



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 21, 2014

Lisa Wood, SEPA/NEPA Coordinator
WA State Department of Fish & Wildlife
Regulatory Services Section
600 Capitol Way North
Olympia, WA 98501-1091

Dear Ms. Wood:

Thank you for the opportunity to comment on the determination of nonsignificance for the Management Strategy for the Washington State Department of Fish & Wildlife's Forests Project (DNS 14-028) located statewide as proposed by Richard Tveten, WA State Department of Fish & Wildlife (WDFW). The Department of Ecology (Ecology) reviewed the environmental checklist and has the following comment(s):

**SHORELANDS & ENVIRONMENTAL ASSISTANCE:
Alex Callender (360) 407-6167**

There are forested wetlands that have not been given much consideration. Perhaps you could include this component as another class of forest and provide appropriate management strategies.

**SEPA REVIEWER: Thomas Middleton
TOXICS CLEANUP/TACOMA SMELTER PLUME CONTACT:
Marian Abbett (360) 407-6257**

Ecology recognizes this is a non-project action.

Portions of the WDFW Forests are 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 and forest duff (duff) 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 and duff. Tree harvesters, construction workers, landscapers, gardeners, and others who work in the soil and duff are also at risk.

Ecology recommends that the WDFW include the following language within their Management Strategy:

- Sample the soil and duff and analyze for arsenic and lead. The applicant shall contact Marian Abbett with the Southwest Regional Office (SWRO), Toxics Cleanup Program at the phone number given above or via email at mabb461@ecy.wa.gov for guidance about soil sampling within Tacoma Smelter Plume. The soil sampling results shall be sent to the WDFW and Ecology for review.
- If lead or arsenic are found at concentrations above the Model Toxics Control Act (MTCA) cleanup levels (Chapter 173-340 WAC); forestry workers, and others shall be notified of their occurrence. The applicant shall also contact the Environmental Report Tracking System Coordinator in the SWRO at (360) 407-6300. The MTCA cleanup level for arsenic is 20 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) Enter into the Voluntary Cleanup Program with - Ecology prior to soil or duff clearing activities. 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 and duff remediation will likely result in no further action under MTCA prior to any soil and duff clearing activities.
 - 3) Prior to finalizing site clearing permits, provide to the WDFW a "No Further Action" determination from Ecology indicating that the remediation plans were successfully implemented under MTCA.

If Ecology determines this project should not be part of the Voluntary Cleanup Program, Ecology will contact WDFW and discuss possible options.

- If soil and duff 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 forest management activities. Contaminated soil and duff generated during these activities 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 contaminated soil and duff disposal contact the local health department in the jurisdiction where soil and duff 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, contact Marian Abbett at the phone number given above or via email at mabb461@ecy.wa.gov.

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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

(SM:14-2034)

cc: Marian Abbett, TCP
Alex Callender, SEA
Thomas Middleton, TCP
Richard Tveten, WDFW (Applicant)