



Response to Comments

Interim Action Work Plan and State Environmental Policy Act (SEPA) Determination

North Boeing Field Georgetown Steam Plant Cleanup Site Seattle, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

March 2023

Publication Information

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- Clean-up site ID: 4765
- Facility site ID: 2050

Contact Information

Toxics Cleanup Program

Ian Fawley
Outreach Planner
425-324-5901, Ian.Fawley@ecy.wa.gov
913 Squalicum Way, Unit 101
Bellingham, WA 98225

Julia Schwarz
Site Manager
425-515-5992, Julia.Schwarz@ecy.wa.gov
PO Box 330316
Shoreline, WA 98133-9716

Website¹: [Washington State Department of Ecology](http://www.ecology.wa.gov)

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¹ www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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DEPARTMENT OF
ECOLOGY
State of Washington

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Public Outreach Summary

Ecology invited public review a draft Interim Action Work Plan for the North Boeing Field-Georgetown Steam Plant Cleanup Site (Site).

The City of Seattle plans to develop a portion of the Georgetown Steam Plant property into an off-leash pet area and pedestrian path. This project, referred to here as the Georgetown Flume Dog Park Project Area, is located east of 1001 S. Myrtle St between Myrtle St and East Marginal Way. The City of Seattle is conducting this Interim Action under a 2008 legal agreement (Agreed Order) with Ecology.

Ecology invited input on the following documents:

- **Interim Action Work Plan:** This work plan describes the cleanup of contaminated soils on the Dog Park Project Area.
- **State Environmental Policy Act (SEPA) Determination of Non-Significance:** This is the Ecology determination that the cleanup work is not likely to harm the environment.

Ecology's public involvement activities related to this 45-day comment period (November 7 – December 21, 2022) included:

- **Fact Sheet:**
 - US mail distribution of a fact sheet providing information about the documents, the public comment period, online public meeting to approximately 3,500 addresses including neighboring businesses and other interested parties.
 - Email distribution of the fact sheet to 50 people, including interested individuals, local/county/state/federal agencies, neighborhood associations, and interested community groups.
 - The fact sheet was also available digitally through Ecology's [cleanup site webpage](#)².
- **Legal Notice:**
 - Publication of one paid display ad in *The Seattle Times*, dated Friday, November 4, 2022.
- **Site Register:**
 - Publication of 5 notices in Ecology's Toxics Cleanup Site Register:
 - Comment Period Notice:
 - November 3, 2022
 - November 17, 2022
 - December 1, 2022
 - December 15, 2022
 - Response Summary Notice:
 - April 6, 2023

² <https://apps.ecology.wa.gov/cleanupsearch/site/4765>

- Visit [Ecology's Site Register website](#)³ to download PDFs.
- **Media Notification:**
 - Ecology sent a media notice on Monday, November 7, 2022, to Seattle area media outlets.
- **GovDelivery Email System Notifications:**
 - Monday, October 17, 2022: Ecology included outreach information and links for the comment period and public meeting as well as a blog story about two LDW site comment periods in Ecology's October Duwamish River Update which has over 730 email subscribers.
 - Thursday, November 3, 2022: Ecology sent a notice to a list of approximately 30 community groups and organizations with outreach information and links for the comment period and public meeting as well as a blog story about two LDW site comment periods.
- **Email Notifications:**
 - Thursday, November 3, 2022: Ecology sent a notice to internal and external staff involved with cleanup site.
 - Thursday, November 3, 2022: Ecology sent a notice to SEPA review agencies for the SEPA Determination of Non-Significance.
- **Social Media:**
 - **Blog:** On Monday, October 17, 2021, Ecology's Northwest Regional Office posted a story about two LDW site comment periods on [Ecology's blog](#)⁴, which has approximately 1,200 email subscribers.
 - **Twitter:** Ecology – Northwest Region @ecyseattle posted a [tweet](#)⁵ on Monday, November 7, 2022 connecting readers to the comment period including the cleanup site webpage.
- **Online Public Meeting**
 - Ecology hosted an [online public meeting](#)⁶ Wednesday, November 9, 2022 at 6:30 p.m. through the Zoom meeting application. Interpretation was available in Spanish, Chinese, Vietnamese, and Khmer. Ecology and City of Seattle staff presented details on the cleanup site, interim action, the review documents, future land use, and then answered questions.

³<https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter>

⁴ <https://ecology.wa.gov/Blog/Posts/October-2022/Cleaning-up-Two-Lower-Duwamish-sites-move-forward>

⁵ <https://twitter.com/ecyseattle/status/1589655931780202496>

⁶ <https://apps.ecology.wa.gov/cleanupsearch/document/117905>

- **Websites:**
 - Ecology announced the public comment period, Ecology’s public meeting, posted the fact sheet (including translations in Spanish, Chinese, Vietnamese, and Khmer), and made the review documents available on Ecology’s [North Boeing Field Georgetown Steam Plant webpage](#)⁷ and Ecology’s [Public Inputs & Events webpage](#)⁸
- **Document Repositories:**
 - Copies of the review documents and fact sheets (including translations) were available for review at Seattle Public Library’s South Park Branch.
 - Outreach materials also directed the public to contact Ian Fawley, Outreach Planner, for document review assistance.

Comment Summary

From November 7 – December 21, 2022, Ecology invited public comments on an interim action work plan and SEPA determination for the Georgetown Flume Dog Park Project Area on the North Boeing Field Georgetown Steam Plant site.

Ecology received comments from three commenters during the 45-day comment period.

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Jamie	Hearn	Duwamish River Community Coalition	Organization
2	Rosario-Maria	Medina	Georgetown Open Space Committee	Organization
3	Anonymous			

Next Steps

Ecology has reviewed and considered the public comments received on the documents. No changes are necessary to the interim action work plan and it is being finalized. The City of Seattle will proceed with the Interim Action.

Ecology has also reviewed and considered the comments regarding public outreach (see full responses in first comment below) and has also responded to a previous Lower Duwamish

⁷ <https://apps.ecology.wa.gov/cleanupsearch/site/4765>

⁸ <https://ecology.wa.gov/Events/Search/Listing>

Waterway (LDW) site comment period referenced for the Independent Metals Plant 2 site. To access the Independent Metals Plant 2 Response to Comments, please visit: <https://apps.ecology.wa.gov/cleanupsearch/site/12300>

Ecology is committed to making several changes for Lower Duwamish Waterway (LDW) sites that will help the public review technical documents:

- For public comment periods, particularly those with lengthy primary documents, Ecology will strive to upload the main document separately from the appendices, and link to the main document only instead of the full-length document with appendices. The whole document will still be available via the website but separated for easier reviewing. This will allow the public to view the most important sections first, and focus their review on a smaller, more manageable sized document.
- For documents that generally include an Executive Summary (such as a remedial investigation), in addition to the separate document uploading, Ecology will separately upload and link to the Executive Summary to provide a shorter version of the longer document. This document serves as a general summary of the document, but provides more detail than a fact sheet.

The North Boeing Field Georgetown Steam Plant is continuing the cleanup process for the site overall. Ecology will make the future Remedial Investigation, Feasibility Study, and Cleanup Action Plan available for public review and comment.

See graphic below and visit Ecology’s [cleanup process webpage](#)⁹ to learn more about Washington’s formal cleanup process.

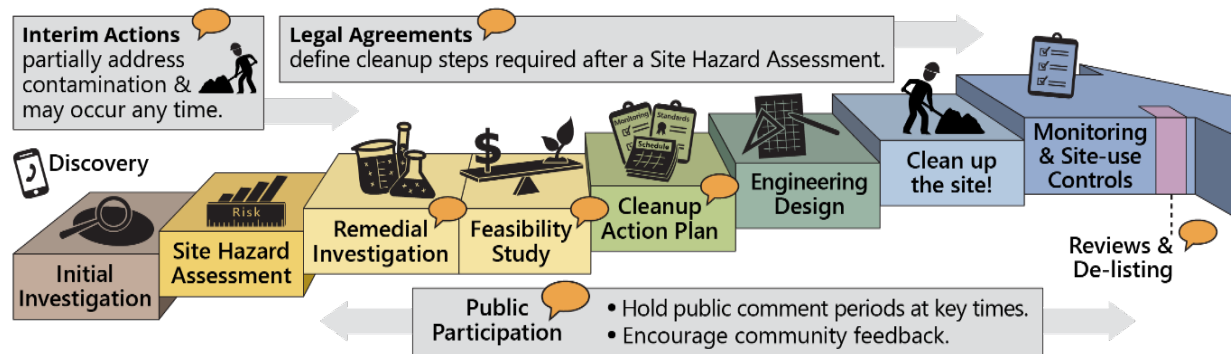


Figure 1: Washington's formal cleanup process ([download a text explanation](#)¹⁰)

⁹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

¹⁰ <https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html>

Comments and Responses

The public comments are presented below, along with Ecology’s responses. Appendix A, page 20, contains the comments in their original format.

