



DRAFT PUBLIC PARTICIPATION PLAN

NORTH YARD PROPERTY CLEANUP

At Facilities North/Metro Lake Union Site
Former Chevron Bulk Fueling Terminal Site
1602 N. Northlake Way

SEATTLE, WASHINGTON

Prepared by

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Introduction

The Washington State Department of Ecology (Ecology) prepared this Public Participation Plan in cooperation with the potentially liable party (PLP), according to the Model Toxics Control Act (MTCA). The purpose of this Public Participation Plan is to promote meaningful community involvement during the new proposed cleanup at the North Yard Property, approximately one-half of the Facilities North/Metro Lake Union site located along the north shore of Lake Union at 1602 N. Northlake Way in Seattle, Washington.

The site consists of two parcels—a South Yard and a North Yard (see figure on page 5) and this proposed cleanup is for the North Yard property only. In 1999 King County Metro (Metro) and Chevron entered into a legal agreement called a *Consent Decree* and began cleanup at the entire site. However, petroleum hydrocarbon contamination continues in localized areas on this site and these areas exceed the established cleanup levels for the site.

At this point, Touchstone Corporation (Touchstone) intends to purchase the North Yard Property to construct an office building that will include an underground parking garage. Ecology and Touchstone are proposing to enter into a legal agreement called a *Prospective Purchaser Consent Decree* for the soil cleanup at the North Yard property.

Touchstone intends to clean up soil within the North Yard property to cleanup levels that will allow for residential and commercial use as part of the Prospective Purchaser Consent Decree. These new cleanup levels are more stringent than the industrial cleanup levels in the existing 1999 Consent Decree with King County Metro and Chevron. The proposed cleanup is design to remove the source of contamination and complete the soil cleanup within the North Yard property.

Ecology and Metro prepared a public participation plan for this site in 1998 when the Metro-Chevron Consent Decree and Cleanup Action Plan were presented for public comment. This plan has been updated for this proposed additional cleanup at the North Yard property.

This Public Participation Plan outlines and describes the tools that Ecology will use to inform the public about cleanup activities and identifies opportunities for the community to become involved in this cleanup process. The documents available for public review at this time are:

- Prospective Purchaser Consent Decree.
- Cleanup Action Plan.
- State Environmental Policy Act (SEPA) environmental checklist and Determination of Non-Significance (DNS).
- Public Participation Plan.

Proposed Prospective Purchaser Consent Decree

Ecology and Touchstone negotiated a new legal agreement called a Prospective Purchaser Consent Decree (PPCD) for additional soil cleanup at the North Yard property - one portion of the Metro Lake Union site. The PPCD requires Touchstone to cleanup soil contamination within the property it purchases. The proposed cleanup will result in removal, treatment and off site disposal of contaminated soil from the property. This proposed Prospective Purchaser Consent Decree and cleanup is in addition to the existing Consent Decree between Ecology and King County Metro and Chevron signed in 1999. The PPCD proposes using more stringent cleanup levels for the soils within the North Yard.

This will achieve soil cleanup that may justify removing existing restrictions that limit the use of the property. The existing Consent Decree will continue to be implemented to complete the cleanup of groundwater and off-property soil.

Any issue of sediment contamination at Lake Union resulting from this site will be addressed under a separate agreement with King County Metro and Chevron.

Proposed Cleanup Action Plan

The proposed Cleanup Action Plan (CAP) describes the selected cleanup actions and outlines steps Touchstone will take to cleanup the North Yard property. The selected cleanup actions include:

- Construction of temporary sumps to remove the saturated pockets of petroleum substances.
- Excavation and off-site treatment and disposal of petroleum contaminated soil.
- Dewatering, testing, treatment and disposal of petroleum contaminated water prior to and during construction, if required.
- Soil compliance monitoring to confirm that contaminated soil has been removed as required in the PPCD.

In order to protect human health and the environment, the cleanup plan also includes an environmental contingency plan. The contingency plan provides a summary of the chemicals identified at the North Yard property and guidelines for addressing the chemical hazards during construction.

The protective measures to be taken include a temporary and five-year cover if cleanup work is stopped after it begins. If cleanup work is stopped for 14 days, Touchstone will install and maintain a temporary cover over any exposed soil on the North Yard property with storm water controls. If work stoppage is expected for more than 60 days, then a cover with storm water controls capable of being in service for five years will be constructed and maintained.

Compliance Monitoring and Sampling and Analysis Plan:

The compliance monitoring and sampling and analysis plan describes the sampling procedures, analytical methods and the compliance monitoring requirements for completion of the cleanup actions at the North Yard Property. This plan is required as part of the site cleanup and monitoring process under Model Toxic Control Act.

State Environmental Policy Act (SEPA) Checklist and Determination of Non Significance:

The State Environmental Policy Act (SEPA) requires an evaluation of the likely significant adverse environmental impacts of a proposal. The SEPA process asks that this proposal be evaluated compared to reasonable alternatives, and possible measures for reducing impacts. The SEPA environmental checklist asks a series of questions designed to assist Ecology in making a determination of whether the proposal will likely have a significant adverse impact on the environment or no significant adverse impact on the environment.

Ecology has reviewed this checklist and other site documents and has determined that no significant adverse environmental impacts will be caused by this project. Ecology has issued the Determination of Non-Significance (DNS) for this proposed cleanup action.

Site Location Map



Location and Site Background

The North Yard Property is one portion of the Metro Lake Union North Site located along the north shore of Lake Union at 1602 N. Northlake Way in Seattle, Washington. The site has been known as the Facilities North/Metro Lake Union Site and former Chevron Bulk Fueling Terminal #100-1327. The site consists of two parcels - a South Yard and a North Yard. (See Site Map on Page 5)



The South Yard borders Lake Union to the south, Gas Works Park and the Seattle Harbor Patrol on the east and Northlake Ship Builders (formerly Unimar) on the west. The South Yard contained two docks, a maintenance building and graveled parking area.

Photo from South Yard dock at north shore of Lake Union looking south to Seattle downtown, April 2001.



The North Yard is located across N. Northlake Way, directly north of the South Yard and west of Triad Northlake (formerly Nortar Company) and east of the Biotechnology Building (former Seattle Boat Company). The property contains office and work space, a garage, carpentry room, storage and parking.

Photo looking north to the North Yard Property with existing office and work space buildings across North Northlake Way and Gilman Trail, June 2006.

Site History

In 1925, Standard Oil of California constructed the facilities, and operated a diesel and bulk fueling and storage facility for several decades. In 1982, Metro (formerly the King County Department of Metropolitan Services) purchased the property. King County Department of Transportation Metro Transit operated a fueling station during the mid-1980s and closed the tanks in 1989. By April 1992, all of the aboveground storage tanks were drained, cleaned and locked, and the piping to the tanks was flushed, cleaned and capped. The facilities were then used as a maintenance base.

In 1999 Metro and Chevron signed a Consent Decree with Ecology and began cleanup at both the North Yard and South Yard.

Contaminants of Concern

In 1993, a study called a *Remedial Investigation/Feasibility Study* (RI/FS) was conducted to determine the extent of contamination and cleanup options for the site. Additional work was conducted in 1997 and 1998. The study found the following:

- Shallow soils near the aboveground storage tanks were contaminated with metals (arsenic, cadmium, lead, and mercury). The shallow soils were contaminated by the sandblasting of the storage tanks and painting operations.
- Deeper soils and ground water were contaminated with petroleum hydrocarbons (TPH), benzene, and polyaromatic hydrocarbons (PAHs).

Previous Cleanup Work

In 1999, King County and Chevron entered into a Consent Decree with Ecology to clean up the entire Metro Lake Union site. The 1999 Cleanup Action Plan included two phases.

Phase 1 Cleanup Activities

Phase 1 work was conducted in 1999 and removed the above ground tanks and shallow piping and tank structures.

Phase 1 cleanup also removed the shallow soils contaminated from lead based paint and sand blasting at the tanks. Compliance soil monitoring showed that all metal contaminated soils were removed from the former tank area for off-site treatment and disposal.



