



Response to Comments

Remedial Investigation and Feasibility Study

Snopac Property Cleanup Site Seattle, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

November 2023



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.

October 24, 2023

Sandra Matthews
sandra.matthews@ecy.wa.gov
Site Manager

RE: Snopac Remedial Investigation and Feasibility Study

To Ms. Matthews:

The Duwamish River Community Coalition (DRCC) has long been a community steward for environmental justice in the Duwamish Valley, which is one of the most polluted areas in the entire Pacific Northwest following 100 years of industrial dumping and release of toxic waste. DRCC has worked tirelessly alongside community groups and neighbors for 20 years to clean up the water, land and air while fighting to eliminate ongoing industrial pollution that makes our communities among the least healthy in the County.

Our MTCA work over the past several years has included engaging the community in creative ways such as through in-person gatherings, community events, and multilingual social media and video interactions to bring some of this information to the community and gather their input. We prioritize the voices of those who are directly impacted by these changes to ensure that our impacted low-income and black/indigenous/people of color immigrant, refugee, and fisher communities who already suffer the greatest exposures and health disparities can be meaningfully informed and engaged.

As we have expressed in previous comment letters, 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. However, DRCC did not receive an Ecology Public Participation Grant for 2023-2025. This means that we are no longer able to support the type of engagement that we had been doing previously, including but not limited to: multilingual advertising and attending community meetings; sharing MTCA site details at community-hosted events with DRCC created materials; and detailed comment letters informed by thorough review of all site document with consultation by technical advisors. In light of this fact, Ecology can no longer rely on DRCC's community expertise and it will need to conduct its own community

outreach. We strongly recommend the Department of Ecology to interact with the community directly and to ensure that the concerns of impacted communities are captured, as is required by the spirit of the Healthy Environment for All (HEAL) Act. In the future, we may be able to provide short form bulleted comment letters in some cases.

We include this background information in order to remain transparent as a community-based organization and as a request to the Department of Ecology to reevaluate the way their existing funding structures and reliance on overburdened communities and grassroots organizations to perform uncompensated labor is antithetical to principles of environmental justice and equity.

With regard to DRCC's review of the Snopac Remedial Investigation and Feasibility Study and associated documents, we offer this limited review below:

We are in general concurrence with the Preferred Alternative with the following concerns:

- We are concerned about the groundwater monitoring stopping after 4 consecutive results comply with cleanup levels for two reasons:
 - i. It is our understanding that sea-level rise has potential to impact groundwater in the Duwamish Valley aquifers migration to the river and more contamination may reach the river than originally modeled. We do not see this analysis in the RI/FS. As climate change becomes a bigger concern in overburdened communities, Ecology should include more information in all MTCA planning documents outlining climate resilience considerations.
 - ii. The December 27, 2022 Duwamish River overtopping event occurred approximately 25 years earlier than expected. No analysis has been made how a flood event like this would potentially release contamination into the river. If there are more events like this, we believe that groundwater monitoring should be restarted to ensure that no new contamination is reaching the river.
- Ecology should include more details that connect the preferred alternative to Source Control Sufficiency. How does the remedial alternative aid in achieving sufficiency? All MTCA sites in the Duwamish Valley should contain explicit information connecting the cleanup to Source Control Sufficiency work as part of the larger river clean up initiative.
- The FS should include information on tribal review as groundwater metal contamination will have a significant impact on clamming, which is part of the local Tribe's fishing rights. As a whole, Ecology should provide more transparency around Tribal consultation frameworks, particularly related to decisions that will impact Tribes.
- Feasibility Studies should include an environmental justice analysis, especially for MTCA sites in overburdened communities, as required by the HEAL Act.

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



Jamie Hearn
Director of Environmental Law and Climate Policy
Duwamish River Community Coalition



Thank you for your comment. Ecology will continue to maintain an ongoing dialogue with the public throughout the cleanup process. The Public Participation Plan outlines the precise methods we'll use for this project, and you can also find this information as part of the broader engagement strategy for the Lower Duwamish Waterway site.

