

## Public Comments

**Meeting:** Wednesday, August 3, 2022

**Submittal:** Written comments only; e-mailed received at [planning@cityoftacoma.org](mailto:planning@cityoftacoma.org) by 12:00 noon, on the meeting day

**Subjects:** Comments are addressing the following Discussion Item on the agenda:

**#1 – South Tacoma Groundwater Protection District – Consideration of a Moratorium**

**#2 – Tideflats Subarea Plan and EIS**

**No. of Comments:** 9 (6 comments on #1 and 3 comments on #2)





climatepiercecounty.org



August 1, 2022

## **RE: Moratorium South Tacoma Groundwater Protection District**

Dear Tacoma Planning Commission Members:

We appreciate the opportunity to comment in support of a moratorium on permitting of heavy industries and storage of hazardous materials in the South Tacoma Groundwater Protection District. Climate Pierce County is a coordinating council for several environmental organizations who share climate justice concerns in Pierce County.

A Climate Pierce County representative attended the July 20 meeting and listened with interest to the testimony of Tacoma Water, Tacoma City Environmental Services, and TPC Health Department. These three organizations work together with other partners to keep the aquifer waters safe from pollution by monitoring, sampling, permitting, on-site inspections and more. They each primarily rely on voluntary compliance. After a violation has been documented, the business will be informed on next steps to get back into compliance. If the business does not follow through there is a process that leads to more stringent measures as necessary to gain compliance. Yet there have been issues, and clean up after the fact doesn't change the fact that the damage is done and must be dealt with depending on the severity.

The South Tacoma aquifer is a regular summer source of water for the city, which will become ever more valuable as climate change impacts the water flowing through the Green River in the summer. It fully recharges 27,000 acre-ft every winter and the recharge area extends from South Tacoma down to Frederickson and Roy. Yet Tacoma only has jurisdiction on development over the aquifer that takes place in Tacoma. In 2015, Tacoma Water drew 16,000 acre-ft from the aquifer through its wells. That year there was unprecedented low snow accumulation in the Cascades. Climate scientists warn us low summer water flows will be our future as we keep trending to increasing GHG emissions nationally and internationally. It is appropriate to think in those terms, rather than what is happening now. As development increases over the aquifer, whether in Tacoma or out in Frederickson and Roy, we are negatively impacting recharge abilities of the aquifer in what may well be a very necessary source of water in the not too distant future. Aquifer recharge needs to be studied in terms of current development plans and likely future development over the whole aquifer using the best available science.

Climate Pierce County supports the moratorium on no new heavy industry in the STGPD and no new storage of hazardous materials because:

1. The STGPD needs to be updated to protect the aquifer with the latest science making sure the water remains clean and plentiful into the future.
2. South Tacoma is mostly a frontline community based on the Tacoma Equity Index Map<sup>1</sup> and is a part of the city where the tree canopy for the majority of community is below 15%,<sup>2</sup> well below the 30% the city is aiming for. These are the concerns the city, in its 2030 Climate Action Plan, is specifically addressing by promoting green job growth, tree preservation and tree planting, and more resources. This is incompatible with allowing more heavy industry and more storage of hazardous materials.

The recent proposed adoption of an Economic Green Zone is a path forward to accomplishing this above the aquifer, but that process won't begin until the spring 2023. To create the room for the Economic Green Zone plan a moratorium on the kind of growth the City should not promote needs to happen. As in our previous letter, Climate Pierce County also supports no permitting for new projects and development in South Tacoma until the STGPD code is updated and addresses all requirements in the Clean Water Act.

Climate Pierce County supports the moratorium and asks that the Planning Commission support it as well for helping the City achieve the future it has described and is supporting with its 2030 Climate Action Plan among others. Please look beyond what city departments currently do to keep the aquifer waters safe, and plan for what will keep the waters and the neighborhood safe and healthy into the future.

Thank you.

On behalf of Climate Pierce County,

Dr. Elly Claus-McGahan, CCL-Tacoma  
Donna Thompson, Climate Reality Mentor  
Barbara Menn, CCL - Tacoma  
Pete Weymiller  
Marian Berejikian, Friends of Pierce County  
Evlondo Cooper  
Barbara Church, The Conversation  
John Doherty, CCL and Climate Talk on Radio Tacoma KTAH 101.9

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<sup>1</sup>

<https://tacomaequitymap.caimaps.info/CAILive/?location=Tacoma&layer=EquityLayer&tab=demo&searchType=city&area=EquityCalcTacoma>

<sup>2</sup> <https://www.tacomatreeplan.org/post/supporting-studies-maps>

**From:** [Esther Day](#)  
**To:** [Planning](#)  
**Cc:** [Woodards, Victoria](#); [Hines, John](#); [Rumbaugh, Sarah](#); [Blocker, Keith](#); [Ushka, Catherine](#); [Bushnell, Joe](#); [Daniels, Kiara](#); [McCarthy, Conor](#); [Walker, Kristina](#); [Pauli, Elizabeth](#)  
**Subject:** I support enacting a Moratorium until the outdated South Tacoma Groundwater Protection District  
**Date:** Thursday, July 28, 2022 10:26:26 AM

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[planning@cityoftacoma.org](mailto:planning@cityoftacoma.org)

**My name is Esther Day and I support enacting a moratorium until the outdated South Tacoma Groundwater Protection District policy has been brought-up to current best science.**

**Currently there are many chemicals missing being monitored for, which a recent District court determined must be corrected. The EPA also just announced that PFAS (forever chemicals) are an urgent issue and could become a crisis without immediate action taken.**

**Since the South Tacoma groundwater will be come more and more relied on in years to come, the city needs to start taking much better care of it, not only to protect the water, but if we're out of compliance with State and Federal standards, that could jeopardize funding to Tacoma, too.**

**Until this groundwater code is brought up to date, there must also be a moratorium on new development and expansions for any business which could not only potenally contaminate but also inhibit or change the natural infiltration process to recharge the aquifer to a healthy level.**

**Please ensure the moratorium reflects protecting the aquifer's volume and get outside expert input, as we must do better regarding the kind of businesses and surface cover we allow in this environmentally sensitive area.**

**The actions we take now are critical for our residents and our entire city's future.**

**From:** [Michelle Mood](#)  
**To:** [Planning](#)  
**Subject:** STGPD Moratorium  
**Date:** Tuesday, August 2, 2022 6:29:34 PM

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RE: "STGPD Moratorium"

Please support the enactment of a moratorium because the groundwater code is outdated. My largest public concern is not solely about the threat of heavy industry and hazardous material contamination of groundwater, but the increase of any impermeable surface that impedes aquifer recharge and infiltration into the groundwater. I support making the State of Washington in compliance with the Clean Water Act; additional chemicals must be monitored. Objective independent experts must study this aquifer's infiltration and recharge. Any development that covers a large surface area with impermeable surface over 10,000 square feet must have its permitting paused until this process is complete. We do not want to jeopardize our water resource adequacy needs.

