



Public Participation Plan

Independent Metals Plant 2 Seattle, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

March 2023



Publication Information

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

<https://apps.ecology.wa.gov/cleanupsearch/site/12300>

Cover photo credit

- The City of Seattle

Related Information

- Cleanup site ID: 12300
- Facility site ID: 16139

Contact Information

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Website¹: [Washington State Department of Ecology](http://www.ecology.wa.gov)

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¹ www.ecology.wa.gov/contact

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
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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	PO Box 330316 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

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DEPARTMENT OF
ECOLOGY
State of Washington

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Public Involvement in Contamination Cleanup

The Washington State Department of Ecology (Ecology) developed this public participation plan (plan) in cooperation with Silver Bay Logging, Inc. and RJ & BA LLC, the parties responsible for cleanup costs. The purpose of the plan is to promote 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 get involved during different stages of the investigation and cleanup of contamination.

Site contacts

Toxics Cleanup Program Northwest Regional Office

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503-973-0651

Betty Buhler, RJ & BA LLC
PO Box 270, Kelso, WA 98626

Betty Buhler, Silver Bay Logging Inc.
5350 Mt. Brynion Rd, Kelso, WA 98626

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 \(WAC\)](#).² 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 Confirmed and Suspected Contaminated Sites List for further assessment. The cleanup process can begin at any time after a release of a hazardous substance to the environment has been discovered.

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 the MTCA, the cleanup process generally includes multiple steps (see Figure 1 on page 8), with opportunities for the public to review and comment on cleanup documents. In addition, a partial cleanup (called an interim action) can occur at any time during the cleanup process. The public is provided an opportunity to review and comment on planned interim action work as well.