The preferred alternative for this site involves the removal of the source material and ongoing groundwater monitoring to confirm that the cleanup levels have been met that ensure the protection of both human health and the environment. With the removal of the contamination source, there is no opportunity for this material to reintroduce contamination to the site or the river. Groundwater quality monitoring will be conducted after cleanup levels have been reached, through seasonal fluctuations to confirm that cleanup levels are consistently met, even as conditions change with the seasons.

We did not conduct modeling for this investigation. The main source of contamination at the site was determined to be the fill material placed on site during and after the 1980's. An interim action was taken to install a shoring wall and remove the source material located upgradient of the shoring wall from the site. Monitoring of the groundwater afterwards revealed a substantial decrease in contaminant concentrations.

Climate resiliency is a top priority for Ecology, and we're actively developing strategies to address it while considering the public's needs and the cleanup efforts. Climate events are occurring more frequently nationwide, and the Pacific Northwest is no exception. The recent Duwamish River overtopping is an example of this. We are considering these changing conditions when shaping policy for implementing the MTCA rule revisions and factoring in monitoring requirements. Once the cleanup is performed for this site, the contamination will not be present to re-contaminate if flooding occurs.

Q: Ecology should include more details that connect the preferred alternative to Source Control Sufficiency.

A: The Model Toxics Control Act (MTCA; Chapter 70.105D RCW) serves as Washington's primary environmental cleanup law, outlining requirements for the remediation of contaminated sites and establishing standards to safeguard human health and the environment. The Washington State Department of Ecology administers MTCA and oversees cleanups statewide, including those within the LDW Source Control Areas. It's important to note that MTCA cleanup standards are more stringent than the Remedial Action Level standards specified in the EPA's Record of Decision. As a result, MTCA sites that get successfully cleaned up also achieve source control for the LDW. When a MTCA cleanup in an LDW Source Control Area is completed, Ecology is contributing to Source Control Sufficiency.

Q: How does the remedial alternative aid in achieving sufficiency?

A: As part of the FS under MTCA, Ecology requires that all alternatives considered aim to ensure the protection of human health and the environment. This means that each alternative is designed to meet MTCA cleanup standards, aiming to achieve source control. Sufficiency standards are based on the EPA's Record of Decision, however, MTCA cleanup levels are more stringent than the EPA's. Because of this, any cleanup completed under MTCA is inherently contributing to source control sufficiency.

Q: All MTCA sites in the Duwamish Valley should contain explicit information connecting the

cleanup to Source Control Sufficiency work as part of the larger river clean up initiative.

A: Ecology strives to ensure that formal cleanups within the LDW provide accurate reporting of their Cleanup Standards to maintain up-to-date records for the benefit of Washington state.

Q: The FS should include information on tribal review as groundwater metal contamination will have a significant impact on clamming, which is part of the local Tribe's fishing rights. As a whole, Ecology should provide more transparency around Tribal consultation frameworks, particularly related to decisions that will impact Tribes.

A: Part 6 of [The MTCA Cleanup Rulemaking Chapter 173-340 WAC Adopted Rule](#) details changes to public participation and tribal engagement, starting January 1st, 2024. Section 620 states that "Ecology will develop a site tribal engagement plan that identifies Indian tribes that may be adversely affected by the site, opportunities for government-to-government collaboration and consultation, and protocols for communication." Ecology will also "seek to initiate meaningful engagement with affected Indian tribes before initiating a remedial investigation or an interim action at a site. Ecology will maintain meaningful engagement with Indian tribes throughout the cleanup process". We feel these are positive changes regarding Tribal consultation and will abide by them starting in 2024.

Q: Feasibility Studies should include an environmental justice analysis, especially for MTCA sites in overburdened communities, as required by the HEAL Act.

A: The HEAL Act is designed with the aim of reducing environmental and health disparities in overburdened communities and among vulnerable populations. It seeks to create new and meaningful opportunities for these communities to actively influence decision-making processes in ways that are less harmful to them. We are excited to see how this will change the nature of our work when we implement those changes in 2024.