



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.

September 27, 2022

Executive Dow Constantine
King County Executive Office
401 5th Ave #800, Seattle, WA 98104
Sent via email

RE: Objections to Ordinance No. 2022-0280, Renewal of Ardagh Land Lease

Dear Executive Constantine,

Thank you for the opportunity to express our opposition to the renewal of Ardagh (Ardagh) Land Lease, Ordinance No. 2022-0280 authorizing the King County executive to enter into a lease agreement with Ardagh, as tenant, for county-owned land located at 5245 Ohio Avenue S, 5427 Ohio Avenue S and 5445 Ohio Avenue S, Seattle, in council district eight.¹

We firmly oppose this renewal until the Duwamish Valley community has an opportunity to meaningfully engage in the lease process and fully vet the negative environmental impact of Ardagh's continued operations on local air quality, water pollution and community health in King County, especially those living in close proximity to the facility.

The community learned about Ordinance No. 2022-0280 only two weeks prior to the September 14, 2022 King County Budget and Fiscal Management Committee Meeting Agenda. We remain deeply concerned and disappointed King County did not allow for a proper community engagement process to effectively hear comments and concerns related to the lease negotiations with Ardagh.

¹ Wednesday September 14, 2022 King County Budget and Fiscal Management Committee Meeting Agenda
<https://mkclegisearch.kingcounty.gov/View.ashx?M=A&ID=997141&GUID=385D52F9-B52F-4765-8D31-2F5E43C7B421>



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I. Background on the Activities of Ardagh and Health Impacts of Concern

Ardagh is situated in South Seattle's Duwamish Valley along the Duwamish River, a Superfund Site. Ardagh, Seattle's largest producer of industrial soot, emitted 161 tons of particulate matter in 2018, more than the next six largest emitters in the Puget Sound Region combined.² Ardagh's glass melting furnaces emit quantities of sulfur dioxide (SO₂) and oxides of nitrogen (NO_x) that place it in the "major source" Air Operating Permit program, and also significant quantities of total particulate matter (PM). More so, Ardagh emitted 172 tons of NO_x 106 tons of SO₂ in the same year.

The Duwamish Valley's riverfront neighborhoods Georgetown and South Park are situated within two miles of the Ardagh facility and have long been disproportionately exposed to contamination, cumulative environmental injustices, and subsequent adverse health-related outcomes. Ardagh has existed in the Duwamish Valley for over 100 years where old practices and technologies have led to a legacy of frequent air pollution violations. Residents of the Duwamish Valley are disproportionately exposed to contamination relative to other communities in the City of Seattle. People who live in Georgetown and South Park have some of the highest health differences in the City of Seattle. Childhood asthma hospitalization rates are the highest in the City.

Heart disease death rates are 1.5 times higher than the rest of Seattle and King County. Life expectancy is 13 years shorter when compared to wealthier neighborhoods and 8 years shorter when compared to the Seattle and King County average.

As you know, 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.

² McClure, Roberts; Olmos, Sergio. Should King County renew its lease with one of the region's largest emitters of pollution?. <https://crosscut.com/2019/10/should-king-county-renew-its-lease-one-regions-largest-emitters-pollution>



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Below, we provide additional evidence and information that should be immediately included in County negotiations with Ardagh before a new lease agreement is made, a process that should include the community.

II. Including Impacted Communities in the Decision Making

Why were we not consulted on the lease negotiations with Ardagh? The Council's staff report specifically mentions an October 2019 community meeting at which the Georgetown Community Council and DRCC raised serious concerns about Ardagh's longstanding violations of State and Federal environmental standards. According to the Council's staff report (8/24/22), however, no attempt to engage the community in the last three years has been made.

"However, executive staff state that there has been no further engagement with the Georgetown Community Council since the October community meeting." pg. 9.

This is simply unacceptable from a County government that purports to be a national leader on environmental and racial justice. The report goes on to say:

"Council staff analysis is ongoing to understand details of the environmental concerns raised by community members and analyze whether the proposed lease terms address those community concerns" pg. 9.