Comment from: Jamie Hearn (Duwamish River Community Coalition)

[See original formatted comment letter attachment in Appendix A. The comment below has been divided into comment sections to better organize responses.]

Comment Section 1



Elevating the voices of those impacted by the Duwamish River pollution and other environmental injustices to advocate for a clean, healthy, and equitable environment for people and wildlife. Promoting place-keeping and prioritizing community capacity and resilience.

December 19, 2022

Department of Ecology

LDW@ecy.wa.gov

RE: North Boeing Field Georgetown Steam Plant Interim Action Work Plan and Broader Environmental Justice Concerns

To Whom it May Concern:

Thank you for providing the opportunity to comment on the North Boeing Field Georgetown Steam Plant site. As we have expressed before, communities should be meaningfully engaged in decisions that will most heavily impact them. As a community steward, we are committed to keeping our community informed and ensuring that they access information in a way that allows them to provide their input.

We want to recognize that overall, the documents released for public review are thorough and well done. With the exception of a few comments that we submit for your consideration, we are satisfied that these documents sufficiently meet MTCA requirements. We believe that this interim clean up will greatly serve our community and look forward to seeing the ways that it is carried out moving forward. [...]

Response Section 1

Thank you for your comment.

Comment Section 2

[...] Further, while we understand that the Toxics Cleanup Program is coordinating with the greater Ecology team to address some environmental justice concerns we brought up in our Independent Metals 2 comment letter from November 16, 2022, we believe it is important to reiterate how crucial public involvement is in environmental justice communities and how all Ecology documents must consider environmental justice implications in order to better serve our communities and comply with the HEAL Act. We believe that an Enhanced Community Engagement Process needs to be developed for all environmental justice communities to meaningfully accomplish the HEAL Act. This letter addresses some issues that concern us about both the North Boeing Field Georgetown Steam Plant public meeting and document, but we believe that it has relevance to all MTCA documents released for public comment and all public meetings in environmental justice communities. [...]

Response Section 2

Thank you for providing the context of this North Boeing Field Georgetown Steam Plant comment in consideration of your Independent Metals Plant 2 comment. To access the Independent Metals Plant 2 Response to Comments, please visit:

<https://apps.ecology.wa.gov/cleanupsearch/site/12300>

To learn more about Ecology's progress on implementing the HEAL Act visit

<https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice/HEAL> and read the attached report in **Appendix B** "Implementing Washington's Environmental Justice Law (Chapter 70A.02 RCW); Summary of Progress and Implementation Goals."

Comment Section 3

- I. ECOLOGY SHOULD DEVELOP COMMUNITY ENGAGEMENT STRATEGIES WHEN SAFETY MECHANISMS ARE DEVELOPED.

When Ecology creates strategies related to community safety, there should be an opportunity for community input. In an overburdened community like Georgetown that is in close proximity to significant forms of air pollution such as industries, airports and highways, changes in traffic have greater impacts than it would in other parts of the city. Soil storage could also have similarly greater impacts in a community like Georgetown, whose residents are also facing the health consequences of living near so many contaminated areas.

Community members could offer valuable information related to site security and traffic control and should be informed about whether different options are being considered. Plans for traffic, dust and noise control, and transport of excavated soil will have a direct impact on community safety and Ecology should develop a way to engage communities, particularly environmental justice communities, on these aspects of work plans. [...]

Response Section 3

Thank you as well for this comment regarding community safety during a cleanup.

The community is always welcome to provide input through our public comment periods and express any concerns of safety with regards to the site cleanup.

Section 4 of the interim action work plan addresses how the construction phase of the project will deal with traffic, dust, and noise control. As part of the contractor's scope of work for the project, the contractor will develop a detailed site security and traffic control plan. The interim action work plan provides the initial details that must be included in the contractor's plan, including traffic control to maintain safe passage for pedestrians, bikes, and vehicles; a truck haul route that prioritizes hauling on arterial streets and limits impacts to the residential neighborhood; and gates and fencing for the construction area. For dust, engineering controls such as wetting soil, covering exposed soil, and street sweeping will be used during construction to limit the amount of dust generated. These practices will be employed to meet Puget Sound Clean Air Agency requirements. For noise control, work will only be performed during City of Seattle allowed hours to minimize disruption to the neighborhood.

Ecology will work with the City of Seattle, and other local and regional agencies, to provide any needed community safety notices.

Comment Section 4

II. ECOLOGY SHOULD ACKNOWLEDGE CUMULATIVE HEALTH IMPACTS IN ALL MTCA DOCUMENTS IN ENVIRONMENTAL JUSTICE COMMUNITIES.

It is incredibly important for Ecology to be considering the unique needs of an environmental justice community at all stages of cleanup. This consideration should then be reflected in all planning documents used for the site. One way for Ecology to recognize the unique needs of environmental justice communities like Georgetown is to acknowledge that these communities are exposed to multiple contaminants throughout their community, which creates additive risks. Acknowledging this will validate the lived experience of community members and show the ways that Ecology is factoring in the ways that a cleanup like the one at the North Boeing Field Georgetown Steam Plant should be more restrictive than cleanups in more affluent areas of Seattle. [...]

Response Section 4

Thank you for your feedback regarding the cumulative health impacts in the Georgetown community.

Ecology acknowledges that the Georgetown community, and the Duwamish's environmental justice community overall, is burdened with the cumulative health impacts of contamination being present in your community.

The goal of Washington State's Model Toxics Control Act (MTCA) is to "[...] accomplish effective and expeditious cleanups in a manner that protects human health and the environment. [...]" The aim of the MTCA cleanup process is to lessen those cumulative health impacts for all Washington State communities. To learn more about MTCA visit <http://www.ecology.wa.gov/mtca>.

Integration of cumulative health impacts throughout Ecology's cleanup documents will be a part of the implementation of the Health Environment for All (HEAL) Act.

To learn more about Ecology's progress on implementing the HEAL Act visit <https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice/HEAL> and read the attached report in **Appendix B** "Implementing Washington's Environmental Justice Law (Chapter 70A.02 RCW); Summary of Progress and Implementation Goals."

Comment Section 5

III. ECOLOGY SHOULD INCLUDE SUBSTANTIVE REVIEWS OF TECHNICAL DOCUMENTS AT PUBLIC MEETINGS.

Finally, Ecology should also conduct a more substantive explanation of the documents in these presentations. The majority of the public does not have the time to review them, and many of them are lengthy and technical. While an overview of the MTCA process is helpful, it can become repetitive when similar content is being shared at different public meetings for

different sites. Many of the documents that Ecology asks for public comment on are extremely long and difficult to understand. For example, for this particular site, the Interim Action Work Plan was 677 pages with technical maps, tables, and appendices that make this document inaccessible to the vast majority of the general public.

Combined with the aforementioned burden of having multiple public comment sites ongoing in the Duwamish Valley, Ecology should do a better job of taking more ownership of their role in creating an equitable process by presenting on the content of the documents they are seeking comment on. This would bring more people into the process who previously lacked the time and resources to do their own review and help remedy the power balance that exists between a state agency and an overburdened community. [...]

Response Section 5

Thank you for your input on the type of information that is useful in a public meeting. We will consider this comment when preparing for upcoming public comment periods.

As you noted in your comments, this work plan with appendices is very long. Without the appendices, the work plan is a total of 68 pages long (40 pages of text, 28 pages of figures and tables). The reason for providing the appendices is transparency – the appendices provide the backup for the information in the main text, such as providing copies of the analytical laboratory reports. However, the appendices are not necessary to review to understand the primary document. With regards to providing a separate document that is a substantive review of the original, Ecology is committed to making several changes for Lower Duwamish Waterway (LDW) sites that will help the public review these technical documents:

- For public comment periods, particularly those with lengthy primary documents, Ecology will strive to upload the main document separately from the appendices, and link to the main document only instead of the full-length document with appendices. The whole document will still be available via the website but separated for easier reviewing. This will allow the public to view the most important sections first, and focus their review on a smaller, more manageable sized document.
- For documents that generally include an Executive Summary (such as a remedial investigation), in addition to the separate document uploading, Ecology will separately upload and link to the Executive Summary to provide a shorter version of the longer document. This document serves as a general summary of the document, but provides more detail than a fact sheet.

Comment Section 6

IV. ECOLOGY SHOULD DEVELOP ENHANCED COMMUNITY ENGAGEMENT PRACTICES.

When there are several sites to be commented on in a single community, an Enhanced Community Engagement Process should be implemented. One component of this should include a way to combine multiple sites so that community members do not need to attend several different meetings that repeat the same general information about the MTCA process.

