



*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.*

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**RE: Crowley Marine Service 8th Ave S. Remedial Investigation**

Dear Mr. Johnson,

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.

Our MTCA work over the past several years has included engaging the community in creative ways such as through in-person gatherings, community events, and multilingual social media and video interactions to bring some of this information to the community and gather their input. We prioritize the voices of those who are directly impacted by these changes to ensure that our impacted low-income and black/indigenous/people of color immigrant, refugee, and fisher communities who already suffer the greatest exposures and health disparities can be meaningfully informed and engaged.

As we have expressed in previous comment letters, communities should be meaningfully engaged in decisions that will most heavily impact them. As community stewards, we are committed to keeping our community informed and ensuring that they access information in a way that allows them to provide their input. Unfortunately, DRCC did not receive an Ecology Public Participation Grant for 2023-2025 which means that we are no longer receiving funding to engage with our Environmental Justice community in a way that supports the type of

engagement that we had been doing previously, including but not limited to: multilingual advertising and attending community meetings; sharing MTCA site details at community-hosted events with DRCC created materials; and detailed comment letters informed by thorough review of all site document with consultation by technical advisors. In light of this fact, Ecology can no longer rely solely on DRCC's community expertise and will need to conduct its own meaningful community engagement as part of the public participation process.

We include this background information in order to remain transparent as a community-based organization and as a request to the Department of Ecology to reevaluate the way their existing funding structures and reliance on overburdened communities and grassroots organizations to perform uncompensated labor is antithetical to principles of environmental justice and equity. With regard to DRCC's review of the Crowley Marine Remedial Investigation and associated documents, we offer this limited review:

The data collected for this RI was collected between May 2013 to January 2015 and is more than ten years old. Much has changed in the past ten years, including but not limited to the passage of the HEAL Act (2021), revised MTCA regulations (2023), revised PCULs (Feb, 2024), and adaptation strategies to resilient remedies (2018). For example, WAC 173-340-350 (f) states that a report on climate conditions and how they may impact the resilience of the cleanup alternative should be addressed. WAC 173-340-350(j and k) states that the RI must address whether enough information has been collected to move on to an FS. Conditions may have changed since the last data collection effort, which may influence the development of alternatives. Given our concerns about the data age and changed conditions, we offer the following comments assuming that an FS is proceeding:

- Lack of clarity around the site's connection to LDW site contamination and cleanup: Ecology should be clearer about Ecology's source control sufficiency strategy and its link to LDW site contamination, including how LDW cleanup connects to contamination from this site. The public is often confused about the difference between upland cleanup strategies and LDW sediment cleanup strategies.
- Data gaps in the RI: Due to data gaps in the RI, we request that Ecology:
  - Conduct updated groundwater and storm drain sampling collection before alternatives are developed following WAC 173-340-351
  - Address the degree/rate of flow through the seawall to determine the extent of exchange of contaminants through, under, and around the wall, in addition to potential erosion.
  - Address the limited data available for benzyl alcohol in sediments given that the laboratory rejected the benzyl alcohol results for all of the samples from the sediment cores except core SSED-DB-12A.

- Groundwater movement considerations: The tidal influence on groundwater levels at the site could impact the cleanup process and source control to the Duwamish River. Given the wide variation in the groundwater elevation, as influenced by tides, the Feasibility Study will need to consider the potential for recontamination for any contaminants that can become mobile as the groundwater table rises. This is also true for volatile organic compounds such as PAHs that can volatilize as they become closer to the ground surface.
  - The current site use prevents most movement of rainwater into the soil due to the amount of paving. Future use of the site assumes the same in the RI. However, in the case of the Boeing property to the south, a significant addition of habitat could impact the movement of contaminants in the soil into the river. If a future use includes habitat creation or restoration, additional evaluations will be needed to assess the movement of contaminated soil. Additionally, the pavement will need to be maintained in good to excellent condition to prevent the movement of rainwater in cracks and into the soil, which could result in the movement of existing contaminants through the soil and potentially into the river.
  