One of the six goal areas identified in King County's 2016 - 2022 Equity and Social Justice Strategic Plan is to *"invest in community-based partnerships that will steadily inform the County's decision-making and foster full and equitable civic participation"* and further presents this goal as a moral imperative, describing the plan as a *"commitment to community Partnerships [that] is rooted in the principle that those affected by a decision have the right to be involved in the decision-making process."*³

³2016-2022 King County Equity and Social Justice Strategic Plan
<https://aqua.kingcounty.gov/dnrp/library/dnrp-directors-office/equity-social-justice/201609-ESJ-SP-FULL.pdf>



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The Ardagh lease negotiation process has fallen far short of this goal, and we question how County staff can effectively “analyze” whether the lease terms address community concerns, without proper community engagement and consultation. The County failed to use their own community engagement and/or Equity Impact Review tools, given that our community ranks highest in social equity impacts and poor health conditions in addition to being a Puget Sound Clean Air Agency Focus Community.⁴

III. Identifying Adequate Toxics Data and Potential Mitigation Strategies

DRCC recently completed a study of airborne heavy metal concentrations through an analysis of moss samples in Georgetown and South Park. Conducted with National Forest Service scientists, and led by Duwamish Valley Youth Corps (DVYC), the analysis showed significantly higher concentrations of dangerous metals in areas near Ardagh. You can find more details in our [Moss Study Community Fact Sheet](#).

Metals considered to be hazardous air pollutants (HAPs) which are in glass melting feedstock or its process such as lead and chromium are measured at the E. Marginal Way S. (Duwamish) monitor in quantities far below the standard or action levels. About 80% of regional ambient lead originates from the aviation sector (Avgas).

The two highest cadmium concentrations were registered in the moss locations nearest to Ardagh, despite the fact that Ardagh has not reported any cadmium emissions for ten years. The next step in our study is to have air quality monitors installed near areas with highest concentrations of metal, which will result in real-time data about metal particulates coming from industrial polluters.

IV. Creating Community Accountability for Public Health and Safety

According to the terms of the lease – which could be in effect for 20 years – the County requires two environmental commitments: 1) repair or shutdown of Furnace 3 and 2) compliance with environmental permits. We appreciate that the County negotiated with Ardagh to be more publicly accountable for polluting our air and water.

⁴ Puget Sound Clean Air Agency Focus Communities
<https://pscleanair.gov/382/Focus-Communities>



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Yet, these commitments are both inadequate and lack any means of accountability, oversight and trusted compliance mechanisms to reassure the impacted, majority Black and Brown communities of the Duwamish Valley.

First, Ardagh's track record on compliance with environmental permits, as detailed in the Council staff report, is dismal. Although those pollution permits use inadequate standards to begin with, we firmly believe the potential harm to the community requires, at a minimum, zero significant violations. And while the lease agreement gives the County the power to end the lease if Ardagh does not meet permit standards, it does not require that the County use that power. In fact, all the County's actions are conditioned by "may" and "can." So, perhaps the County "can" hold Ardagh accountable, yet who is holding the County accountable and therefore building trust with nearby communities which demonstrates the health of the community is a top priority? There is a role here for impacted communities that should be built into the lease process.

Second, the requirement for Ardagh to repair or shut down Furnace 3 is not adequately explained by the County. It makes sense that Furnace 3's age or last rebuild may be a good indicator of how much harmful pollution is escaping to nearby neighborhoods, but it may not be the best. What if Furnace 5 is the culprit for cadmium hotspots? This is another strategy the community should have been consulted on. Nevertheless, as with violations of permit standards, the County is not obligated to do anything. We believe that successful reduction in toxic emissions requires ongoing community collaboration with the County on a furnace shut down or rebuild.

Furthermore, we highlight that the single most accurate indicator of emissions reduction is not the number of permit violations or whether a facility has been curtailed or not –yet, it is the measured level of toxic particles in local air, land and water. The community has a long-standing interest in real time monitoring of pollutants and is ready to partner with the County in setting up systems to hold Ardagh accountable.