Then, there should be time in the combined meeting to go over the documents that are being reviewed for public comment. This could be done with breakout sessions.

As a part of an Enhanced Community Engagement Process, Ecology should also invite local community organizations to co-present. This would raise attendance and let people present who have a standing relationship with the community and experience communicating technical information to the general public. Community organizations could also talk about how to do public comment at these meetings. Many groups have insight into what could make the public comment more accessible, and what information community needs to be able to feel more comfortable participating in these processes. Having a review of this information at Ecology meetings would serve as a helpful way to remind people about what they should include in their comment and how to navigate the site to submit their comment. This will be particularly useful in environmental justice communities where many people do not speak English as their primary language.

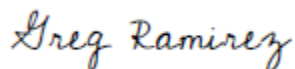
The Washington Department of Ecology should also provide opportunities for local community based organizations to review presentations beforehand to make content suggestions. This could give Ecology a better understanding of what community is interested in learning about and what topics would use editing for clarity.

In summary, we believe that the Department of Ecology should (1) develop community engagement strategies when safety mechanisms are developed, (2) acknowledge cumulative health impacts in all MTCA documents in environmental justice communities, (3) include substantive review of technical documents at public meetings, and (4) develop enhanced community engagement practices.

We appreciate this opportunity to provide comments. Please do not hesitate to contact us if you have any questions.



Jamie Hearn
Superfund Program Manager
Duwamish River Community
Coalition



Greg Ramirez
Board Chair
Georgetown Community Council

Response Section 6

Thank you for your input regarding public meetings and presentations.

Ecology will explore the appropriate event for combining multiple LDW sites. Ecology's best practice for scheduling LDW site comment periods is to avoid scheduling overlapping comment periods, while still considering construction schedules. This avoidance of overlapping comment period schedules would then remove the ability to combine sites for public meetings.

However, we will consider combining updates for multiple sites during other outreach events like open houses. Events like open houses would also be a good opportunity to integrate other community organizations for additional education like how to submit public comments, as you suggested.

Thank you for your presentation review comment. Ecology makes our presentations available as soon as we are able. Organizations are welcome to review and submit comments or reach out to Ecology to pass along feedback before the public meeting so that our presentation team is better prepared to answer questions. Our presentations will focus on site information and the review documents to fulfill MTCA's public participation requirements, but the community is welcome to ask other questions after we address the site-specific questions.

Comment from: Rosario-Maria Medina (Georgetown Open Space Committee)

Dear Julia Schwarz, Department of Ecology State of Washington,

Thank you for providing this opportunity for the community to give opinions and thoughts about cleanup site North Boeing Field Georgetown Steam Plant, Seattle also known as the Georgetown Flume and Off Leash Area. Located east of 1001 S. Myrtle St between Myrtle St and East Marginal Way.

We commend Ecology for making great efforts in engaging the community and providing notice to the Georgetown Open Space Committee in early September about the Flume Comment period occurring from November 7th to December 21st, joining the Georgetown Open Space Meeting Committee meeting on the 24th of October and for hosting a virtual meeting on November 9th to explain the process and answer community concerns and questions.

Based on the Ecology Interim Action plan 11/23 soil samples showed PCBs were not found but 48%, over half found were detected positive for PCBs. 4/40 tests showed cPAHs were undetected, 10%. Declaring 90% of the samples did find cPAHs. When it comes to the many toxins found, we as an environmental justice community find it unclear and inconsistent that these compounds have not been systematically studied as we get conflicting information. Leaving an unknown risk and exposure level. Risks that the public do not know how to calculate.

As Parks and public areas are required to be cleaned thoroughly and at the highest level as a residence, we ask Ecology to go above and beyond those set standards. Many of these toxins combined are very dangerous to the public.

We encourage Ecology and Seattle City Light to ensure the contaminants are cleaned up for the safety of people and pets. We agree with Ecology's action plans to remove the contaminants that are on the top soil.

Moving forward, we hope Ecology can implement a standard on site public notice for all toxic and cleanup sites by installing large notice signs. On site notice with MTCA # and risk rating (1 to 5) would be helpful. This will limit exposure.

We understand none of the MTCA sites are marked with signage and that it's not required. We hope this can change by spreading awareness and education.

Many people were unaware the North Boeing Field Georgetown Steam Plant/ Georgetown Flume and Off Leash Area had PCBs and cPAHS below the top layer.

We understand Ecology has a process of notifying the public through media releases, website and listserves and other community engagement notice tactics but people are unaware when they step foot on a site filled with toxic chemicals and are unaware they are being exposed.

Thank you again for engaging with our community and allowing us to provide feedback.

The Georgetown Open Space Committee

Georgetownopenspace@gmail.com

Response

Thank you for providing your comments on the Georgetown Flume dog park interim action.

PCBs and cPAHs are currently present in soil at the dog park interim action area, and will be removed as part of this interim action. The interim action screening levels are used for making a decision about what soil must be removed from the project area. These interim action screening levels for PCBs and cPAHs are set at the MTCA Method B cleanup levels for direct contact, which accounts for direct contact of humans and terrestrial ecological acceptors/wildlife to the soil and no restrictions on the use of the land (unrestricted land use). Unrestricted is the most protective land use that is used to calculate cleanup levels under the Model Toxics Control Act, and these levels are based on our best understanding of the science and risks of these chemicals known at this time. These cleanup levels also consider the cumulative effect of having multiple contaminants at the property, including PCBs, cPAHs, and arsenic. Soil concentrations that remain in the dog park area after this interim action will be below these levels, and should not pose an unacceptable risk to users of the park. As you noted in your comment, the top 1-2 feet of soil will be removed and replaced with clean soil.

For the dog park site, there is currently a sign at the edge of the park that explains the proposed project. As of now, it is not a requirement under MTCA that all sites be marked with signage, though it is something that we can consider for future rule revisions. We can also encourage property owners to voluntarily increase signage, especially for public entities or easily accessible properties such as rights-of-way or properties that are publicly owned.

Comment from: Anonymous

I'm a resident of South Park. I understand that Ecology plans to turn some of the steam plant area into a dog park and pedestrian path. My biggest concern with this would be the presence of toxic chemicals. The area does have a past history with the EPA cleaning up the river and not doing what they said they would. So it makes me dubious that the steam plant area where the flume is to be cleaned up to safe standards for the public to be around. PCB's and CPAH's are dangerous to the public and Ecology can't cut corners when it comes to cleaning of toxins.

Response

Thank you for your comment and your concern regarding the PCBs and cPAHs at the dog park and pedestrian pathway. The interim action screening levels for the dog park interim action area for PCBs and cPAHs are set at the MTCA Method B cleanup levels for direct contact, which accounts for direct contact of humans and terrestrial ecological acceptors/wildlife to the soil and no restrictions on the use of the land. It also considers cumulative effects from the contaminants at the property. Soil concentrations that remain in the dog park area after this interim action will be below these levels. Additionally, the 1-2 feet of fill will be clean, imported soil. This cleanup will be conducted as an interim action under the existing agreed order, so Ecology will be able to confirm that the PLP cleans up the area soils to the interim action screening levels.

We appreciate your concerns about making sure the area is cleaned up to safe standards.

Appendices

Appendix A. Public comments in original format

Appendix B. “Implementing Washington’s Environmental Just Law (Chapter 70A.02 RCW)
Summary of Progress and Implementation Goals”

Appendix A. Public comments in original format



Elevating the voices of those impacted by the Duwamish River pollution and other environmental injustices to advocate for a clean, healthy, and equitable environment for people and wildlife. Promoting place-keeping and prioritizing community capacity and resilience.

December 19, 2022

Department of Ecology

LDW@ecy.wa.gov

RE: North Boeing Field Georgetown Steam Plant Interim Action Work Plan and Broader Environmental Justice Concerns

To Whom it May Concern:

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We want to recognize that overall, the documents released for public review are thorough and well done. With the exception of a few comments that we submit for your consideration, we are satisfied that these documents sufficiently meet MTCA requirements. We believe that this interim clean up will greatly serve our community and look forward to seeing the ways that it is carried out moving forward.

Further, while we understand that the Toxics Cleanup Program is coordinating with the greater Ecology team to address some environmental justice concerns we brought up in our Independent Metals 2 comment letter from November 16, 2022, we believe it is important to reiterate how crucial public involvement is in environmental justice communities and how all Ecology documents must consider environmental justice implications in order to better serve our communities and comply with the HEAL Act. We believe that an Enhanced Community Engagement Process needs to be developed for all environmental justice communities to meaningfully accomplish the HEAL Act. This letter addresses some issues that concern us about both the North Boeing Field Georgetown Steam Plant public meeting and document, but we believe that it has relevance to all MTCA documents released for public comment and all public meetings in environmental justice communities.