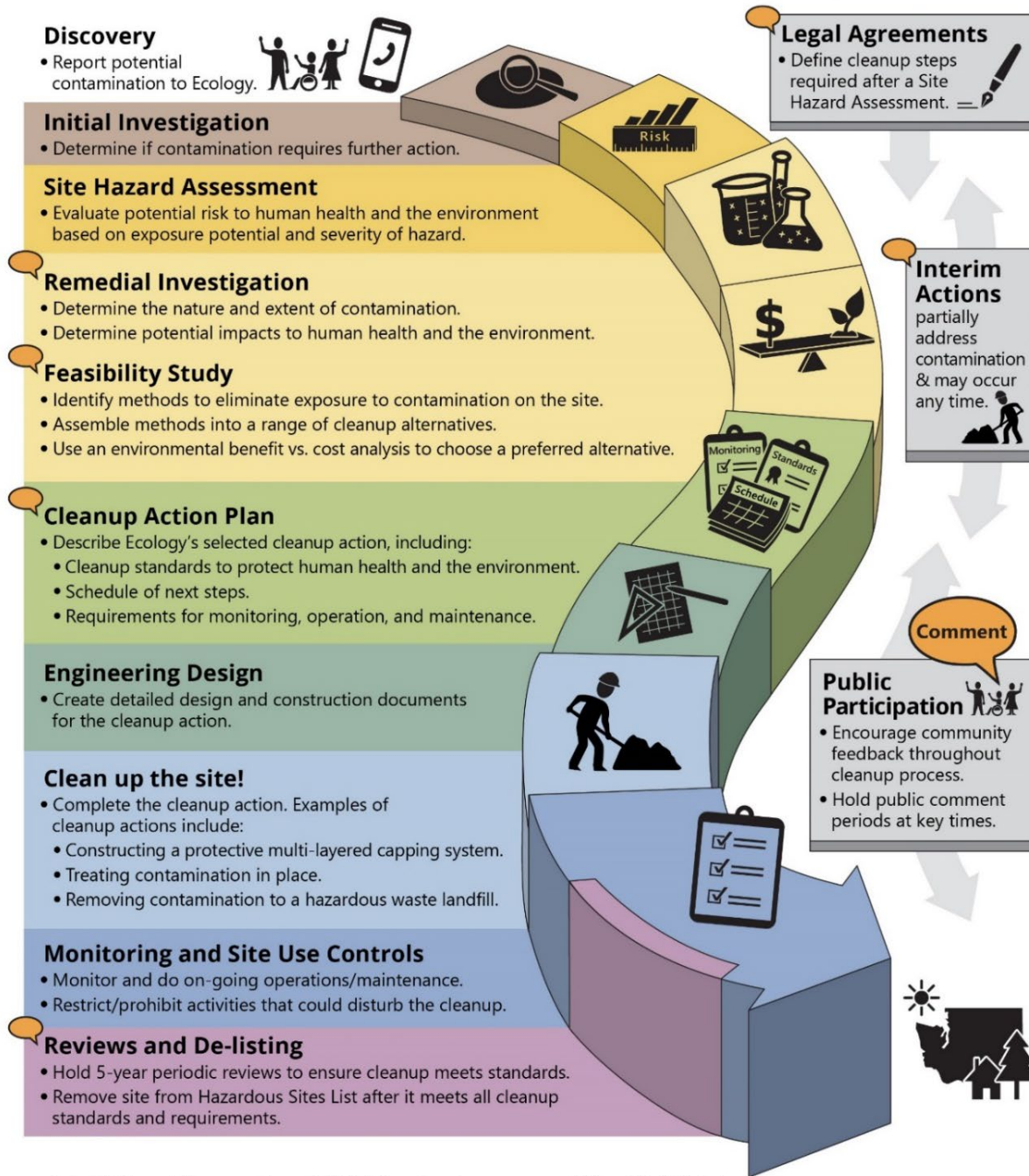
State Environmental Policy Act

MTCA cleanups also require evaluation under the State Environmental Policy Act (SEPA; [Chapter 197-11 WAC](#))³. Under SEPA, the potential for significant adverse environmental impacts from a project or action must be evaluated by state and local agencies when making decisions. This evaluation is subject to public review and comment in parallel with cleanup documents.

² <https://apps.ecology.wa.gov/publications/publications/9406.pdf>

³ <https://apps.leg.wa.gov/wac/default.aspx?cite=197-11>

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://apps.ecology.wa.gov/publications/SummaryPages/1909166.html>

Site Information



Figure 2: Aerial View of the Independent Metals Plant 2 Site. Photo Credit: City of Seattle

Location and background

The Site is located in the area of 816 and 836 S. Kenyon Street, 803 and 811 S. Chicago St., 7760 and 7808 8th Ave. S., in Seattle’s South Park neighborhood. It is approximately 3.06 acres with an additional 0.23 acre portion of the South Chicago Street end right-of-way which the PLPs lease from the City of Seattle.

The Site is adjacent the Lower Duwamish Waterway (LDW) Superfund Site, which includes a 5-mile stretch of the Duwamish River. The U.S. Environmental Protection Agency (EPA) added the LDW Superfund Site to the Superfund National Priorities List in 2001. Ecology is working to stop or reduce sources of contamination to the LDW Superfund Site, an effort known as “[source control](https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Lower-Duwamish-Waterway/Source-control)”⁵, so that the EPA can proceed with the cleanup of the river sediment.

Land use

Seattle Public Utilities (SPU) plans to purchase a portion of the site and redevelop the property for a regional stormwater treatment facility. In addition to the water quality facility, SPU is committed to co-developing some of the property to provide a meaningful community asset.

The Property is currently occupied by two light-industrial buildings, a marine dock, and an office. A portion of the site is used by an Ecology permittee, American Gypsum, for recycling building materials. The site was originally residential and has had a number of past uses:

⁵ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Lower-Duwamish-Waterway/Source-control>

- **1929 – approx. 1961:** a gasoline station was located on the northern portion of the site
- **1976 – 1995:** a work boat manufacturer, Workboats Northwest, used the site
- **2006 – 2014:** Independent Metals ran a metal sorting and handling facility on the site
- **1996 – 2015:** Silver Bay Logging used the site as a transfer site for processed logs

How the site became contaminated

Over time, businesses operating at the Site released hazardous substances into the soil. Investigations conducted by Seattle Public Utilities and Ecology from 2009 to 2017 found:

- A number of contaminants in catchment basins above the storm drain screening values used in the Lower Duwamish Waterway Source Control Investigation.
- Samples from underground storage tank removal revealed a release of petroleum hydrocarbons, but data supports the conclusion that soil impacts are limited.
- Deficiencies implementing Best Management Practices (BMPs) of Site Storm Water Pollution Prevention Plan (SWPPP) were causing the release of contaminants in stormwater and surface soils on the property.

