



June 13, 2013

Allison Hiltner  
United States Environmental Protection Agency  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Subject: Comments on EPA's Proposed Plan for the Lower Duwamish Waterway Superfund Site

Dear Ms. Hiltner,

As a member of the Lower Duwamish Waterway Group (LDWG), the Port of Seattle has demonstrated its commitment to working with your agency and the Washington State Department of Ecology (Ecology) for over 12 years to study the Lower Duwamish Waterway (LDW) Superfund site. We support a responsible cleanup plan that will address contamination caused by urban and industrial uses in the area that began more than a century ago. As a public agency, we offer a unique perspective on the proposed cleanup for the LDW that we highlight for your consideration in developing the remedy for the LDW. These comments are supplemental to the comments we are submitting as a member of LDWG.

As part of our commitment to restoring the Duwamish, we have stepped forward and started the cleanup of the T117 Early Action Area in the LDW, an important environmental milestone for our region. The Port's effort to initiate activities to get this cleanup started as soon as possible reflects our deep commitment to environmental stewardship and putting the best science to use to reduce environmental impacts in our community while fostering economic vitality and job growth.

The Port of Seattle serves the taxpayers of King County by creating jobs, advancing trade and commerce, promoting industrial growth, and stimulating economic development. We consider it a privilege to be in public service and take our responsibility as stewards of natural and financial resources very seriously. The Port creates economic opportunity for the region, supports environmental sustainability, partners with surrounding communities, promotes social responsibility, operates transparently, and is accountable to the taxpayers of King County. We will leave succeeding generations a stronger Port. In that context, we strongly feel that it is

important to use taxpayer dollars on an effective, scientifically based cleanup that supports the broad economic base and overall vitality of our region by limiting the negative short-term impacts through use of technologies other than dredging where it makes sense scientifically.

Over 100,000 jobs – 8 percent of King County’s total employment – rely on the health and well-being of industry in the Duwamish corridor. These family wage jobs are important to the diversity and strength of our regional economy. Our quality of life depends on a healthy environment and a strong economy. The EPA must seriously consider the economic impacts of this cleanup to protect business investments and preserve the area for industry and jobs well into the future.

The Duwamish Maritime-Industrial workforce should be an important voice in cleanup decisions. Many of the businesses that will be asked to help pay for the cleanup are small and medium-sized and provide family-wage jobs for our region. The Port feels that any cleanup decision should consider both a sustainable environment and sustainable livelihoods for the people that live here. Costly cleanup requirements that do not measurably improve the final outcome, are not sustainable or not achievable will result in unnecessary and unfortunate economic losses that will damage our working waterfront communities. While all are committed to a cleaner environment, the consequences of the EPA’s proposed plan could include forcing some Duwamish businesses to move from the region, liquidate their assets, reduce their workforce or simply close down. These businesses are already being threatened by many of Ecology’s source control requirements only being applied in this portion of the LDW watershed. Even small incremental increases in the cost of cleanup will impact these businesses’ ability to remain viable. Furthermore, given the Port’s limited debt capacity and financial resources, funds devoted to the Duwamish Cleanup are not available for investment in meeting the evolving demands of our Maritime Business lines. It is critical for our region’s economy that we are able to invest in the growing needs for goods movement to remain a competitive container marketplace. The businesses support 100,000 jobs in our region. We owe local employees, employers and the taxpaying public to invest dollars wisely to optimize cleanup outcomes.

As we have commented in detail as a member of LDWG, the Proposed Plan does not optimize environmental results and maximize public investments because the scope of EPA’s Preferred Alternative is undefined, the benefits are not clearly shown, endpoints are unachievable, and costs could be vastly underestimated. This would result in significant uncertainty for implementing parties and will prolong or delay the cleanup. Rather than leaving the scope of cleanup undefined, the Record of Decision needs to reflect what is achievable and include only those actions that will result in measurable risk reductions. We feel it is important that dollars

are invested in a cost-effective cleanup that best optimizes environmental and health outcomes.

