



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3016713
Applicant Name: Josh Jensen
Address of Proposal: 7400 8th Ave. S.

SUMMARY OF PROPOSED ACTION

Land Use Application to install 1,300-linear-foot rail spur at existing marine terminal to connect existing Union Pacific Rail track to support future off-loading (removal) of contaminated waterway sediment. Review includes grading of 5,900 cubic yards of material (1,900 cubic yards cut; 4,000 fill). Determination of Non-Significance has been prepared by King County. *

The following approvals are required:

SEPA – to impose conditions (Chapter 25.05, Seattle Municipal Code.)

SEPA DETERMINATION: Exempt DNS * EIS
 DNS with conditions
 DNS involving non-exempt grading or demolition or involving another agency with jurisdiction.

BACKGROUND DATA

Site and Vicinity

The subject site is a total of 690,795 square feet and is located at 7400 8th Avenue South in Seattle. The portion of the site where the project will take place is zoned Industrial General-1 and is outside the Shoreline District. The remaining portion of the site adjacent to the project area is within the Shoreline District and is within the Urban Industrial (UI) shoreline environment, adjacent to the Duwamish Waterway. The southeastern corner of the property includes a portion of Slip 4. The northern part of the property is used by First Student, Inc., to schedule, stage and park school buses. The southern part of the property is used by Organic Fuel Processors, Inc., to receive, grind, and store wood, and by KRS Marine to load and unload cargo from barges. Approximately 97 percent of the site is impervious surface area.

* Determination of Non-Significance issued by King County (May 1, 2014).

Project Description

A property ownership transfer agreement was signed on April 22, 2014, between the former property owner, Crowley Marine Services (Crowley), and DeNovo. DeNovo is proposing rail maintenance and improvement activities at the subject site. The project includes the installation of a new rail spur to connect to the existing East Marginal Way rail line in support of sediment offloading and transfer activities. The proposed rail spurs will be constructed in an area that historically served for rail access on the property. No portion of this project involves development within the Shoreline District or structures requiring a building permit from DPD.

The proposed rail spur will extend approximately 1,300 feet along the eastern portion of the site from an existing Union Pacific Railroad (UPRR) line, splitting into three individual tracks approximately 400 feet from the existing UPRR line. The foundation of the proposed rail spur will consist of continuously welded steel rails that are either set on man-made ties or embedded in reinforced concrete slabs. The rails may be set on concrete ties and then encased with reinforced concrete or installed on precast concrete sections.

Proposed grading will require approximately 1,900 cubic yards (CY) of cut generated by removing the existing pavement and underlying imported fill material (approximately 0 to 3.5 feet below existing grade) within the footprint of the proposed rail spur to install reinforced concrete slabs and aggregate bedding for the rails. Additionally, grading of approximately 175 CY of existing pavement and imported fill material will occur in the upland portion of the site to accommodate an underground concrete electrical duct bank from the existing electric panel to the proposed rail to provide power to the motor operated rail switches. The total area of disturbance will be approximately 38,500 square feet (0.9 acre), all outside Shoreline District.

The reinforced concrete slab will be installed within the excavated area. The reinforced concrete slab thickness will be approximately 2 feet (totaling approximately 2,250 CY), placed atop a 1- to 2-foot-thick clean aggregate bedding layer (totaling approximately 1,750 CY), requiring approximately 4,000 CY of total fill. The footprint of the reinforced concrete slab is estimated to be approximately 15 to 45 feet wide (assuming the slab extends 5 feet on either side of the rails).

The proposed rail spur will be installed with a finished surface approximately 6 inches above the existing grade. After the proposed rail spur construction is finished in July 2014, the dredge sediments reload operation will commence. Barges will be received and moored in the barge berthing area adjacent to the existing pier in Slip No. 4 of the Lower Duwamish Waterway. The barges will be towed by independent operators under separate contract. All barge movement on the Duwamish Waterway will be conducted in accordance with Federal Navigation Regulations. It is anticipated that approximately 300- to 500-ton-capacity barges will be received at the facility.

Sediments will be offloaded from barges using a track-mounted barge offloader, over spill plates, and into prefabricated storage containers located adjacent to the barge berthing area. Operational equipment (wheeled loaders and excavators) will be mobilized from an upland storage area, located outside of the Shoreline District to the existing pier, in order to support sediment offloading operations, and will then be returned to the upland storage area when operations have ceased. Operational equipment will include a track-mounted Sennebogen 875 or equivalent material handler for offloading sediment from barges to pre-fabricated steel boxes located adjacent to the barge berthing areas.

The pre-fabricated steel boxes will facilitate transloading and dewatering of sediments by transferring the sediment from the steel boxes either to lined gondola rail cars on the proposed rail spur, or to a secondary containment area located outside the Shoreline District. The pre-fabricated steel boxes will be temporary, watertight containers that can be transported with container moving equipment and will be mobilized from the upland to the shoreline area during sediment offloading operations. The steel boxes will be loaded with sediment and then unloaded using front-end loaders either to the new rail spur or to the secondary containment area. All sediment handled at the site (either from the steel boxes or from the upland secondary containment area) will be placed into lined gondola rail cars for transport off-site for disposal at an approved landfill facility. The site will serve as a throughput facility, so offloaded sediment will not remain on-site for extended durations of time.

Dredge sediments offloaded into the pre-fabricated storage containers may be direct loaded into lined gondola rail cars if the water content of the sediments is adequate for transport. Sediment transportation requirements require that the gondola rail cars do not contain free liquids at the time they are loaded. Sediments too wet for direct loading will be amended with environmentally benign absorbent material either in the prefabricated storage containers or the secondary containment area until the material is within a satisfactory moisture content range for rail transport. The material used for amending wet sediments is anticipated to be cement kiln dust or other acceptable absorbent material.