Contamination

These contaminants are present at the site at levels that exceed standards under the state’s cleanup law, the Model Toxics Control Act ([MTCA](#)⁶), and must be addressed:

- diesel- and oil-range total petroleum hydrocarbons (TPH)
- carcinogenic polycyclic aromatic hydrocarbons (cPAHs)
- tetrachloroethene (PCE)
- trichloroethene (TCE)
- polychlorinated biphenyls (PCBs)
- metals, including arsenic, cadmium, and lead

Previous cleanup activities

A number of steps in the cleanup processes have already taken place:

- In 2009 the Site was placed on our Confirmed and Suspected Contaminated Sites list.
- A Site Hazard Assessment concluded PCB’s and metals were released from the site and added them to existing National Pollutant Discharge Elimination System monitoring.
- A 2015 Site Hazard Assessment assigned the site a ranking of 4 (using a rank from 1 to 5, with 1 being most hazardous and 5 being the least).
- Five underground storage tanks (USTs) were removed from the site in 2017.

⁶ <https://ecology.wa.gov/mtca>

Cleanup plans

In 2022, Ecology issued an Agreed Order (AO) to Silver Bay Logging, Inc. and RJ & BA LLC, the parties responsible for the cleanup costs, in addition to this Public Participation Plan. This legal agreement requires the liable parties:

- Investigate and characterize the site in a Remedial Investigation
- Evaluate cleanup options and produce a draft Feasibility Study
- Create a draft Cleanup Action Plan (CAP) for Public Review

Design and performance of the work in the CAP will occur under a separate legal agreement. All legal agreements will be issued for public review and comment. We welcome informal comments, questions, or information about the site's history anytime. To be included in the formal site record, comments about these documents or the cleanup process must be submitted online or in writing during the formal comment periods.

Area community

Neighborhood

The Site is in the South Park neighborhood of the City of Seattle and across the waterway from Georgetown. The Site is bordered by the Lower Duwamish Waterway (LDW) to the east. A pocket park, with public water access, buffers an adjacent industrial area to the north. The blocks south and west of the site are a mixture of residential, commercial, and industrial uses. The Duwamish Waterway Park, with public water access and a boat launch, border an adjacent residential property to the south-east, and is a significant public asset for the residents.

South Park is within Washington's 7th Congressional District, 34th Legislative District, King County Council's 8th District, and Seattle's City Council District 2. The Site is adjacent to the Lower Duwamish Waterway Superfund Site and inside Ecology's Lower Duwamish Waterway Source Control Area. The cleanup and development of sites in the area generate significant community, regional, and statewide interest. Exposure to contaminants in the LDW (through harvesting of fish and shellfish or other cultural practices) is of concern.

The South Park and Georgetown neighborhoods include industrial areas that are part of the Seattle's manufacturing and industrial center, providing thousands of jobs. The neighborhoods' median household income is below citywide average while the percentage of the population living below the poverty level is above the citywide average. The industrial portion of the area is vulnerable to sea level rise, and flood risk is high in many parts of the neighborhood. Exposure from particulate matter from industrial practices and car exhaust is a public health concern as it is linked to a range of illnesses.

The Muckleshoot and Suquamish Tribes are federally recognized tribes that use the river for fishing and cultural practices. Ecology will ensure that the Tribes will be engaged with any decision-making process for this site and have ample opportunity to be involved throughout the process on a government-to-government basis. We will also engage with the Duwamish Tribe.

Sensitive populations

The [Washington Environmental Health Disparity Map](#)⁷ shows environmental risk based on threat and vulnerability (See Figure 3). Environmental risk is ranked on a scale of 1-10 (low to high). The census tract the site is within and the closest one next to it rank 10 for environmental risk.

While there are some differences between the South Park and Georgetown neighborhoods, both rank high in overall Environmental Health Disparities, with South Park at 10 and Georgetown ranked at 9.

