



## **Public Participation Plan**

**SemMaterials LP Spokane  
(Formerly Koch Materials)  
4327 N. Thor St., Spokane, WA 99217**

### **Toxics Cleanup Program**

Washington State Department of Ecology  
Eastern Regional Office  
Spokane, Washington

August 2024



## Publication Information

This document is available on the Department of Ecology's [SemMaterials LP Spokane cleanup site page](#).<sup>1</sup>

### Related Information

- Cleanup site ID: 3229
- Facility site ID: 16655424

## Contact Information

### Toxics Cleanup Program

#### Eastern Regional Office

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Spokane, WA 99205

Phone: 509-329-3400

**Website**<sup>2</sup>: [Washington State Department of Ecology](#)

## 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](mailto:ecyadacoordinator@ecy.wa.gov). For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

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<sup>1</sup> <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3229>

<sup>2</sup> [www.ecology.wa.gov/contact](http://www.ecology.wa.gov/contact)

# Department of Ecology's Regional Offices

## Map of Counties Served



<b>Southwest Region</b> 360-407-6300	<b>Northwest Region</b> 206-594-0000	<b>Central Region</b> 509-575-2490	<b>Eastern Region</b> 509-329-3400
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Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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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 BNSF Railway Company, Koch Materials LLC, Marathon Oil Company, and SemMaterials, L.P., the parties responsible for cleanup costs. 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 get involved during different stages of the investigation and cleanup of contamination.

This plan is for the SemMaterials LP Spokane 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

Eastern Regional Office  
4601 N. Monroe St.  
Spokane, WA 99205

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509-385-2290

### BNSF Railway Company

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Tacoma, WA 98421

Scott MacDonald  
[Scott.MacDonald@BNSF.com](mailto:Scott.MacDonald@BNSF.com)  
o: 206.625.6376 | c: 360.621.6419

## 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<sup>3</sup>
- Conduct activities that enhance the public's understanding of, and participation in, the cleanup process

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<sup>3</sup> 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 Laura Busby at 360-280-5088 or [Laura.Busby@ecy.wa.gov](mailto:Laura.Busby@ecy.wa.gov) and Jill Krumlauf at 360-790-5771 or [Jill.Krumlauf@ecy.wa.gov](mailto:Jill.Krumlauf@ecy.wa.gov). You may also visit the [Public Participation Grant website](#).<sup>4</sup>

## 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 \(WAC\)](#).<sup>5</sup> 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.