*Excavation of soils
at monitoring well
MW-8 in October
2003.*



*Excavation of soils
during phase 1
cleanup in October
2003.*

Phase 2 Cleanup Activities

Phase 2 cleanup activities included a variety of methods to cleanup petroleum contamination in deeper soils and groundwater underlying both the North and South Yards. Phase II also included groundwater monitoring, institutional controls, and restrictive covenants. These methods included:

- **Bioremediation:** Hydrogen peroxide was injected into soils and groundwater to break down petroleum (this process increases oxygen levels in order that microscopic “bugs” [microbes] in soil and groundwater digest the oil and turn it into water and harmless gases). This method was used between March 1999 and January 2002. (Shown to the right).



- **Extraction pumping:** Using a vacuum system to extract pockets of petroleum in groundwater and the extracted fluid was then treated and disposed off site.
- **Biosparging:** Air was pumped and pushed through soil and groundwater in order to increase the physical breakdown of the petroleum.



Phase 2 cleanup using bioremediation and extraction pumping to remove petroleum from groundwater and saturated soils in July 2001.

In addition, groundwater compliance monitoring has been conducted quarterly since 1998 to evaluate the effectiveness of the cleanup methods. These cleanup methods have been successful in removing most of the petroleum.

However, the cleanup is not complete as pockets of petroleum contamination remain at the site. The proposed PPCD and Cleanup Action Plan will address these pockets of petroleum contamination in the North Yard Property. Groundwater compliance monitoring and soils outside of the North Yard Property remain the responsibility of Metro and Chevron. Metro and Chevron continue to conduct groundwater compliance monitoring.

Community Profile

The North Yard Property is located in the Wallingford neighborhood, a portion of which has been proposed for designation as a Residential Urban Village by the City of Seattle. The area surrounding the Property is a mixture of residential, commercial and industrial development. Residents of the Wallingford Community are well known for their active commitment to neighborhood issues. A description of this community is provided below.

Wallingford Community Description

Early development in the Wallingford community was as a result of the emergence of Lake Union as a hub for transportation and industry. The area experienced rapid residential growth in the early 1900s, as settlers were drawn by the industries along the lake. The construction of the Lake Washington ship canal by 1916 further spurred industrial growth and transportation in this neighborhood. In the 1950s, the national trend was for families to move to the suburbs. This led to a slow growth rate in the Wallingford community. The manufactured gas plant was closed in 1956, and the community continued to decrease in size until the beginning of the 1970s. The manufactured gas plant site was purchased by the City of Seattle, and opened as a public park in 1976.

By the 1980s Wallingford had established itself as a desirable residential neighborhood with sweeping territorial views, proximity to downtown, the Burke-Gilman Trail, Gas Works Park, Lake Union, Green Lake and Woodland Park.

The Wallingford Community council was formed in the late 1960s to provide a voice for neighbor's concerns about neighborhood improvement. For more than two decades, the Wallingford community has grown as a residential neighborhood and the Council continues to represent community interests today.

Key Community Concerns

Wallingford community concerns have been compiled through Ecology's work on other cleanup sites in the Lake Union north shore vicinity, including Gasworks Park, Nortar Inc. (the former American Tar Company), and Unimar. The Wallingford community has recently gone through the neighborhood planning process and has done considerable outreach to gain a clear understanding of community residents concerns about the issues and challenges facing the community over the next 20 years. A list of Wallingford community concerns and important issues has been prepared from the above mentioned sources.

The Wallingford community key concerns are:

- Values the small locally owned businesses along N. 45th Street and the Urban Village designation.
- Desires viable commercial space in new developments in commercial zones.
- Wants to develop neighborhood commercial design review guidelines.
- Encourages pedestrians, transit access and bicycles.
- Supports the Wallingford Steps Project implementation to provide pedestrian linkage to Gas Works Park, Lake Union and the Burke-Gillman Trail.
- Works to reduce traffic congestion throughout the neighborhood.
- Supports keeping housing affordable for working class residents.
- Encourages the maintenance of an attractive street front shopping district.
- Works to maintain business health and shopping diversity.

