DUWAMISH RIVER
COMMUNITY COALITION

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.

October 9th, 2025

Letter to the Department of Ecology
Re: Comments on the Kenyon Industrial Park (KIP) and the 7901 2nd Ave S (7901) Cleanup Action Plan (CAP)
On behalf of the Duwamish River Community Coalition (DRCC)

Dear Department of Ecology,

Firstly, thank you for creating a comprehensive cleanup plan and report for the KIP and 7901 sites. The plans are understandable, data-informed, and well-organized. We hope to offer suggestions that bolster the strong foundations of your CAP.

When reading through these reports, our priorities lie with community. We work to uplift the most vulnerable voices in the Duwamish Valley, who have lived and breathed in the shadows of polluting industries and utilities for decades. Additionally, people who live in Georgetown and South Park have some of the most severe health inequities in King County. Childhood asthma hospitalization rates are among the highest in the city, and life expectancy is approximately 10 years shorter when compared to wealthier neighborhoods and seven years shorter when compared to the County average (Public Health - Seattle & King County Assessment, Policy Development & Evaluation, 2023). Our community also lives in close proximity to several contaminated waste sites, including the Duwamish River Superfund sites, and suffers from air pollution caused by drayage trucks, industry, traffic congestion, manufacturing facilities, and highways. South Park and Georgetown residents have a mere 140 square feet of accessible green space per resident compared to 387 square feet per resident in Seattle. The Duwamish Valley has lost between 16 and 25% tree canopy cover over the last 5 years, among the highest rates of environmental justice communities in Seattle (Seattle Office of Sustainability & Environment, Tree Canopy Assessment Report, 2021). Lastly, Georgetown and South Park have been subjected to intense gentrification over the last decade. Low-income families, Black and brown neighbors, and legacy homeowners have been increasingly pushed out due to exclusive zoning and

unaffordable housing development. Between 2015 and 2022, low-income renters in the Duwamish Valley were displaced at a rate more than four times the citywide average (Final Environmental Impact Statement, 2025).

Cleanups like the South Park Landfill reflect this history. The landfill openly burned its waste for thirty years, polluting the air in South Park and beyond and layering soot on people's laundry, cars, and play areas for children, prompting housewives and other residents to stage a sit-in at City Hall to resist the open burning and eventually leading to the closing of the landfill. Decades of activism have brought us to this point of cleanup, and we credit this legacy back to the community.

Below are some high-level recommendations for the KIP and the 7901 cleanup plans. Specific parts of this letter are inclusive of both parts of the Landfill site unless otherwise stated.

<u>Recommendations</u>

I. **Add a community impact analysis to the cleanup plan.** This could look like an environmental justice review/health impact assessment for all people expected to be living and working within half a mile of KIP's footprint, pursuant to the HEAL Act's requirement for Ecology to include equitable community engagement and public participation in "processes that facilitate and support the inclusion of members of communities affected by agency decision making" (RCW 70A.02.050).
    A. The CAP refers to "nearby buildings" and human receptors, but there is no explicit measure of how many residents/households/children/sensitive populations live within 500 ft/1,000 ft/0.5 miles of the landfill's footprint and its likely gas dispersion zones (including the LR3 zoning at the corner of 5th Ave S and S Sullivan St). A breakdown of these counts and demographics would help inform a community level analysis. People with lower median incomes, limited English proficiency, or less access to the internet increases vulnerability and lowers adaptive capacity to report and respond to these plans, so demonstrating consideration of these communities within the report is one step towards acknowledging their lived experiences near these contaminated sites.
    B. This should include a map showing the number of households, schools, daycares, clinics, and community centers within half a mile of KIP's footprint.
    C. Please include mention of "nearby residents" in Table 3.1 disclosing potential exposure pathways and human receptors.
II. **"Breathing zone" is not a fully protective practice and is inherently a limited indicator of safety to nearby populations.** Methane is lighter than air and vinyl chloride and H_2S can migrate and accumulate in pockets; near-surface and perimeter monitoring,

indoor air sampling, and community ambient monitoring are all needed. Dispersal could be unequal otherwise and easily blow into the breathing zone, adding to the cumulative air pollution nearby residents already breathe and experience on a daily basis from SR-99/SR-509 roadway emissions, nearby industrial sources, the Port of Seattle and Northwest Seaport Alliance, stormwater contamination, and groundwater contamination.

A. Perimeter probes at the property line are appreciated, but for the residences nearest the landfill, continuous VOC sensors at the nearest property line possible are needed.
B. **Indoor air quality monitoring and air filters** should be provided to nearby businesses and in the closest occupied buildings, through outreach and by request. Connecting with local nonprofits or business associations to foster community knowledge is considered a best practice for this.

III. **We request collection and destruction, not intermittent ventilation, as the method of disposal of any trigger actions caused by LFG increases.** Intermittent ventilation without treatment is a false solution that would lower measured levels within the covered cap but would be failing to solve what this cleanup is intended to do, which is to prevent harmful chemicals of concern from being further released into the environment.

A. Alternative examples include engineered caps with gas collection layers or passive vents with treatment. The EPA provides guidance on these considerations, and we acknowledge your expertise on this topic as well.

IV. We request a paid community liaison for all cleanup sites in the Duwamish Valley, including stipends for community members who would like to attend meetings as advisors. This will provide greater transparency and meaningful community engagement.

A. This should include residents who work on these plans with Ecology when it falls within the DV, so that plans are not introduced for the first time to the community once the plans have already been created. This group would be invited to attend the annual inspections of the integrity of the KIP and 7901 parcel caps.

V. **We request Ecology commit to making the groundwater and landfill gas monitoring, annual inspections and reporting, and coordination and submission of data in the five-year site reviews available to the public.** Make announcements at community meetings like the South Park Neighbors Association about where to access these resources.

A. The most important parts of this Plan are not able to be covered in the fact sheets provided to the community. We request a presentation that is understandable and accessible to community members that discusses the presumptive remedy versus the more permanent cleanup action, when a trigger action occurs and the protocols for this, and how you will make and keep monitoring and reporting information available to the public.

VI. **Independent audits of the monitoring data – and allowing community groups to run independent air monitors, funded by the PLPs or Ecology – should be required.** These audits do not have to be on an annual basis, but should occur at least once every three years.

<u>Areas where we respectfully request further information/elaboration</u>

I. Would this CAP change if the area was rezoned from IG2?
    A. Declaring it for industrial use in perpetuity feels like another false solution where the land can never be reimagined because doing so would require a more thorough cleanup that actually removes the contaminated material. We should have more choice in how our land is used than just providing the minimal level of effort and permanently entrenching a parcel to industry. I think we deserve better than that. One example is the Duwamish People's Park, which was also supposed to be paved and declared industrial in perpetuity. Through community advocacy, the vision for the Park was able to be created and now serves as a salmon hatchery and wildlife refuge. It is surely too late now for this site, but please consider taking a more progressive and proactive role in the future for complete cleanups.
    B. If possible, please provide at least a broad benefit-cost breakdown as to why you chose this and how expensive each option is to the private owner/Ecology in the long run.
II. How is Ecology going to ensure prevention of residual contamination of vinyl chloride from slowly diffusing into the Duwamish Valley Aquifer?
    A. Is the fence the only solution to groundwater seep in the compact bay of the former SRFS waste collection building?
III. Can Ecology describe further why it was determined appropriate to use a CPOC for groundwater CULs for vinyl chloride, iron, and manganese at the KIP site?
    A. We specifically request more focus on: "(ii) regarding human health, and please do require the site-specific human health risk assessment: "The department recognizes that, for those cleanup actions selected under this chapter that involve containment of hazardous substances, the soil cleanup levels will typically not be met at the points of compliance specified in (b) through (e) of this subsection. In these cases, the cleanup action may be determined to comply with cleanup standards, provided: (i) The selected remedy is permanent to the maximum extent practicable using the procedures in WAC 173-340-360; (ii) The cleanup action is protective of human health. The department may require a site-specific human health risk assessment conforming to the requirements of this chapter to demonstrate that the cleanup action is protective of human health;" (pg. 6-1)
IV. How will Ecology gauge the level of thickness of fill material needed?

A. This material should absolutely have required testing prior to use at the Landfill - not testing results from the last two years.

V. For areas like the landscaped buffers and slopes and perimeter landscaping, what is the replanting plan after the new soil layer is input?

VI. Please provide more details on the existing swales, ditches, or pounds on the KIP Area and the type of cover planned for remediation. We do not accept a plan that would increase the overall surface area of impermeable or hardscape surfaces.

A. "Stormwater conveyance and treatment facilities located above solid waste such as swales, ditches, or ponds on the KIP Area are required to have cover, as prescribed by WAC 173-304- 460, consisting of a low-permeability layer with a minimum 24-inch thickness of soil and permeability of 10-6 centimeters per second or less, or an impermeable geomembrane that is at least 50 millimeters thick." (pg. 6-4)

VII. Please clarify this language in the Contingent Actions section, as it is confusing: "greater than 5 percent by volume during four or more of the quarterly or monthly events within a twelve (12) month period" (pg. 6-6)

A. Quarterly or monthly? We recommend a trigger for action at two quarterly events or six monthly events

VIII. How is Ecology going to ensure that methane percentages from the cement kiln dust swale don't trigger a contingency action?