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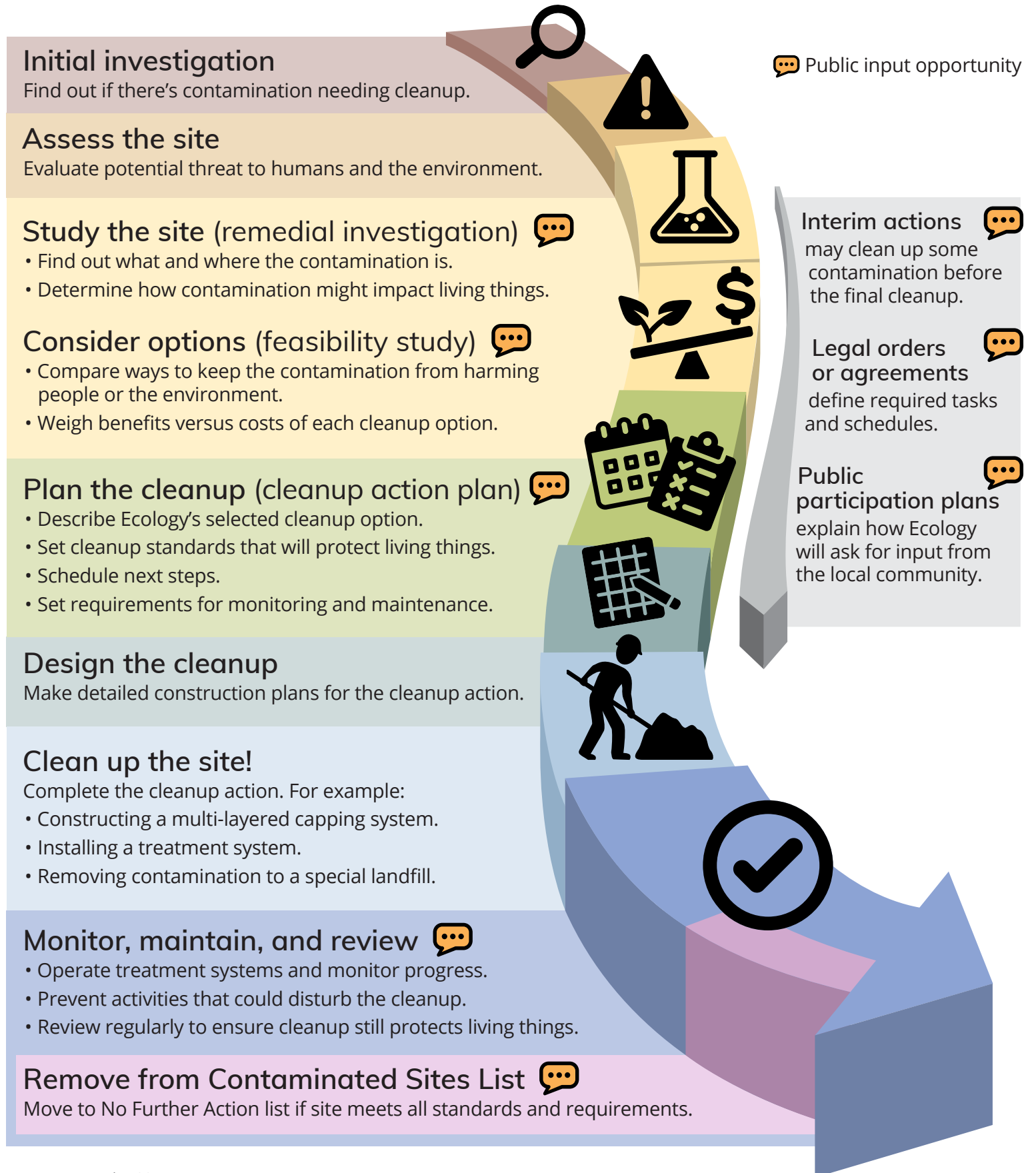
<sup>4</sup> [ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants](https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants)

<sup>5</sup> <https://fortress.wa.gov/ecy/publications/publications/9406.pdf>

# Washington's Cleanup Process



Public participation plans and comment periods are only required for cleanups under a legal agreement with Ecology. Otherwise, all cleanups follow the same steps. The steps are defined by Washington's cleanup law, the Model Toxics Control Act.





# Site Information

## Land use

ERGON Asphalt & Emulsions, LLC, operates the asphalt plant that was operated by SemMaterials (formerly known as Koch Materials). The facility receives and stores petroleum products used to manufacture asphalt and sealants. The site has reportedly been used for petroleum-related operations since 1955.

Husky Oil Company of Delaware (now merged with Marathon Oil Company) operated the facility from the 1970s until 1982. Koch Materials operated the facility from 1983 to 2005. SemMaterials and its successors have operated the facility since 2005. BNSF Railway Company owns the property where the facility is located.

## How the site became contaminated

In December 1992, three petroleum storage tanks were removed from the northeast corner of the site. During the tank removal, petroleum-contaminated soil was found. Koch Materials notified Ecology of the release. Soil borings were drilled to determine the depth of contamination. Contamination was found as deep as 125 feet.

## Contamination

Soil is contaminated with:

- [Petroleum](#)<sup>7</sup>
- [Naphthalene](#)<sup>8</sup>
- [Polycyclic aromatic hydrocarbons](#)<sup>9</sup>

Groundwater sampling conducted since 2009 confirmed that drinking water is not affected by contaminants at the site.

## Cleanup plans

In 1993, Ecology conducted a site hazard assessment and ranked the site a three on the Hazardous Sites List. The Hazardous Sites List is a record of contaminated sites throughout the state that are ranked on a scale of one to five. One represents the greatest potential threat to human health and the environment; five represents the least potential threat. The site ranked a three because of the level of contamination in soil and the potential for aquifer contamination.

In 2008, Ecology entered into an Agreed Order with the responsible parties, requiring them to complete a remedial investigation and feasibility study. The purpose of the remedial Investigation was to gather information to determine the extent of petroleum-related

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<sup>7</sup> <https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=423&toxid=75>

<sup>8</sup> <https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=239&toxid=43>

<sup>9</sup> <https://wwwn.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=121&toxid=25>

contamination in soil and groundwater at the site. The purpose of the feasibility study was to evaluate cleanup alternatives and propose a preferred cleanup alternative.