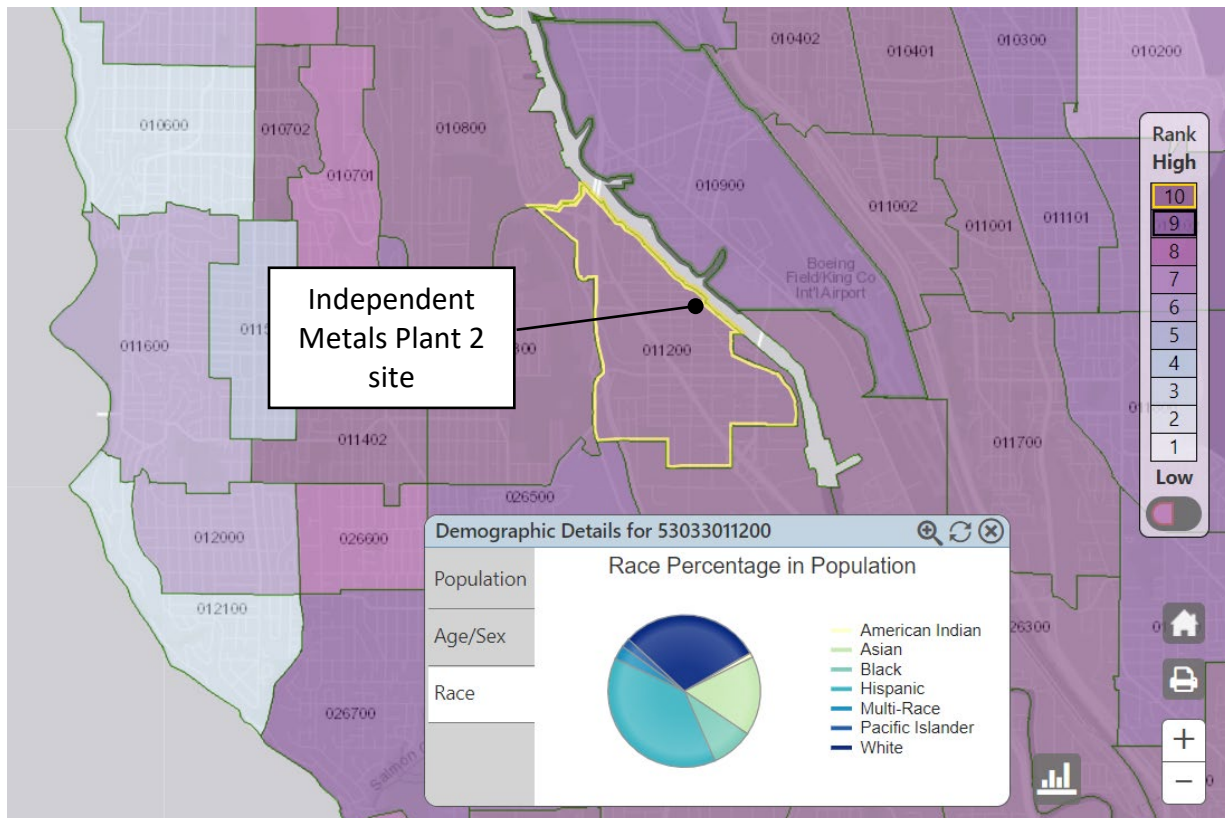


Figure 3: Washington Environmental Health Disparities Map for South Park and Georgetown

Environmental Justice

The data below was generated for a one mile area around the site using the Environmental Protection Agency's [Environmental Justice Screening and Mapping Tool](#) (EJScreen)⁸. The data reveals a diverse, economically challenged, and linguistically isolated population. Reaching underserved populations within the project area is a priority.

⁷ <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>

⁸ <https://ejscreen.epa.gov/mapper/index.html>

Demographic Indicators above the EPA 80th percentile threshold:

- People of color Population – 82nd percentile
- Low Income Population – 82nd percentile
- Unemployment Rate – 83rd percentile
- Linguistically Isolated Population – 89th percentile

