



# Citizens for a Healthy Bay

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A tax-exempt  
501(c)(3) Washington  
nonprofit corporation

Re: Fifth Five-Year Review of Commencement Bay Nearshore/Tideflats Superfund Site

Dear Ms. Koch,

Thank you for providing the opportunity to provide input for the Fifth Five-Year Review Report of the Commencement Bay Nearshore/Tideflats Superfund Site.

Citizens for a Healthy Bay (CHB) is a 29-year-old organization whose mission is to represent and engage people in the cleanup, restoration, and protection of Commencement Bay, its surrounding waters and natural habitat. We are a 501(c)3 nonprofit providing practical, solutions-based environmental leadership in south Puget Sound. We work side-by-side with residents, businesses, and government to prevent and mitigate pollution and to make our community healthier and more vibrant.

Staff and expert members of CHB's Policy and Technical Advisory Committee have convened to discuss the scope of this report, and have discussed the report with EPA staff. Our comments are outlined below.

### Thea Foss Waterway

All cleanup goals for the Thea Foss have been achieved, and the EPA is considering delisting this waterway from the Superfund program.<sup>1</sup> While the Foss is a great example of a collaborative cleanup success, ***CHB recommends against delisting this waterway due to the high probability of recontamination.*** Untreated stormwater enters the Foss through 14 outfalls – of particular concern is the volume of untreated stormwater that enters the Foss via Outfalls 237A and 237B, also known as the “Twin 96ers”. The City of Tacoma has identified two stormwater contaminants of concern that have the greatest potential to affect sediment quality post-cleanup: polycyclic aromatic hydrocarbons (PAHs) and phthalates.<sup>2</sup> Until the sources of these contaminants can either be controlled or treated before discharge, the Foss should not be delisted.

The Fish and Shellfish Consumption Advisory is proving ineffective in the Foss. We observe community members nearly everyday fishing for bottom fish off the public pier on Dock Street. ***More signage is needed on the pier, along with enhanced community outreach - in several different languages - to address this issue and educate our diverse community on the risks of consuming fish and shellfish in this area. CHB also recommends bottom fish be sampled for bioaccumulative toxins in the Foss, to more***

*adequately understand the human health risks.* Until this is complete, the remedy is not protective of public health.

A new marina has been constructed in the Wheeler-Osgood Waterway. *Is the EPA or other agency monitoring this development? Has there been sampling done in the area to ensure that the work has not resulted in resuspension of contaminants?*

### Olympic View Restoration Area

Areas of the cap in the Olympic View restoration area have been washed away, and a bathymetric study confirmed that one foot of the original three-foot cap remains.<sup>1</sup> *CHB requests the EPA to implement a regular inspection schedule for this cap, as well as laying down additional capping.* Regular inspection of this cap is needed to prevent recontamination, especially if EPA is considering delisting the adjoining Thea Foss Waterway. Additionally, protection of this intertidal area is crucial for protecting documented surf smelt spawning beds.<sup>3</sup> While proper maintenance of the cap is critical, any work done on the cap in this area will need to avoid surf smelt spawning events and a Hydraulic Project Approval (HPA) permit will need to be obtained.

### Middle Waterway

Cleanup goals for the Middle Waterway are complete, and the EPA is considering delisting this waterway from the Superfund program.<sup>1</sup> However, it is unclear if there is still contamination remaining in this waterway. *In the absence of unequivocal sampling results showing no signs of contamination, CHB recommends against delisting the Middle waterway, and advocates for the implementation of a long-term monitoring plan to address these uncertainties.*

### St. Paul Waterway

We are pleased to hear the first inspection of the St. Paul waterway cap found the cap to be present, functioning well, and still supporting an earlier-planted kelp bed. *CHB recommends the EPA include in its report a summary of the monitoring plan for this cap. Additionally, CHB requests a copy of the draft monitoring plan when complete, including information on who will be performing the monitoring and who is financially responsible.* Historically, Simpson Tacoma Kraft provided monitoring reports to CHB, but we have not received one recently, exacerbating our concerns over identifying the Potentially Liable Party for this site.

