



Responsiveness Summary

1 Comment Received

Eatonville Landfill

Cleanup Site ID: 15271

Facility ID: 85933

Address: Nisqually State Park Entrance Mashel Prairie Rd

County: Pierce County

This report was prepared by:

Sam Meng

Site Manager

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Toxics Cleanup Program

Southwest Region Office

Lacey, Washington



January 2025

2024 Public Comment Period and Public Meeting

Ecology held a public comment period from November 14, 2024, at 8:00 AM to December 18, 2024, at 11:59 PM. We received 1 comment and have responded to it below. There were no changes to the documents based on this comment. Ecology is in the process of finalizing the documents.

Documents Available for Public Review and Comment:

- Consent Decree
- Draft Cleanup Action Plan
- Remedial Investigation and Feasibility Study
- State Environmental Policy Act: Determination of Non-Significance

Public Meeting on December 4, 2024

In response to several requests, Ecology held a public meeting on December 4, 2024, at the Eatonville Community Center from 5:00 – 7:30 PM. At the meeting, the site manager gave a presentation and answered audience questions.

Ecology provided the opportunity to submit comments on paper or using computers during the meeting. No comments were submitted at the meeting.

Site Background

The Site is near the Town of Eatonville (the town) in rural Pierce County. The town leased the property from Weyerhaeuser to use as a dump from about 1950 to 1980. The town and Weyerhaeuser are responsible for cleanup. The landfill is about two acres in size and is surrounded by Nisqually State Park. It contains municipal solid waste, appliances, car parts, empty drums, and other types of waste. The landfill is on a very steep slope. Some wastes fell into a wetland at the base of the landfill slope.

Water from the landfill may reach the nearby Mashel River, which is a major tributary of the Nisqually River. Together, these rivers provide critical habitat for fall Chinook salmon and steelhead trout. The Nisqually Indian Tribe holds fishing, hunting, and gathering rights in the Nisqually watershed. The Site and surrounding area are culturally important to them.

Cleanup Action Plan

The cleanup action plan divides the site into two areas: the steep Landfill Area containing most of the waste and the flat Wetland Area at the bottom of the slope.

- **Landfill Area:** Full removal of waste (about 21,500 cubic yards) and contaminated soils (about 1,800 cubic yards), then habitat restoration.
- **Wetland Area:** Removal of as much waste as possible without disrupting the ecosystem and then monitored natural recovery.

Ecology will put institutional controls at the site to prevent human exposure to contaminants.

- No access to wetland area soil until gasoline, diesel, and oil levels are reduced
- Restrict use of groundwater and surface water in the parcel

Comment and Response

Response to David Troutt, Natural Resources Director at the Nisqually Indian Tribe.

The full comment letter is on the next page.

Thank you for your comments. Ecology recognizes the importance of this cleanup to the Nisqually Indian Tribe and will continue to consult the Tribe during the cleanup and monitoring work described in the Cleanup Action Plan. Ecology will consult the Nisqually Indian Tribe if additional cleanup is necessary in the future.



NISQUALLY INDIAN TRIBE

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December 18, 2024

Sam Meng
Project Manager
Toxics Cleanup Program
Washington Department of Ecology

RE: Eatonville Landfill Cleanup Action Plan Comment; Facility Site ID# 85933; Cleanup Site ID# 15271

Dear Sam Meng:

Squalli Absch (the Nisqually Indian Tribe or Tribe) has lived on and stewarded the waters and lands of South Puget Sound to Mt. Rainier (*Ta-co-bet*) and beyond since time immemorial. The Tribe is a federally recognized sovereign nation and a successor-in-interest to the bands and tribes who were signatories to the 1854 Treaty of Medicine Creek. *See United States v. Washington*, 384 F. Supp. 312, 367–68 (W.D. Wash. 1974), *aff'd* 520 F.2d 676 (9th Cir. 1975), *cert. denied*, 423 U.S. 1086, 96 S. Ct. 877 (1976); *see also Treaty of Medicine Creek*, 10 Stat. 1132 (1854). The Treaty of Medicine Creek recognizes the Tribe's sovereign right to self-governance and self-determination and guarantees the Tribe the reserved "right of taking fish, at all usual and accustomed grounds and stations [(U&A)], ... together with the privilege of hunting, gathering roots and berries, and pasturing their horses on open and unclaimed lands[.]" 10 Stat. 1132, Art. 3.

