



Draft Public Participation Plan Dakota Creek Industries Site

**115 Q Avenue in Anacortes, Skagit County
Washington**

Facility Site ID: 2670

Cleanup Site ID: 5174

Toxics Cleanup Program

Washington State Department of Ecology
Headquarters Office
Lacey, Washington

June 2022

Publication Information

This document is available on the Department of Ecology's website at:

<https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=5174>

Related Information

- Facility site ID: 2670
- Cleanup site ID: 5174

Contact Information

Toxics Cleanup Program

Headquarters Office

Megan McClellan

Public Involvement Coordinator

(360)-688-3730, megan.macclellan@ecy.wa.gov

Arianne Fernandez

Project Lead

(360) 407-7209, arianne.fernandez@ecy.wa.gov

P.O. Box 47600

Olympia, WA 98504

Phone: 360-407-6000

Website: <https://ecology.wa.gov/About-us/Contact-Us>

ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

- To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at ecyadacoordinator@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
---	---	---------------------------------------	---------------------------------------

Region	Counties served	Mailing address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	15700 Dayton Ave. N., Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000



Public Participation Plan

**Dakota Creek Industries site
115 Q Avenue in Anacortes,
Skagit County Washington**

Toxics Cleanup Program
Washington State Department of Ecology
Headquarters Office
Lacey, WA

June 2022

Table of Contents

- List of Figures..... 5**
 - Figures.....5
- Public Involvement in Contamination Cleanup 6**
 - Site contacts.....6
 - Public Participation Grants6
- Washington’s Cleanup Laws 7**
 - Model Toxics Control Act.....7
 - State Environmental Policy Act.....7
- Site Information..... 9**
 - Land use.....9
 - How the site became contaminated.....9
 - Contamination9
 - Cleanup plans.....9
 - Area community10
- Public Participation Activities 11**
 - How we share information with the community.....11
 - How to share information with us14
 - Americans with Disabilities Act.....14
- Plan Amendments 15**

List of Figures

Figures

Figure 1: Steps in Washington's Cleanup Process	8
Figure 2: Work areas in the preferred cleanup action.....	10

Public Involvement in Contamination Cleanup

The Washington State Department of Ecology (Ecology) developed this public participation plan (plan) in cooperation with the Port of Anacortes, the party liable for cleanup. The purpose of the plan is to promote meaningful community involvement during cleanup.

The plan describes ways Ecology will inform the public about contamination investigations and cleanup options throughout the cleanup process. Ecology encourages the public to learn about and get involved in decision-making opportunities. This plan identifies how and when the public can comment during different stages of the investigation and cleanup.

This plan discusses outreach for the cleanup action work that is planned for the Dakota Creek Industries site (site).

Site contacts

To be included in the site record, comments about the cleanup process must be submitted during comment periods. Questions and informal comments or information about the site's history are welcome anytime.

Ecology

Headquarters Office
PO Box 46700
Olympia, WA 98504

Arianne Fernandez, Project Lead
arianne.fernandez@ecy.wa.gov
(360) 407-7209

Megan MacClellan, Environmental Planner
megan.macclellan@ecy.wa.gov
(360) 688-3730

Port of Anacortes

Port of Anacortes
100 Commercial Ave.
Anacortes, WA 98221

Brad Tesch
(360) 293-3134
brad.tesch@portofanacortes.com

Public Participation Grants

Grants may be available to neighborhood committees, non-profits, and other groups interested in the site. For contaminated sites, these funds can be used to:

- Hire an expert to help interpret technical information.¹
- Conduct activities that enhance the public's understanding of, and participation in, the cleanup process.

¹ Ecology currently does not have a citizen technical advisor for providing technical assistance to citizens on issues related to the investigation and cleanup of the site.

For more information about public participation grants, please contact Faith Wimberley at 360-275-7285 or faith.wimberley@ecy.wa.gov. You may also visit the [Public Participation Grant website](#).²

Washington's Cleanup Laws

Ecology uses the Model Toxics Control Act (MTCA) and accompanying regulations for cleanup activities.

