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. We promote place-keeping and prioritize community capacity and resilience.

June 9th, 2026

Letter to: the Department of Ecology
Re: Crowley Marine Services 8th Ave S Public Comment
On behalf of: the Duwamish River Community Coalition (DRCC)

Dear Department of Ecology,

Thank you for presenting this draft feasibility study. When reading through this report, our priorities lie with our neighbors. As a community-based organization rooted in the Duwamish Valley, we bring forward the lived experiences, technical knowledge, and long-standing advocacy of residents most impacted by contamination in the Lower Duwamish Waterway. People who live in Georgetown and South Park have some of the most severe health inequities in our region. Childhood asthma hospitalization rates are among the highest in the City of Seattle, and life expectancy is approximately 10 years shorter when compared to wealthier neighborhoods and seven years shorter when compared to the King County average (*Public Health - Seattle & King County Assessment, Policy Development & Evaluation, 2023*). Our community also lives in close proximity to several contaminated waste sites and suffers from air pollution caused by both King County International and Seattle-Tacoma International airports, over 1400 industrial facilities operating in the Valley, drayage truck and traffic congestion, and three highways blanketing our neighborhoods. The straightening, widening, and deepening of the River to accommodate industry in the early 1900s, alongside policies that prioritized economic benefits over community health, transformed the Duwamish valley and sanctioned decades of pollution. Toxic contaminants heavily diminished wildlife, habitats, and recreational uses, and approximately 97 percent of the original aquatic and shoreline habitat is destroyed (*National Oceanic and Atmospheric Administration, 2026*). The continued settler occupation of the land, and zoning decisions thereafter, changed the landscape so severely and legalized dumping of waste into the River for so many decades that this cleanup effort is one of myriad reparations required to heal our lands and waters. For our community, this cleanup is not an endpoint but the beginning of a much longer process of healing.

Through this perspective, we reject Alternative 2 as an appropriate option for the Crowley Marine cleanup site. Our reasoning is as follows:

I. **The preferred alternative was not chosen through the lens of being located in an overburdened community and needs to be adjusted accordingly.** All parties must reevaluate the alternatives through this lens, as is statutorily required.
   A. Under Memorandum No. 25, required actions are triggered if a cleanup occurs in an area with a vulnerable population or an overburdened community. Regulations under the Model Toxics Control Act (MTCA) require Ecology to assess if the potentially exposed population is vulnerable or overburdened at the time of the initial investigation, using Section 4.0 of the Memo to determine. Throughout the assessment, the investigation must include "all populations residing either on-site or off-site" who could be reasonably exposed to the site's proximity[1].
   B. The criteria test for determining a likely vulnerable population or overburdened community is if the population meets *any one* of the three criteria: the potentially exposed population is located in a census tract that ranks a 9 or 10 on the Environmental Health Disparities Index from the WA State EHD Map, in a census tract that is at or above the 80th WA State percentile of the Demographic Index from the US EPA's EJScreen, or in a census tract at or above the 80th WA State percentile of the Supplement Demographic Index from the EJScreen. At the time of the initial investigation, census tract 53033010900 has a rank of 10 on the WA Environmental Health Disparities Index; this finding alone immediately concludes a finding that the community is "reasonably likely to be exposed or potentially exposed to hazardous substances based on their land and resource uses at the Site" (WAC 173-340-350[6][h][i]). There is no basis in State law that allows for a finding of an overburdened community to be walked back by arguing that site-specific exposure pathways are low-risk; in fact, it is the opposite (WAC 173-340-350(5)(g)(iii), 173-340-351(6)(f)(vii), and 173-340-380(5)(c)).
   C. The consultant correctly identified the area as an EJ community but they then use a risk assessment method to explain away the exposure to EJ populations and show a lack of awareness of how health disparities work in EJ communities.
      1. The environmental factors used in declaring an area an EJ community are proxies to describe an EJ community. They are NOT necessarily intended to explain away an exposure scenario under risk assessment terms; rather, the EJ assessment is intended to reduce already existing disparities by considering other ways that cumulative exposures and inequities can be reduced.

[1] Memorandum No. 25, Department of Ecology: https://apps.ecology.wa.gov/publications/documents/2409044.pdf

II. **Because this site includes a vulnerable population and overburdened community, separate documentation of these considerations is required to determine the elements of the feasibility study and the selections for the cleanup action (WAC 173-340-350(5)(g)(iii), 173-340-35111(6)(f)(vii), and 173-340-380(5)(c)).** As currently assessed, there is insufficient confidence for Ecology to make site cleanup decisions under WAC 173-340-350 through 173-340-390. As currently written, the FS and the recommendation for Alternative 2 treats cost minimization as the primary cleanup criterion and applies a superficial framework to the assessment.

A. Throughout our research and analysis, DRCC analyzed alternatives with the heightened consideration towards the overburdened community at the site to demonstrate why Alternative 2 fails the EJ assessment.

B. Scientifically valid data sources as noted in WA law that may be used for an environmental justice assessment include: the Department of Ecology[2], National Academies[3], and National Environmental Justice Advisory Council[4].

C. The assessment failed to show how EJ populations will be protected at Gateway Park North, the only public river access point in Georgetown, from Crowley contamination via 1) the sediment transport pathway and 2) preexisting exposure to arsenic-contaminated sandblast grit located on the Gateway Park North property that occurred when Crowley operated there (historical photos attached).

III. We disagree that Crowley has provided enough evidence to state that Gateway Park North is not contaminated by the Crowley site or historical operations.

A. Given that the Crowley site has been known to operate on current Gateway Park property, and that there is existing contamination from Crowley within Gateway Park's boundaries, it is incorrect to state that environmental justice populations are not exposed to historical contamination. There is precedent from other cleanups for past operations spanning both properties that result in contamination being incorporated into a holistic cleanup assessment.

B. We understand that the City of Seattle has sampled more soils and groundwater and that the data will be presented to Ecology this month (June 2026). We reject Landau's conclusions until those results are made available.

C. Source control sufficiency has still not been declared around Slip 4, and both sediment pathways and presence (or absence) of groundwater overlay must demonstrate that there is no reoccupation into Gateway Park North before this site can determine nonresponsibility[5].

D. We are concerned about direct contamination from the sandblast pile, contamination migration from Crowley to Gateway Park North through groundwater pathways, and contamination source pathways and risk of

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[2] Department of Ecology, Washington State: https://apps.ecology.wa.gov/publications/parts/1106010part17.pdf
[3] State-of-the-Science, NAS: https://www.nationalacademies.org/projects/DELS-BEST-23-04
[4] Union of Concerned Scientists: https://www.ucs.org/resources/cumulative-impacts-recommendations-epa
[5] Source Control Status Report, 2020: https://apps.ecology.wa.gov/cleanupsearch/document/115956

re-polluting the River. Otherwise, the scope of this cleanup is too limited and not representative of the full contamination boundary beyond property boundaries.

E.

IV. Seawall seepage and wall lifetime and condition continues to be a concern. We are requesting further information beyond the remedial investigation response.

A. The FS uses an updated 2022 steady state groundwater model to assess the flow of groundwater under and around the seawall. While the seawall appears to retard flow, there continue to be key concerns for long-term effectiveness and protectiveness for the Duwamish River which could compromise the in-water cleanup. The FS notes that most groundwater is slowed by the wall and goes around the ends of the wall, but also notes that some makes it under the wall, and seepage continues through the wall.

B. We would like to see a more comprehensive assessment of the protectiveness of the seawall that includes modeling of all contaminant movement around the wall, through the wall, under the wall, and over the wall with the potential remedies in place. This assessment should include a reasonable assessment of the protectiveness of the seawall given its current condition, and projected future condition over the course of the post remedial action monitoring period.