Dr. Michelle S. Mood (she, her, hers)  
(c) 740-233-6333

*A boomer, not a zoomer.*

**From:** [Janeen Provazek](#)  
**To:** [Planning](#)  
**Subject:** Regarding possible Moratorium related to South Tacoma aquifer  
**Date:** Tuesday, August 2, 2022 7:41:50 PM

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Dear City of Tacoma Planners,

I had recently spoken at the virtual Moratorium Community Meeting. I am now following up in writing.

I strongly support enacting a moratorium because the groundwater code is outdated. We are facing a serious climate crisis, which dictates that we do not rely on outdated codes to make current decisions. Our world is so different than it was 10 years ago. We need to thoughtfully use current science and data to protect our water supplies, the air we breathe, the land we live on. We now must make all decisions through an environmental lens, and, of course, through a social Justice lens.

The State of Washington has been found to be out of compliance with The Clean Water Act. Again, we have been lax. There are now additional chemicals that we should be monitoring. We continue to be a highly polluted city. We can no longer afford "business as usual", with outdated codes and zoning laws.

Infiltration/discharge of the aquifer in question in S. Tacoma needs to be studied by objective and independent experts. It would be a conflict of interest to use "in house" experts. They would have an investment in this situation, compromising their objectivity. Due diligence means using outside experts who do not have a stake in the game.

When I attended a recent city council meeting I sensed that some council members were panicked about the idea of a moratorium. As if stepping back and taking the time to make thoughtful decisions about an important aquifer and the land around it would bring our city down. One of the reasons we are in such a mess environmentally is due to our inability to delay gratification, to slow down without panicking, to take the risks to do things differently. So often us humans fight change and new ways of thinking and doing, ultimately shooting ourselves in the foot.

Philosopher Joanna Macy writes of the oblivion we manufacture for ourselves to keep us from looking environmental problems straight in the eye. She quotes R. J. Clifton, a psychologist studying human response to catastrophe:

"Suppression of our natural responses to disaster is part of the disease of our time. The refusal to acknowledge these responses causes a dangerous splitting. It divorces our mental calculations from our intuitive, emotional, and biological embeddedness in the matrix of life. That split allows us passively to acquiesce in the preparations for our own demise".

As our planners, you have enormous responsibility to guide us and make decisions using the latest science and thoughtful foresight. Yes, we need you to be champions.

Thank you,  
Janeen Provazek  
1117 N 7th St  
Tacoma, WA 98403

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**CORRECTIONS TO THE INFORMATION PROVIDED BY STAFF:**

1. In reply to a commissioner's question about "any indication toxins have seeped into the wellfield" the reply from TPU only mentioned Well 12A. The well at 7740 S Cedar Street was taken offline on 19 SEP 2018 due to high levels of PFAS originating from the growing "plume" of PFAS emanating and infiltrating the "shallow aquifer recharge area" from JBLM. This PFAS contamination is stated by the city as only impacting about 100 users, however these users specifically used this water because it was not fluoridated. The water was used exclusively to support Occupy Tacoma which alone involved over 250 persons per day with a daily consumption of 100 gallons. The actual impact is not known, the persons impacted have not been identified, and knowing when the PFAS first showed up is also not known.
2. 3, At least 2 other major controlling authorities for the STGPD have not been at the table, in a meeting, or provided input – WA State Dept of Ecology and the US Region 10 of the EPA. They must be included as they have direct and indirect statutory control authorities over entities and possible sources of contamination NOT covered by the TPCD.

**Comments.**

This is not hard. All existing prohibited uses in the existing Title 13 for the STGPD should be FULLY PROHIBITED for any expansion, permitting and/or new business activities – during the MORATORIUM.

The only added restriction would/should be for any development including over 10,000 square feet of impervious total surface in the STGPD – during the moratorium period and subject to future review.

The moratorium is that simple.

Vote on this tonight.

Let's get moving on actually updating the STGPD code..now.

Tim Smith

South Tacoma Economic Green Zone Advisory Community Advisory Committee.

**From:** [Heidi S.](#)  
**To:** [Planning](#)  
**Cc:** [Wung, Lihuang](#)  
**Subject:** Public Comments for August 3, 2022 Planning Commission  
**Date:** Wednesday, August 3, 2022 11:47:30 AM

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## Public Comments for August 3, 2022 Planning Commission

### RE: STGPD Moratorium Review

From the July 27th Community Meeting, every public speaker was in favor of a moratorium to pause permitting until the STGPD code has been updated, also stating:

- The State of WA is out of compliance with the Clean Water Act / additional chemicals need monitoring for.
- Infiltration/recharge of this particular aquifer must be studied by objective independent experts.
- Permitting must be paused on any development of 10,000 square feet or more surface coverage.

One map missing from the Community Meeting city presentation is that of the actual aquifer and recharge areas to contrast the current heavy industrial zoning, as well as the fact that it is all a critical area... and yet exceptions to the code are constantly being allowed which must be paused and ultimately changed.

Also, the point of this moratorium review is not to simply have the same stakeholders weigh in -- back in 2021 they had already stated that the code is outdated and needs updating... and they are the ones who have allowed the code to go outdated. In addition, there are additional agencies besides simply the city and county which do not seem to have been consulted.

The City Council has asked for the Planning Commission to review findings in support of a moratorium but (even though valid information has been presented to the city by residents) at the Community Meeting, we again only heard the same information from the same stakeholders.

So, in these final weeks the commission has left to review this, there needs to be actual **independent, expert input from professional consultants**. Anything less is a disservice to the request of the council. So, yes, do conduct an objective environmental review with outside hydrologists and hydrogeologists.

The public has raised clear concerns about climate change and the Green River not being a sustainable water source for future needs, especially with the additional population growth that Tacoma is encouraging, which is why public comment has consistently called for the city to address the concept of **proper infiltration/recharge to keep the aquifer at a healthy level** (part of the groundwater protection policy but has not being adequately understood much less addressed by the city, and continually left out of this conversation but must be included).