### Sitcum Waterway

Contaminated sediments have been left untreated under the piers of the Sitcum Waterway.<sup>1</sup> CHB is concerned that large vessels (container ships and tug boats) with side-thrusters will disrupt this contaminated sediment. As such, CHB does not believe the remedy for this portion of the site is protective of the environment while untreated contaminants are left in place. *CHB recommends some institutional controls be required of the liable party, the Port of Tacoma, such as an environmental covenant. The Port of Tacoma should also be required to sample this area to ensure these contaminated sediments are not dispersing. Additionally, the US Coast Guard should implement restricted navigation requirements for vessels calling to the Sitcum, to prevent the disturbance of these contaminated sediments.*

### Blair Waterway

CHB is concerned about the coming dredging project slated for the Blair Waterway. Legacy contamination is present in much of the channel, along the slopes and upland areas of the Blair, while groundwater of the Blair-Hylebos peninsula generally flows southwesterly towards the Blair. A 2016 Alexander Avenue site evaluation report conducted by Robinson and Noble details the historical use of portions of the Blair Waterway, including significant information on the presence of legacy contamination, including volatile organic compounds (VOCs) “and semi-VOCs, specifically tetrachloroethylene (PCE) and associated breakdown products, and pentachlorophenol (PCP) and associated breakdown products...” as well as arsenic, benzene and vinyl chloride.<sup>4</sup> If dredging results in the resuspension of contaminated sediments, the remedy will not be considered protective of the environment. *How will the EPA ensure this information is used in determining the dredging prism and depth so that recontamination does not occur?* These concerns also hold true for the construction of the Marine Vapor Fueling System as proposed for the Liquefied Natural Gas facility. *Is EPA aware of - and monitoring - this work?*

CHB is also concerned that because the Occidental Site has yet to be fully remediated and the extent of the contamination has not been verified with monitoring wells in the Blair, contaminants associated with the Occidental site have the potential to disperse into the Blair. ***Is the EPA monitoring these contaminants in the Blair?***

### **Hylebos Waterway**

CHB regularly patrols the Hylebos Waterway with our Bay Patrol vessel (50 patrols in 2018, 36 patrols so far in 2019). On almost every patrol, we find large volumes of Styrofoam and woody debris. We believe that the unkempt marina sitting on State-owned land along Marine View Drive is the source of the Styrofoam. Rusty rotting boats being used as a breakwater are being kept afloat by filling them with blocks of Styrofoam which break off into the bay. In addition, their rusted-out hulls are dropping paint and other potential contaminants into the bay. This issue is marginalizing the protectiveness of the remedy. ***Can EPA address this issue?*** Also while on patrol this summer, we have observed piling-removal work in front of the newly constructed Liquefied Natural Gas facility, and are concerned this work is disrupting and dispersing contaminated sediments. ***Is EPA aware of - and monitoring - this work?***

CHB is extremely concerned that increased oil traffic will risk recontamination of the cleanup that has occurred in the Hylebos. SeaPort Sound, formerly Targa, recently proposed constructing four new rail spurs, which will create 32 new transfer locations, in addition to the 36 existing on the property. This could potentially double SeaPort Sound's ability to receive, store, and distribute crude oil in Commencement Bay, throughout the Salish Sea, and landward via pipeline and rail. ***Is EPA aware of - and monitoring - this work?***

CHB is extremely concerned about recontamination in the Hylebos, especially for PCBs. Recent studies indicate higher concentrations of PCBs in the sediments around Schnitzer Steel's outfalls. The Department of Ecology is requiring them to do a source control study.<sup>5</sup> Additionally, Manke Lumber recently settled with the EPA and Ecology over violations of the Clean Water Act, the Industrial Stormwater General Permit, and the Spill Prevention, Control and Countermeasures laws. These violations lead to the discharge of heavy metals, organic material, and oil into the Hylebos. The EPA settlement requires Manke to pay a \$320,000 civil penalty, hire an Environmental Manager, install a new stormwater treatment system, and hire an engineering consultant to analyze and improve the stormwater treatment system. Manke has also elected to perform a Supplemental Environmental Project, however, the location of the selected SEP will not improve water quality in or around the Hylebos.<sup>6</sup> ***How is this work being monitored and taken into consideration for future decisions by the Superfund Program?***

### **Asarco**

The slag peninsula left behind by Asarco has been capped, but some of that shoreline is showing exposed slag.<sup>1</sup> CHB is concerned that the much-needed shoreline repair will go unfinished due to Asarco's bankruptcy funds running out. As such, the remedy is not effective for protecting human and environmental health. ***How will the EPA ensure this shoreline repair is completed in a timely manner to avoid shoreline destabilization and recontamination?***

### **Yacht Basin**

The Yacht Basin has not been sampled since the 1980s. When sampled, high concentrations of tributyltin (TBT) were found. The Record of Decision called for dredging the entire Yacht Basin.<sup>1</sup> Without the required dredging, the remedy is not effective for protecting human and environmental health. ***What is EPA's plan for initiating a dredging and control plan for this area?***

### **Commencement Bay-wide Concerns**

The EPA is conducting a fish tissue study in Commencement Bay to determine PCB concentration levels in English sole, and testing against the 36ppm PCB standard to determine the effectiveness of site-wide remediation. ***How does this standard compare to the Puyallup Tribe's water quality and fish consumption standards? Is it protective of human health? How will the data be used to inform future studies or source control requirements? CHB requests more stakeholder involvement as this fish study moves forward.*** Additionally, the previous Five-Year Review recommended the following for the PCB study:

“Develop and implement a Quality Assurance Project Plan, including a sampling plan for collection and analysis of bay-wide fish tissue data for bioaccumulative chemicals (particularly for PCBs, which have a human-health based Sediment Quality Objective). Provide results to appropriate state and local agencies to evaluate protectiveness of health-based fish consumption advisories for Commencement Bay.”<sup>7</sup>

The recommendation outlines the need to sample “bioaccumulative chemicals,” not just PCBs. *CHB requests justification of the EPA’s decision to not analyze other bioaccumulative chemicals, such as PAHs, bioaccumulative pesticides like DDT, dioxins, HCBs, mercury, or PBDEs, among others.* Additionally, the Remedial Investigation found that both fish and shellfish (i.e., crab) tissues contained PCB concentrations above the human health standard. Without sampling crab tissue, CHB believes the study will not generate sufficient information to determine whether or not the study is protective of human and environmental health. *CHB requests justification of the EPA’s decision to not analyze crab tissue in this study.*

CHB is concerned about dioxin levels across Commencement Bay. *CHB recommends developing a new agreement that requires the liable parties to conduct dioxin testing of both fish and shellfish tissue, sediments, and the water column. This agreement should include an adaptive monitoring plan to address source controls and potential treatment technologies.*

Besides dioxins, there are other emerging contaminants of concern the EPA needs to address. PFOA and PFOS (collectively, PFAS) are extremely persistent environmental contaminants that are commonly found at military bases as they are primary constituents of firefighting materials. CHB is extremely concerned with the EPA’s proposal to weaken PFAS cleanup standards and their potential to impact the remedy’s effectiveness in protecting public and environmental health. *As such, CHB recommends developing and implementing a PFAS monitoring program, perhaps in conjunction with the monitoring of dioxins.*

*CHB requests EPA provides two additional sections in this report: 1) detailing any long-term monitoring requirements for each waterway and what document(s) the detailed monitoring protocols can be found in, and; 2) listing all institutional controls for each waterway and what document(s) the details of the controls can be found in.* This will aid the public and other agencies in comprehension of the cleanup status and what to expect in the next five years.

Please contact me if there are questions regarding my comments. We understand a formal responsiveness summary is not required by the EPA for this process, but respectfully request a response to our comments in the form of an email or phone conference. Thank you for the opportunity to provide input for the Fifth Five-Year Review Report of the Commencement Bay Nearshore/Tideflats Superfund Site.

Sincerely,



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1. Koch, K. (July 2, 2019). *Communications with Citizens for a Healthy Bay’s Policy & Technical Advisory Committee.*
2. City of Tacoma. (2018). *Thea Foss and Wheeler-Osgood Waterways 2017 Source Control and Water Year 2017 Stormwater Monitoring Report.*
3. Washington Department of Fish and Wildlife. (n.d.). Spawning Location Map. Accessed on February 16, 2019 from [https://wdfw.wa.gov/conservation/research/projects/marine\\_beach\\_spawning/](https://wdfw.wa.gov/conservation/research/projects/marine_beach_spawning/)
4. Robinson Noble, Inc. (2015). Puyallup Tribe of Indians 2340 East Alexander Tacoma, Washington Phase I and II Environmental Site Assessment March 2016. Author.
5. Washington Department of Ecology. (2019). *2019 Fact Sheet for Schnitzer Steel of Tacoma NPDES Permit WA0040347.* Author.
6. Consent Decree, United State of America vs. Manke Lumber Company, Inc. (Civil No. 3:17-cv-5257-RJB, May 17, 2019)
7. U.S. Environmental Protection Agency. (2014). *Fourth Five-Year Review Report for Commencement Bay Nearshore/Tideflats Superfund Site Pierce County, Washington.* USEPA Region 10 Seattle, Washington.