

Ellen Blackstone

Comments to Ecology re: Chevron/Unocal Marsh Cleanup

My thanks go to Ecology for shepherding this complicated project. The pressure, from corporation and community alike, is intense, I have no doubt.

You have clearly heard from the community that what they "want" is for the property to be cleaned up so that it can be returned to a fully functioning estuary. However, just "wanting" the marsh to be more thoroughly cleaned up so that it can eventually be restored – Alternative #4 – is not enough, we're told.

But there is more. From what I read in the Model Toxics Control Act and elsewhere, the alternative favored by Chevron, #6, doesn't meet Washington State's own guiding standards.

For instance, regarding the feasibility study, identifying cleanup goals should include: "...any planned future uses of the site and any habitat restoration or resource recovery goals for the site." At the September meeting, it seemed that we were looking only at WSDOT as a future owner, and they will most likely cede their right of purchase. But "any planned future uses" means ANY future uses -- plural -- does it not? And in this case, with the vision of estuary restoration and salmon resource recovery, it seems clear that this step deserves more weight than was considered in Alternative #6. Also according to the WAC, Indian tribes' rights and interests must be considered; no mention of their concern or involvement in salmon recovery and the health of Puget Sound was made in that alternative. (Salmon recovery and the health of our Southern Resident Orcas is of huge "public concern," as well.)

Especially troublesome to me are the environmental hazards that seem not to be covered in Alternative #6. The Washington Administrative Code says: "...cleanup action must prevent or minimize present AND FUTURE (my emphasis) releases and migration of hazardous substances in the environment" and that the cleanup action "...must provide resilience to climate change impacts that have a high likelihood of occurring and severely compromising its long-term effectiveness." After the king tide and flooding of December 2022, it's clear that climate change will have a serious impact on the Unocal property, the current Edmonds Marsh, and the entire waterfront. Sweeping away or otherwise disengaging the caps and covers that are part of Alternative #6 could allow the contamination that remains to find its way into Willow Creek and Puget Sound. And that area is vulnerable not only due to climate change but also to seismic events, an absolute eventuality, geologists tell us.

In addition, all those risks would require regular, careful monitoring. But there is no mention in Alternative #6 of on-going management of the possible risks, an expense in itself.

There is a list in Ecology's publication summary of MTCA Chapter 173-340 that seems to suggest that the disproportionate cost analysis should include these five categories of benefits:

- Protectiveness.
- Permanence.
- Effectiveness over the long-term.

- Management of implementation risks.
- Technical and administrative implementability

When the plan was that WSDOT would pave over everything and build a new terminal, perhaps caps and covers were protection enough. But with the terminal an idea of the past, the "planned future use" is now "habitat restoration and resource recovery." And given climate change and sea level rise, Alternative #6 is neither protective nor permanent in the long term for those activities. Salmon and other wildlife, along with human visitors to the area, must be afforded safer conditions.

Given all these issues, Ecology should demand an updated feasibility study, including new soil samples, and a revised disproportionate cost analysis. It's likely that the alternatives will be much closer in cost than the 10 times estimate as seen in the current DCA. Chevron carried out the activities that made the mess, making corporate profits all the while, and they should be responsible for a more complete cleanup.