Everyone, regardless of their income, race or language ability has the right to a clean and safe environment. The vibrant and diverse community of the Duwamish River deserves a healthier future, and this is shaped by the decisions we make today.



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V. Conclusion

We appreciate the County's difficult situation. On the one hand, Ardagh creates over 350 union jobs and is the County's only means of recycling glass. No-one appreciates the opportunity to create green jobs for Black and Brown workers more than DRCC. And of course, recycling glass is an important climate change mitigation strategy for a community that will bear the brunt of rising sea levels. Yet, the Duwamish Valley is chronically exposed, breathing and living in the toxic air of industry – for the greater good of the larger economy.

It is time for this harmful legacy to stop. Deadly chemicals in our air and water are not an acceptable trade off and should not be acceptable to any of us. The quotes from community below in regard to this matter reflect our collective opposition to Ordinance No. 2022-0280:

"We live, work, exercise, and grow food within a quarter mile of Ardagh. Please hold them accountable for polluting our air and water, and threatening our health and longevity."

- Amy Kate Horn

"Please hold Ardagh glass accountable for its environmental health violations."

- Tanya Hayes

"I support DRCC's call for Ardagh to stop violating air emission standards, to install bag house technology, to stop discharging contaminated water into the Duwamish River, and to establish a good neighbor agreement with the community members that their emissions affect every day."

- Andrew Schiffer

"I can only add to this letter by bringing DRCC's own words back up: "How can County staff "analyze" whether the lease terms address community concerns, without talking to the community? The County needs to shift its stance to a community-first approach when considering anything that affects the Duwamish Valley."

- Wendy Walker



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"It is time to listen to the communities most affected by the polluters in King County!! Please follow up on the 2019 recommendations today!"

- Selene Russo

"It is time to keep those responsible for pollution accountable ! We can't keep putting our community at health risk. Prioritize health!"

- Paulina López

"Why has the Council approved lease extension without requiring mitigation of pollution? Why are data pointing to high concentration of pollution on the river near Ardagh ignored? Why has the community most directly affected not been heard, nor invited to give input?"

- Susan Ward

" Community consolation first and always."

- BJ Cummings

" These measures are vital to protect community health!"

- Jessica Farmer

"If you won't cancel the lease this time, it should definitely not be renewed for the next time."

- Lauren Nget

"Support our communities!"

- Nancy Huizar

We respectfully request that you withdraw the lease agreement from discussion in County Council until you and the appropriate County staff can meet and strategize about how the community can help hold Ardagh accountable for local toxic pollution.



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More so, we and the undersigned request you follow up on 2019 recommended actions:

- We recommend King County staff can meet directly with the Duwamish Valley community in regard to holding Ardagh accountable for local toxic pollution.
- We recommend that Ardagh stop violating air emission standards under the Federal Clean Air Act.
- We recommend that Ardagh can do this by installing bag house (air filtration systems) technology.
- We recommend Ardagh stop violating the Clean Water Act and WA state surface water standards to the Duwamish River through its outfalls.
- We recommend that Ardagh use Best Management practices protecting the health of Duwamish Valley neighbors.
- We recommend that Ardagh establish a Good Neighbor Agreement with the community, specifically Georgetown, to ensure that community shares the benefits of this lease, including fiscal support for neighborhood amenities such as a community center.

We, the undersigned, look forward to hearing from you.

