



Public Participation Plan

**Delta Marine Industries Cleanup Site
1608 South 96th Street, Seattle WA**

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Region Office

Shoreline, Washington

November 2024

Publication Information

This document is available on the Department of Ecology's [Delta Marine Industries cleanup site page](#).¹

Cover photo credit

- Department of Ecology, November 2024

Related Information

- Cleanup site ID: 15503
- Facility site ID: 22978975

Contact Information

Toxics Cleanup Program

Northwest Region Office

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Phone: 206-594-0000

Website: [Washington State Department of Ecology](#)²

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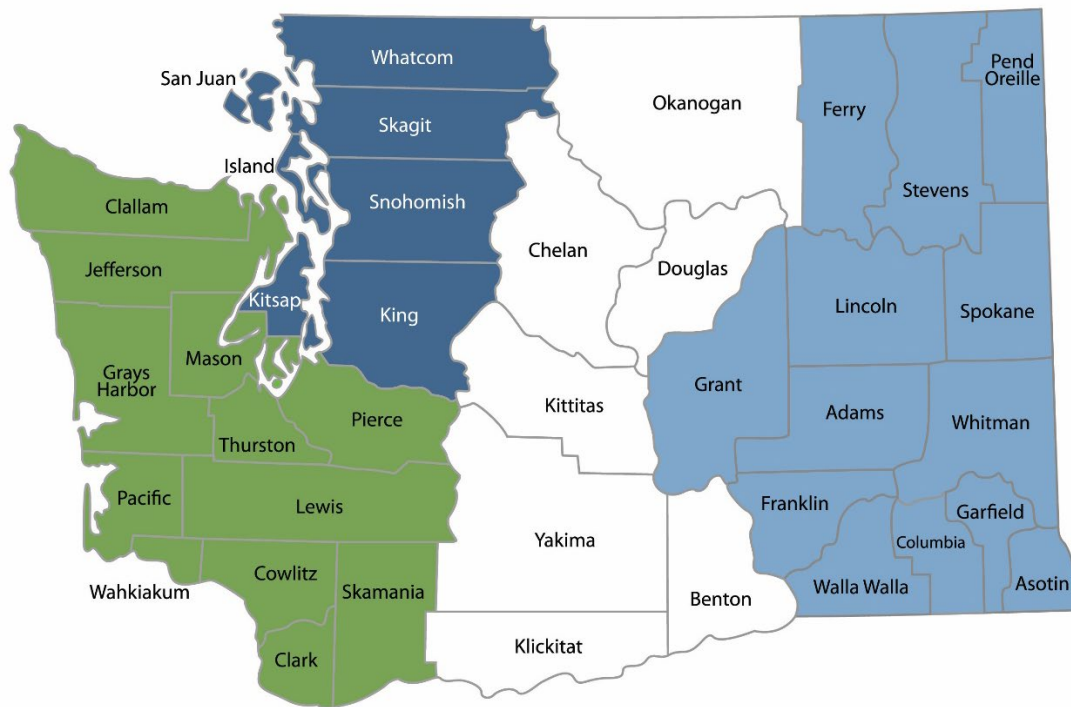
To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at ecyadacoordinator@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

¹ <https://apps.ecology.wa.gov/cleanupsearch/site/15503>

² <https://ecology.wa.gov/contact>

Department of Ecology's Region 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

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 47600 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 1608 96th St. LLC and Desimone Trusts, the two parties who have currently named as potentially liable 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.

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

Northwest Region Office
15700 Dayton Ave N
Shoreline, WA 98133

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206-436-5931

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206-595-0680

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 information³
- Conduct activities that enhance the public's understanding of, and participation in, the cleanup process

³ 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 and Jill Krumlauf at 360-790-5771 or jill.krumlauf@ecy.wa.gov. You may also visit the [Public Participation Grant website](#).⁴

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](#)⁵ 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 \(WAC\)](#).⁶ 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 [Contaminated Sites List](#)⁷, 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, [Washington's cleanup process](#)⁸ includes multiple steps (see Figure 1 and Appendix A), with opportunities for the public to review and comment on cleanup documents. 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.

⁴ <https://ecology.wa.gov/about-us/payments-contracts-grants/grants-loans/find-a-grant-or-loan/public-participation-grants>

⁵ <https://www.ecology.wa.gov/mtca>

⁶ <https://apps.ecology.wa.gov/publications/publications/9406.pdf>

⁷ <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/contaminated>

⁸ <https://ecology.wa.gov/MTCA-process>

State Environmental Policy Act

MTCA cleanups also require evaluation under the State Environmental Policy Act (SEPA; [Chapter 197-11 WAC](#)⁹). 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.

⁹ <https://apps.leg.wa.gov/wac/default.aspx?cite=197-11>

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.



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Figure 1: Steps in Washington's Cleanup Process¹⁰

¹⁰ <https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html>

Site Information



Figure 2: Map of the Delta Marine Industries cleanup site

Land use

The Delta Marine Industries cleanup site is located in the vicinity of 1608 S 96th Street and 1801 S 93rd Street in Seattle, Washington. The site includes the Delta Marine property (containing one parcel), which is owned by 1608 S 96th St. LLC, and the Duwamish Yacht Club property (containing three separate parcels) which is owned by the Desimone Trusts. The properties are situated within a mixed-use industrial and commercial zone near the Lower Duwamish Waterway (LDW).

Historically, the site has been utilized for a variety of purposes. The western portion of the Delta Marine property was primarily used for agricultural purposes until the mid-20th century. By 1969 it transitioned into a yacht-building and repair facility for Delta Marine Industries. The eastern portion of the Delta Marine property was previously occupied by auto wrecking facilities before its redevelopment for marine industrial use. Current structures on the Delta Marine property include storage buildings and shop facilities used for yacht manufacturing.

The Duwamish Yacht Club property was used for agricultural purposes in the early part of the 20th century, before being converted to commercial and industrial use in the 1960's. The Duwamish Yacht Club property has also been used for boat storage and marine industrial activities. The Duwamish Yacht Club is located along the LDW, which has been developed for marina use and includes a clubhouse, office, storage sheds, and several floating docks along the LDW.

Contamination

The site has a contamination history linked to its industrial and commercial activities, which have spanned several decades and included a mix of agricultural and auto wrecking uses. Initially used for agriculture, the site was impacted by auto wrecking operations and the introduction of fill material from the Lower Duwamish Waterway, likely containing metals and petroleum hydrocarbons. Environmental investigations in 2019 and 2021, including subsurface sampling and historical land use reviews, identified contaminants in the soil, groundwater, and catch basin sediments. The presence of metals, petroleum hydrocarbons, and other hazardous substances from former industrial operations and imported fill material has been confirmed.

Soil contaminants:

arsenic, cadmium, lead, thallium, and polycyclic aromatic hydrocarbons (PAHs)

Groundwater

contaminants: petroleum hydrocarbons, antimony, arsenic, lead, and PAHs

Soil vapor contaminants:

petroleum hydrocarbons and volatile organic compounds (VOCs)

Cleanup plans

In 2024, Ecology is issuing a legal agreement (Agreed Order) for public review that requires 1608 S 96th St. LLC and Desimone Trusts to investigate environmental conditions and complete a Remedial Investigation (RI), Feasibility Study (FS), and a draft Cleanup Action Plan (dCAP). Each of these steps will require a public comment period.

Area community

Neighborhood

The Site is in the South Park neighborhood of the City of Seattle and across the waterway from the Georgetown neighborhood. The Lower Duwamish Waterway (LDW) borders the Site to the East. The blocks surrounding the Site have a mixture of residential, commercial, and industrial uses.

South Park is within Washington's 7th Congressional District, 34th Legislative District, and King County Council's 8th District. 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.

