

Attachment

Q. I request that the Department of Ecology immediately undertake a formal review of whether there are SEPA, NEPA, ESA, CWA and CSS approvals for this action and what mitigation may be required for:

- **Runoff - including impacts on fish and hazardous substances from the bridge decking**
- **Air emissions – including not just dust but those hazardous substances, including asbestos and copper**
- **Turbidity – both for the lake and barges in the Kenmore channel**
- **Runoff from shifting rubble from the barge to the truck with heavy use of water for dust suppression**
- **Permitting and reviews**

A. The Washington State Department of Ecology (Ecology) has reviewed the bridge deconstruction actions that are underway and anticipated. As of June 3, Washington State Department of Transportation (WSDOT) and its contractor, Kiewit/General/Manson (KGM), are in compliance with pertinent local, state and federal laws, including State Environmental Policy Act (SEPA), National Environmental Policy Act (NEPA), Endangered Species Act, Clean Water Act (CWA) and CSS (*please note: we are unclear as to which law CSS references. We can assess that status once it is clarified*). WSDOT completed its most recent NEPA/SEPA reevaluation on April 20, 2016 and found that the bridge demolition “would not result in new or significant adverse effects.” Further, “The SR 520, I-5 to Medina: Bridge Replacement and HOV Project remains compliant with current federal, state, local and departmental regulations and directives with regard to NEPA and SEPA processes.”

Run off: During bridge construction, a 402 construction stormwater permit was required for activities that occurred at the Kenmore site. While not required, KGM is applying for a construction stormwater permit for the staging and transfer activities related to bridge demolition. A permit is not required because, unlike previous operations, there will be no discharge to surface waters under KGM’s modified approach consistent with the May 24, 2016 Kenmore/KGM settlement agreement that placed restrictions on materials touching the ground, dust control, noise monitoring, and work hour limits.

Air Emissions: We have contacted WSDOT who has advised Ecology that there is no asbestos contained within the concrete being rubbilized. Testing has also shown that the concrete contains no actionable levels of heavy metals such as copper or arsenic. The only asbestos contained on the floating bridge is inside the pontoons which are not being rubbilized (they have been sold for repurposing and reuse) and the drawspan and accompanying tower which have been sold.

It is important to also note, that KGM is also required to follow all local/state/federal laws with regard to any hazardous material encountered.

Turbidity: Per the City of Kenmore/KGM agreement, KGM will continue to follow best management practices (BMPs) which were previously negotiated with Ecology while operating in the navigation channel. These include:

1. Using the anchorage area in North Lake Washington minimize the level of congestion and concurrent vessel activity within the channel.

2. Operating barges through the deepest part of the navigation channel.
3. Lowing vessel speeds and minimizing vessel thrust.
4. Using small assist-boats to reduce tug propeller use and thrust.
5. Use of radio communications to coordinate vessel activities with Kenmore Air Flights.
6. Installation of a land-based crane to reduce use of derrick barges.

Permitting and reviews: Ecology's oversight of the work, includes administering a federal Water Quality Section 401 Certification (Certification) for over and/or in water activities that may result in a discharge to public waters, and by administering a federal Water Quality Section 402 permit for activities that occur on land that may result in a discharge to public waters.

A Certification (Order # 9011) was issued for the SR 520 I-5 to Medina Bridge Replacement & HOV project February 15, 2012 and covers the construction of the new SR 520, including the new floating bridge, as well as the demolition of the old roadway and bridges.

There have been 11 NEPA/SEPA reviews since the final Environmental Impact Statement (EIS) was published in 2011; the first being completed May 2011 and subsequent "reevaluations". A reevaluation is the process of determining whether or not earlier NEPA/SEPA decisions made for a project remain valid. Reevaluations are used to assess the validity of – or if necessary, make adjustments to – the NEPA/SEPA findings. A NEPA/SEPA document is based on the scope of a project at the time it is approved. For design/build projects in particular, various factors and circumstances are likely to change throughout the development of the project. KGM's change from rubbilizing portions of the 520 bridge in Kenmore to rubbilizing them on barges is an example of such a change. In this case, the activities associated with rubbilizing concrete on barges were assessed in a reevaluation to determine whether they were substantially different than what was considered in the 2011 final EIS. While more concrete will be rubbilized on barges than originally anticipated in accordance with the KGM/Kenmore settlement agreement, the activity (rubbilizing on barges) and the BMPs (best management practices designed to prevent any discharge to water), remain the same. WSDOT reviewed the activity and BMPs and determined that no new or significant impacts would result from the bridge demolition work, and that no additional NEPA/SEPA approvals are necessary.

Q. Have Lake Forest Park, Kirkland and Seattle been offered the opportunity to review and comment on this? Has the Department of Ecology?

A. The public was afforded the opportunity to review and comment on both bridge construction and deconstruction activities during WSDOT's original NEPA and SEPA review process in 2011, which covered both construction of the new and demolition of the old 520 bridges. In addition, the public had the opportunity to comment on specific permits related to bridge construction and demolition, including permits from the City of Medina, the City of Seattle, Washington Department of Fish and Wildlife (WDFW), Ecology, US Coast Guard, and the US Army Corps. Subsequent modifications to the work plans associated with bridge construction and demolition, including the change of rubbilizing from land to barges, did not require additional public process. WSDOT has advised Ecology that any deconstruction operations will occur within the limits of the project, approximately within 1000 feet, north/south of the new bridge, which will not affect Lake Forest Park or Kirkland.

Q. What state agencies have been consulted about the review of potential environmental impacts from an industrial activity in the middle of the Lake which is barred from being conducted onshore at the KIP/Lakepointe site in Kenmore?

