

**David Lee**

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**From:** Jeralee Anderson  
**Sent:** Tuesday, July 30, 2019 5:12 PM  
**To:** David Lee  
**Cc:** Erika Vandenbrande; Maxine Whattam; Dave Juarez  
**Subject:** Followup on LMC Marymoor

Hi Mr. Lee,

Thank you for your presentation on LMC Marymoor at last week's study session. Here are my open questions on the site remediation issues for LMC Marymoor that appear to be outstanding and about which I have substantial concerns.

1. There is no copy of the 2018 Phase I Environmental Site Assessment on the LMC Marymoor website. Will this document be made available to the public on the website? The document on the website appears to be a summary and not the actual ESA. On page 7, the summary suggests that there is an open action with the Department of Ecology awaiting resolution due to detected levels of ORO over the threshold levels per MTCA.
2. Will a Phase II ESA be completed as is common practice after an ESA I detects contamination? If no, what is the proposed action?
3. When is the NFA determination expected to reach resolution? This would be for the most recent NFA referenced in the 2018 summary, not the 2012 spill instance which was resolved and is noted in the ESA.
4. The SEPA checklist suggests that there are no known environmental hazards and results in DNS and that appears to conflict with the engineering reports which state that there is contaminated soil and groundwater. What happened?
5. The Technical Committee report does not acknowledge the ESA report or site contamination. I do not understand how the determination of compliance with Code and SEPA was achieved without it. How come a site can get a building permit with an outstanding environmental action from the state? This is why I asked if the site was enrolled in VCP, which has a 3-year backlog. I checked, and the site is not enrolled given the new findings.
6. Will there be any terms included in the DA ensuring that the site contamination issues are resolved by the developer when disturbing the site soils, without impacting the groundwater in the CARA, during construction? If no, through what mechanism do these terms get established prior to development?
7. What assurances will the staff provide to Council that the site has been remediated (e.g. the NFA) prior to people living, working, playing and growing food there?
8. How will we know that no contaminants enter the groundwater in the CARA, especially during a storm or flooding event? Due to the highly porous nature of the materials and the historical contamination recorded, this was the reason for my initial question that was captured on the issues log.
9. Code section reference request: What kind of environmental monitoring (type and frequency) is required by the City for these types of sites during construction? Does DOE regulate or is the City the enforcer in this type of project?
10. Code section reference request: What types of protections for workers, staff, and the public does the City require for potentially hazardous or contaminated sites? For example, environmental awareness/HAZWOPER training requirements, stop work provisions. Does the City have a way to

screen or require certain qualifications for work performance in this area through the DA, since it is in the CARA?

Additionally, I understand the VCEP programs for the state may have discounted support fees available for remediated sites that participate in this program, which may be cost effective for sites with a lot of potential for unknown unknowns. The new law was effective Sunday 7/28/2019. Here is an article with the HB/SB references: <https://www.bdlaw.com/west-coast-environmental-resource-center/wa-updates/#Proposed%20Legislation:%C2%A0%20Changes%20to%20MTCA%E2%80%99s%20Voluntary%20Cleanup%20Program> and more on the proposed program from DOE. <https://fortress.wa.gov/ecy/publications/documents/1809053.pdf>

Thank you,



**Jeralee Anderson, Ph.D., P.E.**

Council Member | City of Redmond

☎: 425.556.2114 | ✉: [janderson@redmond.gov](mailto:janderson@redmond.gov) | [Redmond.gov](http://Redmond.gov)

MS: 4NEX | 15670 NE 85<sup>th</sup> St | Redmond, WA 98052



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