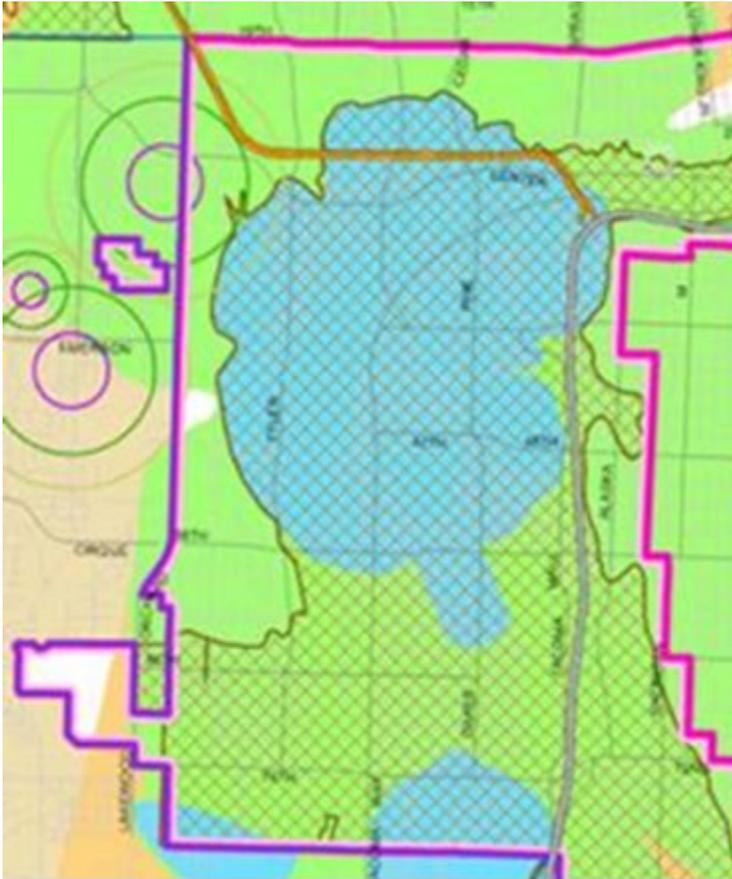
- A district judge has ruled that many chemicals are not being tested for in WA which should be
- The EPA announced PFAS contamination to be emergent
- The city is not properly addressing hydrology for this designated environmentally sensitive geohydrologically critical area

See previously submitted public comments for sources of the above.

These are substantial reasons why a moratorium should be implemented, to pause certain permitting until the code is updated. This would not be a 100% moratorium, it would only be for businesses and activities currently covered by the STGPD code as well as any new permits/expansions involving 10,000 sq feet or

more of surface space.

South Tacoma Aquifer (pink border)  
and recharge area (cross hatching)



Current heavy industrial zoning  
(which also needs actual infiltration/recharge and critical preservation enforcement):



**From:** [Esther Day](#)  
**To:** [Woodards, Victoria](#); [Hines, John](#); [Rumbaugh, Sarah](#); [Blocker, Keith](#); [Ushka, Catherine](#); [Bushnell, Joe](#); [Daniels, Kiara](#); [McCarthy, Conor](#); [Walker, Kristina](#); [Pauli, Elizabeth](#); [Planning](#)  
**Subject:** Tideflats Work  
**Date:** Tuesday, July 19, 2022 8:50:43 AM  
**Attachments:** [U.S. District Judge ecy-epa ruling.doc](#)  
[Tide Flats & Commencement Bay1.png](#)

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Dear Tacoma City Council, City Manager, and Planning Department,

I've been working with folks who are concerned about the lack of science that Tacoma seems to ignore or has no one on their staff that does research into these matters to ensure that Tacoma is not heading the wrong way – both financially and ECOLOGICALLY.

Here is some information I have gathered from a reliable source and you can take this to the bank:

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First of all, if you don't already have it, here are a few of the historic Google shots of the bay year after year right where the Puyallup "flows" out while pointing out that 1st, the POT is NOT a "world class Port" as they are touting themselves to be, they were formed by a vote of the people of the area to be a local port, 2nd, they cannot legally handle the huge ships trying to come in as it is too shallow in the Bay, and 3rd they illegally cut off the Puyallup River from the bay to create this "Port" while the laws were already in place that forbade that action.

All of the red on land and in water is Dioxin - deadly!

The "tideflats" do not belong to the Port nor to the city, they are by treaty part of the Puyallup's land. That is aside from the treatment plant's location, a plant that is far too small to handle all the sewage from the entire city, and they are issuing their "gray" water (actually still black) directly into the bay, which is already declared to be a dead zone and that is in fact illegal. That no one is in charge in this State due to the GMA adds to the issue, especially under a growth mis-management "act" that "defers to local government" who has no authority over State/Federal waters. Thankfully Judge Pechman has ruled on this. Enclosed is her ruling in case you don't have it. She slammed both EPA

& ECY and told them to smarten up and start enforcing.

So, if Tacoma really wants to lose all Federal funding for roads, schools et al, just keep doing this - approving that which they have no authority to approve. Commencement Bay is already highly contaminated from Asarco as well as the train yards and chemical plants that were there. Roiling it all up with these ships has always been illegal under the ESA. Let us see both the applications to the Federal agencies and their responses in the file, which, since Commencement Bay is Federally listed and is in tidal waters, have to be in those files. Two species threatened with extinction are in those waters - Orcas & Salmon. The POT has no jurisdiction over those species neither does Tacoma who also has no authority to approve actions that will cause further decline of those protected threatened species.

It's not funny anymore. Things are getting worse by the day, especially when the local govts, county & city, are so blinded, for whatever reason, they cannot even think straight and actually believe they have approval authority. They do NOT!.

Tacoma has no authority at all to grant permits on actions that are addressed by Federal law where Federal permits are required.

Where can we/you locate the USACE (U.S. Army Corp of Engineers) response in the files? **They HAVE TO REVIEW AND APPROVE TOO!**

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It is up to you to ensure that Tacoma is on the right path with the laws that govern everything around us. We are not living in a time of abundance. We need to have smart decisions that will not compromise our Citizen's future and that of our children and grandchildren.

Get busy and work with the federal government and state government. I've already brought things to the attention of Laurie Jenkins and I am including her here too.

Once you get it, YOU CANNOT SAY YOU DID NOT GET THIS INFORMATION.

Best regards,

Esther Day





Image Landsat / Copernicus

Imagery Date: 7/5/2012 47°15'44.46"

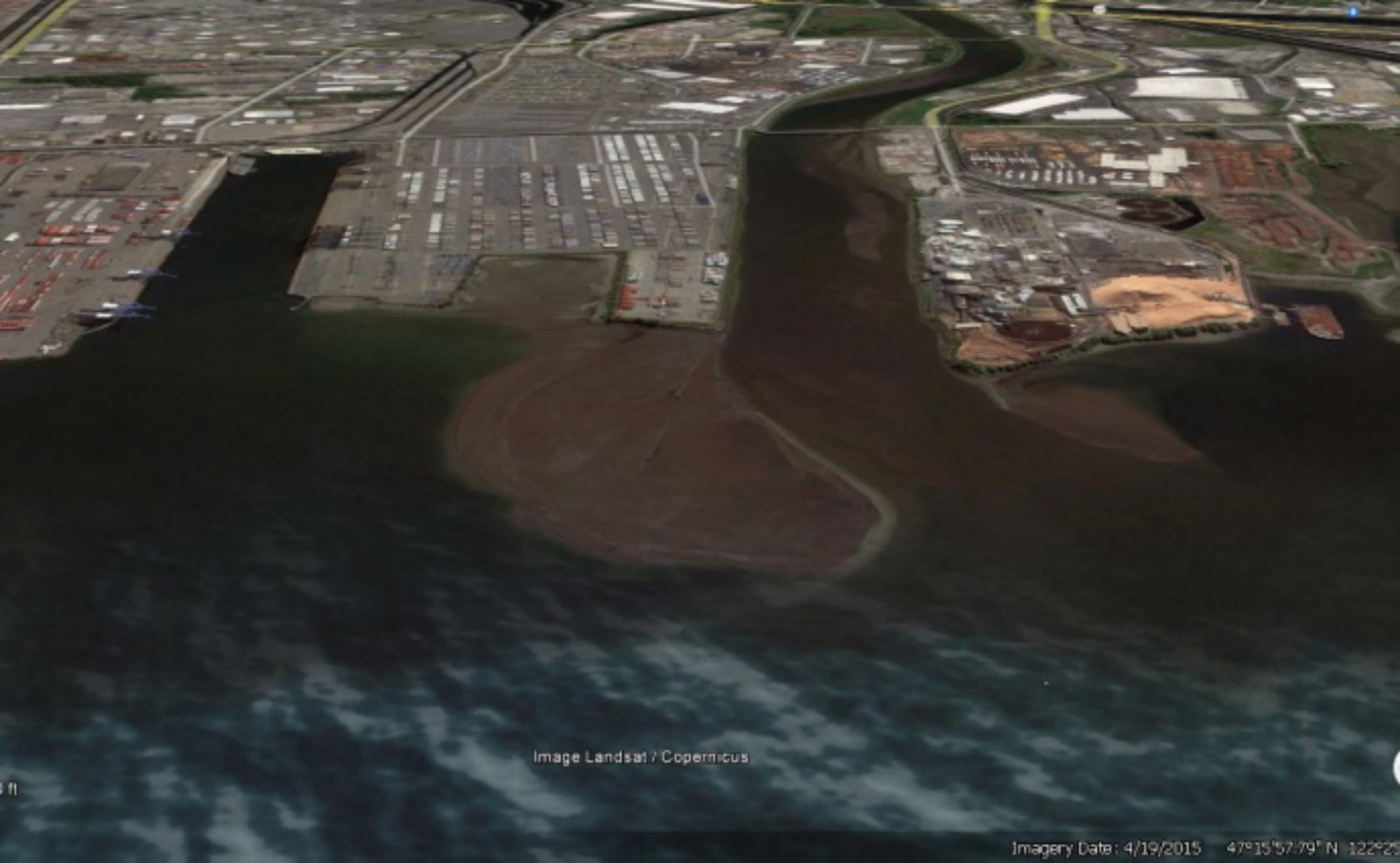


Image Landsat 7 Copernicus

Imagery Date: 4/19/2015 47°15'57.79" N 122°25'