As a member of LDWG, we have spent over a decade developing a scientifically based understanding of the site in order to develop innovative and cost-effective ways to conduct this cleanup. A Lower Duwamish cleanup plan can make dramatic environmental gains to benefit the community by requiring targeted dredging where it makes most sense, in areas with higher contamination levels. Our studies have shown that in other areas more dredging does not provide a net benefit. Instead of additional dredging, we should be investing in a cleanup that provides real benefits in a timely fashion. We are committed to working together to address remaining issues that matter to the communities the most.

We must establish achievable goals based on science, investing in incremental, science-based actions with proven effectiveness, and allow for adaptive management. We support a cleanup that:

- Reduces human health risks as quickly as possible to protect our community and environment;
- Minimizes negative construction impacts to neighborhoods, local residents, and businesses during cleanup; and
- Results in an effective cleanup of the Lower Duwamish that we can start as soon as possible.

We also feel there is a great opportunity to enlist Duwamish businesses in a partnership with the agencies to help ensure the effectiveness of any remedy. We have seen firsthand that these businesses are committed to protecting the river and have a special appreciation for it. At the heart of this partnership, EPA must allow for flexibility in both cleanup and source control while communicating clear, risk-based objectives to empower businesses' assistance to make this cleanup long-lasting and meaningful. EPA must also be mindful of not adversely impacting current site uses so that the Duwamish maritime businesses can continue to create jobs in our region.

We are dedicated to achieving a remedy that is implementable and sustainable, and appreciate your thoughtful consideration of our comments as you develop the final remedy decision.

Sincerely,

Tay Yoshitani

Port of Seattle Chief Executive Officer

cc:

The Honorable Jay Inslee, Governor of Washington  
The Honorable Patty Murray, U.S. Senator  
The Honorable Maria Cantwell, U.S. Senator  
The Honorable Jim McDermott, U.S. Representative  
The Honorable Adam Smith, U.S. Representative  
The Honorable Dave Reichert, U.S. Representative  
The Honorable Suzan DelBene, U.S. Representative  
The Honorable Dow Constantine, King County Executive  
The Honorable Michael McGinn, Mayor, City of Seattle  
The Honorable Larry Gossett, Council Chair, King County  
The Honorable Jane Hague, Council Vice Chair, King County  
The Honorable Kathy Lambert, Councilmember, King County  
The Honorable Rod Dembowski, Councilmember, King County  
The Honorable Larry Phillips, Councilmember, King County  
The Honorable Julia Patterson, Councilmember, King County  
The Honorable Joe McDermott, Councilmember, King County  
The Honorable Reagan Dunn, Councilmember, King County  
The Honorable Pete von Reichbauer, Councilmember, King County  
The Honorable Sally J. Clark, Council President, City of Seattle  
The Honorable Sally Bagshaw, Councilmember, City of Seattle  
The Honorable Tim Burgess, Councilmember, City of Seattle  
The Honorable Richard Conlin, Councilmember, City of Seattle  
The Honorable Jean Godden, Councilmember, City of Seattle  
The Honorable Bruce A. Harrell, Councilmember, City of Seattle  
The Honorable Nick Licata, City of Councilmember, City of Seattle  
The Honorable Mike O'Brien, Councilmember, City of Seattle  
The Honorable Tom Rasmussen, Councilmember, City of Seattle  
Mr. Jim Woolford, Director, Office of Superfund Remediation and Technology Innovation, U.S. Environmental Protection Agency  
Ms. Maia Bellon, Director, Washington State Department of Ecology  
Mr. Robert Warren, Section Manager, Toxics Cleanup, Washington State Department of Ecology  
Mr. Dave Gering, Executive Director, Manufacturing Industrial Council  
Ms. Jessica Bonebright, President, King County Labor Council

Mr. Royal Robinson, President, Seattle Building and Construction Trades