Collection of decant water from the operations will occur in the barge, steel boxes, and secondary containment area. Stormwater runoff will also be collected from the operational area. Collected water will be pumped to portable detention/equalization tanks, put through an on-site portable temporary water pretreatment facility located outside of the Shoreline District, and discharged to the local Publicly Owned Treatment Works (POTW) via the existing sewer system, in compliance with a King County Wastewater Discharge Permit. The water pre-treatment facility is a typical best management practice (BMP) required by a King County Industrial Wastewater Discharge Permit for permit compliance.

Public Notice and Comment Period

Notice of the application was published on February 27, 2014. The required public comment period ended on March 12, 2014. No public comments were received.

SEPA ANALYSIS

A SEPA Checklist dated Feb. 11, 2014, was submitted to King County and is part of the project file for this application. On May 1, 2014, King County made a Determination of Non-Significance for the proposal. Project specific environmental impacts of the improvements have been disclosed and analyzed in the documents provided by King County, acting as Lead Agency. The Seattle SEPA Ordinance provides substantive authority to require mitigation of adverse environmental impacts resulting from a proposed project (SMC 25.05.655 and 25.05.660). Mitigation, when required, must be related to specific environmental impacts identified in an environmental document and may only be imposed to the extent that a given impact is attributable to a proposal, and to the extent that the mitigation is reasonable and capable of being accomplished. Additionally, mitigation may be imposed only when based on policies, plans and regulations referenced in SMC 25.05.665 to SMC 25.05.675 inclusive (SEPA Overview Policy, SEPA Cumulative Impacts Policy, SEPA Specific Environmental Policies). In some instances, local, state or federal regulatory requirements will provide sufficient mitigation of an impact and additional mitigation imposed through SEPA may not be necessary.

Short-term Impacts

Grading and filling activities pose some potential danger of contamination of groundwater and surface water at and adjacent to this site. The proposed project at this site is within the boundaries of Model Toxics Control Act site regulated by Washington Department of Ecology. Pursuant to an Agreed Order, Ecology is working with the applicant to determine an appropriate sampling plan to be conducted in the area where excavation will occur for the rail line prior to conducting certain grading activities. Through coordination with Ecology under the Agreed Order, material found to be contaminated will be disposed of at an appropriate off-site disposal facility. During construction, stormwater within the active construction area will be prevented from entering nearby surface waters, per the Construction Stormwater Control Plan. In addition, A Spill Prevention, Control, and Countermeasures Plan (SPCC) will be implemented to prevent, prepare for, and respond to any incidental spills that may occur during the project. Erosion control measures will be addressed in a Temporary Erosion and Sediment Control (TESC) Plan prepared by the contractor and adhered to during construction.

City codes and/or ordinances apply to the proposal and will provide mitigation for some of the identified impacts in the submitted environmental documents. Specifically, these are: 1) Street Use Ordinance (watering streets to suppress dust, obstruction of the pedestrian right-of-way during construction, construction along the street right-of-way, and sidewalk repair); 2) Building Code (construction measures in general, including best management practices to address potential runoff of surface water and sediment to the Duwamish during construction); and 3) the Stormwater Code and Grading Code place considerable emphasis on protecting water quality. This generally takes the form of best management practices being required on building permits.

Compliance with these applicable codes and ordinances and BMPs will be adequate to achieve sufficient mitigation and further mitigation by imposing specific conditions is not necessary for these impacts. The other short-term impacts not noted here as mitigated by codes, ordinances or conditions (e.g., increased traffic during construction, additional parking demand generated by construction personnel and equipment, increased use of energy and natural resources) are not sufficiently adverse to warrant further mitigation or discussion.

Greenhouse Gas

Construction activities including construction worker commutes, truck trips, the operation of construction equipment and machinery; and the movement of vehicles — themselves result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the increased contribution of greenhouse gas emissions from this project.

Long-term Impacts

Long term or use-related impacts are also anticipated as a result of this proposal, including: increased bulk and scale on the site; increased traffic and railroad activity in the area and increased demand for parking; increased demand for public services and utilities; and increased noise, light and glare. While these impacts are adverse, they are not expected to be significant and do not warrant further mitigation or discussion.

The project also will result in an increased risk of contamination of soil, surface and ground water, due to the handling and storage of contaminated sediments. Stormwater generated within areas of

operation for the facility will be collected, pumped to portable detention/equalization tanks, put through an on-site portable water pre-treatment facility and then discharged to the local sewer system in compliance with a King County Industrial Wastewater Discharge Permit for the project, per the Drainage Control Plan. In addition, spill prevention measures will be employed as well as other operational BMPs, described in application and the SPCC, to address the risk of contamination due to incidental spills. Prior to operation of the facility, the applicant will obtain a "Piles Used for Storage or Treatment Permit" from King County. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment.

Operational activities, primarily vehicular and railcar trips associated with the project and the projects' energy consumption, are expected to result in increases in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are adverse, they are not expected to be significant due to the relatively minor contribution of greenhouse gas emissions from this project.

No further conditioning or mitigation is warranted pursuant to specific environmental policies or the SEPA Overview Policy (SMC 25.05.665).

DECISION - SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030 (2)(C).

SEPA Conditions

None.

Signature: (signature on file) Date: June 9, 2014
Ben Perkowski, Land Use Planner
Department of Planning and Development