In the Remedial Investigation and Feasibility Study completed in 2013, the responsible parties presented four possible cleanup actions and recommended Alternative 2:

1. Take no further action beyond cleanup actions already completed at the site.
2. Maintain the existing protective asphalt cover over the Northeast Tank Farm area, construct an additional cap where a soil boring was taken to prevent contact with contaminated soil, monitor groundwater, and place a restrictive covenant on the property to limit how it's used. Contamination would then be allowed to decrease naturally over time. (The responsible parties preferred action.)
3. Remove and properly dispose of the uppermost 15 feet of contaminated soil, demolish some existing facilities, replace the Northeast Tank Farm asphalt cap, monitor groundwater, and place a restrictive covenant on the property to limit how it's used. Contamination would then be allowed to decrease naturally over time.
4. Demolish all facilities, remove and properly dispose of contaminated soil and materials at an off-site facility, and backfill excavated areas with clean soil.

In 2024, we drafted the Cleanup Action Plan and made it available for public review and comment. The cleanup includes the following actions:

- Maintain the existing protective asphalt cover over the Northeast Tank Farm area
- Construct two additional caps where soil borings were taken to prevent contact with contaminated soil
- Place an environmental covenant on the property to limit how it's used
- Allow contamination to decrease naturally over time

Construction of the new cap should take no more than 90 days, and the environmental covenant would be written within 90 days of finishing the cap.

## 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 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, libraries).

### Postal mailing list

Ecology maintains a mailing list that includes addresses within a 1/4-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 Erika Beresovoy at 509-385-2290 or [Erika.Beresovoy@ecy.wa.gov](mailto:Erika.Beresovoy@ecy.wa.gov).

### Site Register

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

### Newspaper display ads or legal notices

We announce public comment periods and events in ads or notices published in the *Spokesman Review*. We will also publish notice on our [Public Input & Events Listing](#).<sup>12</sup>

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<sup>10</sup> [ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data](https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data)

<sup>11</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_118](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_118)

<sup>12</sup> [ecology.wa.gov/Events/Search/Listing](https://ecology.wa.gov/Events/Search/Listing)

## Ecology's website and social media platforms

We maintain a [SemMaterials LP Spokane cleanup site page](#).<sup>13</sup> The website provides site information, and you may download cleanup documents.

We may also share information about cleanup sites through [news releases, our blog, and social media](#).<sup>14</sup>

## Places to view print documents

During public comment periods, you can find print documents at Ecology's Eastern Regional Office:

Washington Department of Ecology  
Eastern Regional Office  
4601 N. Monroe St.  
Spokane, WA 99205

To schedule an appointment, please contact Miriam Robbins at 509-329-3415 or [Miriam.Robbins@ecy.wa.gov](mailto:Miriam.Robbins@ecy.wa.gov).

If you would like to be mailed print documents, please contact Erika Beresovoy at 509-385-2290 or [Erika.Beresovoy@ecy.wa.gov](mailto:Erika.Beresovoy@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 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 Erika Beresovoy at 509-385-2290 or [Erika.Beresovoy@ecy.wa.gov](mailto:Erika.Beresovoy@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,

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<sup>13</sup> <https://apps.ecology.wa.gov/cleanupsearch/site/3229>

<sup>14</sup> [ecology.wa.gov/About-us/Get-to-know-us/News](https://ecology.wa.gov/About-us/Get-to-know-us/News)

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. 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 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 or more people request one, 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.

Since the coronavirus outbreak, Ecology usually hosts public meetings and hearings online. We respect the public's right to learn about and comment on environmental permitting and regulatory decisions affecting their communities, and will do everything possible to keep people safe and accommodate public participation.

## 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](mailto:ecyadacoordinator@ecy.wa.gov), or visit our [accessibility website](#).<sup>15</sup> 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 Erika Beresovoy at 509-385-2290 or [Erika.Beresovoy@ecy.wa.gov](mailto:Erika.Beresovoy@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.

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<sup>15</sup> <https://ecology.wa.gov/accessibility>

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.