into tidal waters



## Eutrophication & Hypoxia

Nutrient Pollution in Coastal Waters

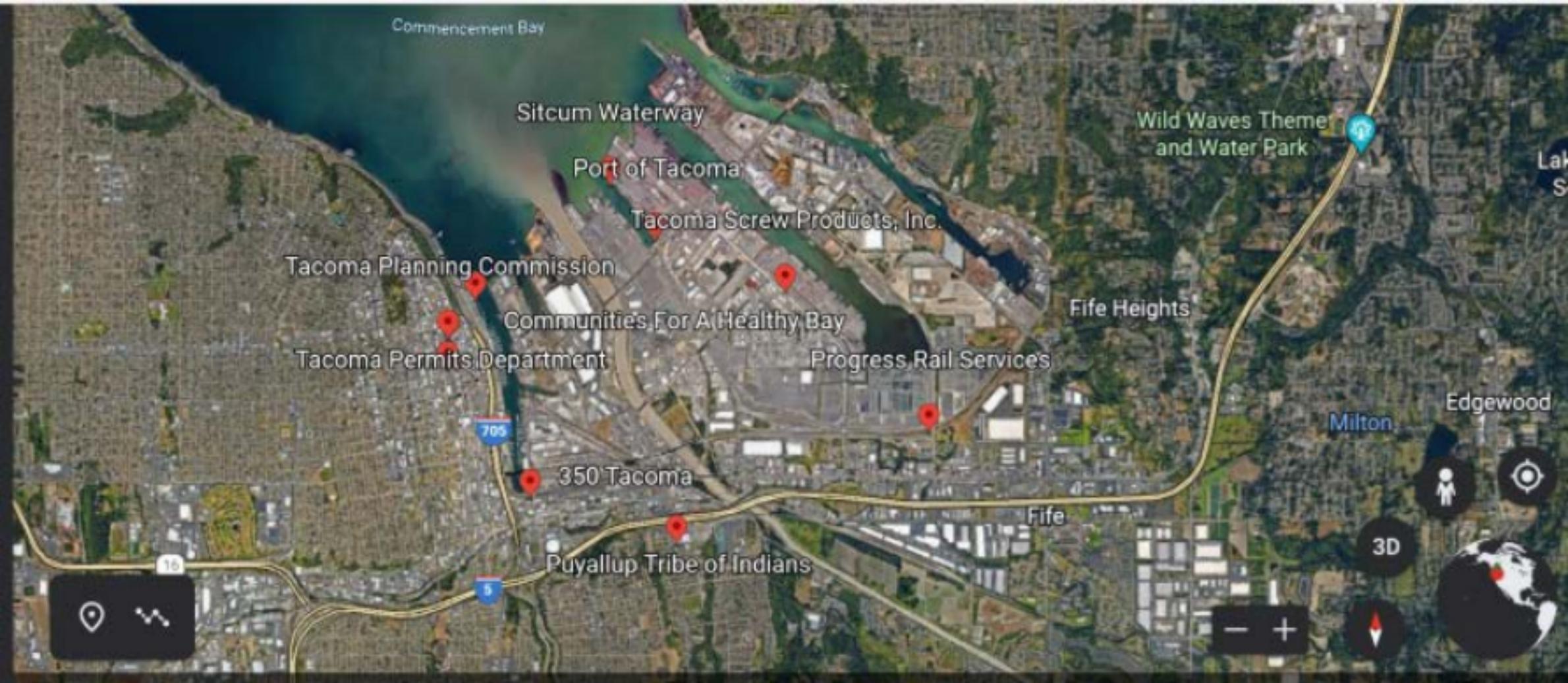


### Commencement Bay

the main port facility. Commencement Bay suffers from consistently high level of fecal coliform contamination as well as episodes of low oxygen. Low dissolved oxygen was first observed here in 1996/1997 when there were seven occurrences of DO levels dropping below 5 mg/l. Low dissolved oxygen is the result of eutrophication (from urban runoff) and stratification. Commencement Bay has been classified as one of the waterbodies of highest concern by the Washington Department of the Environment.

Tacoma

© 2017 Google



Commencement Bay

Sitcum Waterway

Wild Waves Theme and Water Park

Port of Tacoma

Tacoma Screw Products, Inc.

Tacoma Planning Commission

Fife Heights

Communities For A Healthy Bay

Tacoma Permits Department

Progress Rail Services

705

Milton

Edgewood

350 Tacoma

Fife

5

Puyallup Tribe of Indians

3D



<https://www.pugetsoundinstitute.org/2021/12/ecology-epa-now-under-the-gun-to-adopt-new-water-quality-criteria-for-aquatic-creatures/>

The University of Washington Puget Sound Institute provides analysis, research and communication to inform and connect the science of ecosystem protection.

## **Ecology, EPA now under the gun to adopt new water quality criteria for aquatic creatures**

by Christopher Dunagan (<https://www.pugetsoundinstitute.org/author/christopher-dunagan/>)

December 31, 2021

Long delays in updating state water-quality standards to protect orcas, fish and other aquatic species appear to have finally caught up with the Washington Department of Ecology and its federal counterpart, the Environmental Protection Agency.

In a court ruling this week, **U.S. District Judge Marsha Pechman of Seattle found that Ecology has “abdicated its duties” to update certain water-quality standards, as required by the federal Clean Water Act.** Meanwhile, she said, **EPA has failed to meet its legal oversight obligations to ensure that adequate water-quality standards are protective of aquatic creatures.**

The lawsuit, brought by Northwest Environmental Advocates, followed a petition filed by the group in 2013 seeking to get EPA to revise Washington’s water quality standards for aquatic species. **The petition followed years of delay by the state.** The standards, including numeric aquatic life criteria, place limits on toxic chemicals found in the state’s waterways. It took four years, but **EPA eventually denied the petition, refusing to make a determination about whether or not the state’s existing water quality standards were consistent with the Clean Water Act.**

In its denial and later court pleadings, EPA stressed its desire to support Ecology’s efforts to update aquatic life criteria. **Ecology** had discussed the update and even proposed it as part of the agency’s **2015-2020 strategic plan, but the work was never started.** EPA admitted that **Washington’s aquatic life criteria had not been updated for most chemicals since 1992, even though formal reviews and updates are required every three years, noted Judge Pechman in her ruling.**

The judge’s order, (<https://www.pugetsoundinstitute.org/wp-content/uploads/2021/12/Order.pdf>) issued Wednesday, requires EPA to determine **within 180 days if the state’s current water quality standards are consistent with the Clean Water Act** or if they need to be revised. If they are determined to be inadequate, the act itself requires EPA to promptly promulgate new regulations — unless the state adopts acceptable standards in the meantime.

Ecology officials acknowledge that the agency has been slow to adopt new aquatic life criteria. *In fact, the required three-year “triennial review” has not been conducted since 2010.* Ecology currently is going through a new triennial review, and the agency’s draft work plan lists the update to aquatic life criteria as a priority over the next four years.

“We have not conducted a triennial review since 2010 because we were in continual rulemaking efforts for the water quality standards,” states the introduction to the draft work plan (PDF 494 kb).

(<https://fortress.wa.gov/ecy/ezshare/wq/standards/2021TriennialReviewDraftPlan.pdf>)

No doubt Ecology dedicated a lot of time and effort to other water-quality rules the past decade. Much public attention — including a legislative battle — was focused on human exposures to toxic chemicals, as Ecology worked through the long development of new human health criteria. The discussions largely revolved around fish-consumption rates for people who eat a lot of fish, along with what was considered an allowable cancer risk.

In a controversial move after Ecology completed its work, **EPA refused to accept some of the state’s human health criteria, imposing stronger restrictions than Ecology proposed.** The criteria were **later reversed by President Trump’s EPA.** Even today, the issue is not yet resolved, with a revised rule in the works from EPA in the midst of a lawsuit. (See Ecology’s timeline (<https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-quality-standards/Updates-to-the-standards>) along with other background. (<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Closed-rulemaking/WAC-173-201A-Overview>)) I have been following these issues since their inception in 2010, including a 2015 article in the Kitsap Sun (<https://archive.kitsapsun.com/news/local/feds-watch-closely-as-state-updates-water-quality-standards-ep-978184867-354869921.html>) newspaper.

Some of the rule-making that Ecology says contributed to delays:

- \* Recreational use criteria (<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Closed-rulemaking/WAC-173-201A-Aug17>)
- \* Total dissolved gas (<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Closed-rulemaking/WAC173-201A-revisions>)
- \* Salmon spawning habitat, and (<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-Salmon-spawning-habitat>)
- \* Chelan River use attainability analysis (<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-201A-Chelan-CAA>)

**Since EPA is in charge of enforcing the provisions of the Clean Water Act, Judge Pechman focused her attention on EPA’s failure to take charge of the situation, other than to encourage Ecology to get moving on the aquatic life criteria:**

“The CWA (Clean Water Act) operates on a principle of cooperative federalism where states take the lead in setting WQS (water quality standards) with the goal of eliminating pollutant discharge into navigable waters to protect and enhance human and aquatic life,” the judge wrote in her order (PDF 228 kb). (<https://www.pugetsoundinstitute.org/wp-content/uploads/2021/12/Order.pdf>) “States must create WQS specific to aquatic life and review them every three years to determine whether new or revised standards are necessary.