C. Please provide a full condition assessment of the seawall from a structural and civil engineer with a PE. Include likelihood of failure both full and partial and a contingency plan for failure. Include a permitting pathway and timeline for any updates or full rebuild of the seawall. This work should be done with the historical context of the December 2022 floods overtopping the River and the significant impact on shoreline infrastructure.

D. Provide more information on the seawall's effects on erosion and its likely lifetime and maintenance requirements, as well as costs associated with this. Please note who will be responsible for any maintenance required.

E. It is important that the remedy protects the Duwamish River and the community from future contamination impacts. There should be additional wells to assess this risk before proceeding with this feasibility study. Include compliance wells near the benzo(a)pyrene-impacted exceedance on the southwestern part of the site at the PRB/seawall, where groundwater wells used to exist near the seepage.

F. The PRB wall only extends partway across the site on the shoreline. Please provide an explanation why the PRB only extends partway across the stretch of vinyl chloride exceedance along the southwestern part of the site, at CMW-7. Additionally, the PRB has a cutout near the loading dock that leaves vinyl chloride exceedance along the River without any protection other than the seawall. While we understand the practical reason for not having the PRB at the loading dock, the FS does not describe how contaminants at this location will be dealt with. Please also more fully describe what happens when contaminants

migrate to the ends of the PRB and the modeling that was completed to assess whether they can be transported to the Duwamish.

V. **Describe further what the threshold criteria was for the sea level rise and climatological assessment and how they were met, as well as how it aligns with sustainable remediation guidance as per the MTCA Sustainable Remediation framework.**

A. The flooding analysis is insufficient. We have direct evidence from the December 2022 flood and overtopping of the Duwamish River that the FEMA floodmaps are incorrect due to being estimated from historical events, not modeled for what is currently occurring in the Duwamish.

1. The study needs to review and analyze what occurred at Crowley during the December 2022 flood event which was a combination of a King Tide, low atmospheric conditions, CSO overflows, and a release of the Howard Hansen Dam to assess what could happen at Crowley's property in the future. In addition to overtopping and flooding, there is significant evidence in other parts of South Park and Georgetown that erosion destabilized banks and potentially moved contaminated soils and sediments downriver. This 2022 event and subsequent events in 2025 emphasize the need for a thorough evaluation of the strength of the seawall (see Section IV above).

B. The most significant incorporation of the Sustainable Remediation framework in the feasibility study is acknowledging that"if the surface water levels of the LDW rose by 3.5 to 4 ft, the water level would not flood the property; however, groundwater levels would rise beneath the property, which could submerge any remaining soil contamination in the lower part of the vadose zone, particularly near the seawall, and increase the potential for contaminant leaching to groundwater." More information is needed about this risk before accepting the current alternative as written, especially because of Duwamish Valley flood events that have occurred via groundwater pathways.

VI. **This site has both a responsibility and an obligation to incorporate restoration into the cleanup alternatives, because Crowley Marine Services, Inc. and 8th Avenue Terminals, Inc. are named parties in the Natural Resource Damage Assessment (NRDA) settlement with the WA State Department of Transportation which includes upland commitments**[6]. That settlement framework should be informing which restorative obligations are attached to the upland cleanup, and the feasibility study makes no mention of it. If present-day restoration work is limited by industrial uses at Crowley, then cleanup commitments should be considered for Gateway Park North, the historic shared site for Crowley operations and contamination.

[6] UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT SEATTLE: https://www.noaa.gov/sites/default/files/2025-08/LDR-Crowley-etal-Entered-CD-Effective-5-13-24-Dkt7-1.pdf.

VII. **When viewing the cleanup through both required lenses, the MTCA vulnerable population and overburdened community assessment and the NRDA restoration requirements, we recommend implementing a revised Alternative 5 that incorporates a restoration covenant and removes institutional controls.** This includes a full-property cleanup combined with binding shoreline restoration and green infrastructure components covering the waterfront edge and any portions of the site not required for active industrial operations.

A. For all other alternatives, a robust source control assessment must occur on a regular basis due to the maintained risk of groundwater contamination and potential transport to the River.

B. Crucially, there are no institutional controls required under Alternative 5. Deed restrictions have a historical pattern of suppressing future beneficial use by overburdened communities, entrenching impermeable surfaces in areas most vulnerable to sea level rise and perpetuating contamination burdens.

    1. Removing the full amount of contamination is the only acceptable option for genuine land repair. This alternative scores the highest on protectiveness, permanence, and keeps the land deed clear for future uses including green stormwater infrastructure from future tenants. It embodies landback principles of acknowledging historical harms to the site and creating a pathway for future stewardship of the land in accordance with Indigenous rematriation principles.
    2. The two-year monitoring period is much shorter than Alternative 2's 16-year timeline. The FS's implicit argument - that 16 years is acceptable because it costs less - is precisely the kind of reasoning that environmental justice law is designed to reject when applied to an EHD-10 community.

C. The waterfront edge of the property should be subject to a restoration covenant requiring: removal of armored shoreline hardening along the property's river frontage; native riparian plantings; and a public shoreline access easement consistent with what was achieved at T-117 and the General Recycling settlement. Remediation and restoration are most effective when they are done together in a coordinated effort. NOAA's own guidance on the Lower Duwamish Waterway cleanup makes this explicit, and it applies here[7].

    1. The restoration covenant should require that any portion of the property not actively used by Waste Management tenants be converted to permeable surface, bioretention cells, or native plantings in coordination with the Duwamish Valley Industrial Greening program. If and when the current industrial tenancy ends, the land deed is not restricted to industrial use and should require green infrastructure coexistence and development.

[7] National Oceanic and Atmospheric Administration: https://response.restoration.noaa.gov/remediation-vs-restoration-tale-two-terms

D. The Duwamish Tribe is committed to restoring the water and land, and Coast Salish nations' ancestral homelands exist along the River. Duwamish Tribal Services' programming fosters ecological health, cultural visibility, and community connection to land through hands-on restoration and culturally grounded education. Any cleanup on LDW-adjacent property should require government-to-government consultation with the Duwamish Tribe as a condition of Ecology's approval - not a courtesy notice, but substantive engagement over what the post-cleanup land use and stewardship model looks like. As an example, T-117 park incorporated net-tie pilings and fishing access improvements specifically because tribal fishing was part of the design brief.
    1. Restoration plans must also be co-designed with all communities and neighbors living adjacent to the site.
E. Alternative 5 will involve approximately 345,200 tons of soil transported through Georgetown and must be addressed through a mandatory Community Construction Management Plan required as a condition of approval by the Department of Ecology.
    1. The Plan must include off-peak truck routing away from residential streets; real-time air quality monitoring at the property boundary with work-stoppage triggers; a local hire preference tied to Georgetown and South Park zip codes; and a community-controlled air quality monitoring fund. Aforementioned cleanup sites included construction management agreements as standard practice for these high-profile Duwamish cleanups.
F. Alternative 5's costs are real. However, Alternative 2's 16-year monitoring tail carries ongoing costs not fully captured in the NPV. Second, and more fundamentally, the MTCA's mandate to prioritize overburdened communities is not a cost-benefit instruction; it is a threshold requirement. Ecology's own strategic plan (WAC 173-340-340) requires prioritizing sites threatening overburdened communities. The cost difference spread across responsible parties, including Washington Metals Recycling/Nucor, Waste Management, and any NRDA settlement contributions, is justifiable on the statutory record due to taking place in a highest-EHD community. Future restoration funds from the settlement, in the form of cash payment to the Trustee for future restoration along the River, should be applied here.

DRCC is committed to uplifting community values and ensuring that historically marginalized voices are at the forefront of important decisions affecting the Duwamish Valley. This is one of many such cases, and we are open to working with you to re-align this plan with the realities of our neighborhood and cleanup commitments required. We would like to request a meeting with 8th Avenue Terminals, Inc., as well as engaged follow-up by Ecology, to address our concerns.

Thank you for your time and consideration.

Sincerely,

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The Duwamish River Community Coalition