I. ECOLOGY SHOULD DEVELOP COMMUNITY ENGAGEMENT STRATEGIES WHEN SAFETY MECHANISMS ARE DEVELOPED.

When Ecology creates strategies related to community safety, there should be an opportunity for community input. In an overburdened community like Georgetown that is in close proximity to significant forms of air pollution such as industries, airports and highways, changes in traffic have greater impacts than it would in other parts of the city. Soil storage could also have similarly greater impacts in a community like Georgetown, whose residents are also facing the health consequences of living near so many contaminated areas.

Community members could offer valuable information related to site security and traffic control and should be informed about whether different options are being considered. Plans for traffic, dust and noise control, and transport of excavated soil will have a direct impact on community safety and Ecology should develop a way to engage communities, particularly environmental justice communities, on these aspects of work plans.

II. ECOLOGY SHOULD ACKNOWLEDGE CUMULATIVE HEALTH IMPACTS IN ALL MTCA DOCUMENTS IN ENVIRONMENTAL JUSTICE COMMUNITIES.

It is incredibly important for Ecology to be considering the unique needs of an environmental justice community at all stages of cleanup. This consideration should then be reflected in all planning documents used for the site. One way for Ecology to recognize the unique needs of environmental justice communities like Georgetown is to acknowledge that these communities are exposed to multiple contaminants throughout their community, which creates additive risks. Acknowledging this will validate the lived experience of community members and show the ways that Ecology is factoring in the ways that a cleanup like the one at the North Boeing Field Georgetown Steam Plant should be more restrictive than cleanups in more affluent areas of Seattle.

III. ECOLOGY SHOULD INCLUDE SUBSTANTIVE REVIEWS OF TECHNICAL DOCUMENTS AT PUBLIC MEETINGS.

Finally, Ecology should also conduct a more substantive explanation of the documents in these presentations. The majority of the public does not have the time to review them, and many of them are lengthy and technical. While an overview of the MTCA process is helpful, it can become repetitive when similar content is being shared at different public meetings for different sites. Many of the documents that Ecology asks for public comment on are extremely long and difficult to understand. For example, for this particular site, the Interim Action Work Plan was 677 pages with technical maps, tables, and appendices that make this document inaccessible to the vast majority of the general public.

Combined with the aforementioned burden of having multiple public comment sites ongoing in the Duwamish Valley, Ecology should do a better job of taking more ownership of their role in creating an equitable process by presenting on the content of the documents they are seeking comment on. This would bring more people into the process who previously lacked the time and resources to do their own review and help remedy the power balance that exists between a state agency and an overburdened community.

IV. ECOLOGY SHOULD DEVELOP ENHANCED COMMUNITY ENGAGEMENT PRACTICES.

When there are several sites to be commented on in a single community, an Enhanced Community Engagement Process should be implemented. One component of this should include a way to combine multiple sites so that community members do not need to attend several different meetings that repeat the same general information about the MTCA process. Then, there should be time in the combined meeting to go over the documents that are being reviewed for public comment. This could be done with breakout sessions.

As a part of an Enhanced Community Engagement Process, Ecology should also invite local community organizations to co-present. This would raise attendance and let people present who have a standing relationship with the community and experience communicating technical information to the general public. Community organizations could also talk about how to do public comment at these meetings. Many groups have insight into what could make the public comment more accessible, and what information community needs to be able to feel more comfortable participating in these processes. Having a review of this information at Ecology meetings would serve as a helpful way to remind people about what they should include in their comment and how to navigate the site to submit their comment. This will be particularly useful in environmental justice communities where many people do not speak English as their primary language.

The Washington Department of Ecology should also provide opportunities for local community based organizations to review presentations beforehand to make content suggestions. This could give Ecology a better understanding of what community is interested in learning about and what topics would use editing for clarity.

In summary, we believe that the Department of Ecology should (1) develop community engagement strategies when safety mechanisms are developed, (2) acknowledge cumulative health impacts in all MTCA documents in environmental justice communities, (3) include substantive review of technical documents at public meetings, and (4) develop enhanced community engagement practices.

We appreciate this opportunity to provide comments. Please do not hesitate to contact us if you have any questions.



Jamie Hearn
Superfund Program Manager
Duwamish River Community Coalition



Greg Ramirez
Board Chair
Georgetown Community Council



7400 3rd Ave S. contact@DRCC.org
Seattle, WA 98108 www.DRCC.org
206.251.2038 @DRCC_

Rosario-Maria Medina

Dear Julia Schwarz, Department of Ecology State of Washington,

Thank you for providing this opportunity for the community to give opinions and thoughts about cleanup site North Boeing Field Georgetown Steam Plant, Seattle also known as the Georgetown Flume and Off Leash Area. Located east of 1001 S. Myrtle St between Myrtle St and East Marginal Way.

We commend Ecology for making great efforts in engaging the community and providing notice to the Georgetown Open Space Committee in early September about the Flume Comment period occurring from November 7th to December 21st, joining the Georgetown Open Space Meeting Committee meeting on the 24th of October and for hosting a virtual meeting on November 9th to explain the process and answer community concerns and questions.

Based on the Ecology Interim Action plan 11/23 soil samples showed PCBs were not found but 48%, over half found were detected positive for PCBs. 4/40 tests showed cPAHs were undetected, 10%. Declaring 90% of the samples did find cPAHs. When it comes to the many toxins found, we as an environmental justice community find it unclear and inconsistent that these compounds have not been systematically studied as we get conflicting information. Leaving an unknown risk and exposure level. Risks that the public do not know how to calculate.

As Parks and public areas are required to be cleaned thoroughly and at the highest level as a residence, we ask Ecology to go above and beyond those set standards. Many of these toxins combined are very dangerous to the public.

We encourage Ecology and Seattle City Light to ensure the contaminants are cleaned up for the safety of people and pets. We agree with Ecologys action plans to remove the contaminants that are on the top soil.

Moving forward, we hope Ecology can implement a standard on site public notice for all toxic and cleanup sites by installing large notice signs. On site notice with MTCA # and risk rating (1 to 5) would be helpful. This will limit exposure.

We understand none of the MTCA sites are marked with signage and that it's not required. We hope this can change by spreading awareness and education.

Many people were unaware the North Boeing Field Georgetown Steam Plant/ Georgetown Flume and Off Leash Area had PCBs and cPAHS below the top layer.

We understand Ecology has a process of notifying the public through media releases, website and listserves and other community engagement notice tactics but people are unaware when they step foot on a site filled with toxic chemicals and are unaware they are being exposed.

Thank you again for engaging with our community and allowing us to provide feedback.

The Georgetown Open Space Committee
Georgetownopenspace@gmail.com

Anonymous Anonymous

I'm a resident of South Park. I understand that Ecology plans to turn some of the steam plant area into a dog park and pedestrian path. My biggest concern with this would be the presence of toxic chemicals. The area does have a past history with the EPA cleaning up the river and not doing what they said they would. So it makes me dubious that the steam plant area where the flume is to be cleaned up to safe standards for the public to be around. PCB's and CPAH's are dangerous to the public and Ecology can't cut corners when it comes to cleaning of toxins.

Appendix B. “Implementing Washington’s Environmental Just Law (Chapter 70A.02 RCW)
Summary of Progress and Implementation Goals”



Implementing Washington's Environmental Justice Law (Chapter 70A.02 RCW):

Summary of Progress and Implementation Goals

Washington State Department of Ecology

Olympia, Washington

DECEMBER 2022, Publication 23-01-001

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Contact Information

Office of Equity and Environmental Justice

Courtney Cecale, Ph.D.

courtney.cecale@ecy.wa.gov

Senior Environmental Justice Policy Advisor

Headquarters Office

P.O. Box 47600

Olympia, WA 98504-7600

Phone: 360-480-6270

Website¹: [Washington State Department of Ecology](http://www.ecology.wa.gov)

ADA Accessibility

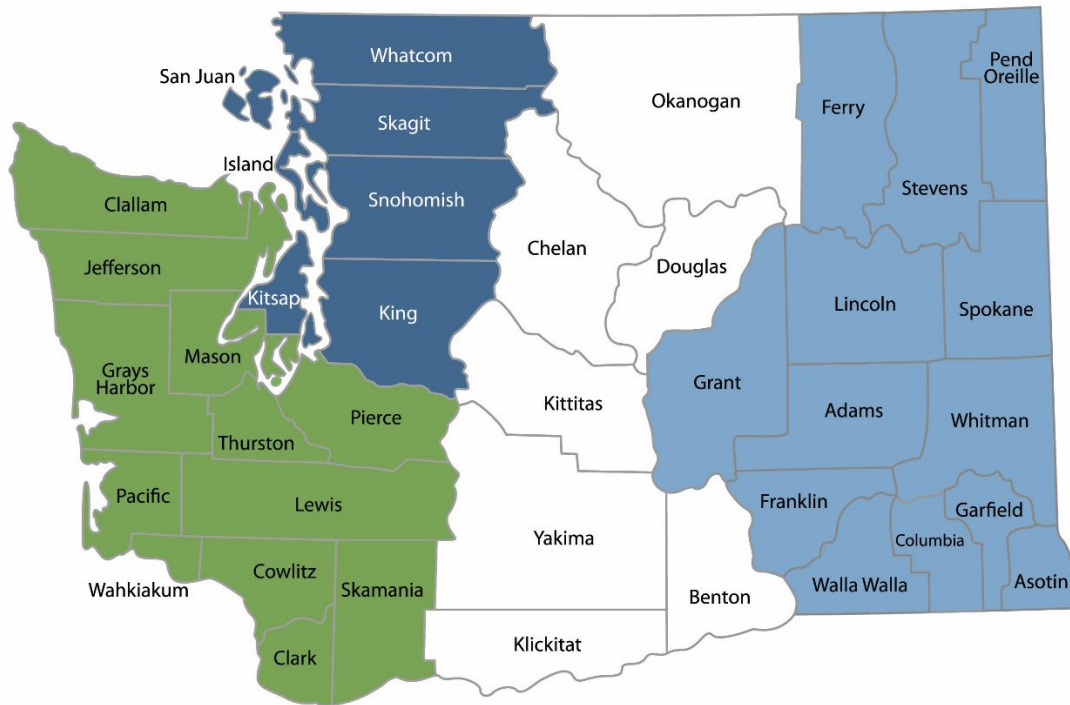
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To request an ADA accommodation, contact Ecology by phone at 360-480-6270 or email at courtney.cecale@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

¹ www.ecology.wa.gov/contact

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

Implementing Washington's Environmental Justice Law (Chapter 70A.02 RCW)

Summary of Progress and Implementation Goals

Office of Equity and Environmental Justice
Washington State Department of Ecology
Olympia, WA

December 2022, Publication 23-01-001



DEPARTMENT OF
ECOLOGY
State of Washington

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Introduction

How to use this document

This document summarizes the progress the Department of Ecology has made on the implementation of Washington’s environmental justice law, [Chapter 70A.02 RCW](#)² (also known as the Healthy Environment for All Act, or the HEAL Act). This report identifies how the agency met key legislative targets and outlines the plan for implementing HEAL from 2023-2025. The included timelines in this summary report are only projected goals. In line with the intent of the act, we anticipate this to be an iterative and collaborative process.

What is the environmental justice law?

Washington’s environmental justice law is the first statewide law to create a coordinated and collaborative approach by specific state agencies to address environmental justice. The purpose of the law is to improve environmental and health outcomes for everyone, and more pointedly, to address environmental and health disparities for communities of color and low-income communities.

Implementing collaboratively

This new law takes a historic step toward making environmental justice a priority for key state agencies that have direct impacts on the distribution of environmental and health disparities.

Currently, fourteen agencies are involved in HEAL implementation in some capacity:

- The seven covered agencies identified in the law include Washington state’s Departments of Ecology, Transportation, Commerce, Health, Natural Resources, Agriculture, and the Puget Sound Partnership. They are required to fully implement the law, with slight differences across agencies depending on scope of work. Representatives from these agencies comprise the Interagency Work Group.
- The single opt-In agency is the Attorney General’s Office. They have chosen to fully implement the law.
- Additional “listen & learn” agencies include Recreation and Conservation Office, Washington Department of Fish and Wildlife, State Board of Health, Pollution Liability Insurance Agency, County Road Administration, and Washington State Transportation Commission. They each have their own relationship to the law, and some have participated in support capacities with the Interagency Work Group.

All covered agencies work together in a collaborative and coordinated manner to strategically share resources, streamline processes and avoid redundancies, facilitate clearer public access, improve engagement practices, as well as solve more complex problems that span across our individual jurisdictions. At Ecology, the Interagency Work Group representative from the Office

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02&full=true>

of Equity and Environmental Justice, spearheads the production of plans, process, and guidance to suit our individual agency actions. The representative ensures we continually improve our work by also integrating the expertise and guidance of the Environmental Justice Council (an expert group appointed by the Governor), and communities affected by environmental health disparities.

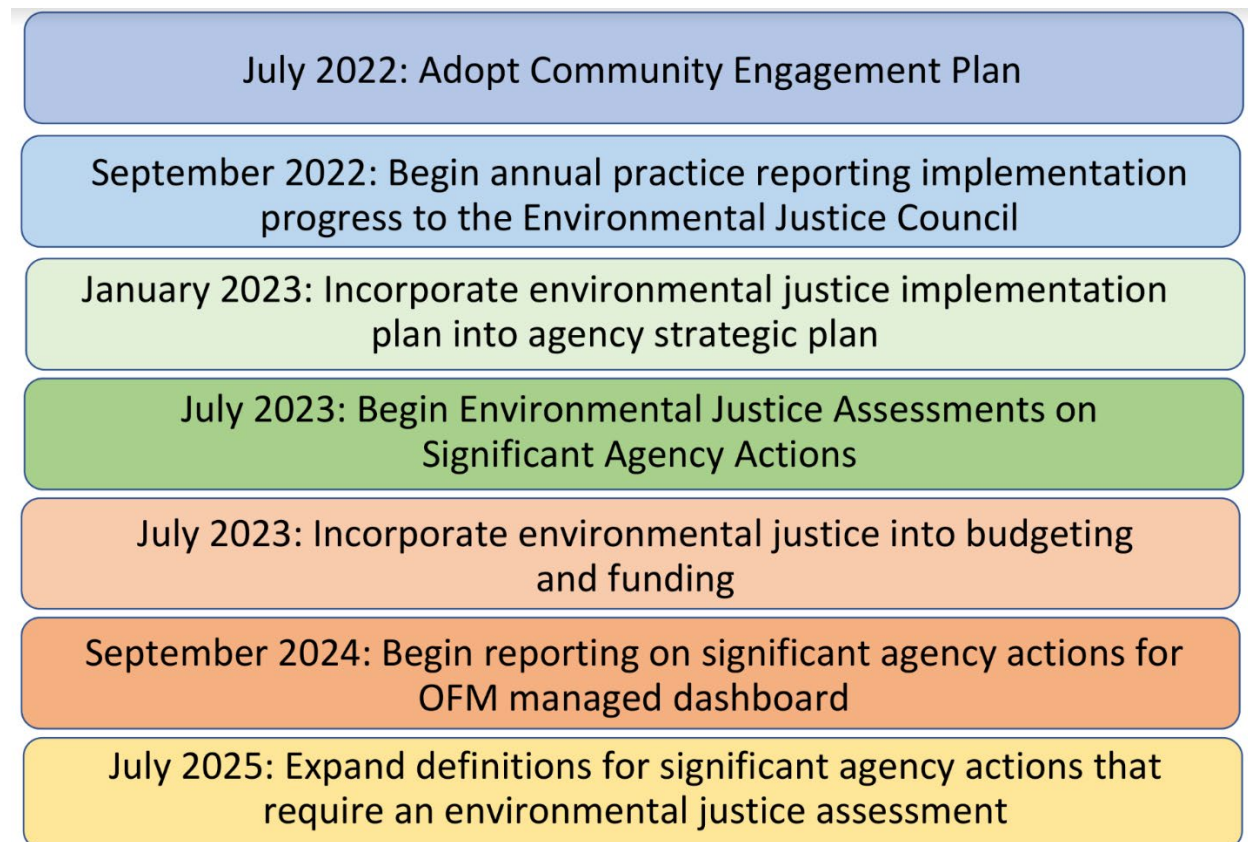
Requirements for Ecology

The HEAL Act requires covered agencies to implement a host of operational and programmatic changes, by specific deadlines (see also RCW.70A.02.040).

With various check-in points and reporting obligations, covered agencies must accomplish 5 primary requirements:

1. Adopt a Community Engagement Plan.
2. Develop and adopt a Tribal Consultation Plan.
3. Incorporate environmental justice into agency strategic plan.
4. Conduct environmental justice assessments on significant agency actions.
5. Incorporate environmental justice into budgeting and funding decisions.

Below is a timeline of the major HEAL milestones and when Ecology expects to complete them.



REQUIREMENT 1: Adopt a Community Engagement Plan ([RCW 70A.02.050](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.050)³)

Requirements

By July 1, 2022, Ecology must create and adopt a Community Engagement Plan that describes how it will engage with overburdened communities and vulnerable populations as it evaluates new and existing activities and programs.

The plan must include:

- A process for identifying overburdened communities and vulnerable populations.
- Best practices for outreach and communication specifically to overcome barriers to engagement with overburdened communities and vulnerable populations.
- Guidance on how to use available screening tools and technologies.
- Processes that facilitate and support the meaningful inclusion of communities affected by agency decision making.
- Methods for outreach and communication with those who face barriers to participation.

Actions Taken

- From September 2021 to June 2022, the Interagency Work Group created a draft community engagement plan that includes the above listed requirements. From that work, Ecology adopted a Provisional Community Engagement Plan on July 1, 2022, **meeting the statutory requirement.**
- Workgroups at Ecology have since been focused on **making the provisional plan actionable** across programs with differing regulatory authorities, goals, and protocols. We are in the process of developing useful instructional guides, self-serve educational content, and trainings to help our team achieve the collaboratively developed goals envisioned by the Interagency Work Group – with flexibility to account for anticipated feedback (expected by the summer of 2023).
- Ecology’s Office of Equity and Environmental Justice (which formed in 2021) has filled **new positions that oversee this work**, and the office is anticipating five more positions including a full-time position dedicated to the community engagement and Tribal consultation components of the Environmental Justice Law (expected by end the end of 2022 or early 2023).
- Ecology is in the process of adopting guidance from the Governor’s Office of Equity on **community compensation**, which will support engagement with impacted peoples by

³ <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.02.050>

reducing financial barriers to participation (expected in January 2023). Adopting this law into agency practices will help support Ecology’s community engagement goals, as the agency works towards the implementation of Washington’s environmental justice law. Ecology’s Interagency Work Group representative is working closely with other agencies to share best practices, and potentially leverage collective resources towards this effort.

Looking Forward

- Ecology representatives in the Interagency Work Group are helping to plan statewide community **listening sessions** from March-November 2023, to help improve our new community engagement practices, and co-develop metrics and accountability mechanisms. This information will be shared with relevant parties at our agency.
- The plan for listening sessions will be **shared with the Environmental Justice Council** in early 2023, including a recorded presentation and an informational packet, to facilitate greater ease for feedback.
- When provided, Ecology also looks forward to **incorporating guidance from the Environmental Justice Council**, whose knowledge and expertise will be central to the success of these efforts. These sessions should be completed and analyzed by fall 2023, with adjustments to our community engagement practices to follow.
- The community engagement plan will evolve as our agency builds a relationship with the Environmental Justice Council and communities affected by the work of covered agencies. Ecology plans to **update our community engagement plan every two years**, in collaboration with the other covered agencies who have agreed to do the same.
- Finally, the Interagency Work Group representatives aim to develop more streamlined intra-agency processes, including potentially a comprehensive intra-agency **tracking system** to try to avoid redundant community asks, and to help better streamline our engagement processes across agencies.

Projected Timeline – community engagement plan

Year	Month	Action	Responsible People
2022	July 1 st	Legislative Requirement: Ecology adopted a provisional Community Engagement Plan, developed in collaboration with the Interagency Work Group.	Ecology (internal): HEAL Implementation Team
	July 1 st	Legislative Requirement: The Interagency Work Group shared the plan, on behalf of Ecology and the other covered agencies, with the Environmental Justice Council for guidance. When available, this guidance will be incorporated into agency community engagement plans.	Interagency Work Group: Ecology Representative

	October-December	Interagency Work Group Community Engagement subcommittee, including an Ecology representative, began planning community listening sessions for 2023.	Interagency Work Group: Ecology Representative
	November (ongoing)	The Ecology HEAL Implementation Team formed an internal working group with volunteers across the agency. This team has begun developing internal documents to inform community engagement work, including self-serve educational and training materials – and works closely with the Interagency Work Group HEAL Education Subcommittee. This work will be ongoing through the following year.	Ecology (internal): HEAL Implementation Team
2023	January	Interagency Work Group will share draft plan for community listening sessions with the Environmental Justice Council.	Interagency Work Group: Ecology Representative
	January-February	Interagency Work Group Community Engagement Subcommittee will incorporate feedback from the Environmental Justice Council on the plan for listening sessions.	Interagency Work Group: Ecology Representative
	March-October	Hold Community listening sessions with Interagency Work Group across the state on multiple HEAL Act requirements, including community engagement.	Interagency Work Group: Ecology Representative
	September 1 st	Legislative Requirement: Share early analysis from listening sessions in annual update to the Environmental Justice Council.	Interagency Work Group: Ecology Representative
	October	Generate and share report of findings with the Governor’s Office of Equity to identify policy and system barriers to meaningful engagement with overburdened communities and vulnerable populations.	Ecology (internal): HEAL Implementation Team
2023	November-December	Assess, analyze, and apply information from community listening sessions, Environmental Justice Council, Office of Equity, and any additional public engagement activities. Use this information to inform revisions to agency Community Engagement Plan.	Ecology (internal): HEAL Implementation Team

REQUIREMENT 2: Implement Tribal Consultation Plans ([RCW 70A.02.100](#))

Requirements

Covered agencies are required to develop a consultation framework in coordination with Tribal Governments that includes best practices, protocols for communication, and collaboration with federally recognized Tribes on:

- The inclusion or updating of an environmental justice implementation plan.
- The creation, adoption, or updating of community engagement plans.
- Significant agency actions that affect federally recognized Tribe's rights and interests.

Actions Taken

- Ecology's Executive Advisor for Tribal Affairs serves and acts as a key leader on the State Agency Tribal Liaisons HEAL Act Workgroup (an Interagency Subcommittee).
- The workgroup members are **in the process of developing a consultation framework** that includes best practices, protocols for communication, and collaboration pathways with federally recognized Tribes for all covered agencies.
- The group began meeting in the fall of 2022, and is currently **producing and updating initial drafts** for the consultation processes.
- Ecology's Office of Equity and Environmental Justice (which formed in 2021) has filled **new positions to oversee this work**, and the Office anticipates onboarding another staff member to support the implementation of the Tribal consultation plans developed (positions expected by end the end of 2022, or early 2023).

Looking Forward

Ecology's Executive Advisor for Tribal Affairs is also leading an agency **Tribal consultation survey** that will be launched in the spring of 2023. Data will be collected, analyzed, and the consultation process will be developed accordingly with additional support from Ecology's Governmental Relations Office and graduate student researchers from the UW Evans School.

Meeting this HEAL Act requirement, and developing meaningful consultation processes, is expected to take considerable time and require more responsive flexibility in our practices. Each of the 32 federally recognized nations that will be covered by our frameworks may have different capacities and interests in engaging with Ecology, or they might be interested in developing different processes from one another.

Projected Timeline –Tribal consultation plan

Year	Month	Action	Responsible People
2022	November-December	State Agency Tribal Liaisons HEAL Act Workgroup (an Interagency Work Group) convened and began drafting initial engagement guides for both Tribal governments and Tribal communities, along with a definitions appendix.	Interagency Work Group: Ecology Representative
	December	Ecology began development of a survey to inform Tribal consultation processes for the agency.	Ecology (internal): Tribal Relations Government Relations HEAL Implementation Team
2023	January-February	Continued development of survey to inform Tribal consultation process	Ecology (internal): Tribal Relations Government Relations HEAL Implementation Team
	January-February	Host an Interagency Work Group listening session with Tribal leaders and representatives	Ecology (internal): Tribal Relations HEAL Implementation Team
	March-TBD	In partnership with the University of Washington's Evans School of Public Affairs, Ecology will launch the survey. Graduate students, under the supervision of agency experts, will analyze collected information to help inform the development of the Tribal consultation process.	Ecology (internal): Tribal Relations Government Relations HEAL Implementation Team
	TBD	Legislative Requirement: Ecology's Executive Advisor for Tribal Affairs, with the support of relevant HEAL Implementation Team members, will develop formal Tribal Consultation framework for the Agency, on timelines that work best for the federally recognized Tribes. This work will include considerable engagement, including with the Governor's Office of Indian Affairs.	Ecology (internal): Tribal Relations Government Relations HEAL Implementation Team

REQUIREMENT 3: Incorporating Environmental Justice into Agency Strategic Plans ([RCW 70A.02.040](#))

Requirements

The HEAL Act requires covered agencies to include an environmental justice implementation plan within their strategic plan by January 1, 2023. That plan must describe:

- How the agency will apply principles of environmental justice to the agency's activities.
- Agency specific goals and actions to reduce environmental and health disparities.
- Metrics to track and measure accomplishments.
- Strategies to improve community engagement and better democratize our services.
- Strategies to ensure compliance with existing federal and state laws and policies relating to environmental justice.

Actions Taken

Ecology's 2023-2025 Biennial Plan

Ecology has included environmental justice strategies in the agency's [2023-2025 Biennial Plan](#)⁴, with concrete action steps to address equity in our work both internal to the agency and external.

Key Initiatives from the strategic plan include:

- Implementing clear, standardized, and useful environmental justice protocols in enforcement and compliance activities.
- Collaboratively recalibrating environmental reporting and information on violations in overburdened communities for more accurate analyses and public data sharing.
- Integrating environmental justice and equity criteria in budget and funding decisions to distribute expenditures more equitably, create equitable environmental benefits, or reduce harms for overburdened communities and vulnerable populations.
- Implementing a community engagement plan, developed in collaboration with the Environmental Justice Council, to guide our work with communities across Washington.
- Establishing and implementing a Tribal consultation plan to ensure consistent protocols and best practices for engagement, communication, and collaboration.

⁴ <https://ecology.wa.gov/About-us/Who-we-are/Strategic-plan/2023-25-Strategic-Plan#goalbox1>

- Establishing standards in our compliance and enforcement processes that ensure meaningful and inclusive public engagement from diverse communities across the state.
- Increasing the accessibility and transparency of Ecology’s discrimination complaints process. Gathering and using feedback from our customers and employees to inform our work so we can understand where we are successful, address needs, and more equitably and effectively provide our services.
- Increasing the use of engaging visual and audio content to make our external communications more relevant and accessible.
- Improving audit timeliness for testing laboratories in response to feedback from regulatory partners and customers, so potentially impacted people don’t have to wait as long to learn crucial information.
- Implementing recommendations from our diversity, equity, inclusion, and respect (DEIR) Agency Organizational Assessment.
- Operationalizing new and revised anti-discrimination, anti-harassment, workplace accommodation, DEIR policies and procedures using principles of change management to create a culture of belonging and respect for all and be an antiracist organization.
- Updating required job qualifications to recognize that life experiences, work experience, and education are all ways to gain the knowledge, skills, and abilities to perform our work.
- Supporting successful recruitment and retention of a diverse and well-trained workforce that carries out their responsibilities with cultural humility, service excellence, and professionalism.
- Developing and implementing a DEIR training program for our workforce.

Ecology’s mission, vision, goals, and named initiatives incorporate principles of environmental justice, identify agency specific goals, includes metrics, and incorporate strategies to improve community engagement. The strategic plan was published ahead of the 2021 deadline, so it is already [publicly available](#). Consolidated information on our initiatives and plans is also being shared directly with the Environmental Justice Council for review by the end of 2022.

Plan for Partnering with the Environmental Protection Agency

Ecology also incorporates environmental justice into agency strategic plans by way of agreements with the U.S. Environmental Protection Agency (EPA). The [Environmental Performance Partnership Agreement](#) (PPA) establishes and implements a joint work plan between the EPA and the Department of Ecology for administering federal grant dollars that the EPA provides to Ecology for air quality, water quality, and hazardous waste management. For over a decade the PPA has included dedicated agreements on environmental justice priorities, and this work bolsters agency implementation of Washington’s environmental justice law.

Significant relevant environmental justice agreements in the current plan include:

- Establishing a goal of providing all people the same degree of protection from environmental and health hazards, ensuring equal access to decision making processes, and working towards providing a healthy environment for all to live, learn and work.
- Developing metrics for measuring environmental justice.
- Data sharing for tracking and assessing environmental justice progress across the state.
- Hosting environmental justice learning events.
- Developing training opportunities and fostering shared training related to environmental justice.
- Coordinating and working together to tackle issues at the intersection of environmental justice and ongoing climate change.
- In addition the agency strategic plan and PPA, Ecology programs, (such as the Hazardous Waste and Toxics Reduction Program) have also integrated EJ goals into their strategic plans.

Ensuring Compliance with Existing Federal and State Laws

Ecology, as an agency that receives federal funding, is required to comply with several federal and state laws and policies that directly relate to environmental justice, and Ecology affirms our goal of compliance in our strategic plans.

These laws and policies prevent discrimination on the basis of identities and experiences such as disability, race, language, geography, sex, and age, and include:

- Title 40 of the Code of Federal Regulations, parts 5 and 7
- Title 6 of the Code of Federal Regulations, part 21
- Title VI of the Civil Rights Act of 1964, as amended
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Section 13 of the Federal Water Pollution Control Act Amendments of 1972

Ecology strengthens our compliance with these laws by developing and implementing plans that support digital and document accessibility, language access, and nondiscrimination compliance for subrecipients of federal funding. That implementation work is guided and supported by Ecology's Office of Equity and Environmental Justice, Civil Rights Compliance Coordinator, Digital Accessibility Coordinator, and various work groups across the agency.

Looking Forward

Ecology will continue to include environmental justice as an agency priority in future strategic plan developments.

Projected Timeline – agency strategic plans

Year	Month	Action	Responsible People
2022	November	Legislative Requirement: Ecology published 2023-2025 Biennial Strategic Plan, which included our plan for applying the principles of environmental justice into the agency's activities. Completed before the January 1 st legislative deadline.	Ecology (internal): Leadership HEAL Implementation Team Communications
	December 31	Legislative Requirement: Ecology will produce and make available agency summary of progress and implementation goals connected to Washington's Environmental Justice Law. This document outlines how Ecology plans to apply the principles of environmental justice to the agency's activities and guides the agency in its implementation of obligations under the environmental justice law. Completed before the January 1 st legislative deadline.	Ecology (internal): HEAL Implementation Team
2023	February	Legislative Requirement: Share plans with the Environmental Justice Council.	Interagency Work Group: Ecology Representative
	February-December	Work with Ecology offices and programs to find additional goals and metrics for evaluating environmental justice issues and to improve environment and health disparities for overburdened communities and vulnerable populations. This will inform future strategic plans.	Ecology (internal): HEAL Implementation Team
	March-October	Incorporate any feedback that might emerge from Tribal roundtable discussions.	Ecology (internal): HEAL Implementation Team Tribal Relations
	May-June	Incorporate any guidance on incorporating environmental justice into agency strategic plans by the Environmental Justice Council.	Ecology (internal): HEAL Implementation Team
2024- TBD		Work with Ecology offices, divisions, and programs to incorporate environmental justice metrics and goals into their planning. Continue to iteratively and collaboratively develop ambitious environmental justice goals and adopt them into future agency strategic plans.	

REQUIREMENT 4: Conduct Environmental Justice Assessments on Significant Agency Actions

(RCW.70A.02.060)

Requirements

Starting July 1, 2023, all covered agencies will begin conducting environmental justice assessments of all significant agency actions. The purpose is to inform and support the agency's consideration of overburdened communities and vulnerable populations when making decisions and to assist the agency with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of environmental and health disparities.

There are four primary categories of action that will require an environmental justice assessment:

1. The development and adoption of significant legislative rules.
2. The development and adoption of any new grant or loan program.
3. A capital project, grant, or loan award of at least \$12,000,000.
4. The submission of agency request legislation to the office of the governor or the office of financial management.

Beginning in 2025, Ecology and the covered agencies are invited to expand their definitions of significant agency actions, with feedback from Tribes, the Environmental Justice Council, agency leadership, and affected communities.

An environmental justice assessment contains specific process requirements. The assessment process must:

- Use a cumulative environmental health impact analysis to help determine the impacts of the action.
- Identify overburdened communities and vulnerable populations impacted by the action.
- Identify if the proposed action will have impacts to federally recognized Tribes.
- Engage communities about the action, summarize community input, and incorporate feedback into agency actions. Offer process for appeals.
- Describe options for the agency to reduce, mitigate, or eliminate identified probable impacts. Develop and track related metrics over time.

This requirement also includes additional metrics and reporting requirements that will be shared publicly.

Actions Taken

- Ecology is in the process of **identifying current activities** that meet the statutory definition of a significant agency action. This involves meeting with relevant programs and program managers and discussing with agency leadership.
- Leading up to the July 1, 2023, statutory deadline, Ecology will work with the Interagency Work Group to create a provisional or pilot process to conduct environmental justice assessments.
- Ecology’s representatives on the Interagency Work Group will work to help adapt and adopt the collaboratively developed guidance to fit the specificities of our agency and programmatic specialties.

Looking Forward

Similar to our approach with community engagement plans, we will update the environmental justice assessment process every two years to add community feedback on the process and guidance from the Environmental Justice Council.

Projected Timeline – environmental justice assessments

Year	Month	Action	Responsible People
2023	January	Identify activities at Ecology that meet the statutory definition of a significant agency action.	Ecology (internal): Heal Implementation Team
	January-February	Create initial process for environmental justice assessments, ideally with Environmental Justice Council representatives	Interagency Work Group: Ecology representative
	February	Legislative Requirement: Engage the Environmental Justice Council formally, seeking guidance on identified significant agency actions and processes for conducting environmental justice assessments.	Interagency Work Group: Ecology representative
	March	Legislative Requirement: Open list of significant agency actions for public comment	Interagency Work Group: Ecology representative Communications
	March-November	Hold community listening sessions across the state to help inform the environmental justice assessment process	Interagency Work Group: Ecology representative
	May	Incorporate early feedback and revise environmental justice assessment process	Ecology (internal): Heal Implementation Team
	June	Legislative Requirement: Publish on agency website the types of agency actions that Ecology has determined are significant agency actions that require an environmental justice assessment, as well as provide	Ecology (internal): Heal Implementation Team

		notification of those determinants to the Washington State Register.	
	June	Legislative Requirement: Finalize first-iteration of agency specific guidance, akin to a checklist or step-by-step process, on how to conduct environmental justice assessments on relevant projects (including self-serve educational materials and offering limited trainings).	Ecology (internal): Heal Implementation Team
	July 1 st	Legislative Requirement: Begin conducting environmental justice assessments to inform and support the agency's consideration of overburdened communities and vulnerable populations when making decisions and to assist the agency with the equitable distribution of environmental benefits, the reduction of environmental harms, and the identification and reduction of environmental and health disparities.	Ecology (internal): Heal Implementation Team Relevant staff
	July-December	Assess, analyze, and improve environmental justice assessment process internally	Ecology (internal): Heal Implementation Team
2024	April-August	Legislative Requirement: Identify other programs that meet the statutory definition of significant agency actions.	Ecology (internal): Heal Implementation Team
	September 1 st	Legislative Requirement: Share findings in the legislatively mandated annual report, soliciting engagement from the council.	Ecology (internal): Heal Implementation Team
2025	January-May	Legislative Requirement: Repeat engagement processes above to assess the new expanded scope of significant agency actions.	Ecology (internal): Heal Implementation Team
	May-June	Ensure that programs and projects affected by scope expansion have educational and training materials to prepare them to begin conducting environmental justice assessments.	Ecology (internal): Heal Implementation Team
	July 1 st	Legislative Requirement: Launch environmental justice assessment process for expanded scope significant agency actions.	Ecology (internal): Heal Implementation Team & Interagency Work Group: Ecology Representatives
	TBD	Legislative Requirement: Assess, analyze, and improve this process at least once every two years, in collaboration with the Interagency Work Group.	Ecology (internal): Heal Implementation Team & Interagency Work Group: Ecology Representatives

REQUIREMENT 5: Incorporate Environmental Justice into Budgeting and Funding ([RCW.70A.02.080](#))

Requirements

All covered agencies must incorporate environmental justice principles into their decision processes for budget development, making expenditures, and granting or withholding environmental benefits. Each agency must find ways to equitably distribute funding and expenditures related to programs that address or may cause environmental harms or provide environmental benefits towards overburdened communities and vulnerable populations.

Beginning July 1, 2023, covered agencies must take the following actions when making expenditure decisions of developing budget requests for the Office of Financial Management and the legislature, specifically for programs that address or may cause environmental harms or provide environmental benefits:

- Focus applicable expenditures on creating benefits for overburdened communities and vulnerable populations.
- Create opportunities for overburdened communities and vulnerable populations to meaningfully participate in expenditure decisions.
- Clearly articulate environmental justice goals and performance metrics to communicate the basis for agency expenditure.
- Consider a broad scope of grants and contracting opportunities that effectuate environmental justice principles.
- Establish a goal of directing 40 percent of grants and expenditures that create environmental benefits to vulnerable populations and overburdened communities.

This requirement also includes additional metrics and reporting requirements that will be shared publicly.

Actions Taken

Ecology is on track to meet this deadline, but the process is still in development. Steps taken towards implementing this requirement so far include:

- Early assessment and planning meetings with agency financial leaders at Ecology
- Clarifying the requirements and goals in the law across agencies with the Interagency Work Group
- Developing a budget-specific subcommittee through the Interagency Work Group

- Using a cumulative impacts approach, Ecology met and exceeded expectations of the Volkswagen settlement funding distributing 95% of the funds (71% of the projects) to highly impacted areas.

Looking Forward

The bulk of the work for this requirement will be conducted in 2023.

- The Office of Equity and Environmental Justice will partner with the Government Relations team to launch **an agency survey on our grants processes** in early 2023.
- Ecology will work with Interagency Work Group to **develop shared environmental justice principles** that will guide budget equity work, with the goal of soliciting feedback from the Environmental Justice Council in February 2023, and adopting them in March.
- Ecology will **develop methods to assess, analyze and improve budget and expenditure equity**, and produce guidance on best practices, methods for evaluation, and metrics.
- The agency will **pilot programs and projects** with new guidance, paying special attention to opportunities for improvement from programs and agency leadership.
- In collaboration with the Interagency Work Group, Ecology will also **solicit high-level feedback** on budget and expenditure equity from the Environmental Justice Council, and more broadly, rolled into community listening sessions launching in March of 2023.

Projected Timeline – incorporating environmental justice into budgeting and funding

Year	Month	Action	Responsible People
2022	November	Ecology released the 2023-2025 Biennial Strategic Plan, in which the agency committed to incorporating environmental justice and equity criteria in budget and funding decisions, moving our agency towards the 40% goal. Legislative Requirement: Each covered agency must establish a goal of directing 40% of grants and expenditure to vulnerable populations and overburdened communities.	Ecology (internal): Agency leadership
2023	January	Interagency Work Group will identify and align shared environmental justice principles that will be incorporated into budgetary and expenditure processes per legislative requirement	Interagency Work Group: Ecology representative
	January-February	Agency survey on environmental justice in grants processes designed	Ecology (internal): HEAL Implementation Team Government Relations Office

	February	Share the environmental justice principles accepted by the Interagency Work Group with the Environmental Justice Council for feedback and guidance	Interagency Work Group
	February-March	Agency survey on environmental justice in grants launched, analyzed	Ecology (internal): HEAL Implementation Team Government Relations Office
	March	Incorporate any guidance from the Environmental Justice Council on proposed environmental justice principles into high-level processes for interagency alignment. Legislative Requirement: Incorporate principles, after iterative consultation, into process design for assessing the equitable distribution of funding and expenditures.	Interagency Work Group: Ecology representative
	March	Develop methods to assess, analyze and improve budget expenditure and equity that reflect agreed upon principles, including all the legislative requirements.	Ecology (internal): HEAL Implementation Team
	March-May	Pilot budget equity programs and projects at Ecology (targeting those with largest financial impacts to ensure we are working towards our 40% goal).	Ecology (internal): HEAL Implementation Team Relevant financial offices
	May	Develop lessons learned from initial pilots.	Ecology (internal): HEAL Implementation Team Relevant financial offices
	End of May	Develop and share guidance widely with relevant programs.	Ecology (internal): HEAL Implementation Team Relevant financial offices
	June	Write report that summarizes the types of decision processes for budget development, making expenditures, and granting or withholding environmental benefits for which the agency will take to meet the requirement. Solicit feedback from relevant parties at the agency.	Ecology (internal): HEAL Implementation Team Relevant financial offices Communications
	July 1st	Legislative Requirement: Ecology will publish on its website the types of decision processes for budget development, making expenditures, and granting or withholding environmental benefits for which the agency will take to meet the requirement	Ecology (internal): HEAL Implementation Team Relevant financial offices Communications
	September	Legislative Requirement: In Ecology's annual report, the agency will engage the Environmental Justice Council over the implementation of environmental justice assessments, welcoming guidance for improvements.	Interagency Work Group: Ecology Representative
	October-December	Expand budget equity processes into other relevant agency processes, programs, and actions.	Ecology (internal): HEAL Implementation Team Relevant financial teams

2024		Continue improving budget equity processes, ongoing implementation	Ecology (internal): HEAL Implementation Team
2025		Continue improving budget equity processes, ongoing implementation	Ecology (internal): HEAL Implementation Team

Learn and Connect with the HEAL Team

The passage of the HEAL Act in 2021 was a significant step towards transforming state agency policy and practice. In its implementation, it will further environmental justice in Washington state. This implementation plan outlines the path we will take to achieve the aims of the HEAL Act and monitor its progress in implementation. We will regularly update and strengthen this plan, and incorporate direction and feedback from Tribal consultation, Environmental Justice Council, community engagement, Legislature, and Governor's Office.

Learn more about implementation of the HEAL Act and environmental justice by visiting [Ecology's Office of Equity & Environmental Justice](#) webpage.

For more information about HEAL implementation at Ecology please contact Courtney Cecale (courtney.cecale@ecy.wa.gov).

Office of Equity and Environmental Justice Contact Information

Courtney Cecale
Senior Environmental Justice Policy Advisor
courtney.cecale@ecy.wa.gov

Millie Piazza
Program Manager
millie.piazza@ecy.wa.gov

Megan MacClellan
Civil Rights Compliance Coordinator
megan.macclellan@ecy.wa.gov

Barb MacGregor
Environmental Justice Engagement Coordinator
barb.macgregor@ecy.wa.gov

Hannah Aoyagi
Organizational Equity Manager
hannah.aoyagi@ecy.wa.gov