Environmental Protection Agency

The City appreciates and acknowledges the EPA's support for the project. The EPA was an early funding partner for work that led to the development of the current project.

Related to concerns about the extent and potential migration of contaminants, monitoring, and the stated goals and objective of the project versus a full and complete site remediation: please see responses to Comments 3, 5, 6, and 7.

Related to the alternatives analysis conducted in the RI/FS study and its relation to the proposed project goals and objectives: please see the response to Comment 3.

This has been addressed in previous responses, but a key detail that has been misinterpreted by some reviewers that the Purpose and Need of the project is not to implement a full and complete cleanup of the site. The City is not looking to sell or develop the project and is not seeking a No Further Action (NFA) Determination.

This information admittedly could have been stated more clearly in the original permit application materials, but this has been clearly identified in numerous meetings and discussions that the City and its representatives have had to discuss the project. This has specifically included conversations with staff from the Corps DMMO, EPA, Ecology, and DNR.

The purpose of the project is not to fully and finally clean up the site. The City makes no claim that the proposed action will fully remediate the site or that the RI/FS is adequate to demonstrate that full remediation will occur. The goal of the project is to contain and stabilize the site, provide a reduction in potential degradation pathways, and not constrain future cleanup activities. It is the City's contention that the alternatives evaluation conducted in the RI/FS study is sufficient to support this determination; however, if additional information is required by the Corps to complete the required Clean Water Act Section 404(b)(1) alternatives analysis, the City would be pleased to meet with the Corps to discuss this and identify a schedule to provide this information.