



Public Participation Plan

Duwamish Waterway Park Cleanup Site Seattle, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

April 2023



Publication Information

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

<https://apps.ecology.wa.gov/cleanupsearch/site/15139>

Cover photo credit

- Shoreline at Duwamish Waterway Park, The City of Seattle

Related Information

- Cleanup site ID: 49919
- Facility site ID: 15139

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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 the City of Seattle, the party 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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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.

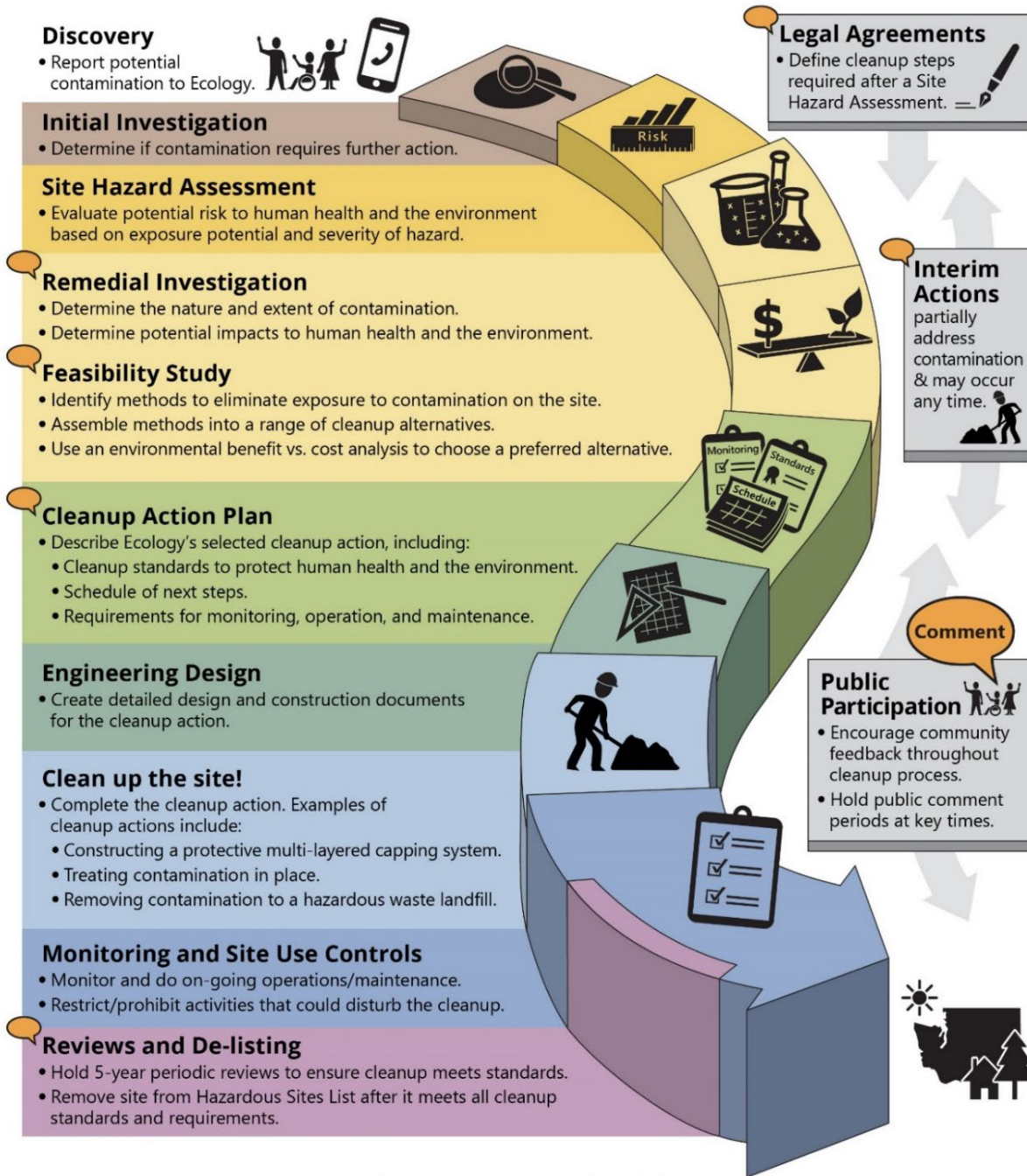
State Environmental Policy Act

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

Location and background

Duwamish Waterway Park is located at 7900 10th Avenue South in Seattle WA. The approximately 1.7-acre Site is adjacent to the Lower Duwamish Waterway (LDW) Superfund Site. It includes a play area, picnic area, walking paths, and a beach with waterway access. The City of Seattle Department of Parks and Recreation (SPR) has operated this park

