



TO: Department of Ecology, Toxics Cleanup Program
FROM: Carly Michiels, Washington Public Ports Association
RE: Public Comment on Proposed Updates to Oversight Remedial Action Grants and Affordable Housing Cleanup Grants
DATE: December 14, 2025

Submitted Electronically through the ecomments web portal

The Washington Public Ports Association (WPPA) is a coordinating agency that represents Washington's 75 port districts across the state. Ports play a critical role in Washington's economy, supporting the global and local trade economy, transportation, recreation, and industrial activity while prioritizing environmental stewardship. We carry out our mission through advocating, educating, and connecting to serve our port members.

WPPA appreciates the opportunity to comment on the Department of Ecology's proposed updates to the Oversight Remedial Action Grant (ORAG) program. Ports are long-standing partners in advancing cleanup of legacy contamination, protecting public health, and restoring working waterfronts that support statewide economic activity and community well-being. We recognize the significant fiscal constraints facing the MTCA Account and appreciate Ecology's efforts to manage limited resources while maintaining progress on environmental cleanup work statewide.

We understand Ecology's proposal to rely on the Washington Environmental Health Disparities Map following the loss of the federal EPA's EJScreen tool. A state-maintained, publicly available dataset provides additional certainty and consistency for applicants and reviewers. As the Health Disparities Map continues to be updated and the only map criteria/data used, it would be helpful to understand what, if anything, was being captured in EPA's EJScreen tool not adequately captured on the Health Disparities Map. It will be important to continue updating and maintain the Health Disparities Map in a timely way.

In using and updating the Health Disparities Map, we encourage Ecology to ensure that tribal concerns are more directly evaluated in grant scoring – and encourage tribal input on this item. Tribal communities and reservation lands are not directly represented in the Health Disparities Map. Ecology's existing GIS datasets could help provide a more complete picture of overburdened communities when evaluating grant applications.

We recognize the significant budget constraints facing the MTCA Capital Account in upcoming years and appreciate Ecology's goal of stretching limited funds to support as many cleanups as possible statewide. Ports rely heavily on ORAG funding to advance complex cleanup projects that enable things like redevelopment, habitat restoration,



housing, and job creation. Several of the proposed changes warrant careful implementation to avoid unintended consequences.

We also understand and agree that accountability and transparency in cleanup decision making is critical, especially in sites that are in overburdened or vulnerable communities. However, ports have large cleanup projects sometimes stuck for years in investigation, study and design, and permitting phases because of things like staffing constraints or scientific and regulatory rigor. For many of these projects the shortest phase of the MTCA process is the construction and cleanup activities. We believe we can do all of this, with more emphasis toward action and moving forward toward the same shared goal of cleanup/construction. Contaminated properties should not be left hanging in limbo while process plays out over years instead of prioritizing getting to the cleanup activities. This is especially important as cleanup project benefits extend beyond just the vulnerable community mapped areas through things like job creation, habitat restoration, and reduced exposure risks.

Funding certainty is one way to ensure that we can move projects forward more quickly. Ports support the timely use of public funds but urge Ecology to recognize the unique complexity of large port cleanups. These often involve complex engineering, multi-agency permitting, tenant coordination, and in-water work windows that do not align neatly with biennial funding cycles. We ask that Ecology maintain flexibility when evaluating “substantial progress,” so projects are not penalized for delays outside the sponsor’s control. Allowing flexibility for certain complex projects is necessary given the level of regulatory rigor required. This is critical to avoid delaying projects that are otherwise ready to proceed and deliver clear environmental and community benefits. We support efforts to identify projects with funding gaps or those reaching construction phases and encourage identifying additional ways to expedite the investigation, feasibility study, and design phases as much as possible.

WPPA supports clarity to scoring criteria related to site assessments, time-sensitive construction, funding gaps, and highly impacted communities. Clear guidance and transparent weighting will be critical for ports planning multi-year cleanup strategies and leveraging local and private investment. We support and encourage Ecology to recognize the statewide economic, environmental, and community benefits associated with cleanups and transforming underutilized, sometime inaccessible properties back to productive use.

Further, strict readiness criteria may disadvantage in-water and sediment projects. Ecology should retain existing readiness criteria and continue to recognize the challenges



presented by timing of funding vs. timing of in-water permit issuances and timing of in-water permit expirations.

Last, ports depend on in-house environmental, engineering, and project management staff to efficiently deliver cleanup projects and ensure accountability for public funds. Limiting reimbursable staff time too narrowly could unintentionally increase reliance on higher-cost consultants or slow project delivery further. Any limits should reflect the essential role port staff play in managing complex remedial actions.

We appreciate Ecology's continued outreach and consideration of these comments as the proposed changes are refined and implemented for the 2027–2029 program.

Thank you.