

June 13, 2013

Allison Hiltner
U.S. Environmental Protection Agency
1200 Sixth Avenue, Suite 900, MS ECOL-111
Seattle, WA 98101

RE: Proposed Plan- Lower Duwamish Waterway Superfund Site

Dear Ms. Hiltner:

This letter is being submitted by the Seattle Chapter of Environmental Professionals of Color (EPOC). EPOC, a program of the Center for Diversity & the Environment, is a national network of professionals of color working in the environmental field. Our members strengthen the environmental movement by cultivating leaders of color to work on a diverse array of issues including conservation, climate change, sustainability, and environmental health. We also convene leaders of color to engage more actively on environmental issues and work to amplify the voices of our communities on matters that intersect environmental and social inequities. EPOC chapters currently exist in Portland, OR; Seattle, WA and Atlanta, GA with chapters developing in New York, NY; Washington, D.C.; San Francisco, CA; Denver, CO; Boston, MA and North Carolina. The Seattle Chapter welcomes this opportunity to provide comments on the U.S. Environmental Protection Agency's (EPA) and Washington Department of Ecology's (Ecology) Proposed Plan, Environmental Justice Analysis and Source Control Strategy for the Lower Duwamish Waterway Superfund Site.

The neighborhoods along the Lower Duwamish Waterway Superfund Site—including SODO, the Industrial District, Georgetown, Delridge, and South Park—comprise some of the most racially and ethnically diverse populations in Seattle; are home to some of the city's most economically disadvantaged citizens; and have experienced decades of industrial pollution. In addition, the existing pollution, and that to be left behind, affects residents from the greater Seattle area, including Tribal and subsistence fishermen that depend on the river for sustenance. With the Duwamish River area receiving Superfund designation, now is an opportunity to not only ameliorate years of toxic dumping but also to improve the lives, and livelihoods, of the local communities and those who

depend on the river for food. Cleaning up the Lower Duwamish Waterway is not just removing toxins, it is also an opportunity: to rectify years of environmental injustice, provide healthier neighborhoods for the people who live near the river, and create a healthier and safer environment for those who play, pray, and eat from the river.

Even though we commend EPA's and Ecology's efforts, there are several components of this proposal that concern us. As it is, the shortcomings of the Proposed Plan disproportionately impact communities of color who live near or depend on the river. For this reason, we urge you to give serious consideration to the following recommendations.

To ensure an environmental remediation that is permanent, to decrease any uncertainty that the cleanup will be complete, and to offer stronger health outcomes, we recommend:

- Removal of all existing highly and moderately toxic sediments as opposed to simply burying them in place or relying on "enhanced" natural recovery, respectively. To achieve the best environmental outcomes for the river, we recommend the use of state of the art technology, including but not limited to, complete environmental dredging performed by skilled operators who are, to the greatest extent possible, hired from the local community.
- If the removal of all low-level toxic sediments is determined to be cost prohibitive, we recommend adding a layer of clean material on top of the existing toxic sediments as opposed to relying on the highly uncertain process of "monitored" natural recovery.
- Control of all ongoing sources of pollution, including lateral sources and those from upriver. The Source Control Strategy developed by Ecology should be fully integrated into and enforceable under the final cleanup order as this is the only way to prevent future recontamination of the waterway.

To address some of the environmental injustices that the affected communities have suffered, and to ensure an equitable cleanup that will mitigate the cumulative negative impacts caused by pollution in the waterway, we recommend that the final disposition:

- Ensures that efforts to discourage fishing are culturally-appropriate and do not further harm public health. Because a number of the affected communities maintain cultural and/or spiritual ties to the river, its fish and wildlife, EPA, Ecology and other agencies should work with affected community members and/or groups representing them to develop effective and culturally-appropriate institutional controls. In addition, institutional controls that rely on discouraging fishing in the river should not be made permanent.
- Establishes a Pollution Prevention & Mitigation Fund that shall be capitalized and available for as long as the site's health and other negative impacts persist. This Pollution Prevention & Mitigation Fund should be funded by the

responsible parties and oversight of the Fund should be directed by the affected local communities. This will empower the affected communities and will ensure the success of any temporary remedial actions taken to improve the health of the river.

- Requires that the workforce hired to clean up the site come from the local affected communities. Employment and income are some of the most important factors that influence health; local residents who are directly affected by the site should benefit from job opportunities created by the cleanup.

Once again, EPOC – Seattle appreciates this opportunity to provide input to both the EPA and Ecology on remediating the Lower Duwamish Waterway Superfund Site. We look forward to a future of cleaner water and healthier communities along this precious waterway.

With Sincere Regards,

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