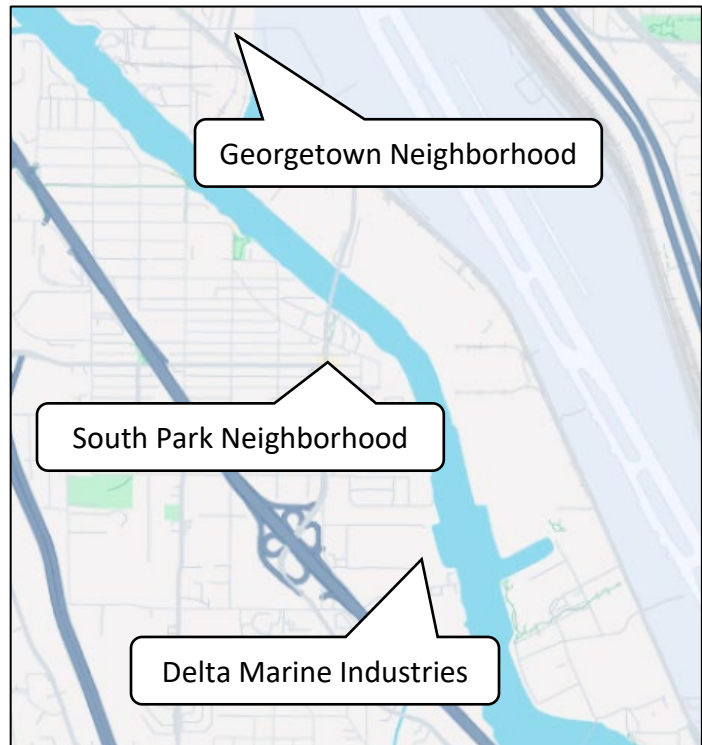


Figure 3: Map of Delta Marine Industries location

Tribal engagement

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 evaluates environmental health risk factors in communities.

Ecology does not interpret rankings as absolute values, and we do not use them to diagnose a community health issue or to label a community. Environmental health disparity is ranked on a scale of 1-10 (low to high) and is relative to other locations in the state. The census tract for the Site ranks 10 for environmental health risk. (See Figure 4).

The Washington State Department of Health mapping tool model was “specifically adapted from CalEnviroScreen – a cumulative environmental impacts assessment mapping tool developed by CalEPA and used in California. – It estimates a cumulative environmental health impact score for each census tract reflecting pollutant exposures and factors that affect people’s vulnerability to environmental pollution.

The model is based on a conceptual formula of Risk = Threat * Vulnerability, where threat and vulnerability are based on several indicators.

The threat is represented by indicators that account for pollution burden, which is a combination of environmental effects and environmental exposures in communities. Environmental effects include indicators that account for adverse environmental quality generally, even when population contact with an environmental hazard is unknown or uncertain. Environmental exposures include the levels of certain pollutants that populations come into contact with.

Vulnerability is represented by indicators of socioeconomic factors and sensitive populations for which there is clear evidence that they may affect susceptibility or vulnerability to an increased pollution burden. Indicators in socioeconomic factors measure population characteristics that modify the pollution burden itself. Sensitive populations refer to those who are at greater risk due to intrinsic biological vulnerability to environmental stressors.

In the model, threat is multiplied by vulnerability in order to reflect the scientific literature that indicates population characteristics often modify and amplify the impact of pollution exposures on certain vulnerable populations. The rankings help to compare health and social factors that may contribute to disparities in a community.”

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

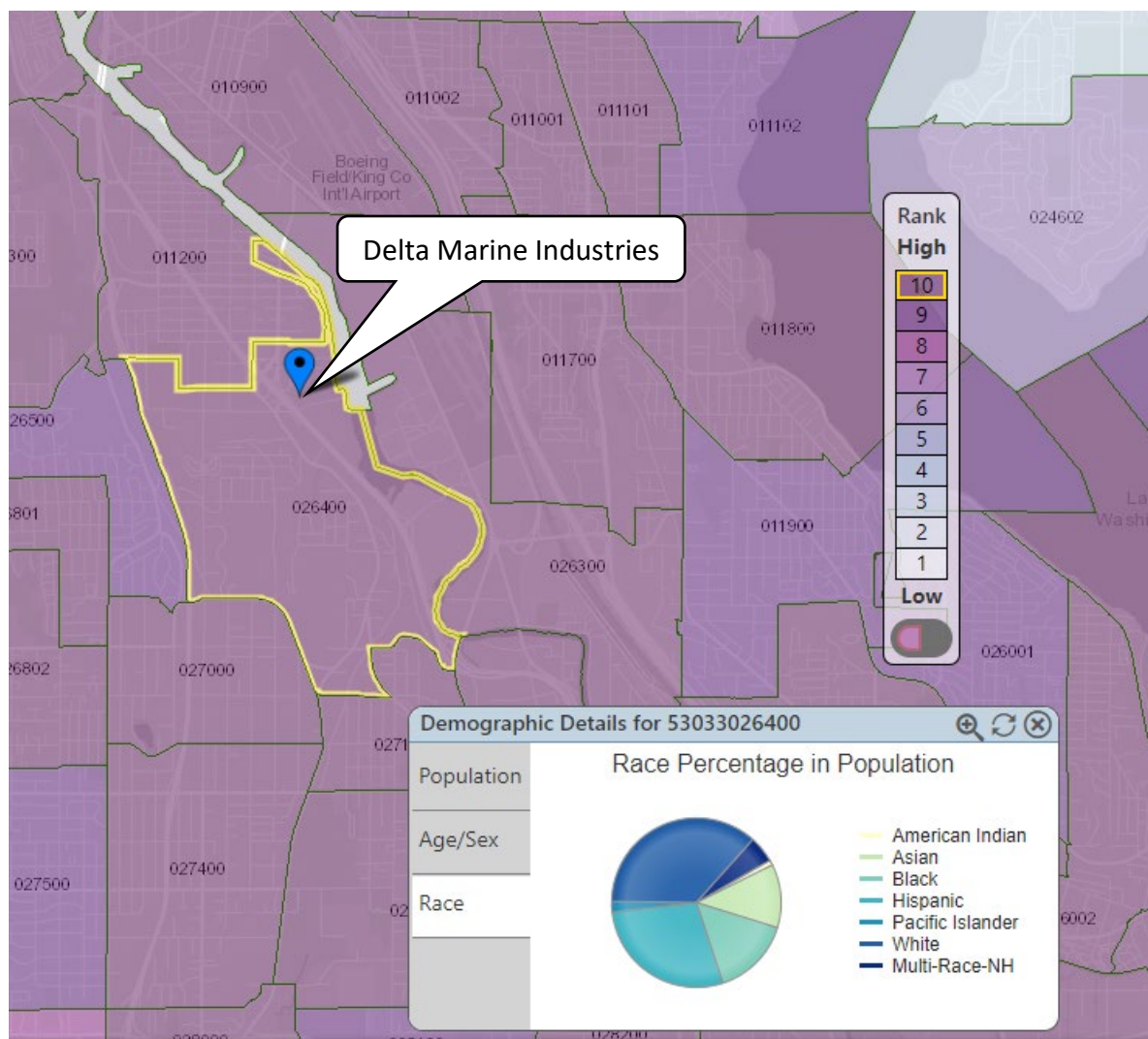


Figure 4: Washington Environmental Health Disparities Map for South Park and Georgetown

Environmental Justice

The [Environmental Justice Screening and Mapping Tool \(EJScreen\)](https://ejscreen.epa.gov/mapper/index.html)¹² has been developed by the Environmental Protection Agency (EPA). It is based on nationally consistent data and an approach that combines environmental and demographic indicators in maps and reports. Ecology uses this information to tailor its communications to the needs of communities through various means. These include developing language translations and identifying the need for interpreters. Ecology translates materials like fact sheets into languages that are spoken by 5% or more of the local community and considers accommodations when socio-economic indicators are above the EPA 80th percentile in-state threshold.

The data below was generated for a one-mile area around the Site using the EJScreen. See Appendix B for the “EPA EJScreen Community Report” and Figure 5 for the screened area.