The Tribe's U&A and traditional lands includes South Puget Sound and the Nisqually watershed. We are a co-manager of fisheries resources with the State of Washington. We have also dedicated innumerable resources to protecting and restoring the ecosystem in our territory, including Endangered Species Act-listed salmon.

The Eatonville landfill is located near the Town of Eatonville in rural Pierce County. It is surrounded by Nisqually State Park. The landfill was operated as an uncontrolled dump site for approximately 30 years beginning in 1950, until its closure in March 1980. The approximately two-acre landfill area is unfenced and consists of highly irregular terrain and exposed refuse, including debris such as abandoned appliances, car bodies, drums, and tires. The lower face of the landfill terminates in a high-quality wetland. This wetland area receives stormwater runoff from over the landfill and the surrounding bluff, and from natural springs that discharge at various points along the bluff.

Water from the wetland flows downstream about a quarter mile to the Mashel River. The Mashel River is a major tributary of the Nisqually River. As described above, the Nisqually Indian Tribe holds treaty fishing, hunting, and gathering rights in the Nisqually watershed. Not only is the area around the site culturally important to the Tribe, but both rivers provide key habitat for fall Chinook salmon and steelhead trout. Salmon are a mainstay of our diet and the foundation of our lifeway.

By this letter, the Nisqually Indian Tribe expresses support for the Department of Ecology's plan to remediate the Eatonville landfill site, which includes both the "Landfill Area" and the "Wetland Area." Remediation will permanently remove a known source of heavy metals and other toxics impacting fish health in the nearby Mashel River. Reducing these toxic threats will contribute to increased fish population health that can better support the Nisqually Tribe's treaty-secured fishing rights. Honoring treaty rights is also key to ensuring that the principles of environmental justice are achieved.

The Tribe is supportive of the separate selected cleanup action plans for both the Landfill Area and the Wetland Area identified in the Draft Cleanup Action Plan. It is the Tribe's understanding that for the Landfill Area, all waste and impacted soil beneath the waste prism exceeding clean up levels will be excavated to the maximum extent practicable. The Tribe additionally understands that full excavation will likely not occur at the Wetland Area but encourage removal of as much waste as possible without disrupting the wetland ecosystem. The Tribe believes that monitored natural attenuation at the Wetland Area is essential and urges Ecology to be diligent in ensuring that the monitoring program is followed. The Tribe additionally asks to be updated on monitoring results.

The Draft Clean Up Action Plan provides that a compliance monitoring program will be implemented at the Site both during and after the cleanup. It is the Tribe's understanding that this will include multiple types of monitoring, including 1) protection monitoring (ensuring that both human health and the environment are being protected during the cleanup), 2) performance monitoring (ensuring that the cleanup action is being successfully implemented), and 3) confirmation monitoring (ensuring that the cleanup remedy continues to be effective). The Tribe recognizes that Ecology expects the cleanup to take approximately ten years, and as such, firmly believes that continued monitoring is of the utmost importance. Given the Tribal significance of the Nisqually Rivershed, as well as the fact that the Tribe faces a disproportionate risk for exposure to and contact with contaminants from the Site, we strongly believe that the Nisqually Indian Tribe should continue to be consulted throughout the remediation and monitoring process. If after ten years contaminants are still above cleanup levels, we urge Ecology to work closely with the Nisqually Indian Tribe to identify and address Tribal interests in advance of any further cleanup actions.

Cleanup of the Eatonville landfill should be one of the highest priority Puget Sound cleanup actions and we applaud the Department of Ecology for taking these much needed first steps.

Thank you for your consideration of the Nisqually Indian Tribe's comment letter and please contact me at 360-456-5221 if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'D. Troutt', with a long horizontal flourish extending to the right.

David Troutt
Natural Resources Director