since 1975. The City purchased the bulk of the park property from King County in 2019. The property is now owned by the City of Seattle and the Port of Seattle. The previously residential and agricultural property had one structure, removed in the 1980's.

In 2014 and 2019, preliminary soil investigations documented lead and arsenic contamination in soils. In the Spring of 2019, Ecology was notified and an Initial Investigation was completed in January 2020. The Initial Investigation determined the contamination posed a threat to human health and the environment, and further cleanup actions are needed. In February 2020, the Site was listed on Ecology's [Confirmed and Suspected Contaminated Sites List](#)⁵, as required by the state's cleanup law, the Model Toxics Control Act ([MTCA](#))⁶.

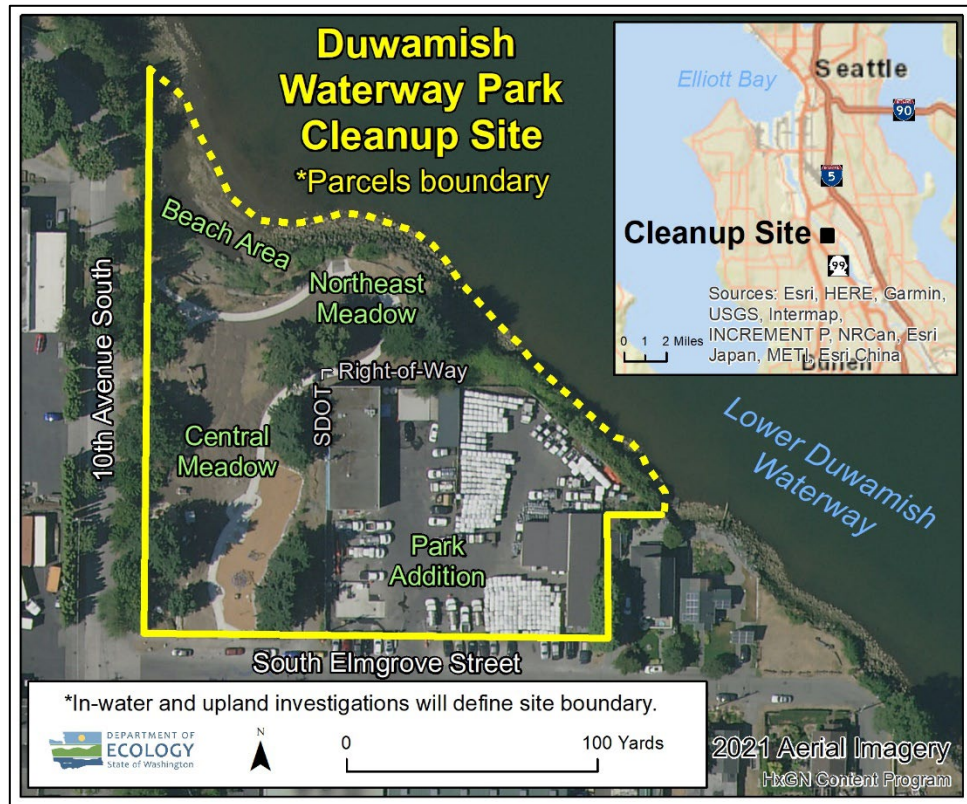


Figure 2: Aerial and map view of the cleanup site

⁵ <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated>

⁶ <https://www.ecology.wa.gov/mtca>

Park background

Public planning through the Duwamish River Community Coalition's Healthy Communities program (2013) and Seattle Parks Foundation's South Park Green Spaces Vision Plan (2014) identified Duwamish Waterway Park as a key open space in the community and in need of improvement. It is the only greenspace readily accessible to residents and provides critical access to the waterway for recreation and important community activities.