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

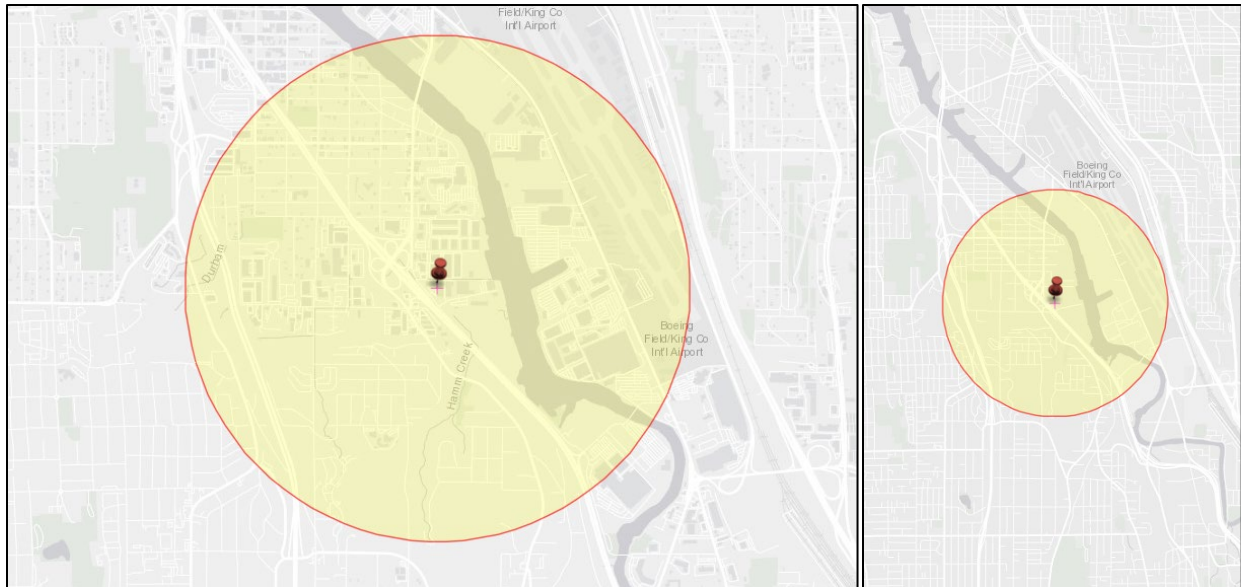


Figure 5: EPA EJScreen generated maps of the outreach impact area for this project

Ecology will reach out to cultural community organizations as part of our outreach and provide information in other languages as appropriate following federal guidance.¹³ The non-English languages most widely spoken in the area are Spanish (25%) and Vietnamese (4%). 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.

Outreach in the LDW Source Control and EPA Superfund impact area has a long history, generates significant community interest, and must be conducted in that context. These historic neighborhoods, where people live side-by-side with industry, require extra attention and a delicate touch when it comes to outreach. Georgetown and South Park are two of the most diverse communities in the city and have large immigrant populations. Reaching traditionally underserved populations within the project area is a priority, so we will tailor our outreach to meet this goal.

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

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).

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-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). In addition to these methods, Ecology may engage with the community by attending community meetings and events to directly connect with residents, listen to concerns, and provide updates on cleanup progress. We may also host regular 'community office hours' events to ensure residents can engage with Ecology staff. Finally, we may provide opportunities for community input on our outreach approach, including distributing surveys in multiple languages to gather feedback on preferred engagement methods and community needs.

Postal mailing list

Ecology maintains a mailing list that includes addresses within a 1-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 Augie Nuszer at 425-533-5537 or Augie.Nuszer@ecy.wa.gov.

Site Register

Public comment periods, events, and other cleanup notices are published in Ecology's [Contaminated Site Register](#).¹⁴ To receive the *Contaminated Site Register* by email, please [subscribe online](#),¹⁵ or contact Sarah Kellington at sarah.kellington@ecy.wa.gov or 360-280-3167.

¹⁴ <https://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

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 Augie Nuszer at 425-533-5537 or Augie.Nuszer@ecy.wa.gov.

Ecology's website and social media platforms

We maintain a website [Delta Marine Industries 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

Places to see print documents

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

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

Washington Department of Ecology
Northwest Region Office
15700 Dayton Ave N
Shoreline, WA 98133

To schedule an appointment, please contact the Northwest Region Office Central Records staff at 425-649-7239 or nwro_public_request@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.

¹⁶ <https://ecology.wa.gov/Events/Search/Listing>

¹⁷ <https://apps.ecology.wa.gov/cleanupsearch/site/15503>

¹⁸ <https://ecology.wa.gov/About-us/Get-to-know-us/News>

How to share information with us

At minimum, MTCA requires 30-day public comment periods for draft cleanup documents and 14-day comment periods SEPA documents. SEPA documents are often made available for public review with other cleanup documents. In that case, we combine the comment periods, and they last at least 30 days. We may hold comment periods longer than 30 days.

We may also identify public concerns and cleanup goals by meeting with and soliciting information from interested community members and organizations. To collaborate with us about this site, please contact Augie Nuszer at 425-533-5537 or Augie.Nuszer@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 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.

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 our [ADA website](#).¹⁹ People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

¹⁹ <https://ecology.wa.gov/About-us/Accessibility-equity/Accessibility>

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 Augie Nuszer at 425-533-5537 or Augie.Nuszer@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.

Appendices

Appendix A. MTCA Cleanup Process

The cleanup process is defined in the Model Toxics Control Act (MTCA), Washington's cleanup law. See the attached, accessible PDF for details.

Appendix B. EPA EJScreen Community Report

EPA's EJSCREEN report for a one-mile radius of the Delta Marine Industries Site.