- Concerns with the seawall: The seawall currently contains contamination onsite, except where seeps and cracks exist. With the way contaminants are currently aggregating along the seawall and potential structural issues arising from cracks and seeps in the wall, it is critical to ensure ongoing source control for this site. DRCC advocates for more resilient and green forms of infrastructure as part of remediation work along the Duwamish. We also do not believe that seawalls contribute to restoring the environment, due to less water storage capacity during flood events due to sea level rise and climate change. Seawalls also do not improve or protect habitat for the river. Seawalls support an average of 23% lower biodiversity and 45% fewer organisms than natural shorelines.<sup>1</sup>
  - The seawall is likely providing protection from sea level rise currently but will not be able to protect against rising groundwater tables associated with sea level rise. For this reason, given the site's sensitivity to changes in tidal conditions, the RI should further evaluate the data based on additional groundwater table rise combined with sea level rise on the potential distribution of contaminants across all media and in consideration of exposure.
  - The FS should include more green remediation options that assess the feasibility of seawall removal as a part of the cleanup process, given that there are already existing cracks and seeps that will only be put under more stress as soil erosion and rising tides increase over time.
  
- Using existing guidance and resources on climate change impacts on remediation sites: The state of Washington developed guidance in 2018, Adaptation Strategies for Resilient Remedies. The guidance is intended to: 1) help understand site-specific vulnerabilities of

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<sup>1</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5421310/>

cleanup sites to climate change impacts and 2) provide recommendations to increase the resilience of remedies at each cleanup phase. The WA DOE guidance also includes examples of vulnerability analyses, a list of references, and links to different technologies, adaptation plans, decision tools, case studies, and sustainable remediation resources.<sup>2</sup>

- Revised MTCA (WAC 173-340) regulations call for attention to climate change at MTCA clean up sites. We request that all MTCA cleanup sites in the Duwamish Valley follow Sustainable Remediation: Climate Resiliency/Green Remediation Guidance (Ecology Publication No 17-09-052), and conduct Climate Change Vulnerability Assessments (CCVA). We ask that the Feasibility Study follow the Sustainable Remediation Guidance and that the CCVA be fully presented.
- Accounting for sea level rise: Most of the Lower Duwamish River Valley in Seattle, Washington, is less than 20 feet above sea level; consequently, the river valley is prone to flooding during high tides, extreme rainfall, and high streamflow. In addition, groundwater inundation—localized coastal flooding due to a rise of the groundwater table with global sea-level rise—may compound flooding issues in the area. Ecology should use existing studies such as the City of Seattle’s report titled “Preparing for Climate Change,” Puget Sound Partnership’s “State of Knowledge: Climate Change in Puget Sound,” and the “South Park Sea Level Rise Adaptation Vision Summary” by Seattle Public Utilities and the Office of Planning and Community Development.
  - We recommend an adaptive pathways approach whereby the cleanup work could be phased such that the remedial design considers these impacts as they are expected to occur. For instance, if the site design is anticipated to last 30 years, the climate resilience strategy should include actions to address any anticipated change occurring by 2050. Further, the 5-year review and monitoring plan could include assessing recent climate data and information. Review of Draft Remedial Investigation for 8th Avenue Terminals, Inc./Crowley Marine Site 14 and make revisions to the design, as needed. By implementing a phased approach, there is a cost efficiency and opportunity to use the best available science.
- Incorporating environmental justice considerations by complying with HEAL Act: For the next stage of the MTCA process, Feasibility Studies should include an environmental justice analysis, especially for MTCA sites in overburdened communities, as required by the HEAL Act. Ecology should explain in detail in that document how the Healthy Environment For All (HEAL) Act informed and guided the creation of the FS as mandated by law. Additionally, the Department of Ecology should provide examples of how planning for this site meaningfully prioritizes vulnerable environmental justice

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<sup>2</sup>Washington State Department of Ecology (Washington DOE), Toxics Cleanup Program. 2017. Adaptation strategies for resilient cleanup remedies: A guide for cleanup project managers to increase the resilience of toxic cleanup sites to the impacts from climate change. Publication No. 17-09-052.

communities outlined in the HEAL Act, which were absent from previous site plans created prior to the passage and implementation of the Act.

We appreciate this opportunity to provide comments. Please do not hesitate to contact us if you have any questions.



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