The Friends of Duwamish Waterway Park have led the years-long effort to translate the community's vision for a permanent neighborhood park into a final design. Working with SPR and the Seattle Parks Foundation, the Friends of Duwamish Waterway Park raised over one million dollars for park improvements. Construction was completed at the end of 2022. Site remediation began in 2020 and continues today.



Figure 3: Drawing showing current and pending park improvements

Why this site matters

The Duwamish Waterway Park site is adjacent to the [Lower Duwamish Waterway](#)⁷ Superfund Site, which includes a 5-mile stretch of the Duwamish River. The U.S. Environmental Protection Agency (EPA) added the [LDW Superfund Site](#)⁸ 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](#)⁹,” so that the EPA can proceed with the cleanup of the river sediment.



Figure 4: View of Lower Duwamish Waterway from Duwamish Waterway Park, August 2022

How the site became contaminated

As the site was primarily residential and agricultural, with no known industrial or commercial uses, the sources of contaminants on the property remain unclear. Potential sources include aerial deposition, dumping, dredge and fill, and site leveling activities over time.

Contamination

Remedial actions completed between 2014 – 2022 confirmed the following contaminants of concern are present in soils at the Site:

- Arsenic, lead, mercury, and other metals
- Polychlorinated biphenyls (PCBs)
- Carcinogenic Polycyclic Aromatic Hydrocarbons (cPAHs)
- Dioxins and furans
- Petroleum and phthalates
- Other organic contaminants

Duwamish Waterway Park cleanup timeline

The [Voluntary Cleanup Program](#)¹⁰ (VCP) enables owners of contaminated sites to meet state cleanup standards under MTCA independently and to receive technical guidance from Ecology during the process. The VCP enables owners to work on a contractual basis rather than under an Ecology legal order. Participants in the VCP pay fees to Ecology to cover the department’s

⁷ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Lower-Duwamish-Waterway>

⁸ <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=1002020>

⁹ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Lower-Duwamish-Waterway/Source-control>

¹⁰ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanups/Voluntary-Cleanup-Program>

costs for guidance and review. VCP sites must meet the same cleanup standards as properties formally managed by Ecology under MTCA.

In July 2020 City of Seattle Parks and Recreation (SPR) entered into the VCP and requested a review and opinion on a Remedial Investigation (RI) of the Duwamish Waterway Park in July 2020. Ecology requested additional information from SPR in August 2020 to draft our opinion letter. SPR started renovation work at the site in October 2020. Ecology received a revised RI in August 2021 which included additional information on interim actions. Interim actions at the site included selective soil excavation, removal, and replacement with clean fill; construction of concrete pathways, placement of vegetation and laying of sod material, and installation of various capping technologies throughout the park.



Figure 5: Duwamish Waterway Park playground area, September 2022

In October 2021, Ecology's issued an opinion letter to SPR for the independent interim cleanup actions at the site. The opinion letter documented several concerns about the potential impacts to human health and the environment. Ecology's opinion also described several information gaps regarding the components of an RI and Feasibility Study (FS)—site characterization and the establishment of cleanup standards for the selection and implementation of a cleanup action under MTCA. Ecology's opinion offered guidance and a path forward for SPR to address contamination at the site under MTCA, with the potential goal for a No Further Action determination.

After Ecology's opinion letter, SPR conducted beach sampling independently and agreed to address Ecology's information gaps identified in the Opinion letter by drafting and seeking Ecology's opinion on an RI/FS work plan. In April 2022 Ecology received July SPR's draft RI/FS workplan.

Based upon the findings of the draft RI/FS workplan and the growing complexity of the Site cleanup, Ecology decided to terminate the VCP project and move the Site into a formal process under an Agreed Order. Under the formal process, Ecology will have more oversight over the cleanup than the independent VCP cleanup process, including consistent and proactive community involvement and outreach.

Cleanup plans

In 2023, Ecology is issuing an Agreed Order (AO) to the City of Seattle, the party 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 Lower Duwamish Waterway (LDW) borders the Site to the northeast. A commercial property slated for a future cleanup and a potential park expansion lies to the east. The blocks south and west of the site are a mixture of residential, commercial, and industrial uses.

