



CITY OF EDMONDS

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MIKE ROSEN
MAYOR

Community | Culture | Economic Development

October 1, 2024

Department of Ecology
Northwest Regional Office
15700 Dayton Ave N
Shoreline, WA 98133

Dear Mr. Bushnell,

RE: COMMENTS ON UNOCAL EDMONDS DRAFT FINAL FEASIBILITY STUDY REPORT

We are writing to provide comments on Chevron's Draft Final Feasibility Study Report Addendum. Our comments focus around two primary areas: the suitability of Alternative 6's reliance on the WSDOT stormwater pipe, and the broad use of environmental covenants (ECs).

Stormwater Pipe

WAC 173-340-360(5) outlines procedures to determine whether a cleanup action uses permanent solutions to the maximum extent practicable. Practicable means "capable of being designed, constructed, and implemented in a reliable and effective manner including consideration of cost."

We contend that Alternative 6 does not use a permanent solution to the maximum extent practicable. Its recommended action ensures a temporary solution which has a considerable likelihood of failing in the near term due to the age of the pipe (approx. 50 years) and the type of pipe installed here. This is asphalt-lined corrugated metal pipe sitting in soils that are intermittently wetted each day, i.e., a corrosive environment. An almost identical pipe in identical soils, of the same age, also under tidal influences, is located less than 50 yards from the WSDOT pipe. That pipe has already failed structurally. The entire bottom of this comparable pipe has corroded to the extent that large sections have no bottom at all. Should that happen to the WSDOT pipe it would wash contaminated soils we already know are there into Puget Sound. Worse yet, in a big enough storm, the pipe could completely fail and destroy the expensive soil cap relied on to isolate remaining contamination in the marsh.

Step 4 in determining whether a cleanup action uses permanent solutions to the maximum extent practicable requires a "disproportionate cost analysis" (DCA) which includes a comparison of the costs and benefits of the baseline alternative with the next most permanent alternative.

We contend that the DCA did not adequately compare the costs and benefits of Alternative 6. It ignores the costs of a likely and foreseeable collapse of the WSDOT storm line and subsequent release of toxins into the environment.

WAC 173-340-360(5)(d) requires the following when assessing the long-term effectiveness of the alternative:

- The degree of certainty that the alternative will be successful;
- The reliability of the alternative during the period of time hazardous substances are expected to remain on-site at concentrations that exceed cleanup levels;
- The resilience of the alternative to climate change impacts;
- The magnitude of residual risk with the alternative in place.
- The effectiveness of controls required to manage treatment residues or remaining waste.

We contend that the proposed Alternative 6 is:

- *Not reliable given known weaknesses with similar infrastructure nearby;*
- *Not resilient to impacts of climate change, and disregards current conditions;*
- *Retains significant residual risk;*
- *The containment option (leaving the soil in place around an aged and over capacity storm pipe) is likely to fail in whole or in part.*

We'd also like to highlight that Chevron's own analysis indicates that WSDOT's stormwater pipe is fragile and likely to collapse if surrounding soil is disturbed. Surrounding soil will certainly be disturbed during any breach in the pipe – foreseen or not – and dramatically increase the likelihood of the entire system failing.

Costs are also supposed to address design life in the analysis. In para 5.vi.B.I. "Design Life," there is a requirement to estimate the design life of cleanup action components, including engineered controls. If the period of time in which a component is needed exceeds the design life of the component, the cost of replacing or repairing the component in the cost estimate must be included.

The condition of WSDOT's stormwater pipe represents a critical risk in the design of Alternative 6. A failure of the stormwater pipe will likely result in a complete failure of the system. It is essential to account for the real conditions facing the stormwater infrastructure onsite. WSDOT has not assessed the condition of their pipe for over 14 years. Section 4 discusses a "contingency action(s) such as installation of a cast-in-place pipe (CIPP) liner within the stormwater line." We request this action be moved into alternative 6 as the baseline. If the stormwater pipe should fail due to age, intensity of storms, or any other reason, the result would be a catastrophic failure of the entire system. There is no reason to not implement this solution now.

Environmental Covenants

The Revised Draft Feasibility Study envisions Environmental Covenants (ECs) across the entire site despite the decades-long cleanup and the equally long intent of the City of Edmonds to restore the site to a functioning estuary. The Study refers to ECs being the preferred remedial alternative in section 1.2 and calls out the "entire site" as the location of the ECs (section 4.3.1). This disregards the local public and municipality's desires for the site for the sake of convenience of Chevron, pushes additional costs onto entities conducting future remediation, and limits the types of remediation and restoration that will be economically feasible in the future.

Additionally, as discussed in our comments regarding the WSDOT stormwater line's ability to serve as a long-term solution to containment of remaining toxins, we contend that ECs are far less effective than stated by Chevron when the likelihood of failure of this critical component is considered. ECs would be essentially useless when the pipe fails, would impede restoration of stormwater function, and impose additional costs on both WSDOT and any future landowners.

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We request that environmental covenants be used sparingly on the site and only in areas where contaminants remain. As stated, we disagree with Chevron's Study's recommendation to leave the contaminants in place due to the age of the WSDOT stormwater pipe and the stresses placed upon it by climate change driven increases in storm surges.

Please feel free to reach out if you have additional questions. Emails or calls should be addressed to Todd Tatum at todd.tatum@edmondswa.gov and Phil Williams at phil.williams@edmondswa.gov.

Sincerely,

Todd Tatum

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