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SUPERFUND &
EMERGENCY
MANAGEMENT DIVISION

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MEMORANDUM

SUBJECT: Meetings with external parties during and after ESD public comment period
Lower Duwamish Waterway Superfund Site

FROM: Ellen Hale, Remedial Project Manager Hale, Elly Digitally signed by Hale, Elly Date: 2021.08.03 09:34:08 -07'00'

TO: Lower Duwamish Waterway Site File

On February 5, 2021, EPA released a proposed Explanation of Significant Differences (ESD) for public comment. The ESD affects the cleanup levels, target tissue levels, and remedial action levels (RALs) for carcinogenic PAHs (cPAHs) in the 2014 Record of Decision (ROD) for the Lower Duwamish Waterway Superfund Site (LDW). The ESD incorporates new toxicity values published in a January 2017 IRIS toxicological review of benzo(a)pyrene (BaP).

The public comment period on the draft ESD was initially set at thirty days, but three extensions led to a 75-day period ending April 21, 2021. In addition to posting the draft ESD, a summary factsheet, and files in the draft administrative record file, EPA announced the ESD comment period and presented information in a virtual meeting on February 17. The meeting presentation was prerecorded in four languages (English, Khmer, Spanish, and Vietnamese) and following the presentation, EPA took questions. A summary of the questions people asked and of EPA's answers was posted after the meeting in the same four languages. ESD outreach information has been added to the Administrative Record.

During the comment period, regularly scheduled meetings continued. In addition, I exchanged emails and spoke on the phone with people who sent materials or asked me to provide information. I have added relevant records to the administrative record file.

March 10: Meeting of Tribes, Trustees and Communities (TTC) group

This is a regularly scheduled meeting, scheduled in advance of start of the public comment period on the ESD. It would have occurred after the end of the public comment period, but the comment period was extended. The meeting agenda included an update on the status of the ESD comment period. During the meeting, EPA reiterated that video of a February 17 public information meeting was available for review. The meeting participants included a broader cross-section of the community than in past meetings, and discussions focused on the adequacy of EPA's outreach for the ESD and on requests for an additional extension.

March 15: Meeting with CHAs to answer questions regarding ESD presentation materials

The meeting was organized by Khanh Ho of Public Health - Seattle & King County to ensure that the community health advocates (CHAs) fully understood the February 17 presentation, given the role the CHAs play in interacting with community members about the seafood advisory. EPA reiterated points made in the February 17 presentation, noting that the ESD does not change the target risk in the ROD related to cPAHs in clam tissue.

March 25: Meeting with Lisa Hayward and BJ Cummings, UW SRP

Lisa Hayward of the Superfund Research Program at University of Washington wrote Kay Morrison (3/24/2021) with technical questions about the effect of the ESD on cleanup areas. Kay forwarded the message to me, and I responded with an email about where the information could be found in publicly available documents (the proposed ESD, pre-design studies, clam tissue reports, maps). Lisa sent additional questions by email, and I suggested that I could explain better if I could share my screen. We held a virtual meeting on March 25. The emails are in the Administrative Records.

March 25: **Monthly meeting with DRCC/TAG**

EPA holds regular meetings with DRCC/TAG contacts, James Rasmussen, Paulina Lopez, and Maggie Angel Cano. During the comment period on the ESD, EPA and DRCC/TAG held one of our regular meetings on Thursday, March 25. We did not discuss the substance of the ESD at the meeting.

March 31: Roundtable Meeting

This meeting was previously scheduled. The agenda was sent by Triangle on March 31. DRCC/TAG had emailed EPA asking for an opportunity to have the UW-SRP make a brief presentation on the ESD. EPA had been working on the agenda with the facilitation consultants at Triangle Associates. Triangle indicated that the inclusion of ESD-related topics was not appropriate during the public comment period. The meeting followup information sent to the TTC email list included links to publicly available documents.

Other external communications during the public comment period:

I exchanged several emails in February and March with Alison O'Sullivan, the LDW technical contact for the Suquamish Tribe. She wanted to understand how the ESD affected cleanup areas at the site. In addition to the ESD maps based on data available at the time of the ROD, I provided her with maps prepared by LDWG's design consultants showing Phase 1 pre-design data collected to support the upper reach design relative to the ROD cPAH RALs and ESD cPAH RALs. The maps are in the Administrative Record.

During the comment period, I received an email from Alex Stone, staffer for Congressman Adam Smith, with questions following the February 17 public presentation. We set up a call with the LDW site team and on March 4 we met to review the timeline of the proposed changes, how community feedback influences decisions made, and why BaP is now seen as less harmful to human health than it was previously. I summarized the ESD and the basis for it. Elizabeth Allen, EPA risk assessor, described the public process leading to the change in the BaP cancer slope factor.

On May 17, Alex Stone asked for a meeting to receive an update on the ESD. The comment period had ended on April 21. EPA staff set up a meeting to discuss the Lower Duwamish Waterway, Earle M. Jorgensen, and East Waterway sites with congressional staff for U.S. representatives Pramila Jayapal

and Adam Smith and senators Maria Cantwell and Patty Murray. The virtual meeting took place on May 27. Bill Dunbar noted that during the deliberative process EPA does not provide information beyond what is publicly available. He, Kira Lynch, and Brad Martin, all from EPA Region 10, gave a joint slide presentation. The June 8 followup email to the participants, including the presentation material, is in the Administrative Record.