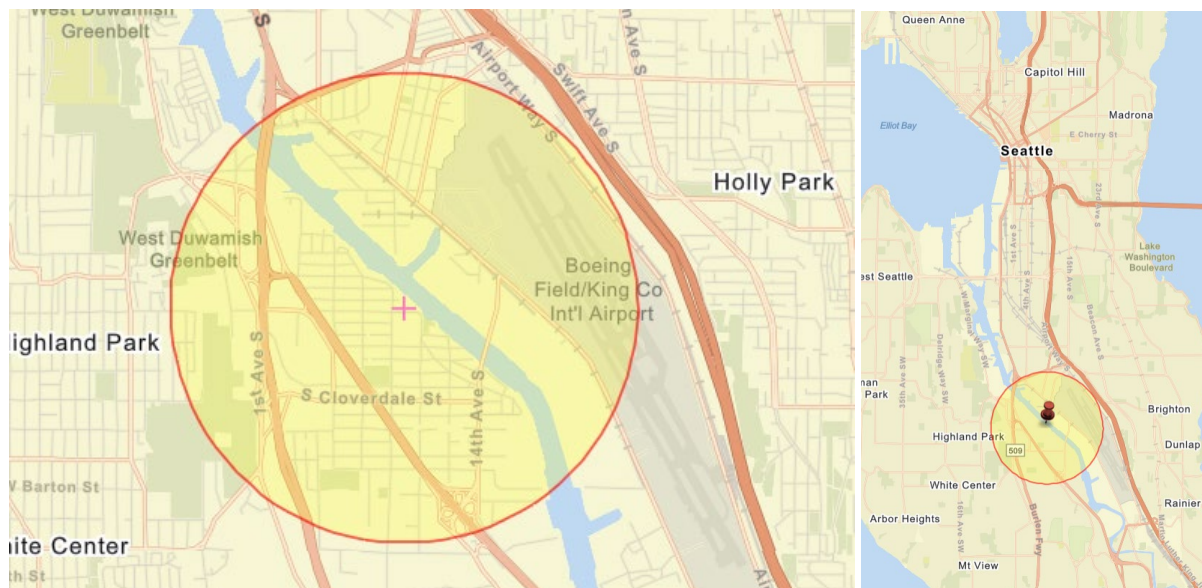


Figure 4: EPA EJScreen generated map of the outreach impact area for this project

Ecology will reach out to cultural and community organizations as part of our outreach and provide information in other languages as appropriate following federal guidance.⁹ The non-English language(s) most widely spoken in the area Spanish (18%) and Vietnamese (5%). When appropriate, Ecology will provide outreach in Spanish and Vietnamese. Ecology has also identified Chinese and Khmer as other widely spoken languages for Ecology's Lower Duwamish Waterway area outreach. We strive to make our public participation efforts as inclusive as possible and welcome your input about how to best reach the nearby community.

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

⁹ 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).

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 1/4-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, libraries).

Postal mailing list

Ecology maintains a mailing list that includes addresses within a one-mile radius of this site to help reach the bulk of South Park residents 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 Ian Fawley, Senior Outreach Planner, at (425) 324-5901 or email ian.fawley@ecy.wa.gov.

Site Register

Public comment periods, events, and other cleanup notices are published in Ecology's [Site Register](#).¹⁰ To receive the *Site Register* by email, please [subscribe online](#),¹¹ or contact Sarah Kellington at sarah.kellington@ecy.wa.gov or 360-407-7466.

Newspaper display ads or legal notices

We announce public comment periods and events in ads or notices published in *The Seattle Times*. We will also publish notice on our [Public Input & Events Listing](#).¹²

¹⁰ ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data

¹¹ https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_118

¹² 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 Ian Fawley, Senior Outreach Planner, at (425) 324-5901 or email Ian.Fawley@ecy.wa.gov.

Ecology's website and social media platforms

We maintain a website for the [Independent Metals Plant 2](#) site.¹³ 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](#).¹⁴

Document repositories

During public comment periods when review locations are accessible, you can find print documents at the following locations:

South Park Branch-Seattle Public Library
8604 8th Ave S,
Seattle, WA 98108
(206) 615-1688

Washington Department of Ecology
Northwest Regional Office
5700 Dayton Ave N.
Shoreline, WA 98133
Phone: (206) 594-0000

To schedule an appointment, please contact the Northwest Region Office Central Records staff at (206) 594-0016 or nwro_public_request@ecy.wa.gov.

When locations listed above are not accessible, please contact Ecology for document review assistance: Ian Fawley (425) 324-5901 or ian.fawley@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.

¹³ [Independent Metals Plant 2 - \(12300\) \(wa.gov\)](#)

¹⁴ 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 SEPA documents. SEPA documents are often made available for public review with other cleanup documents. In that case, we combine the comment periods, and they last at least 30 days. 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 Ian Fawley, Senior Outreach Planner, at (425) 324-5901 or email Ian.Fawley@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 concurrently available for review.

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

Public events

We hold in-person and online 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 occurs during it.

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.

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 information¹⁵
- Conduct activities that enhance the public's understanding of the cleanup process

¹⁵ 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 information about public participation grants, contact Faith Wimberley at 425-275-7285 or faith.wimberley@ecy.wa.gov. You may also visit the [Public Participation Grant website](#).¹⁶

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 Ian Fawley, Senior Outreach Planner, at (425) 324-5901 or email ian.fawley@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.

¹⁶ ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants