



## **DRAFT PUBLIC PARTICIPATION PLAN**

### **Denny Way Combined Sewer Overflow (CSO) Nearshore Interim Sediment Remediation**



**SEATTLE, WASHINGTON**

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## **1.0 INTRODUCTION**

Washington State Department of Ecology (Ecology) and King County have negotiated a legal agreement called an Agreed Order (AO No. DE 5068) that formally describes their working relationship, outlines the scope of work, and sets a schedule for remediation of sediments near the Denny Way Combined Sewer Overflow facility (CSO) site. The Agreed Order requires King County to implement an interim remedial action to clean up contaminated sediments at the CSO site.

Ecology, in cooperation with King County, has developed this public participation plan pursuant to the Model Toxics Control Act (MTCA), to promote meaningful community involvement prior to implementation of the interim action at the Denny Way CSO site. The plan outlines and describes the tools and approaches that Ecology uses to inform the public about site activities, and it identifies opportunities for the community to become involved. The plan aims at addressing potential community concerns regarding the remedial action and defines the types of public participation activities that will take place as a part of the remediation process. It is based on Ecology's MTCA cleanup regulations (WAC 173-340-600, Public Participation) and on coordination with the City of Seattle Department of Parks & Recreation, Ecology and King County. Ecology and King County are committed to an open dialogue with the community to ensure that interested parties can receive information as well as provide input during the decision-making process.

### **1.1 CLEANUP WORK TO BE PERFORMED**

Under the Agreed Order, the interim action includes the following tasks to remediate contaminated sediments and restore the habitat:

- Dredging contaminated sediments.
- Transporting and disposing the dredged materials to a regulated landfill facility.
- Excavation of the two nearshore areas next to a city park and an existing sediment cap area.
- Backfilling the excavated area with clean sand.
- Post-dredging sediment sampling.

## 1.2 SITE LOCATION

The Denny Way CSO site is located along the northeastern shoreline of Elliott Bay and is adjacent to Myrtle Edwards Park at the foot of Denny Way in Seattle, Washington. (See page 4 & 5 for a detailed area and area map.)

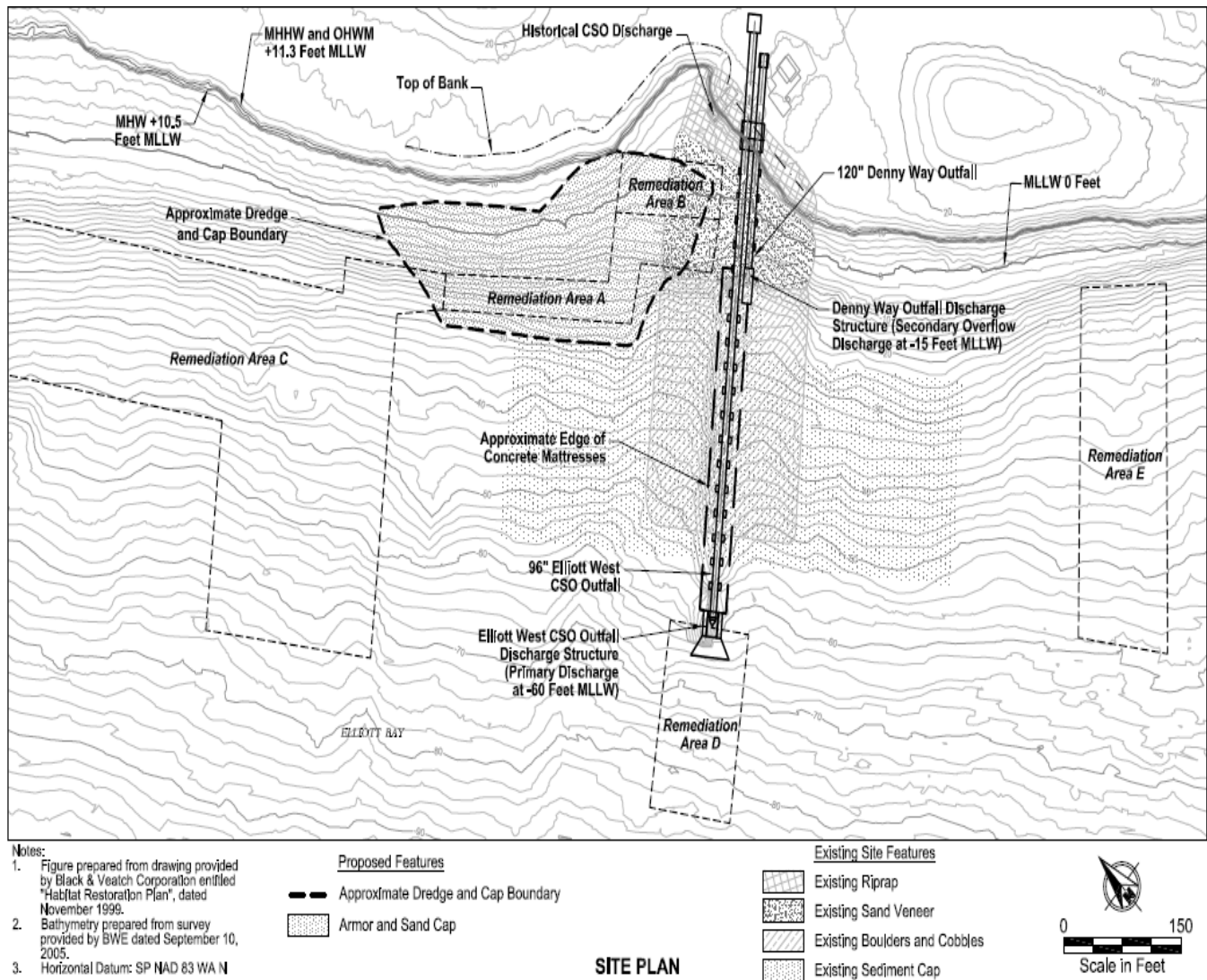
Upland uses near the Denny Way CSO site include typical park recreation activities. The limited recreational marine use that may occur includes pleasure boating and fishing. The intertidal area in the vicinity is generally riprap and forms a small cove. The small cove is exposed during low tide. Below the riprap shoreline, the lower beach is sand and gravel with cobble and has a gentle sloping bottom to depths of greater than 100 feet.

**DENNY WAY CSO AREA MAP**



## 2.0 DENNY WAY CSO PROJECT BACKGROUND

The Denny Way Combined Sewer Overflow (CSO) in Seattle was constructed in the 1960's when Metro (now King County) built the greater Seattle area's wastewater treatment system (see the site plan below). Until 2004, the Denny Way CSO outfall discharged stormwater and untreated wastewater at the shoreline. Sediments at the nearshore and offshore were contaminated due to the discharge at the facility.



A 1990 joint King County / U.S. Army Corps of Engineers (Corps) project capped three acres of contaminated sediment offshore of the Denny Way CSO with three feet of clean sand from the upper Duwamish Waterway. Although the cap is stable and effectively protective for the underlying contamination, the impacted sediment migration from the nearshore areas (i.e., Area A and B) has caused recontamination at some locations on the cap.

A 1997 study of surface and subsurface sediments around the outfall and cap found five areas of contamination exceeding state Sediment Quality Standards (SQS) (see site plan on page 5). A sampling report in 2005 demonstrated that occurrence of the recontamination at three of the areas (i.e., Area C, D and E) remain areas of concentrations, which exceeded levels of the state's Sediment Management Standards (SMS). Once the proposed cleanup action has been conducted to excavate the exceeded sediment at Area A and B, the existing sediments cap should not be impacted by the sediment migrating from the nearshore. Further monitoring of the performance of the CSO treatment will guide Ecology and King County towards a clean up alternative for Areas C, D & E in the next 10 years.

King County proposes to dredge as much contaminated sediment in the nearshore as practicable, and backfill with clean sand at the dredged area to restore the grade to pre-project conditions. About 20,000 cubic yards (cy) of sediment will be removed from the site and roughly 21,000 cubic yards of material will replace on the area. The dredged sediment will be transported to and disposed at a regulated landfill facility. Finally, habitat enhancing gravel will be placed on the sediment cap surface. To protect endangered fish species in the area, dredging can only occur between November through February.

Discharges from the Denny Way CSO are far less frequent and occur at a different location thanks to a 2005 King County construction project. As a result, the Denny Way CSO no longer affects the area targeted for remediation. King County will continue to monitor sediment quality conditions at the site for 10 years after the completion of the interim action and will consider further remediation if monitoring results show evidence of any exceedances of the SMS cleanup levels at the project area and vicinity. This remedial action will improve human and environmental health by removing the contaminated sediment at the site.

