

People for an Abundant and Smarter MTCA Anonymous

Anonymous

We have the following comments and questions about Draft Agreed Order No. DE 24355 for the Spokane Airport:

1. Other known or likely PFAS sources are present in the vicinity of the Spokane Airport, including Fairchild Air Force Base and 17 separate potential third-party PFAS sources that surround the Spokane Airport (Figure 6.1 of 8/13/24 GSI Environmental Site Assessment Report). In addition, there are likely other currently unknown sources of PFAS in the vicinity of the Spokane Airport given the widespread use of and ubiquitous presence of PFAS in the modern world. What is Ecology going to do about these other known PFAS sources and the currently unknown PFAS sources? Further, what scientific basis will Ecology use to distinguish between the various PFAS sources in the vicinity of the Spokane Airport? From our perspective, PFAS impacts in groundwater near the Spokane Airport is a regional issue. Developing an equitable and regional solution would be more appropriate than simply targeting the Spokane Airport with this Agreed Order and the previous Enforcement Order.

2. Section 5.4 of the Findings of Facts says "SIA, operating at the Site, was required by federal law to use products containing perfluoroalkyl substances to meet requirements under the Airport's Federal Aviation Administration operating certificate pursuant to Federal Aviation Regulations 14 CFR Part 139." In other words, the Spokane Airport PLPs were simply following the law and conducting training to prevent people from dying in an airplane fire. Some organizations have had the common sense to recognize airports should not be punished for following the law and preventing death by fire. For instance, a 2023 bill was introduced in the United States Senate to exempt airports from CERCLA liability for PFAS releases. Likewise, in a 4/19/24 memorandum, USEPA indicated that it does not intend to pursue PFAS response actions or costs under CERCLA against publicly owned airports, which "provide a public service by preparing for and suppressing fire emergencies and protecting public safety" and "do not manufacture PFAS nor use PFAS as part of an industrial process." With that context, what relief and support can Ecology provide the Spokane Airport PLPs, who were simply following the law and performing training to save lives?

3. Task 4 (Ecology-Required Emergency Interim Action if required) says "If required by Ecology, the PLPs will implement one or more of the following emergency interim action(s)." We have the following comments/questions about these emergency interim actions:

a. Is there currently a drinking water emergency? If so, please articulate the nature and extent of the current emergency. If not, what criteria will Ecology use to determine that there is an emergency that requires an emergency interim action?

b. The only interim action in the list of ten potential emergency interim actions that could possibly address an urgent "emergency" from our perspective is Item #10 - "Provision of clean drinking water and/or installation of treatment systems for impacted residences or businesses." How could Items #1 through #9 immediately address a true drinking water emergency?

c. If there truly is a real drinking water emergency that is currently known or highly likely to occur soon, why is this Agreed Order draped in MTCA process and legal maneuvering? In an actual emergency, we would prefer Ecology to be laser focused on helping the PLPs to quickly address the emergency rather than diverting time, money, and energy via an idealistic, lengthy, and costly

MTCA process.

4. We encourage Ecology staff to read the 2025 book *Abundance* by Ezra Klein and Derek Thompson in the context of this Agreed Order and current MTCA regulations. The book has insights about how environmental regulations with good intentions (such as MTCA regulations) can also have profoundly negative consequences for other important societal and economic priorities. In this case, the Spokane Airport provides an essential public and economic service for the entire region. Have Ecology staff considered how this Agreed Order and the previous Enforcement Order might affect the ability of the City of Spokane and Spokane County to continue operating and maintaining the airport? Have Ecology staff considered how this Agreed Order and the previous Enforcement Order could impact the regional economy?

Thank you for considering these comments and questions.

Sincerely,
People for an Abundant and Smarter MTCA