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

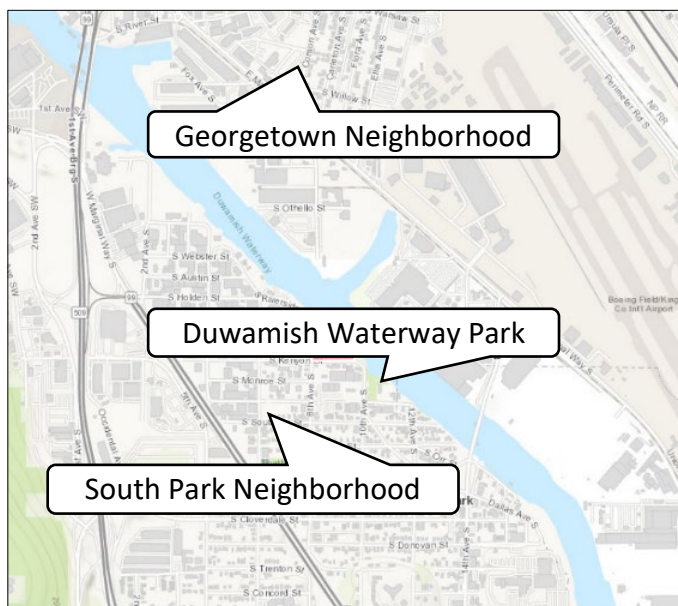


Figure 6: Map of Duwamish Waterway Park location

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](#)¹¹ shows environmental risk based on threat and vulnerability (See Figure 7). 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.

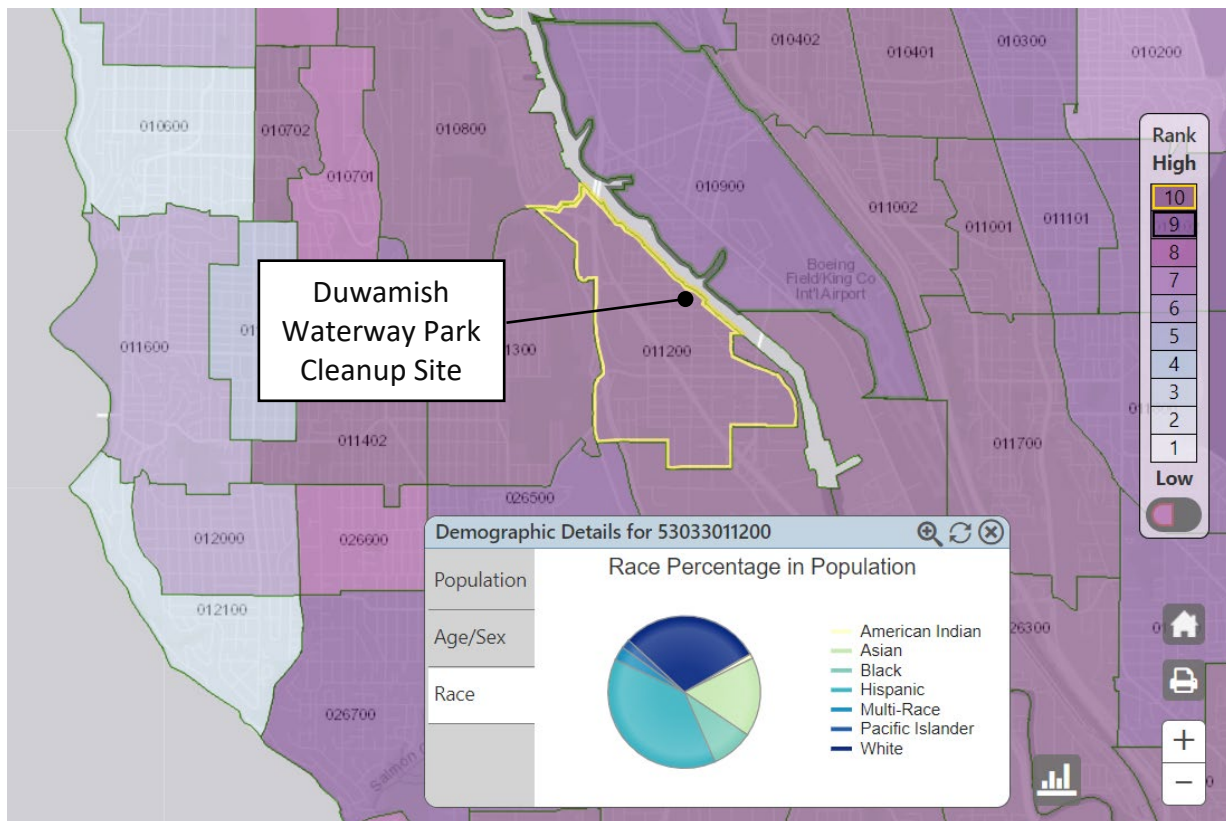


Figure 7: Washington Environmental Health Disparities Map for South Park and Georgetown