In community,

Paulina López
Executive Director
Duwamish River Community Coalition

Lisa Herbold, 98106

Sara Poulsen, 98108

Adam Price, 98108

Denise Miller, 98108

Dana Wu / 吳淑如, 98108

Troy Abel, 98121

Mohamed Deurbele, 98108

Adrienne Hampton, 98311



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Michelle Benetua, 98115

Lucas Moser, 98102

Lisa Hayward, 98133

Florence Sum, 98031

Samantha Keller, 98106

Jason Iloreta, 98118

Jay Doran, 98106

Nicolas Morin, 98115

Julia Buck, 98107

Annie Taylor, 98118

Benjamin Last, 98107

Dylan Gschwind, 98118

Grant Gutierrez, 98144

Alessandra Pollock, 98133

Graeme Aegerter, 98144

Laura Kett, 98107

Sam Farrrazaino, 98108

Paula Kett, 98126

Priya Saxena, 98407

Amanda Allen, 98117

Katharine Stein-Ross, 98166

Eloise Harris, 98092

Michael Stein- Ross, 98166

Reed Clarridge, 98312

David Goldberg, 98117

Cynthia Bergh, 98208

Jaclyn Bringuez, 98117

Britta Melure, 98112





We, the undersigned, firmly oppose the Ardagh Glass lease renewal on King County land without prior engagement and consultation with Duwamish Valley communities to fully vet the environmental impact of Ardagh's continued operations on local air and water quality, along with community health. We stand with the Duwamish River Community Coalition (DRCC) and ask that the County withdraw the lease agreement with Ardagh Glass until they can commit to the five recommendations listed in the attached letter.

#	Full Name (please print legibly)	Signature	Zip Code (optional)	Date
1	Troy Abel		98121	9/22
2	Adrienne Hampton		98311	9/22
3	Michelle B. Bondu		98115	9/22/22
4	C. MARTIN			9/25
5	Lisa Hayward		98133	9/22
6	ADAM Price		98108	9/22
7	Samantha Keller		98106	9/22
8	JAY DORAN		98106	9/22
9	Julia Buck		98107	9/22
10	Benjamin Last		98107	9/22



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#	Full Name (please print legibly)	Signature	Zip Code (optional)	Date
11	dana wu / 吴淑如		98108	9/24/22
12	Mohamed Dembele		98108	9/24-22
13	Sara Paulsen		98108	9/24
14				
15				
16			11811	5/5/22
17			15122	5/5/22
18				
19				
20				



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2 1	Girant Gutierrez		98144	09/22/22
2 2	Graeme Aegerter		98144	09/22/22
2 3	SAM FARRAZANO		98108	9/22/22
2 4	PRIYA SAXENA		98407	9/22
2 5	Katharine Stein - Ross		98166	9-22
2 6	MICHAEL STEIN-ROSS		98166	9.22
2 7	LISA HERBOLD		98106	9/22
2 8	David Goldberg		98117	9/22
2 9	Jaclyn Brinquez		98117	9/22
3 0	Lucas Moser		98102	9/22



READ MORE HERE

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#	Full Name (please print legibly)	Signature	Zip Code (optional)	Date
31	Florence Sun		98031	9/22
32	Jason Floreka		98118	9/22
33	NICOLAS MORIN		98115	9/22
34	Annie Taylor		98110	9/22
35	Dylan Gschwind		98118	9/22/22
36	Alessandra Pollack		98133	9/22/22
37	Laura Kett		98107	9/22/22
38	Paula Kett		98126	9/22/22
39	Amanda Allen		98117	9/22/22
40	Denise Miller		98108	9/22/22



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#	Full Name (please print legibly)	Signature	Zip Code (optional)	Date
4 1	ELOISE HARRIS		98092	9/22/22
4 2	Paul Reed Reed Clarridge		98312	9/22/22
4 3	Cynthia Bergh		98208	9/22/22
4 4	BETTA McLORE		98112	9/22/22
4 5				
4 6				
4 7				
4 8				
4 9				
5 0				

Community Fact Sheet

Prepared by Duwamish River Cleanup Coalition 10/1/2019

ARDAGH GLASS COMPANY

Ardagh is a glass recycling and packing plant located in Georgetown in South Seattle's Duwamish Valley. They are the largest glass recycler in North America and have been operating in South Seattle for more than 10 years. Nearly 200K tons of glass is processed at their facility receiving 30-50 trucks of glass per day. It operates 24 hours a day, 7 days a week. They employ about 30 unionized employees at the Georgetown facility. Their combined operations are the receiving point for 100% of King County and Seattle's curbside recycling programs.

HEALTH IN THE DUWAMISH VALLEY

Residents of the Duwamish Valley are disproportionately exposed to contamination relative to other communities in the City of Seattle. People who live in Georgetown and South Park have some of the highest health differences in the City of Seattle.

Childhood asthma hospitalization rates are the highest in the City.

Heart disease death rates are 1.5 times higher than the rest of Seattle and King County.

Life expectancy is 13 years shorter when compared to wealthier neighborhoods and 8 years shorter when compared to the Seattle and King County average (Gould, Cummings – DV Cumulative Health Impact Analysis (2013))



WHY IT MATTERS?

The Duwamish Valley has been designated as a community with environmental injustices- a community with disproportionately high environmental health burdens and risks and fewer positive environmental benefits than the rest of Seattle. The neighborhood around the Duwamish River is generally low income, with high proportions of people of color and immigrant communities. The Duwamish Valley is also home to Seattle's largest industrial and maritime trade centers and is bisected by three highways and the Duwamish River Superfund site. The Superfund cleanup cannot be completed until industries, like Ardagh, stop polluting the River.

Environmental & Health Impacts

Air Violations:

- In 2015, the Puget Sound Clean Air Agency (PSCAA) issued Ardagh a regulatory order to follow Clean Air Act Standards. Despite the regulatory order, Ardagh continues to violate air emission standards and has received multiple civil penalty letters from PSCAA including 2019.
- The PSCAA enforcement actions have been for particulate matter (<PM10 um) violations. The Environmental Protection Agency (EPA) maintains a website called ECHO (Enforcement and Compliance History Online). On ECHO, Ardagh has a history of multiple “high priority” violations for which they have been penalized a total of \$91,000.
- EPA maintains a tool called the Risk-Screening Environmental Indicators (RSEI) which, along with the Toxics Release Inventory (TRI) tracks the amount of toxic chemicals released as well as facts such as the chemical’s fate that transport through the environment related to toxicity.
- According to RSEI, Ardagh Glass is one of Seattle’s top emitters for lead and chromium. It accounts for about 90% of the City’s relative risk for inhaling toxic contaminants (Abel, White, Clauson, 2019) for two chemicals -chromium and lead.

Water violations:

According to the WA Department of Ecology (ECY), Ardagh has received warning letters for non-compliance with industrial stormwater permits in 2019.

- According to EPA’s TRI data base, Ardagh has a history of “significant violations” for the last 12 quarters. Some of the pollutant violations included total copper, total zinc, total suspended solids, turbidity, oil, grease, and pH.
- The Clean Water Act prohibits anyone from discharging pollutants through an outfall into a “water of the United States” unless they have a NPDES permit.
- The contamination discharging from Ardagh outfall can harm fish and wildlife.

How can these issues impact my health?

The size of particles (particulate matter, PM) is directly linked to their potential for causing health problems. Small particles less than 10 micrometers in diameter pose the greatest problems, because they can get deep into your lungs, and some may even get into your bloodstream. Exposure to such particles can affect both your lungs and your heart. Numerous scientific studies have linked particle pollution exposure to a variety of problems, including:

- premature death in people with heart or lung disease
- non-fatal heart attacks
- irregular heartbeat
- aggravated asthma
- decreased lung function
- Increased respiratory symptoms, such as irritation of the airways, coughing or difficulty breathing.

People with heart or lung diseases, children, and older adults are the most likely to be affected by particle pollution exposure.

RECOMMENDED ACTIONS:

- We recommend that Ardagh stop violating air emission standards under the Federal Clean Air Act
- We recommend that Ardagh can do this by installing bag house (air filtration systems) technology.
- We recommend Ardagh stop violating the Clean Water Act and WA state surface water standards to the Duwamish River through its outfalls.
- We recommend that Ardagh use Best Management practices protecting the health of Duwamish Valley neighbors.
- We recommend that Ardagh establish a Good Neighbor Agreement with the community.

Questions for DRCC or our science advisors can be directed to Paulina Lopez at contact@duwamishcleanup.org

This product was funded by a grant from Washington State Department of Ecology. While these materials were reviewed for grant consistency, this does not necessarily constitute endorsement by the department.

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