## **2.1 CONTAMINANTS OF CONCERN**

Based on the historical and current site assessments, sediment samples at the site contain the elevated and exceeded concentrations of:

- Mercury
- Silver
- Cadmium
- Copper lead
- Polycyclic aromatic hydrocarbons (PAHs)
- Polychlorinated biphenyls (PCBs)
- Bis (2-ethylhexyl) phthalate
- Butyl benzate phthalate

### **3.0 COMMUNITY OVERVIEW**

The project site is just offshore of the City of Seattle's Myrtle Edwards Park and is situated close to the Seattle Art Museum's Olympic Sculpture Garden and the Seattle Post-Intelligencer building. The Belltown and Lower Queen Anne neighborhood are the closest residential areas.

Through the Uptown Alliance and Belltown Community Council, nearby residents and business owners have demonstrated interest in parks and environmental concerns in the past.

#### **3.1 Access Issue**

Most of the remedial work will occur offshore and will have minimal impact on the nearby residents and business owners. Construction staging in Myrtle Edwards Park may temporarily limit access to portions of the park for park users, specifically pedestrians and bicyclists, during the project.

The work site and affected shoreline is beside Myrtle Edwards Park, a popular park with pedestrians and bicyclists. Construction staging in the park could temporarily limit public access to certain areas of the park during the project.

#### **3.2 Key Community Concerns**

- Dredging techniques and impacts
- Dredging equipment (hydraulic, environmental or clamshell buckets)
- Construction oversight
- Sediment treatment
- Sediment dispersal/recontamination
- Spoils transport and disposal
- Source control
- Water quality
- Park user impacts
- Public access, including trail user impacts
- Habitat protection/restoration
- Open, collaborative public information process
- Site restoration
- Public safety
- Noise
- Salmonid spawning and migration

### **3.3 Key Community Organizations:**

#### **Uptown Alliance**

Keith Biever, Board Member (Parks) - 206.733.9435

Email: [biever36@comcast.net](mailto:biever36@comcast.net)

#### **Belltown Community Council**

Zander Batchelder, President (?)

Email: [Info@Belltown.Org](mailto:Info@Belltown.Org) / [ZanderB@AOL.Com](mailto:ZanderB@AOL.Com)

#### **Cascade Bicycle Club**

David Hiller, Advocacy Director - 522-9479 / cell 218-6712

Email: [david.hiller@cascadebicycleclub.org](mailto:david.hiller@cascadebicycleclub.org)

#### **Duwamish River Cleanup Coalition**

B.J. Cummings, Director - (206) 954-0218

Email: [info@duwamishcleanup.org](mailto:info@duwamishcleanup.org)

#### **People for Puget Sound**

Heather Trim, Urban Bays Project Coordinator - (206) 382-7007

Email: [htrim@pugetsound.org](mailto:htrim@pugetsound.org)

### **4.0 PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITY**

The purpose of this Public Participation Plan is to promote public understanding and participation in the cleanup process for this site. This section addresses how Ecology will keep the public informed about site activity and provide opportunity for being involved in the cleanup.

Ecology will use a variety of tools to facilitate public participation in the planning and cleanup of this site. These tools are: formal comment periods and responsiveness summaries, fact sheets, public meetings (if required), information repositories, Ecology's Site Register, web tools including a web based events calendar, display advertisement in a local newspaper, Denny Way CSO website, Construction Hotline, and Construction Notifications. Ecology will consider and implement constructive input provided by the community whenever possible.

Ecology and King County urge the public to become involved in the cleanup process. Information will be provided regularly in order to provide many opportunities to review materials and provide comments. This plan is intended to be a flexible working document where activities change as community concerns emerge as well as more information becomes available during the cleanup process. To arrange for a briefing with project staff, ask questions or provide comments on the plan or other aspects of the cleanup, please contact one of the persons listed below.

**For technical questions, please contact:**

Grant Yang, Department of Ecology Site Manager

Phone: 425-649-7126

E-mail: gyan461@ecy.wa.gov

**For Community Involvement questions, please contact:**

Nancy Lui

Community Outreach Coordinator

WA Department of Ecology

Toxics Cleanup Program

Phone: 425-649-7117

E-mail: nlui461@ecy.wa.gov

Doug Marsano

Community Relations Planner

King County Wastewater Treatment

Division

Phone: 206-684-1235

E-mail: doug.marsano@metrokc.gov

#### **4.1 Roles and Responsibilities**

Ecology maintains overall responsibility and approval authority for the activities outlined in this plan in accordance with MTCA requirements. Ecology, with the participation of King County, conducts public comment periods as required by MTCA, including soliciting, receiving and considering comments, making decisions, and preparing responsiveness summaries.

#### **4.2 Formal Public Comment Period**

Comment periods are the primary method Ecology uses to get feedback from the public on proposed cleanup decisions. Comment periods usually last for 30 days and are required at key points during the investigation and cleanup process before final decisions are made.

During a comment period, the public can comment in writing. Verbal comments are taken if a public hearing is held. After formal comment periods, Ecology reviews all comments received and may respond in a document called a Responsiveness Summary.

Ecology will consider the need for changes or revisions based on input from the public. If significant changes are made, then a second comment period may be held. If no significant changes are made, then the draft document(s) will be finalized.

#### **4.3 Public Meetings and Hearings**

Public meetings may be held at key points during the cleanup process. Ecology may also offer public meetings for actions expected to be of particular interest to the community. Also, if ten or more people request a public meeting or hearing during the 30 day comment

period, Ecology will hold a public meeting for the purpose of taking oral comments on draft documents.

#### **4.4 Information Repositories**

Information repositories are convenient places where the public can go to read and review site information. The information repositories are often at libraries or community sites where the public has access. During the comment period, the site documents will be available for review at each repository which is listed below. Documents remain at the repositories for the entire duration of the project.

|                                                                                                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Seattle Public Library</b><br>Central Library<br>1000 Fourth Avenue<br>Seattle, WA 98104                                                                                                                                                                |
| <b>Washington State Department of Ecology</b><br>3190 160th Ave., S.E.<br>Bellevue, WA 98008<br>Call for an appointment: Sally Perkins<br>(425) 649-7190<br>(425) 649-4450 FAX<br>E-mail: perk461@ecy.wa.gov<br>Hours: Monday – Thursday, 8 AM – 4:30 P.M. |

#### **4.5 Site Register and Public Events Calendar**

Ecology's Toxics Cleanup Program uses its bimonthly Site Register and web-based Public Involvement Calendar to announce all of its public meetings and comment periods as well as additional site activities. To receive the Site Register in electronic or hard copy format, contact Linda Thompson at 360-407-6069 or by email at ltho461@ecy.wa.gov. The Public Involvement Calendar is available on Ecology's website at <http://apps.ecy.wa.gov/pubcalendar/calendar.asp>

#### **4.6 Mailing List**

Ecology has compiled and maintained a list of interested parties, organizations and residents living in proximity to the cleanup site. This list will be used to disseminate information via mail (fact sheets, site updates, public notices, etc.). If you are not on the mailing list for this site and wish to be added, please contact Nancy Lui at 425-649-7117 or through email at luin461@ecy.wa.gov. In the subject line, please indicate Denny Way CSO site mailing list.

#### **4.7 Denny Way CSO Website**

Information on the cleanup at the Denny Way CSO site is also available online. These websites include background information, status updates, and contact information for the site.

**Ecology Website:**

[http://www.ecy.wa.gov/programs/tcp/sites/denny\\_way/dw\\_hp.htm](http://www.ecy.wa.gov/programs/tcp/sites/denny_way/dw_hp.htm)

**King County Website:**

<http://dnr.metrokc.gov/wtd/sediment/denny>

#### **4.8 King County Construction Hotline**

During construction, King County will maintain a 24 hours a day, 7 days a week construction hotline. The line will facilitate prompt response to questions and concerns. For more information, please contact:

Doug Marsano, Community Relations Planner  
King County Wastewater Treatment Division  
Phone: 206-684-1235  
E-mail: [doug.marsano@metrokc.gov](mailto:doug.marsano@metrokc.gov)

#### **4.9 King County Construction Notifications**

King County will be responsible for the construction notifications. King County will be responsible for sending email updates to interested citizens, mailing construction updates, or delivering fliers door-to-door along with posting the information on the web (see website information above). For more information, please contact:

Doug Marsano, Community Relations Planner  
King County Wastewater Treatment Division  
Phone: 206-684-1235  
E-mail: [doug.marsano@metrokc.gov](mailto:doug.marsano@metrokc.gov)

## 5.0 Public Participation Timeline

The timetable below provides an overview of the public involvement activities at the Denny Way CSO site.

| Schedule                  | Technical/Regulatory Activities                                                                                                                                                                                                                                    | Public Outreach Activities                                                                                                                                                                                                                       |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Summer 2006 - Spring 2007 | <b>Project Initiation and Planning</b> <ul style="list-style-type: none"> <li>Ecology and King County negotiated agreed order (Interim Action), discussed scope, and developed basis of design for interim action</li> <li>Regulator Workshop - 5/14/07</li> </ul> | <ul style="list-style-type: none"> <li>Identified interested parties and vicinity residents</li> <li>Compiled issues based on community consultation and previous sediment cleanup project</li> <li>Issued SEPA DNS for public review</li> </ul> |
| Summer 2007               | <b>Project Design/Bidding and Implement Cleanup Action</b> <ul style="list-style-type: none"> <li>Prepare bid documents (<i>not available to public</i>)</li> <li>Finalize construction details/schedule</li> <li>Follow up Regulator Meeting 6/19/07</li> </ul>   | <ul style="list-style-type: none"> <li>Fact sheet</li> <li>Establish construction hotline</li> <li>Availability session (optional)</li> <li>Signs in park</li> <li>Update Web page</li> </ul>                                                    |
| Fall 2007                 | <b>Public Comment Period on Proposed Agreed Order and Public Participation Plan</b> <ul style="list-style-type: none"> <li>Draft agreed order</li> <li>Design basis report for interim action</li> <li>Public participation plan</li> </ul>                        | <ul style="list-style-type: none"> <li>Public notice</li> <li>Site register</li> <li>Fact sheet</li> <li>Public comment period - 30 days</li> <li>Public meeting (if requested)</li> <li>Responsiveness summary</li> </ul>                       |
| Fall 2007 - Winter 2008   | <b>Implement Cleanup Action</b>                                                                                                                                                                                                                                    | <ul style="list-style-type: none"> <li>Fact sheet</li> <li>Maintain 24-hour construction hotline</li> <li>Signs in park</li> <li>Update Web page</li> </ul>                                                                                      |
| Ongoing                   | <b>Long-Term Monitoring and Maintenance</b>                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>Update Web page</li> <li>Fact sheets as needed</li> <li>Site register as needed</li> </ul>                                                                                                                |

## APPENDIX A – GLOSSARY

**Agreed Order** means an order issued by the department under WAC 173-340-530 with which the potentially liable person receiving the order agrees to comply. An agreed order may be used to require or approve any cleanup or other remedial actions but it is not a settlement under RCW 70.105D.040 (4) and shall not contain a covenant not to sue, or provide protection from claims for contribution, or provide eligibility for public funding of remedial actions under RCW 70.105D.070(2)(d)(xi).

**Cleanup:** The implementation of a cleanup action, or interim action.

**Cleanup Action:** means any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with WAC 173-340-350 through 173-340-390.

**Containment:** A container, vessel, barrier, or structure, whether natural or constructed, which confines a hazardous substance within a defined boundary and prevents or minimizes its release into the environment.

**Contaminant:** Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

**Hazardous Site List:** A list of ranked sites that require further remedial action. These sites are published in the Site Register by the Department of Ecology.

**Interim Action:** Any remedial action that partially addresses the cleanup of a site. It is an action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility; an action that corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed; an action needed to provide for completion of a site hazard assessment, state remedial investigation/feasibility study, or design of a cleanup action.

**Model Toxics Control Act (MTCA):** Refers to RCW 70.105D. approved by voters in the state of Washington in November 1988. The implementing regulation is WAC 173-340 and was amended in 2001.

**Mudline:** The top of sediment underwater or in a tidal zone

**Public Notice:** At a minimum, adequate notice mailed to all persons who have made a timely request to Ecology and notice to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the local (city or county) newspaper of largest circulation; and the opportunity for interested persons to comment.

**Public Participation Plan:** A plan prepared under the authority of WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular site.

**Responsiveness Summary:** A compilation of all questions and comments into a document open for public comment and their respective answers/replies by Ecology. The responsiveness summary is mailed, at a minimum, to those who provided comments, and its availability is published in the Site Register.

**Risk:** The probability that a hazardous substance, when released into the environment, will cause an adverse effect to exposed humans or other living organisms.

**Toxicity:** The degree to which a substance at a particular concentration is capable of causing harm to living organisms, including people, plants and animals.