This plan is required under MTCA, a law that passed in 1989. MTCA provides guidelines for contaminated site cleanup in Washington state and sets standards to ensure the cleanup protects human health and the environment.

Model Toxics Control Act

MTCA began as a grassroots citizen's initiative in 1988 and started the process of systematically cleaning up contaminated sites in Washington. Under MTCA, a current or past property owner or operator may be held responsible for cleaning up contamination on, or coming from, their property to standards that are safe for human health and the environment.

Ecology enacts MTCA and oversees cleanups in the state and issues regulations and guidance governing those cleanups. The regulations are found in [Chapter 173-340 Washington Administrative Code \(WAC\)](#).³ Ecology investigates reports of property contamination, and if the contamination is seen as a significant threat to human health or the environment, the contaminated property is placed on the Hazardous sites List, and the cleanup process begins.

Public participation is an important part of cleanup under the MTCA process. Participation needs are assessed at each cleanup site according to the level of public interest and the degree of risk posed by the contamination. Individuals who live near the site, community groups, businesses, government, other organizations, and interested parties have the opportunity to get involved by commenting on the cleanup process.

Under MTCA, the cleanup process generally includes five phases. Each phase includes an opportunity for the public to review and comment on cleanup documents.

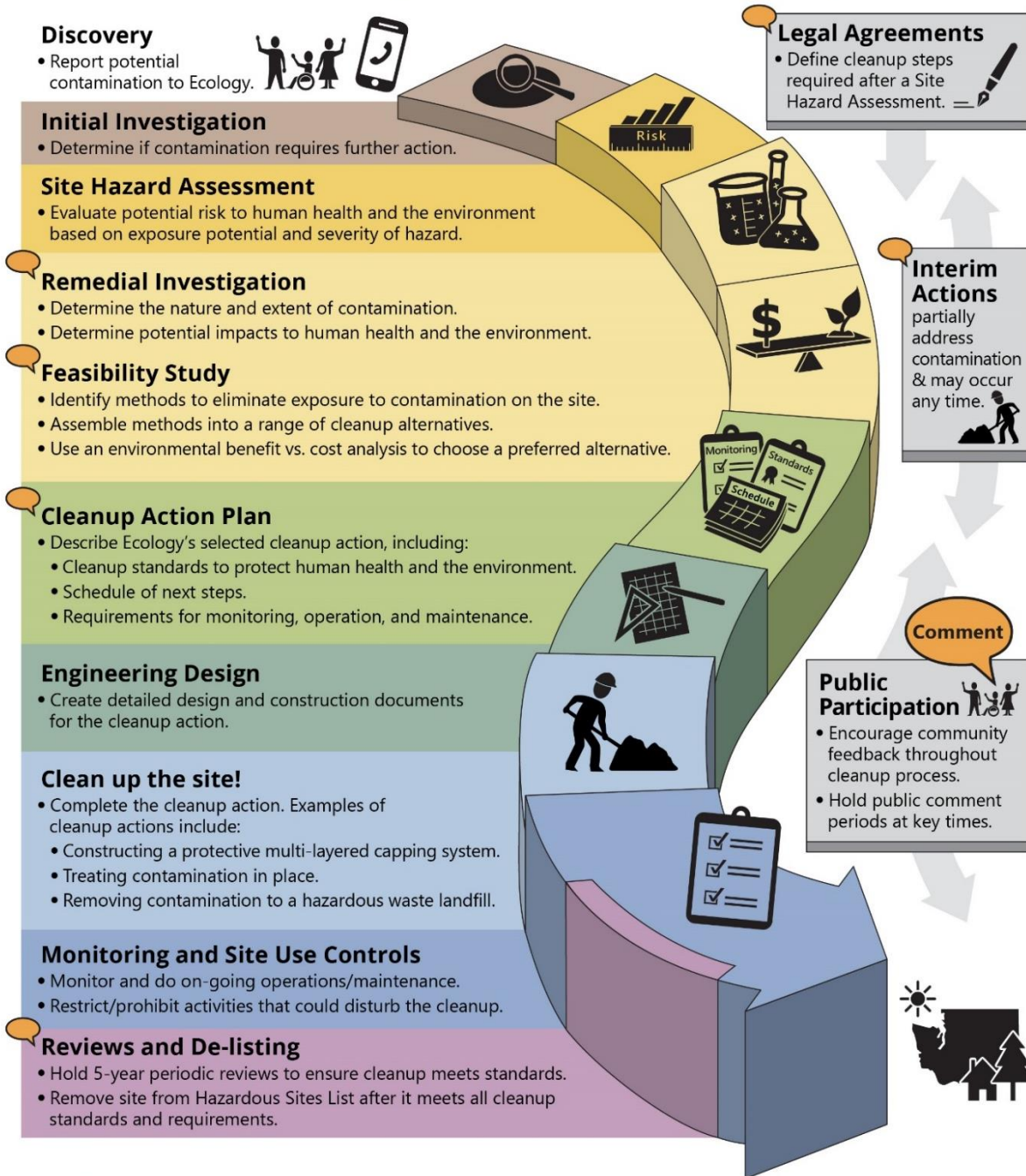
State Environmental Policy Act

The State Environmental Policy Act (SEPA) is followed during review and development of cleanup plans.

² <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants>

³ <https://fortress.wa.gov/ecy/publications/publications/9406.pdf>

Washington's Formal Cleanup Process



 **Washington's Cleanup Law**
Model Toxics Control Act (MTCA)

MTCA defines the cleanup process. This public-initiated environmental law directs upland cleanups (on land or in groundwater) and sediment cleanups (in freshwater or marine environments). Ecology enacts MTCA and regulates the cleanup process.

September 2019
Ecology Publication 19-09-166

Figure 1: Steps in Washington's cleanup process⁴

⁴ <https://fortress.wa.gov/ecy/publications/documents/1909166.pdf>

Site Information

Land use

The Dakota Creek Industries site is an active shipyard that is used for vessel construction and maintenance. Dakota Creek Industries currently leases the site from the Port of Anacortes. Since around 1879, the site has been used for maritime-related industrial activities. Prior to 2008, the marine area of the site had multiple piers, docks, and marine railway boatlifts. One marine railway was removed in the early 1990s and the other was removed in 2008. This second railway removal was part of a redevelopment project that also took out two docks and dredged sediment (the rock and organic material that settles to the bottom of the water) from the waterway to make it deeper, reinforced the shoreline, and built a new pier.

How the site became contaminated

Maritime activities at the site like shipping, shipbuilding, repairs, and vessel and fuel storage have resulted in soil, groundwater, and sediment contamination. Other potential sources of contamination at the site include previous outfall discharges from the former Scott paper mill and the City of Anacortes' municipal sewer prior to disconnection. Dredging that was done as part of the interim action cleanup work in 2008 removed all the contaminated sediment at the site. As a result, contaminated sediment at the site is no longer a concern, but contamination in the soil and groundwater remain and are the focus of the final cleanup action plan.

Contamination

There are a number of contaminants found in the soil and groundwater at the Dakota Creek Industries site, including:

- Arsenic
- Nickel
- Carcinogenic polycyclic aromatic hydrocarbons (cPAHs)

Initially, petroleum and chromium above acceptable levels were found in the groundwater, but monitoring results from the remedial investigation showed petroleum and chromium concentrations have decreased over time to an acceptable level. Petroleum has also been historically found in soils, however, the previous cleanup work at the site removed these contaminants in parts of the site. The remaining contamination will be addressed by the final cleanup action.

Cleanup plans

This site is part of a baywide cleanup approach for Fidalgo and Padilla Bays. We are focusing on cleanup actions in dense industrial bays and other smaller bays to ensure that the Puget Sound is safe and healthy for the community's use. In 1991, 2001, and 2002, independent cleanup actions were completed by the Port of Anacortes to address historical soil contamination.

During a redevelopment project at the Dakota Creek Industries site in 2008, an interim action cleanup was completed to remove around 26,000 cubic yards of contaminated sediment and soil from the site. Sometimes an interim action is part of the cleanup process; this involves a partial cleanup that is needed to ensure that conditions at the site don't deteriorate and become harder to fix in the future. This cleanup work met our standards for sediment cleanup and no further action is required to clean up the sediment at the site.

Potential options for final cleanup of the site were analyzed based on their reliability, effectiveness, relative cost, and how well they could be implemented. Based on these criteria, the Port of Anacortes came up with a preferred cleanup option. After the public has an opportunity to comment on the plan for the preferred cleanup option, it will be approved by Ecology and cleanup work at the site can begin.

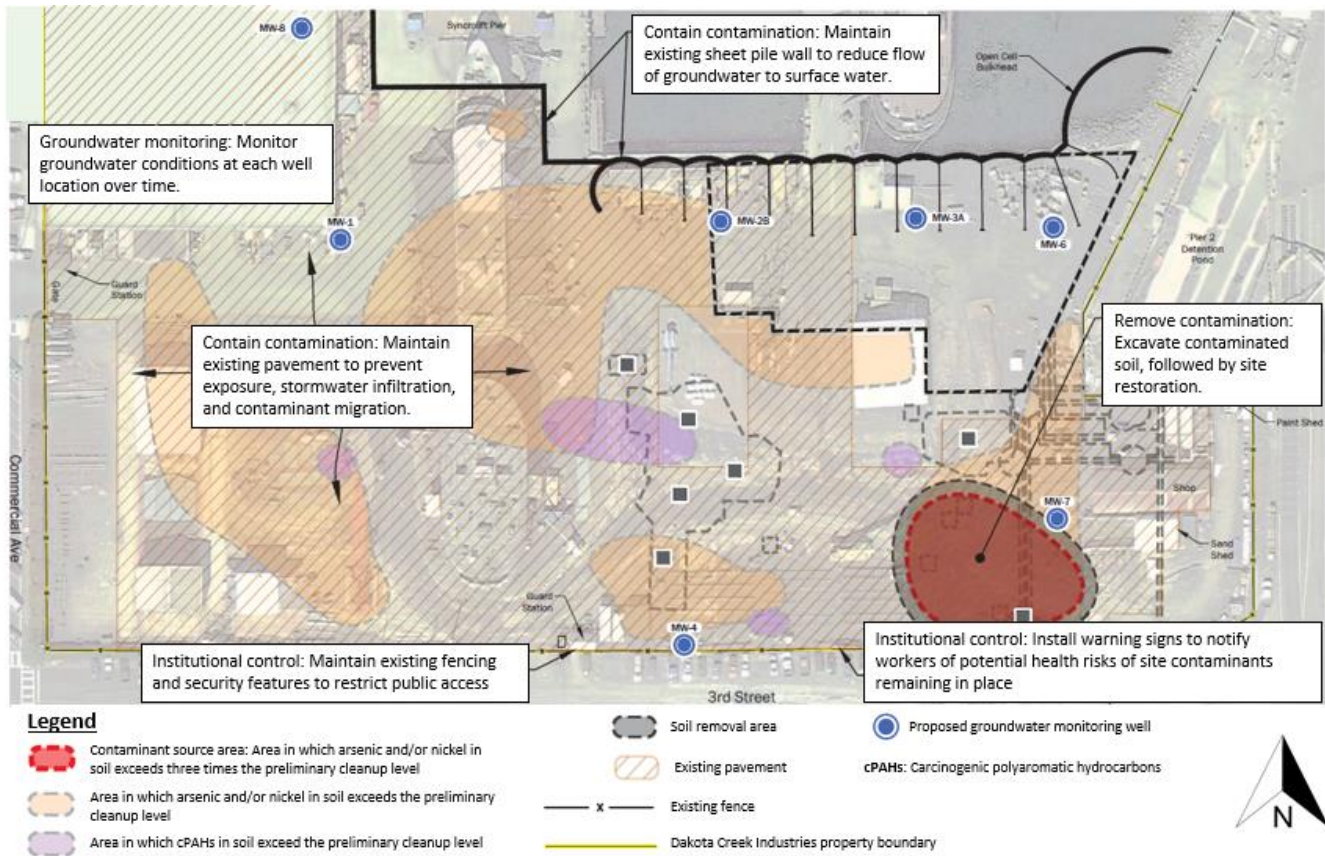


Figure 2: A map of the work areas that will be part of the preferred cleanup action for the site.

Area community

The Dakota Creek Industries site is located at 115 Q Avenue in Anacortes, Skagit County Washington. The site is in an industrial area, located on Port of Anacortes property. The city of Anacortes, WA is located on the northern portion of Fidalgo Island and has a population of

17,637 people. The median household income in Anacortes is \$74,161, and the largest industries in the city are health care and social services, manufacturing, and retail. 89.9% of the population of Anacortes is White (non-Hispanic), 4.6% is Hispanic, 4.5% is Multiracial, 2.8% is Asian, 0.8% is American Indian and/or Alaskan Native, and 0.8% is Black or African American.⁵

We will reach out to cultural community organizations as part of our outreach and provide information in other languages as appropriate following federal guidance.⁶ 5.5% of households in Anacortes, WA reported speaking a non-English language at home as their primary language. When appropriate, Ecology will provide outreach in the non-English languages most widely spoken by the population where we are working. We strive to make our public participation efforts as inclusive as possible and welcome your input about how to best reach the nearby community.

Ecology communicates with several Tribes who have interests in the Anacortes area. These include the:

- Swinomish Tribe
- Lummi Nation
- Upper Skagit Indian Tribe
- Samish Indian Nation
- Suquamish Tribe
- Tulalip Tribes

Some tribal members rely on salmon fishing and shellfish harvesting for at least a portion of their livelihood, and this could be negatively affected by contamination.⁷ Ecology will ensure interested Tribes will be engaged with any decision-making process for this site and has ample opportunity to be involved throughout the process on a government-to-government basis.

Public Participation Activities

Members of the public may ask questions, submit informal comments, or share site information at any time. Interested parties do not need to wait for a formal public comment period to contact Ecology.

However, to be included in the formal site record, comments about the site investigation, cleanup alternatives, or cleanups must be submitted during formal comment periods. In

⁵ US Census Quick Facts: Anacortes, WA

<https://www.census.gov/quickfacts/fact/table/anacortescitywashington/PST045221>

⁶ Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 69 Fed. Reg. § 35602 (June 15, 2004).

⁷ Swinomish Indian Tribal Community <https://swinomish-nsn.gov/>

addition, the public is invited to review site documents before they become final. This is the most direct and influential way to learn more about the site and be involved in the cleanup's decision-making.

How we share information with the community

During specific stages of the cleanup, Ecology will mail notices about public comment periods to addresses surrounding the site. The mailing list area will vary depending on the type of contamination and where it's located, but the list will at least include addresses within a ¼-mile radius of the site, and other interested organizations and individuals. These notices will provide general information about the site, contact information for submitting comments, and times and locations of public meetings or hearings, or how to request one if not yet scheduled.

Ecology may also develop documents outside of comment periods to keep the community updated on the site's status. These informational documents will be available online and at document repositories. Print copies may be mailed to the nearby community if we feel the message warrants the associated cost and resources.

Comment period notices and other site announcements may also be posted in various locations throughout the community (for example, local businesses, schools, and libraries).

Postal mailing list

Ecology maintains a mailing list that includes addresses within a ½-mile radius of the site and relevant local, state, and federal government contacts. These people receive public comment notices when draft documents are available.

We will add additional individuals, organizations, and other interested parties to the mailing list as requested. If you would like to be added to the mailing list for this site, please contact Megan MacClellan at 360-688-3730 or megan.macclellan@ecy.wa.gov.

Site Register

Public comment periods, events, and other cleanup notices are published in Ecology's [Site Register](#).⁸ To receive the *Site Register* by email, please contact Sarah Kellington at 360-407-7466 or sarah.kellington@ecy.wa.gov, or [subscribe online](#).⁹

Newspaper display ads or legal notices

We announce public comment periods and events in ads or notices published in The Clamdigger, the Anacortes American and the Skagit Valley Herald. We will also publish notice on our [Public Input & Events Listing](#).¹⁰

⁸ ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data

⁹ https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_118

¹⁰ ecology.wa.gov/Events/Search/Listing

Email lists

Ecology maintains an email list to update interested persons about this site. If you would like to be added to the email list for this site, please contact Megan MacClellan at 360-688-3730 or megan.macclellan@ecy.wa.gov.

Ecology's website and social media platforms

We maintain a website for the [Dakota Creek Industries site](#).¹¹ The website provides site information, and you may download cleanup documents.

We may also share information about cleanup sites through [news releases, our ECOconnect blog, and social media](#).¹²

Document repositories

During public comment periods, you can find print documents at the following locations:

Anacortes Public Library

1220 10th St.
Anacortes, WA 98221
(360) 293-1910

Padilla Bay Nation Estuarine Research Reserve

10441 Bayview-Edison Rd.
Mount Vernon, WA 98273
(360) 428-1558

Washington Department of Ecology

Headquarters
300 Desmond Dr. SE
Lacey, WA 98503
(360) 407-7224

To schedule an appointment, please contact Carol Dorn at 360-407-7224 or Carol.Dorn@ecy.wa.gov.

Signs around the cleanup site

We may also install signs displaying information about project status, traffic impacts, and health risks around the cleanup site.

¹¹ <https://apps.ecology.wa.gov/cleanupsearch/site/5174>

¹² <https://ecology.wa.gov/About-us/Get-to-know-us/News>

How to share information with us

At minimum, MTCA requires 30-day public comment periods for draft cleanup documents and 14-day comment periods for SEPA documents. In some cases, we may hold comment periods longer than 30 days.

We may also identify public concerns and cleanup goals by meeting with and soliciting information from interested community members and organizations. To collaborate with us about this site, please contact Arianne Fernandez at (360) 407-7209 or arianne.fernandez@ecy.wa.gov.

Public comment periods

Formal 30-day comment periods allow interested members of the public to comment on draft documents, legal agreements, and proposed cleanup actions. If there is significant interest, Ecology may extend the public comment period. When Ecology oversees SEPA determinations, we hold comment periods for at least two weeks and may extend to 30 days or more when other cleanup documents are available for review at the same time.

Following a comment period, we publish all the input we received and respond to significant comments and questions. If the comments result in significant changes to the cleanup documents, the documents will be revised and re-issued for public review. If the comments do not result in significant changes, the documents become final.

Public events

We hold public meetings, workshops, open houses, and public hearings based on community interest. If we have not scheduled a meeting, we will hold one if 10 people request it, and this may cause us to extend a public comment period so the meeting will occur during the public comment period.

Events are held at locations close to the site that meet Americans with Disabilities Act standards. Public meetings, workshops, open houses, and hearings are always announced in advance using a variety of methods.

Americans with Disabilities Act

To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, contact the Ecology ADA Coordinator at 360-407-6831 or ecyadacoordinator@ecy.wa.gov, or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Plan Amendments

Ecology developed this plan following MTCA regulations (WAC 173-340-600). We review it as the cleanup progresses and amend it as necessary. You may suggest amendments to Arianne Fernandez at (360) 407-7209 or arianne.fernandez@ecy.wa.gov.

This plan includes information for the public regarding opportunities for public involvement and comment. The outreach activities discussed in this section reflect Ecology's current plans for keeping the public informed and providing ways for those interested in the site to communicate their concerns and questions to us.

If you feel the planned outreach activities and mechanisms described in this plan are insufficient, or should otherwise be modified, we will work to find solutions. New outreach activities or outreach tools established as a result can be implemented right away, with or without amending this plan.