“But while states play a lead role in setting WQS, EPA serves as a backstop,” she continued. “Not only does EPA have to review state-adopted WQS, but it must also ‘promptly prepare and publish’ new WQS for a state ‘in any case where the administrator determines that a revised or new standard is necessary to meet the requirements of this chapter.’...”

“So while EPA wanted to **‘work in partnership to efficiently and effectively allocate resources to address pollution and accelerate state adoption of new and revised criteria,’** **nothing in the record showed that Washington was a willing partner.** And certainly nothing in the record supports EPA’s belief that inaction would be an efficient or effective way of ensuring adequate WQS or complying with the goals and requirements of the CWA.”

The judge calls out specific criteria that EPA has recommended for updates, based on scientific studies, including aquatic life criteria for **ammonia and copper**. She did not accept EPA’s excuse that Ecology may have higher priorities or that EPA lacks the resources to undertake the rulemaking.

“This wait-and-see approach appears particularly ill-conceived in light of EPA’s recognition that **copper pollution has an ‘adverse impact on salmonids,’** whose health impacts ‘critically important and endangered species throughout the Pacific Northwest,’” she stated.

Pechman noted that **the letter denying the petition for rule-making contains no explanation about how EPA was “marshaling its limited resources to protect Washington’s waters or why simply waiting for Washington to act would be reasonable to meet the CWA’s goals. This undermines EPA’s position.”**

The judge also rejected EPA’s argument that the update to Washington’s human health criteria — a related set of standards — would protect aquatic life. She cited EPA’s own recommendations for **copper**, which are 1,200 micrograms per liter for humans but a maximum of 4.8 micrograms per liter for aquatic life. *Under those recommendations, what is considered safe for humans is 250 times higher than what is considered safe for protecting salmon from acute toxicity. (Chronic levels are considered even lower for aquatic life.)*

Further, the judge points out, EPA should not assume that its national recommendations would be adequate for the unique species of Washington state — “such as **Puget Sound’s Southern Resident Orcas who are some of the most contaminated marine mammals in the world** due to bioaccumulation through the food stock, particularly through Chinook salmon.”

The judge ordered EPA to make a determination on the adequacy of the state’s aquatic life criteria within 180 days, but she agreed to allow additional time if EPA can provide “specific, detailed explanations of why additional time is necessary and what tasks remain to be performed.”

How that will mesh with Ecology’s time schedule is yet to be seen. Most relevant staffers with Ecology as well as EPA were out this week for the holiday. I will invite them to contribute comments, concerns and additional context when they return.

Ecology’s draft work plan covering the next four years does not lay out a specific timetable for adopting aquatic life criteria. The agency has taken comments on four possible approaches to adopting new water quality standards:

- \* Option 1: Stagger three rule-making by group (metals, organics, non-priority)
- \* Option 2: Stagger two rule-making by group (all metals, all organics)
- \* Option 3: Rule-makings for different groups of chemicals based on highest priority
- \* Option 4: Review and update all necessary criteria in one rule-making

In bringing its lawsuit, Northwest Environmental Advocates said Washington state has revised aquatic life criteria for some toxic chemicals since 1992, but many remain less protective than EPA's recommended levels. For 14 chemicals, Washington has no aquatic life criteria at all, whereas EPA has established maximum levels in freshwater to avoid acute or chronic toxicity, according to NWEA. In saltwater, Washington has no criteria for 11 chemicals for which EPA provides recommended standards, the group says.

Under the Endangered Species Act, the U.S. Fish and Wildlife Service and NOAA's National Marine Fisheries Service have reviewed the adequacy of aquatic life criteria for the states of California, Oregon and Idaho. (USFWS covers freshwater species, while NMFS covers saltwater species.) For a number of chemicals, the agencies have found that criteria adopted by the states and approved by EPA are likely to jeopardize the continued existence of a threatened or endangered species, the so-called "jeopardy" finding.

To show that Washington's standards are outdated, **NWEA listed more than two dozen chemicals for which the state uses numeric criteria that are either higher or close to the levels found to be in violation of the Endangered Species Act.**

"Levels of these and other toxic pollutants are among the reasons that EPA has long been concerned about the health of one of Washington's most important waterbodies, Puget Sound," states the legal complaint (PDF 490 kb).

(<https://www.pugetsoundinstitute.org/wp-content/uploads/2021/12/Order.pdf>) "EPA features the toxic contamination of Southern Resident killer whales, Pacific herring and harbor seals in Puget Sound on its website as evidence of its ongoing concerns about toxic pollution of Washington's waters."

- \* Water quality (<https://www.pugetsoundinstitute.org/category/blog-topics/water-quality/>)
- \* Water quality (<https://www.pugetsoundinstitute.org/tag/water-quality/>)
- \* Environmental Protection Agency (<https://www.pugetsoundinstitute.org/tag/environmental-protection-agency/>)
- \* Northwest Environmental Advocates (<https://www.pugetsoundinstitute.org/tag/northwest-environmental-advocates/>)
- \* Department of Ecology (<https://www.pugetsoundinstitute.org/tag/department-of-ecology/>)
- \* Aquatic life criteria (<https://www.pugetsoundinstitute.org/tag/aquatic-life-criteria/>)
- \* Environmental lawsuit (<https://www.pugetsoundinstitute.org/tag/environmental-lawsuit/>)



July 21, 2022

**TO: Infrastructure, Planning, and Sustainability Committee**  
**RE: Tidelands Subarea Plan Environmental Impact Statement Scoping**

**Dear Chair Walker and Members of the Infrastructure, Planning, and Sustainability Committee,**

As you know, the purpose of the [Sustainable Tacoma Commission](#) is to advise Tacoma City Council and staff on sustainability initiatives, bringing community accountability to implementation of the City's vision for sustainability<sup>1</sup>, 2030 Tacoma Climate Action Plan<sup>2</sup> (TCAP), and other sustainability policies.

The Sustainable Tacoma Commission writes now to communicate our recommendations for additions and changes to the Tidelands Subarea Plan Environmental Impact Statement (EIS) scoping process. The STC has been consistent in its recommendations regarding a low-carbon future, green jobs, equity, and the protection and use of open spaces, including tree cover, since the beginning of the Subarea planning process. The Guiding Principles for the subarea plan and EIS need more fleshing out in terms of how they are reflected in the four alternatives and how they will be implemented in the EIS leading to the final plan. The Sustainable Tacoma Commission is also looking at what we had hoped to achieve in the Non-Interim Tidelands Regulations and the final Non-Interim Tidelands Regulations adopted in Ordinance No. 289786<sup>3</sup> in November 2021.

We make our comments in the order of the guidelines.

**Environment and Health:**

1. While this may fall outside the scoping process, we would like to see the one remaining cottonwood grove, known traditionally as q<sup>w</sup>i q<sup>w</sup>əlut, maintained and not disturbed or altered. This would help meet the clean air, clean water, and clean soil goals of the healthy work environment guideline. It would also help counter the heat island effect, provide habitat for birds, and maintain a place for people to unwind.
2. To meet goals established in the City's 2030 Climate Action Plan, the inclusion of a 15% tree canopy goal to mitigate the heat effect of the extended amounts of pavement and buildings should be included/considered. Plan for placing shade trees throughout the Tidelands, not restricted to habitat restoration areas. Individuals work and feel better where trees are present, including having better physical health outcomes. This effort could be considered alongside stakeholder concerns related to existing and proposed operations, safety, emergency response needs, and worker welfare.
3. Incentivize new large buildings to include cool roofs, green roofs, or solar – action 40 in the TCAP and in the Tacoma Adaptation Strategy.<sup>4</sup>

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<sup>1</sup>[https://www.cityoftacoma.org/government/city\\_departments/environmentalservices/office\\_of\\_environmental\\_policy\\_and\\_sustainability](https://www.cityoftacoma.org/government/city_departments/environmentalservices/office_of_environmental_policy_and_sustainability)

<sup>2</sup><https://www.cityoftacoma.org/cms/one.aspx?pageId=193914>

<sup>3</sup>[https://www.cityoftacoma.org/UserFiles/Servers/Server\\_6/File/cms/Planning/Tidelands/Permanent%20Regulations/Amended%20Ordinance%20No%2028786.pdf](https://www.cityoftacoma.org/UserFiles/Servers/Server_6/File/cms/Planning/Tidelands/Permanent%20Regulations/Amended%20Ordinance%20No%2028786.pdf)

<sup>4</sup>[https://www.cityoftacoma.org/UserFiles/Servers/Server\\_6/File/cms/enviro/Sustain/Tacoma\\_Adaptation\\_Strategy\\_DRAFT.pdf](https://www.cityoftacoma.org/UserFiles/Servers/Server_6/File/cms/enviro/Sustain/Tacoma_Adaptation_Strategy_DRAFT.pdf)

4. In the final plan, include air quality monitors. The technology is readily available both to collect and display air quality data for the public to see. This helps meet Tacoma's equity goal of reducing health impacts on frontline communities.
5. Study the emergency response times to different emergencies under the different alternatives. An increase of 10,000 workers will have a significant impact as under Alternatives 2 and 3. Potentially, this fits under transportation.
6. Determine placement of designated safe spaces for workers under emergencies such as heat domes, smoke storms, explosions, and other hazards. This will likely vary under the different alternatives because of the varying population densities throughout the day. Also potentially include the development of evacuation routes.

#### **Transportation and Infrastructure:**

1. Include an innovative transit/mobility plan that would encourage the Tideflats to be a mostly car-free zone in terms of transportation between work areas and from the Portland Ave Station to work areas. Reduction in parking areas allows more space for trees, pocket parks, potentially for food trucks, businesses, as well as a reduction in GHG emissions. Actions 9 and 20 in the TCAP.
2. The EIS study should be informed by the Tacoma Adaptation Plan, such as that new proposed infrastructure on the Tideflats account for future sea level rise.

#### **Land Use and Economic Development:**

1. The Guiding Principles should carry a description of Green Jobs. From the Bureau of Labor Statistics<sup>5</sup>: [Green Jobs are] jobs in businesses that produce goods or provide services that benefit the environment or conserve natural resources, jobs in which workers' duties involve making their establishment's production processes more environmentally friendly or use fewer natural resources. STC recommends including a standard of jobs per acre in the definition as an increase in density is desirable and necessary to meet Alternatives 2 and 3 numbers while also contributing to efficient use of energy, space, and transportation needs.
2. Add an Economic Green Zone to Alternative Map 3 to guarantee space for a growing green economy on the Tideflats. The Northeast Tacoma section might be an appropriate location. Action 36 in the TCAP.
3. Alternatives 2 and 3 propose 10,000 new jobs. The study should include suggested realistic pathways to achieve that goal in terms of envisioning the businesses and the space they would need.

The Sustainable Tacoma Commission feels strongly that the emphasis should be on decarbonization of the Tideflats and developing a green economy on the Tideflats if the city is to meet its goals as described in the 2030 Tacoma Climate Action Plan and elsewhere. The clean, Green Jobs we are hoping will be created in part through this intentional planning will greatly assist front line communities in finding employment that will sustain their communities and help Tacoma reach its equity goals.

Thank you for the opportunity to comment. We are following the whole process with interest.

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<sup>5</sup><https://www.bls.gov/green/home.htm#:~:text=Green%20jobs%20are%20either%3A,or%20use%20fewer%20natural%20resources>

Regards,

*Evlondo Cooper III*

**Evlondo Cooper III**

Co-Chair, Sustainable Tacoma Commission



**Lexi Brewer**

Co-Chair, Sustainable Tacoma Commission

**CC:** City of Tacoma Office of Environmental Policy and Sustainability  
Elizabeth Pauli, City Manager  
Melanie Harding, Assistant to the City Manager  
Peter Huffman, Planning & Development Services Director  
Michael P. Slevin III, Environmental Services Department Director  
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Rosa McLeod, City Manager's Office

**From:** [Andrea Reay](#)  
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**Subject:** Tideflats Outreach and EIS Scoping  
**Date:** Wednesday, August 3, 2022 2:21:50 PM  
**Attachments:** [2022 07 30 MIC Tideflats Subarea Plan Steering Cmte.pdf](#)

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Mayor Woodards, Tideflats Subarea Plan Steering Committee Members and City of Tacoma Council, Planning Commission and Staff,

As the Planning Commission is meeting tonight, final written comments on the EIS Scoping of the Tideflats Subarea Plan are due Friday and as we continue to move forward with planning and outreach, the MIC Executive Committee, Chamber, along with other members of the Tideflats Advisory Group have submitted the attached letter for your consideration in hopes of improving communication, engagement, and processes as we near the end of this multi-year project and multi-jurisdiction endeavor.

As noted in the letter and for comments regarding the EIS Scoping “Alternative 4 comes closest to meeting these objectives with the key addition that it should target meeting the same employment growth targets as the other Alternatives. Reference “Updated employment multipliers for the U.S. economy” published by the Economic Policy Institute in January, 2019, which shows that job multipliers for durable manufacturing and utilities are two to six times higher than those for mixed use development such as recreation, accommodations, and food services.”

I know we can and will find a way to move forward together to enhance a positive business climate for manufacturing and related industries and safeguard and improve people’s lives, by creating a sustainable environment, and providing the jobs that anchor Washington’s economy. These are not mutually exclusive priorities or endeavors. We can and will be successful as we work in close collaboration and partnership.

Thank you for the opportunity to provide comment, submit this letter for your consideration and I hope to be a resource in building trust and consensus to find the best possible outcome.

Many Thanks,  
Andrea

**Andrea H. Reay**  
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Making the South Sound the Most Equitable and  
Inclusive Place to do Business in Washington State  
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August 3, 2022

Attn: Stephen Atkinson, Principal Planner, Long Range Planning Division  
City of Tacoma, Planning and Development Services  
747 Market Street, Room 349  
Tacoma, WA 98402

Dear Tideflats Subarea Plan Steering Committee, Planning Commission, and Tacoma City Council:

The work of the Tideflats Advisory Group (TAG) has grown increasingly important as the Subarea Planning Process activity moves forward. As a foundation element of the process, representatives for the TAG were appointed with great care through mutual agreement between all members of the Steering Committee.

As TAG member volunteers who have devoted time to the process, we believe we deserve to be heard by the Steering Committee, Planning Commission, and City Council. Unfortunately, throughout this process TAG members have had few opportunities to advise you. As a partial remedy, this letter offers some insight from a number of TAG members and presents a continued request for more involvement going forward in development of the Subarea Plan.

As the international gateway in the South Sound, Tacoma and Pierce County serve as a transportation hub and industrial complex to facilitate the movement of goods, through multiple modes, to worldwide markets. For workers, consumers, and communities, the Tacoma Tideflats deliver prosperity for not only Tacoma's families, but for many others in the region. As members of the Tideflats Advisory Group, we understand that there is not a need to identify a specific preferred alternative for the Subarea Plan at this time, as the final decision may pull elements from all the current alternatives. Therefore, this letter instead recommends some criteria that can guide a shared, long-term vision for the Tideflats to be considered for further study. Our primary criteria are:

- Protection of the core areas of container port and port-related industrial areas within the Tideflats;
- Efficient access to the core area through freight corridors;
- Protection against potential land use conflicts along the edge of the core area; and
- Protection against downzoning existing industrial sites rendering them incompatible uses.

It is worth reminding all stakeholders involved in this process that the City of Tacoma just completed and adopted its non-interim regulations less than a year ago. Those regulations were the culmination of years of engagement from the community which resulted in a major review process with significant changes to the allowed uses. It led to the outright banning of new or expanding fossil fuel infrastructure in the Tideflats – with restriction on fossil fuel expansion being one of the main impetuses behind the creation of the Subarea Plan. Given this background, there is no further need for additional restrictive zoning changes with the Tideflats, and the Subarea Plan focus should be on other remaining key elements, such as transportation.

It should also be noted that the City is required by state law to have a comprehensive plan for its industrial lands, and, within that plan, it must have a Container Port Element. According to state law, the Subarea Plan must be consistent with the overarching comprehensive plan and Container Port Element.

For reference, the stated legislative intent in creating the Container Port Element is the following:

- (1) The legislature finds that Washington's marine container ports operate within a complex system of marine terminal operations, truck and train transportation corridors, and industrial services that together support a critical amount of our state and national economy, including key parts of our state's manufacturing and agricultural sectors, and directly create thousands of high wage jobs throughout our region.
- (2) The legislature further finds that the container port services are increasingly challenged by the conversion of industrial properties to nonindustrial uses, leading to competing and incompatible uses that can hinder port operations, restrict efficient movement of freight, and limit the opportunity for improvements to existing port-related facilities.
- (3) It is the intent of the legislature to ensure that local land use decisions are made in consideration of the long-term and widespread economic contribution of our international container ports and related industrial lands and transportation systems, and to ensure that container ports continue to function effectively alongside vibrant city waterfronts.



The alternatives being considered by City Council must include the full range of development options and, most importantly, must reflect the requirements set forth by the legislature for the maintenance and development of the Tacoma Tideflats as a container and industrial port.

Alternative 4 comes closest to meeting these objectives with the key addition that it should target meeting the same employment growth targets as the other Alternatives. Reference "Updated employment multipliers for the U.S. economy" published by the Economic Policy Institute in January, 2019, which shows that job multipliers for durable manufacturing and utilities are two to six times higher than those for mixed use development such as recreation, accommodations, and food services.

As stated previously, we do not believe the TAG is being utilized in the Subarea Planning process as we believe was intended. As recently as the last TAG meeting, members were informed by City staff that our input as a group is now considered outside the work of the Steering Committee and City Council and will only be considered downstream in the process. Such an approach is counterintuitive and counterproductive to our community process. As we think you will agree, the community element that the TAG's contribution represents should not be pushed to secondary status, but instead should be considered a vital, intentional element in this collaborative effort.

We seek your support for more outreach and direct involvement of the TAG going forward. The TAG's essential role within the process – as a diverse group of community leaders – must continue, as we all understood it would be. This letter is signed by multiple members of the Manufacturing Industrial Council (MIC) who are also members of the TAG representing key constituencies in Tacoma-Pierce County, seeking your support.

Kind regards,

Andrea Reay, CEO  
Tacoma-Pierce County Chamber  
TAG Regional Economic Representative

Bruce Kendall, CEO  
Tacoma-Pierce County Economic Development Board  
TAG Regional Economic Representative

Bill Adamson, Joint Base Lewis McChord  
TAG Adjacent Jurisdictions Representative

Andrew Troske, U.S. Oil  
TAG Business & Industry Representative

Tony Belot, Schnitzer Steel  
TAG Business & Industry Representative

Nathe Lawore, Pierce County Building Construction Trades  
TAG Labor Representative

Jared Faker, ILWU Local 23  
TAG Labor Representative

Bruce Martin, Westrock  
TAG Environmental Alternate Representative

Bett Lucas, Seaport Sound Terminal  
TAG Alternate Energy Representative