A. Examples: GP-25, KMW-05, TGP-12, GP-24

<u>Other changes requested</u>

I. CIMP - "All maintenance activities should be documented on a cap inspection and maintenance field form, with supporting sketches, figures, and/or photographs attached. An example form is provided in Exhibit A.1." (pg. A-7)

A. 4.2 - Landfill Cap Maintenance - There should be an addendum after that requires the results of the maintenance activities to be posted on Ecology's website within 30 days of collection from the maintenance contractor

B. 4.4 (**there appears to be no '4.3'**) - Stormwater Infrastructure Maintenance - the same addendum as defined above in 4.2 should be added

C. 4.6 - Unforeseen Events - inspection and maintenance activities documented post-events should also be posted to Ecology's website

D. 6.0 - Reporting and Record Keeping - also post the results of the CAP Annual Report to the website

II. Landfill Gas Monitoring and Contingency Plan - Quarterly perimeter probe measurements should be made publicly available on the PLP's website, or Ecology's website

A. "LFG production is expected to continue to decline over time. A reduction of monitoring frequency may be allowed if perimeter monitoring results in the KIP Area are consistently less than criteria thresholds" (pg. B-7). Ecology should define what "consistently less" means. Which threshold and for how many results until this is considered?
B. Require most recent calibrations published either to the PLP's website or to Ecology's website.

III. Groundwater Monitoring and Contingency Plan
A. Publish the Environmental (Restrictive) Covenant on either Ecology's or the Parcel Owners' websites.
B. Is groundwater level measured constantly, or if not, at which temporal cadence?
C. Require annual reports to be publicly available on Ecology's or the PLP's website, for as many years as COCs are out of compliance/have not been terminated (and same with unforeseen events)
D. PLPs' written evaluation submitted to Ecology should be made publicly available within 30 days of receipt by Ecology.
E. If Ecology determines the data at the Site is not the cause of the Site, what will Ecology do next?

<u>7901 Parcel-Specific Requests and Questions</u>

I. How are iron and manganese expected to be in compliance within the next ten years? Ecology indicated they are periodically, but not consistently, elevated above CULs in the two monitoring wells, but are they overall decreasing naturally?
II. Please provide more information as to why CPOCs are being used for groundwater CULs for arsenic and benzene. We have concerns that they are being overlooked due to costs.
III. When considering ambient air risk, we cannot limit our focus to "site-specific" areas. Ecology must consider a broader scope to include humans living nearby. Chemical-specific requirements should be adjusted accordingly.
IV. Similar to KIP, Ecology should require the "site-specific human health risk assessment conforming to the requirements of this chapter to demonstrate that the cleanup action is protective of human health" and that "The cleanup action is demonstrated to be protective of terrestrial ecological receptors under WAC 173-340-7490 through 173-340-7494".
V. Please note which percentage of this area is covered by structures.
VI. Is reinternment of the solid waste expected during this cleanup? And if so, what is the mitigation plan for any harmful gases or chemicals that are released as a result?
VII. Please place compliance LFG probes along 2nd Ave S as well.
VIII. Edit: "Grant the department and other property owners the right to enter the property at reasonable times for the purpose of evaluating compliance with the cleanup action plan

and other required plans, including the right to take samples, inspect any remedial actions taken at the site, and to inspect records." to be "Grant the department, community liaisons, and other property owners the right to enter the property at reasonable times for the purpose of evaluating compliance with the cleanup action plan and other required plans, including the right to take samples, inspect any remedial actions taken at the site, and to inspect records."

IX. Will the captured stormwater be treated after it is conveyed and then discharged, or disposed of somehow, or what?

X. Please include website publication and/or community reporting in the Implementation Schedule for both sites

XI. In Ecology's community impact assessment, please include the areas zoned as SF 5000 SE, S, and LR3 S of the sites

XII. Cap Inspection and Maintenance Plan (CIMP)

A. How did Ecology choose the Site Coordinator and ensure they are qualified to conduct inspection and reporting?

B. Change to "Grant access, as needed, for cap inspection by Ecology, community liaisons, and/or the Site Coordinator."

XIII. We request that Ecology include additional greening efforts on the land.

We appreciate the opportunity to submit comments and your time and consideration. Overburdened communities impacted by cumulative pollutants like the South Park Landfill need to be at the center of these cleanup decisions.

We look forward to hearing a response from you!

Sincerely,

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