The proposed cleanup at the North Yard Property is consistent with these goals and works toward achieving these goals. The community in general knows that the property needs to be cleaned up and supports efforts to do so. The community is concerned about the levels of contamination. The community views cleanup as removing and controlling the contamination, and protecting human health and the environment.

Additional public concerns may be identified over the course of the cleanup process. Ecology will work to respond to community concerns through out the cleanup process and in coordination with the potentially liable party, and other regulatory agencies as necessary.

Public Participation Activities and Responsibilities

The purpose of this Public Participation Plan is to promote public understanding and participation in the cleanup activities planned for this site. Ecology uses the Model Toxics Control Act often called MTCA to outline and guide the cleanup process. MTCA requests public participation and a public comment period when there are significant environmental decisions in the cleanup process. The public participation plan is to assist you in having a voice in the decision-making process during this cleanup. This section of the plan addresses how Ecology will share information and receive public comments and community input during the site activities.

Public Involvement Activities

Ecology uses a variety of activities to facilitate public participation in the investigation and cleanup of MTCA sites. Ecology will implement input provided by the community whenever possible.

The following is a list of the public involvement activities that Ecology will use, their purposes, and descriptions of when and how they will be used during this site cleanup.

Public Comment Periods

Comment periods are the primary method Ecology uses to get feedback from the public on proposed cleanup decisions. Comment periods usually last 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 by telephone, writing or email. A fact sheet is prepared and describes the documents available for public comment and where and how to enter a comment. After a comment period, Ecology reviews all comments received and may respond in a document called a Responsiveness Summary.

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

Additional public comment periods will be held for any draft cleanup action plans that are developed for the site, and for any future legal agreements regarding this site.

Public Meetings and Hearings

Public meetings may be held at key points during the cleanup process. Ecology also may offer public meetings for actions expected to be of particular interest to the community. Additionally, Ecology will provide availability sessions where the community can speak

directly to the agencies and potentially liable persons. These meetings will be held at locations convenient to the community.

Responsiveness Summaries

After Public comments periods, Ecology will review comments, make final decisions, and prepare a responsiveness summary - which is a compilation of public comments and Ecology's responses to them. Copies will be mailed to all those who commented and all those who request copies.

Information Repositories

Information repositories are places where the public may read and review site information, including documents that are the subject of this public comment period.

Ecology has established three repositories for the North Yard Property cleanup:

- Seattle Public Library – Wallingford, 1501 North 45th Street, Seattle.
- Seattle Public Library – Central 1000 4th Avenue 5th Floor, Seattle.
- Washington State Department of Ecology, 3190 160th Avenue SE, Bellevue, WA 98008, (425) 649-7190. Please call for an appointment.

Some site information also will be posted on Ecology's web site at http://www.ecy.wa.gov/programs/tcp/sites/metro/fn_main.html

Site Register

Ecology's Toxics Cleanup Program uses its bimonthly *Site Register* to announce all of its public comment periods, notice of negotiations, public meetings as well as many other activities. To receive the *Site Register* in electronic or hard copy format, contact Linda Thompson at (360) 407-6069 or by e-mail at Ltho461@ecy.wa.gov. It is also available on Ecology's web site at http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html

Mailing List

Ecology compiled a mailing list for the site. The list includes individuals, groups, public agencies, elected officials, private businesses, potentially affected parties, and other known interested parties. The list will be maintained at Ecology's Northwest Regional Office and will be updated as needed.

Please contact **Justine Asohmbom at (425) 649-7135 or juas461@ecy.wa.gov** if you would like to be involved or have your address added to or deleted from this mailing list.

Fact Sheets

Ecology will mail fact sheets to persons and organizations interested in the North Yard Property Cleanup. Fact Sheets will be designed to inform people of public meetings, comment opportunities, and important site activities. Ecology also may mail fact sheets containing information about the progress of site activities.

Newspaper Display Ads

Ecology may place display ads in the *Seattle Times*, *Seattle Post Intelligencer*, *North Seattle Herald Outlook*, and *Ballard News Tribune* to announce public comment periods and public meetings or hearings for the site.

Plan Update

This public participation plan is meant to be a dynamic guide for informing and involving the community in the decision-making process at the site. This public participation plan may be updated as the project proceeds. If an update is necessary, the revised plan will be submitted to the public for comment.

Points of Contact

If you have questions or need more information about this plan or the North Yard Property Cleanup and associated documents, please contact the following:

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GLOSSARY

Agreed Order: A legal agreement between Ecology and a potentially liable person to conduct work toward a cleanup.

Aquifer: A water-bearing layer of rock or sediment that is capable of yielding useable amounts of water. Drinking water and irrigation wells draw water from underlying aquifers.

Cleanup: Actions taken to deal with a release, or threatened release of hazardous substances that could affect public health and/or the environment. The term "cleanup" is often used broadly to describe various response actions or phases of remedial responses such as the remedial investigation/feasibility study.

Cleanup Action Plan (CAP): A document that explains which cleanup alternative(s) will be used at sites for the cleanup. The cleanup action plan is based on information and technical analysis generated during the remedial investigation/feasibility study and consideration of public comments and community concerns.

Comment Period: A time during which the public can review and comment on various documents and proposed actions. For example, a comment period may be provided to allow community members to review and comment on proposed cleanup action alternatives and proposed plans.

Contaminant: Any hazardous substance that does not occur naturally or occurs at greater than natural background levels and could have negative impacts on air, water, or soil.

Consent Decree: A formal legal document approved and issued by a court which formalizes an agreement reached between the state (and EPA if involved) and the potentially liable person(s) (PLPs) on what will take place during the Remedial Investigation and Feasibility Study. A Consent Decree is similar to an Agreed Order except that a Consent Decree goes through the courts. Consent Decrees are subject to public comment. If a decree is substantially changed, an additional comment period is provided.

Feasibility Study: This study is designed to develop and evaluate cleanup options for a given site (also see Remedial Investigation/Feasibility Study).

Groundwater: Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel or that fills cracks in bedrock. In some aquifers, groundwater occurs in sufficient quantities that it can be used for drinking water, irrigation and other purposes.

Information Repository: A file containing current information, technical reports, and reference documents available for public review. The information repository is usually located in a public building that is convenient for local residents such as a public school, city hall, or library.

Model Toxics Control Act (MTCA): Legislation passed by citizens of the State of Washington through an initiative in 1988. Its purpose is to identify, investigate, and clean up facilities where hazardous substances have been released. It defines the role of Ecology and encourages public involvement in the decision making process. MTCA regulations became effective March 1, 1989 and are administered by the Washington State Department of Ecology.

Monitoring Wells: Wells drilled at specific locations on or off a hazardous waste site where ground water can be sampled at selected depths and studied to determine details such as the direction in which the ground water flows and the types and amounts of contaminants present.

PCBs: A group of toxic, persistent chemicals (polychlorinated biphenyls) used in transformers and capacitors for insulating purposes and in gas pipeline systems as a lubricant. Further sale for new use was banned by law in 1979.

Potentially Liable Person (PLP): Any individual(s) or company(s) potentially responsible for, or contributing to, the contamination problems at a site. Whenever possible, Ecology requires these PLPs, through administrative and legal actions, to clean up sites.

Prospective Purchaser Consent Decree: A formal legal agreement entered into by the state and a person or company that wants to purchase and redevelop contaminated property. A prospective purchaser's liability for the known contamination is settled before the property is purchased. In return, the prospective purchaser provides resources to clean up contamination at the site.

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

Public Participation Plan: A plan prepared to encourage coordinated and effective public involvement designed to the public's needs at a particular site.

Remedial Investigation/Feasibility Study: Two distinct but related studies. They are usually performed at the same time, and together referred to as the "RI/FS." They are intended to:

- Gather the data necessary to determine the type and extent of contamination;
- Establish criteria for cleaning up the site;
- Identify and screen cleanup alternatives for remedial action; and
- Analyze in detail the technology and costs of the alternatives.

Responsiveness Summary: A summary of oral and/or written public comments received by Ecology during a comment period on key documents, and Ecology's responses to those comments. The responsiveness summary is especially valuable during the Cleanup Action Plan phase at a site when it highlights community concerns.

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

Site: Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

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