A. Ecology and WDFW have been consulted about potential environmental impacts for both construction of the new 520 and demolition of the old bridges. Ecology has authority to oversee the “industrial activity”, whether on land or over water.

WSDOT has also informed Ecology that the Department of Natural Resources has been consulted on the deconstruction operations planned for the existing floating bridge.

In addition to state agencies, the proposed bridge demolition actions were reviewed and approved by National Marine Fisheries Service and US Fish and Wildlife Service in November 2015 and approved by United State Fish and Wildlife Service on February 11, 2016 and by NMFS on February 19, 2016.

Q. There are readily available options for KGM to transport the bridge decking out of Lake Washington for potential recycling, so how have the impacts been considered in comparison to the (no cost to WA State) alternatives?

A. pontoons comprise approximately 75% of the bridge, and these will float through the locks in a few weeks to be repurposed and reused by a purchaser. Only the east and west approaches – about 25% of the bridge being removed – need demolition.

Ecology contacted WSDOT concerning availability of locations for deconstruction operations. WSDOT advised Ecology that the contract with KGM placed the responsibility for determining the means and methods for these operations as well as where the work would take place. It is KGM’s responsibility to follow and meet all of the local/state/federal laws including environmental requirements. As long as KGM follows the required environmental rules and requirements for these work operations, they are permitted to complete this work on the lake.

Q. If there are legitimate concerns about the hazardous substances in dust emissions and runoff if the work was done onshore, then how have those concerns been eliminated and permitted for work done on barges in the middle of Lake Washington?

A. The conditions in the 401 Certification prohibit the unauthorized discharges of any, toxic or deleterious materials (including petroleum products, fresh concrete, lime or concrete, asbestos, and dioxin) into waters of the state. WSDOT has advised Ecology that there is no asbestos contained within the concrete being rubblelized. Testing has also shown that the concrete contains no actionable levels of heavy metals such as copper or arsenic. The only asbestos contained on the floating bridge is inside the pontoons which are not being rubblelized (they have been sold for repurposing and reuse) and the drawspan and accompanying tower which have been sold.

In addition, the 401 Certification requires an applicant to develop a Water Quality Monitoring & Protection Plan describing the method of work, the BMPs that will be used to protect water quality and a monitoring plan to ensure those practices are working.

A certain amount of rubbilizing concrete does occur on the barges at bridge demolition projects to initially break up the bridge into pieces. The standard process is to bring pieces of the bridge to shore to be further broken up (i.e. rubbilized, and hauled away). Rubbilizing of bridge materials can occur on barges, but the same methods and BMPs apply whether a contractor breaks up the concrete into larger or smaller pieces. Regardless of the methods employed, the certification requires everything placed on the barge, and all material and liquid generated from the demolition activity, be contained, brought to shore and taken off site for proper disposal and/or recycling depending on the material being disposed. **WSDOT and KGM are not authorized to discharge anything from the barges when doing this activity.**

To ensure compliance, the certification requires WSDOT to report any violations to Ecology within 24 hours and to follow up in five days with a written report. Ecology conducts inspections to verify compliance. Ecology has inspected the 520 construction site on several occasions, met with WSDOT and KGM to discuss bridge demolition twice, and have scheduled an inspection to look at the demolition work next week. Regarding monitoring, WSDOT and KGM are required to submit monthly monitoring reports. Failure to report data and/or falsifying data can result in civil and/or criminal penalties under the CWA.

Q. What state approvals are required for demolition work on barges, e.g., NPDES coverage and air emissions? Has there been any SEPA review of this proposal and reasonable alternatives?

A. WSDOT and KGM submitted a Water Quality Monitoring Protection Plan which was reviewed and approved by Ecology on March 28, 2012. As construction progresses and changes come on line, the plan is updated and submitted to Ecology for review and approval. This is common practice for CWA Certifications for large projects such as the 520 bridge. And again, for design/build projects in particular, various factors and circumstances are likely to change throughout the development of the project. The WSDOT/KGM Water Quality Monitoring and Protection Plan was updated to address demolition of the floating bridge and was updated again in response to the Kenmore/KGM settlement agreement, which changed KGM's plans from rubbilizing on land to instead have the rubbilization of bridge concrete material take place on barges which will be directly off-loaded to trucks in Kenmore. WSDOT subsequently updated work plans, which were approved by Ecology on May 27. Review of the plan updates has been coordinated between the two Ecology programs responsible for managing the SR 520 project under the Section 402 NPDES Construction Stormwater Permit and Section 401 CWA Certification.

Again, regardless of the methods employed, the CWA requires everything placed on the barge, and all material and liquid generated from the demolition activity, be contained, brought to shore and taken off site for proper disposal and/or recycling depending on the material being disposed. **WSDOT and KGM are not authorized to discharge anything from the barges when doing this activity.**

As noted earlier, there have been 11 NEPA/SEPA iterations; the first being completed May 2011. WSDOT completed its most recent NEPA/SEPA reevaluation on April 20, 2016. A Section 401 federal clean water permit is required from Ecology for over and/or in water work, and a Section 402 federal clean water permit is required from Ecology for discharges to public waters (e.g., wastewater, industrial, stormwater, etc.).

Q. What will Ecology do to reduce the concerns over barge stirring of dioxin contaminated sediments in the Kenmore channel, since the same, or a larger, number of barges would presumably still be brought to the KIP site?

A. Per previous description, KGM remains under Ecology order to control barge speeds to minimize stirring of sediments in Lake Washington and the Kenmore channel. From discussions with WSDOT, the number of barge movements to/from Kenmore will not change as a result of the Kenmore/KGM agreement.