

June 13, 2013

Mr. Dennis McClerran, Administrator
Ms. Allison Hiltner, Site Manager
EPA Region 10
1200 Sixth Avenue
Seattle, WA 98101

Ms. Maia Bellon, Director
Mr. Andrew Smith, Site Manager
Washington State Department of Ecology
300 Desmond Drive
Lacey, WA 98503
VIA email: ldpc@resolv.org

Dear Administrator McLerran, Director Bellon, Ms. Hiltner, and Mr. Smith:

As environmental and conservation groups and individuals concerned with the recovery of Puget Sound, we are writing to support a strong cleanup plan for the Lower Duwamish Waterway Superfund Site. The Duwamish River and Elliott Bay are the remaining most polluted areas of Puget Sound, and it is important that we make significant progress in timely way.

We appreciate your leadership in moving forward on the cleanup relatively quickly, compared to other cleanup sites, requiring extensive investigations, and conducting a public process for the Proposed Cleanup Plan that has involved numerous public meetings, including one in Spanish.

We offer the following comments for improvements to the Proposed Cleanup Plan:

- **More active cleanup is needed.** Too much of the river is proposed to be addressed by natural recovery. EPA's own analysis shows that certainty and permanence are greatest with removal. Specifically:
 - Certainty that the cleanup will be effective and permanent is increased with greater use of environmental dredging and with reduced reliance on monitored natural recovery. Natural Recovery is particularly ineffective for PCBs, dioxins/furans, and arsenic.
 - For the chemicals that pose the greatest risks in the Duwamish, monitored natural recovery will only bury contaminants with new sediment coming down from the Green River and additionally will not facilitate degradation of these pollutants.

- Recent experience has shown that new environmental dredging technologies, if used properly, will result in minimal contamination of the water column, surrounding sediments, or fish tissue during dredging.
 - We support full removal of all moderately and highly contaminated material, rather than leaving them under a cap or left to be buried by deposition, so that there is no risk of exposure to these contaminated sediments in the future.
- **Source control must be included in the Record of Decision (ROD).** Controlling sources of ongoing pollution is a vitally important aspect of the cleanup. It must be included in the Record of Decision (ROD) in order to be effective and enforceable as part of the cleanup action. Existing source control efforts have been good but must be expanded and accelerated in order to ensure that our investment in cleanup of the river is protected. Source control must also include the Green River and areas immediately upstream from the Duwamish. EPA's own plan shows that current upriver sources will prevent the lower Duwamish River from meeting the legally-required cleanup goals. This must be addressed.
- **Environmental justice impacts should be better addressed.** The river is used by recreational, subsistence and tribal fishers, meaning that a river cleanup that protects the health of local fish consumers is needed. Where full health-protective standards are precluded by "natural" background levels of pollution in Puget Sound, these levels must be attained to prevent disproportionate health impacts on local tribes and subsistence fishing families. Institutional controls (ICs) are not an acceptable long-term solution. ICs simply tell people that they should not fish there, rather than the area up so that it can be used by future generations. ICs seek to control people's behavior and place the burden of pollution on those most vulnerable, rather than on the responsible parties. In the Duwamish context, this threatens to unravel important and health-protective cultural and dietary practices. In addition, the non-cancer (immunological, neurological, developmental) health effects of fish consumption have not been sufficiently emphasized. For example, a tribal child faces excess risks from non-cancer health effects unless seafood consumption from the Duwamish is cut to less than one meal every other week – an unrealistic expectation.
- **A stronger cleanup will result in more jobs.** The jobs generated from this cleanup will be green, living-wage jobs. Further, because the state's Model Toxics Control Act (MTCA) fund is designed to fund up to 50% of the cleanup costs for public agencies, a significant portion of the cost will be covered by the state (which can be retroactively applied). Employment is one of the strongest positive influences on health and can help the community recover from cumulative risks associated with multiple exposures and stressors.
- **Establish a remediation monitoring effort.** Monitoring needs to start at the earliest opportunity, before remediation and throughout the active cleanup, in order to improve processes and measure progress. Now is the time to collect baseline data on the

contaminant levels in fish and shellfish, as has been done at some other Superfund sites, such as the Hudson River. During remediation, conditions in the vicinity of the cleanup operations should be monitored and posted online to keep the public informed and ensure cleanup activities are protecting the environment and local communities.

- **Ensure that habitat is restored during cleanup.** Habitat restoration should to be conducted as part of the remediation activities, in order to ensure that materials used in enhanced natural recovery provide suitable substrate for the growth of native flora and fauna and to minimize ongoing natural resource damages.

Overall, a comprehensive, certain, permanent, and effective cleanup of the Duwamish River will result in a healthier Puget Sound. We look to you as the regulators of the Duwamish cleanup to ensure that we will not be coming back in twenty years to repair or redo a failed cleanup at this site.

Thank you for your consideration. If you have any questions or concerns, we can be reached at the email addresses listed below.

Sincerely,

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