

Duwamish River Cleanup Coalition

Community Coalition for Environmental Justice • Duwamish Tribe • Georgetown Community Council • Green–Duwamish Watershed Alliance
ECOSS • People for Puget Sound • Puget Soundkeeper Alliance • Washington Toxics Coalition • Waste Action Project

June 26, 2002

Mr. Rick Huey
Washington State Dept of Ecology
3190 160th Ave SE
Bellevue, WA 98008

Dear Mr. Huey:

Thank you for the opportunity to comment on the Department of Ecology’s Draft Cleanup Action Decision for the Duwamish/Diagonal Way Combined Sewer Overflow (CSO) Cleanup Plan, proposed by King County and the Elliott Bay/Duwamish River Restoration Panel (“Panel”). The Duwamish River Cleanup Coalition’s mission is to ensure a Duwamish River cleanup that benefits and is accepted by the community and is protective of fish, wildlife and human health. We are extensively involved in all aspects of the pending Superfund cleanup of the Duwamish River, and consider the proposed Duwamish/Diagonal CSO Cleanup to be an “early action” component of this larger cleanup.

We support the proposed Cleanup Action Decision, and are greatly encouraged by both the expanded scope of the cleanup project from that originally proposed, and the additional information regarding source control provided by the Panel in response to Department of Ecology requests. Despite these notable improvements, we have several remaining questions and concerns, which must be addressed in any final cleanup plan in order to adequately protect the river, respond to citizen concerns, and ensure the effectiveness and efficiency of the proposed action.

Partial Cleanup/PCB Recontamination

The Department of Ecology and the Panel refer to the proposed cleanup as a “partial” cleanup, limited to the area clearly attributable to the CSO and leaving behind more a more poorly characterized region of border contamination for future evaluation under Superfund. Specifically, a documented PCB hotspot at the northwest corner of the site, within the navigation channel, and a second hotspot to the immediate west of the site will be left for future investigation. These sites may be single anomalies or components of a much larger area of contamination contiguous with the proposed cleanup site.

While we understand that the Panel's responsibility is limited to confirmed CSO contamination and that their funds are limited, the hotspots left behind in the river may have the potential to recontaminate the Panel's cleanup site. The original cleanup plan identified, but excluded a PCB hotspot upriver of the site that had the potential to recontaminate the site within two years. As a result of public concern and comment, this hotspot was added to the proposed cleanup to protect the integrity of the site and prevent recontamination. The remaining hotspots in the navigation channel may pose the same risk to the cleanup effort. These sites should be characterized, and if necessary removed, on the fastest possible schedule to protect the Panel's (and taxpayers') investment in remediation of the Duwamish/Diagonal CSO site. Both the Panel and the EPA/Ecology Superfund team should consider this to be of the highest priority.

Phthalate Recontamination

The other potential threat to the cleanup site is recontamination by phthalates, a plasticizer ubiquitous throughout the area and common in ongoing stormwater discharges to the site. The Department of Ecology required extensive additional materials from the Panel on its source control efforts prior to releasing a Draft Cleanup Action Decision. While this information is helpful, it does not ensure that the site will not be recontaminated by phthalates in a relatively short time. The City of Seattle and King County are also beginning additional source control efforts, which may significantly reduce phthalate sources to the site. These efforts are encouraging, but it is not yet known how effective they will be. Finally, the Department of Ecology is drafting a Source Control Plan for the Lower Duwamish Waterway Superfund Site that may include additional measures to further reduce phthalate contamination, but is not yet ready for public review and will take significant time to be implemented. For the purposes of this CSO cleanup action, it is unclear whether this will contribute significantly to source control efforts before the site cleanup is done.

Concerted efforts should be made to implement all possible source control measures for phthalates in the Duwamish/Diagonal CSO basin *before* the cleanup commences. Additionally, phthalate monitoring of stormwater must be the preferred approach to determining the effectiveness of source control measures *as* they are being implemented. Monitoring of phthalate deposition in sediments after release to – and recontamination of – the site is insufficient to protect the river and the Panel's investment in the cleanup. The monitoring plan should be developed with public input and review.

Cost Effectiveness and Coordination

The Panel states that any unremediated areas or recontamination of the site will be addressed through separate cleanup actions under Superfund. Severing the cleanup process and re-doing past work is not cost effective and wastes taxpayer money, as well as compromising the project's environmental success. Cleanup work at the site should be coordinated and conducted together for maximum efficiency and effectiveness. This can be accomplished by adopting the Duwamish/Diagonal CSO site as an "early action" under Superfund, completing the site evaluation and PRP determination on an accelerated schedule, and coordinating cleanup efforts so that any

contamination left in the river by the Panel is cleaned up by the appropriate PRP under Superfund. If all work cannot be conducted simultaneously, it should be conducted within the shortest possible timeframe, to prevent recontamination and protect investment in the cleanup.

Unanswered Questions

Two substantial questions addressed to King County in our first review of the proposed cleanup remain unanswered. It is important that questions from the community be addressed to assure the public that the substance of their questions have been considered and rationally evaluated in determining the final cleanup plan. The questions, as posed to King County, are repeated below:

1. The Panel's Preferred Alternative calls for dredging and the installment of a 3-foot thick cap over contaminated sediments, which will be left in place. Please provide citations to verify that a 3-foot cap in a frequently dredged and tidal river containing PCBs and other contaminants present in the Duwamish is sufficient to lock these contaminants in place. Have there been any instances of outmigration of contaminants in similar circumstances? Have there been instances where the dynamics of similar river systems may have disturbed the integrity of the cap? Are there any organisms that burrow to a depth of 3-feet or greater? These are critical questions that should be investigated and discussed in the document.
2. In meetings and individual discussions, members of the Panel have argued....that the risk this site poses to fish warrants immediate action even if additional cleanup due to recontamination is required later. There has been no data presented to support this argument. If this site poses such a great risk to salmon or other Duwamish River fish and wildlife that an inefficient cleanup is warranted for its short-term benefits, then data and analysis to support this action should be provided and those risks should be clearly stated.

We request that the Department of Ecology assist in securing the information reasonably requested by the public prior to approving the proposed cleanup plan. Each of these questions involves significant pieces of information that should have been, and probably were, evaluated before determining the final cleanup plan. The public's request to review this information should be granted.

Thank you again for the opportunity to comment on Ecology's Cleanup Action Decision. If you have any questions, please do not hesitate to call us at (206) 227-3811.

Sincerely,

BJ Cummings
Community Coordinator