¹¹ <https://fortress.wa.gov/doh/wtnibl/WTNIBL/>

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)¹². The data reveals a diverse, economically challenged, and linguistically isolated population. Reaching underserved populations within the project area is a priority.

Demographic Indicators above the EPA 80th percentile threshold:

- People of Color – 88th percentile
- Low Income – 86th percentile
- Limited English-Speaking Households – 93rd percentile
- Less Than High School Education – 89th percentile

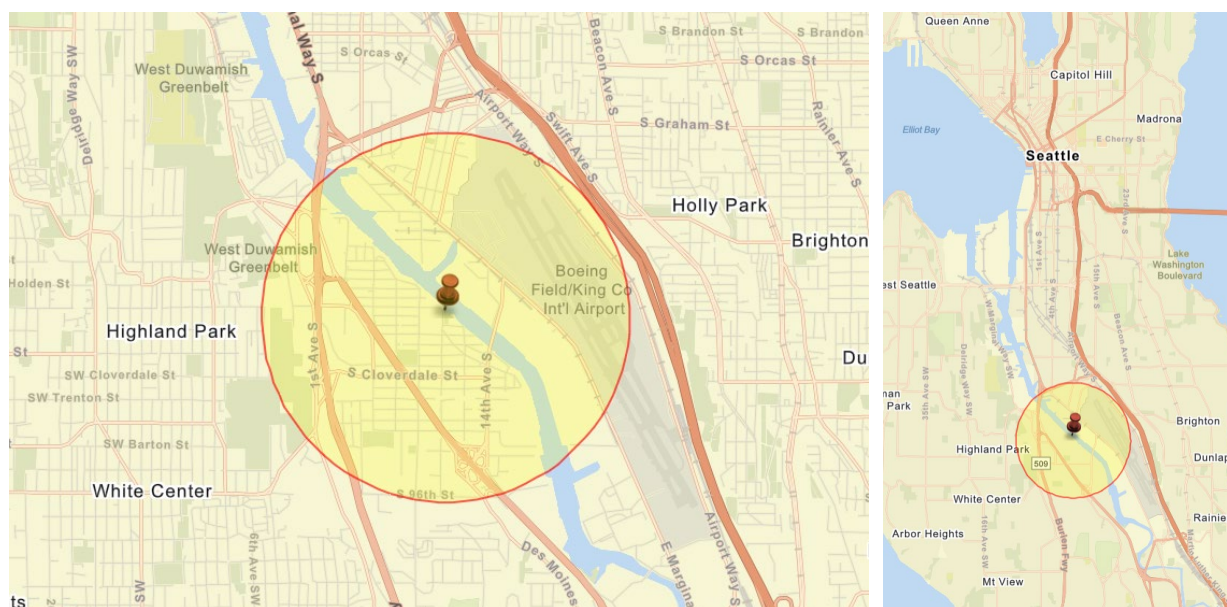


Figure 8: EPA EJScreen generated maps of the outreach impact area for this project

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.¹³ 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.

¹² <https://ejscreen.epa.gov/mapper/index.html>

¹³ 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).

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 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](#).¹⁴ To receive the *Site Register* by email, please [subscribe online](#),¹⁵ 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](#).¹⁶

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 [Duwamish Waterway Park site](#).¹⁷ 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](#).¹⁸

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

¹⁴ ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data

¹⁵ https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_118

¹⁶ ecology.wa.gov/Events/Search/Listing

¹⁷ <https://apps.ecology.wa.gov/cleanupsearch/site/15139>

¹⁸ ecology.wa.gov/About-us/Get-to-know-us/News

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.

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. 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 information¹⁹
- Conduct activities that enhance the public's understanding of the cleanup process

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](#).²⁰

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.

¹⁹ 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.

²⁰ ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants