



WASHINGTON STATE  
DEPARTMENT OF  
E C O L O G Y

## **PUBLIC PARTICIPATION PLAN**

### **Juanita Village Property Kirkland, Washington**

**Juanita Village LLC  
10843 N.E. 8<sup>th</sup> Street, Suite 200  
Bellevue, WA 98004**

**Prepared by**

**Washington State Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, Washington 98008-5452**

**May 2000**

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## **1.0 INTRODUCTION**

The Juanita Village site, located in the Juanita Business District of Kirkland, Washington (herein after referred to as the site) contains contamination from historical commercial activities location shown on figure 1. This property can be described as a Brownfields site. Brownfields sites are typically underused or abandoned because of environmental contamination. In the past, such environmental contamination prevented the sale or redevelopment of such properties because of real or perceived potential environmental liability. Nationally, communities, developers, agencies and others are working to change the way we manage and regulate Brownfields sites to encourage their redevelopment. The Washington State Department of Ecology (Ecology) and the U.S. Environmental Protection Agency embrace Brownfields redevelopment as an important program.

Juanita Village L.L.C. recently obtained an option to purchase the Juanita Village site for redevelopment. Prior to redeveloping the site, the environmental contamination must first be addressed and cleaned up. Juanita Village L.L.C. volunteered and conducted an environmental investigation and has submitted a draft Cleanup Action Plan (CAP) for Ecology's review under the Model Toxics Control Act (MTCA), Washington state's cleanup regulations. Once Ecology completes their review and the public has an opportunity to comment, the document will be finalized and a formal agreement and schedule for the cleanup will be ready for implementation.

This Public Participation Plan describes a program for community involvement during the site cleanup, Phase I of the project. Phase II will be redevelopment of the site. Although information about redevelopment is included in this plan, public participation activities for Phase II are the sole responsibility of Juanita Village L.L.C. and City of Kirkland, and will be addressed separately.

### **1.1 Public Participation at Site Cleanup**

Public participation is a fundamental element of Washington's state cleanup regulations - MTCA. Under the regulations, sites undergoing investigation and cleanup of contaminated soil and groundwater with oversight from Ecology require a Public Participation Plan. Such a plan integrates a series of community outreach mechanisms with the ongoing technical studies and land use issues to solicit public participation. While certain aspects of the plan are prescribed by regulation, it is our intent to customize the information to the specific needs of the community. Active solicitation of community participation will result in a more focussed and effective cleanup.

### **1.2 Roles and Responsibilities of Plan Participants**

Juanita Village L.L.C., with input and oversight by Ecology, proposes to clean up and develop the site. Juanita Village L.L.C. is not listed as a potentially liable party for contamination at the site. Rather, it seeks to enter into an agreement with Ecology that will address the site environmental issues and protect itself from future environmental liability. Such an agreement will allow the redevelopment of the site to move forward and provide the community benefits associated with returning the entire site to more productive land use. Juanita Village L.L.C. and Ecology, working jointly under this agreement called the Prospective Purchaser Consent Decree, will be responsible for implementing the Plan that is presented in this document.

## **2.0 SITE BACKGROUND**

### **2.1 Location and Description**

The property consists of approximately 11 acres located in the Juanita Business District of Kirkland, Washington. Figure 1 shows the vicinity map of the Juanita Village property. The site currently has a small strip mall, a drive-through bank, a stand alone Bank of America building, a vacant grocery store, an automotive repair facility (Juanita Auto Clinic). The Juanita Village property is zoned for mixed use including office, retail and residential uses.

The nearest surface water bodies are Lake Washington, located approximately 600 feet to the south from the Juanita Village southern property boundary, and Juanita Creek located approximately 300 feet northwest of the Juanita Village northwestern property boundary.

The topography of the northern portion of the property is generally flat with a slight lowering in grade to the south-southwest. The central and southern portion of the property is also flat, but there is a distinct change in grade between the southern edge of the northern asphalt parking lot and the central vegetated area. There is a retaining wall, about two feet in height, across a portion of the site and a small area of steep grade on the western and southern perimeters of the Juanita Auto Clinic location and within a vegetated southern area.

The Juanita Village property is surrounded by retail, residential and office buildings to the north, small strip centers and commercial buildings to the east across 98<sup>th</sup> Avenue NE, and office buildings, condominiums, and Juanita Beach Park to the south across Juanita Drive NE. Play fields for the Juanita Beach Park, the German Retirement Home and commercial and residential structures are located directly west of the property across 97<sup>th</sup> Avenue NE.

### **2.2 History**

The northern portion of the site was first developed commercially in approximately 1965-1966. The development included the currently vacant grocery store building, the one-story retail complex, the office building located north of the grocery store, and the present-day Bank of America building. A dry cleaning operation was present in the strip mall in the early 1970s, although the specific starting date of the dry cleaner's lease is unknown.

The east-central portion of the site currently occupied by the Juanita Auto Clinic (former Texaco service station) was developed in the late 1960s. Most of the underground gasoline storage tanks associated with the former Texaco station were removed in 1984. Two small underground tanks remain and will be removed with this cleanup.

A former Chevron service station was located on the southeastern corner of the subject property starting in the mid-1950s. The Chevron service station's underground storage tanks were removed in 1993. Subsequent soil and ground water remediation was conducted following removal of the underground storage tanks and most of the contamination was removed. However, there are a few isolated occurrences that will be removed or treated during cleanup.

### **2.3 Contaminants of Concern**

The contaminants of concern at the Juanita village site are tetrachloroethene, also called perchlorethene (PCE), a common dry cleaning solvent, and petroleum hydrocarbons. PCE contamination exists in the soil and groundwater and is most likely attributable to the historic dry cleaning operation. The petroleum contamination exists in the soil at the site of the former Chevron station.

### **3.0 COMMUNITY PROFILE**

#### **3.1 Juanita Community Description**

The Juanita neighborhood is located adjacent to Juanita Bay on the northeast side of Lake Washington. The area, covering 1.2 miles, was annexed by the City of Kirkland in 1988. The recreational centerpiece of Juanita is the 29.5 acre Juanita Beach Park which draws many visitors from surrounding areas during the summer. The neighborhood population is economically diverse. The nearby German Retirement Home, directly west of the site, is currently home to nearly 50 senior citizens.

#### **3.2 Key Community Concerns Surrounding Cleanup Actions**

Interviews conducted with residents of the Juanita community indicated that neighborhood residents and businesses are in favor of cleaning up the on-site contamination. The City of Kirkland considers the cleanup of contamination crucial to achieving the City's goals for the Juanita neighborhood. Concerns expressed about the contaminants reaching Juanita Creek or Lake Washington are addressed by the draft Cleanup Action Plan and its implementation.

### **4.0 SITE CLEANUP AND REDEVELOPMENT PROCESS**

#### **4.1 MTCA Process**

In general, the Model Toxics Control Act (MTCA) identifies seven required steps to clean up a site. The seven steps include:

- 1) Site Discovery
- 2) Initial Investigation
- 3) Site Hazard Assessment
- 4) Hazard Ranking
- 5) Remedial Investigation/Feasibility Study
- 6) Selection of a Cleanup Action
- 7) Site Cleanup

The Juanita Village property has advanced to Step 6. The draft Cleanup Action Plan (CAP) was submitted for Ecology review on January 21, 2000. The CAP presents the information required in Step 5-Remedial Investigation/Feasibility Study, Step 6-Selection of a Cleanup Action, and presents a plan for implementing Step 7-Site Cleanup.

The MTCA also requires that cleanups be conducted in accordance with applicable requirements such as the Puget Sound Clean Air Authority requirements (PSCAA), and other environmental laws. One such law that is relevant to the Juanita Village cleanup is the state

Hazardous Waste Management Act (HWMA) (Chapter 70.105 RCW). The HWMA establishes handling requirements for certain wastes that can pose threats to human health or the environment. The primary contaminant of concern at the site, perchloroethene (PCE), is subject to the HWMA. The Cleanup Action Plan for this site will ensure that the applicable requirements of the HWMA are met.

#### 4.2 Cleanup and Redevelopment Timeline

The following are key milestones in the cleanup and redevelopment process and tentative startup dates:

|                                     |   |
|-------------------------------------|---|
| May 2-June 16 Public Comment Period |   |
| May 24                              | Public Meeting and Public Hearing   |
| June                                | Ecology prepares Responsiveness Summary   |
| July                                | Prospective Purchaser Consent Decree recorded in Washington Superior Court of King County |
| July-October                        | Engineering Design for Cleanup  |
| Fall 2000                           | Cleanup Begins  |
| 2002-2005                           | Compliance Monitoring/Cleanup Completed with estimated cleanup timeframe 2-5 years        |
| 2002-2005                           | Certificate of Completion   |

#### 4.3 Prospective Purchaser Agreement

MTCA gives the Attorney General the authority to agree to a settlement with a person not currently liable for site cleanup (also called remedial action) at a site. This settlement is called the Prospective Purchaser Agreement (PPA) and allows the person to propose to purchase, redevelop, or reuse a facility with environmental impacts under certain conditions. These conditions include:

- Facilitating environmental cleanup by providing substantial new resources;
- Expediting a remedial action; and
- If the proposed development does not contribute to the existing or threatened release of hazardous materials; does not interfere with necessary remedial action; and does not increase health risks to persons near the site.

The administrative mechanism for a PPA is a Consent Decree. A PPA proposal has already been submitted for Ecology review. This proposal describes in detail how Juanita Village’s proposed redevelopment meets the above conditions. The Juanita Village L.L.C. proposal provides substantial community benefit through more beneficial site land use and providing an Ecology-approved environmental cleanup that would not otherwise occur. Ecology and Juanita Village L.L.C. have negotiated the terms of the Prospective Purchaser Consent Decree and it is available for public review and comment along with the Cleanup Action Plan and related documents.

#### 4.4 Selected Cleanup Actions

The proposed redevelopment of the site will result in mixed residential and retail land use in an integrated village style development. Cleanup levels based on a residential setting are proposed.

The selected cleanup action will allow Juanita Village to conduct redevelopment on a site that meets residential cleanup levels. Residential cleanup levels are more stringent than industrial site cleanup levels. This will ensure the appropriate level for health and safety of construction personnel, future retail tenants, and residents. Following is an outline of the proposed cleanup actions. To learn more about the proposed cleanup actions refer to the draft Cleanup Action Plan which is also available for comment at this time at the locations listed in section 5.1 under Information Repositories.

#### **4.5 Proposed Land Use**

The future use of the site as presented in this section assumes that the Cleanup Action Plan (CAP) is implemented through a Prospective Purchaser Consent Decree with Ecology.

Juanita Village proposes to fully address site environmental issues and redevelop the site for mixed retail-residential land use. The planned Juanita Village development is a European-style pedestrian oriented village with shops, restaurants, boutiques and specialty markets surrounded by a diverse variety of housing including live/work lofts, town homes, studios, and stacked flats. Existing site structures will be removed for cleanup and redevelopment. This cleanup will result in removing and treating contamination and eliminating threats to human health and the environment. The proposed cleanup will greatly reduce contamination below the Cleanup Levels and decrease threats to human health and the environment on a more timely basis than would otherwise occur.

### **5.0 PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITIES**

The purpose of this Public Participation Plan is to promote public understanding and participation in the cleanup under the Model Toxics Control Act (MTCA) planned for this site. This section of the Plan addresses how Ecology will share information and receive public comments and community input on the proposed site Cleanup Action Plan and associated documents. Ecology, working with Juanita Village L.L.C., retains lead responsibility for these activities.

As stated in the Introduction, public participation related to redevelopment will be the responsibility of Juanita Village L.L.C. and will be addressed separately under the City's appropriate processes.

You, as a member of the public, have the right and the opportunity to review and comment on the proposed Cleanup Action Plan, the Prospective Purchaser Consent Decree, the Public Participation Plan, and other documents associated with this proposed cleanup.

#### **5.1 Public Involvement Tools**

Ecology uses a variety of tools aimed at facilitating public participation in the planning and cleanup of a MTCA site. The following is a list of these tools, their purpose and when and how they will be used during this site cleanup.

## **Formal Public Comment Period**

Comment periods are the primary way Ecology gets comments and feedback from the public on proposed cleanup decisions. Comment periods are at least 30 days long and are required at key points during the cleanup process before final decisions are made. During a comment period, the public can comment in writing, by e-mail, or oral comments to Ecology and at the public hearing.

For the Juanita Village site a 30-day comment period will be held between May 2 and June 16, 2000. During this time, the community will have the opportunity to comment on the proposed Prospective Purchaser Consent Decree, Cleanup Action Plan, State Environmental Policy Act (SEPA) environmental checklist and Determination of Non-Significance (SEPA-DNS), and this Public Participation Plan.

## **Public Meetings and Hearings**

MTCA requires a public hearing during the comment period for all proposed consent decrees. For other types of actions, an open house and/or public meeting is often held if there is a high level of interest about a site. An open house is an opportunity for people to drop in and learn about the site and the proposed cleanup in an informal setting.

This site involves a draft consent decree and a high level of interest, therefore, an open house and public hearing will be held during the comment period. The public meeting and public hearing are scheduled to occur on Wednesday, May 24, 2000 at Holy Spirit Lutheran Church at 10021 NE 124<sup>th</sup> Street, in Kirkland with the open house from 5 – 7 pm, and the public meeting at 7 pm followed by the public hearing.

## **Responsiveness Summaries**

After every public comment period, Ecology reviews and responds to all comments received, both oral and written, and prepares a summary report called the Responsiveness Summary. Ecology considers changes or revisions based on the input from the public. If significant changes are incorporated into the documents based on public comment (see WAC 173-340-600(9)(c)), then a second comment period is held. If no significant changes are made to the documents, then the Prospective Purchaser Consent Decree is filed in Washington State Superior Court with the Cleanup Action Plan and associated documents, and the Cleanup Engineering Design begins. A copy of the Responsiveness Summary is sent to all people who submitted comments and it is also made available at the Information Repositories with the other pertinent site documents.

## **Information Repositories**

Information repositories are convenient places where you may 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. Documents remain at the repositories for the entire duration of the cleanup. Ecology's Central Files can make copies of documents for a fee.



For the Juanita Village site cleanup, the information repositories will be:

|  |   |  |   |
|--|---|--|---|
| Kirkland Library<br>Reference Desk<br>308 Kirkland Ave.<br>Kirkland<br>425-822-2459<br>press 5-Reference | City of Kirkland<br>Planning Dept.<br>Case#ADR-IIA-98-102<br>123 Fifth Avenue<br>Kirkland<br>425-828-1256 | The Ecology web site:<br><a href="http://www.wa.gov/ecology/tcp/cleanup.html">www.wa.gov/ecology/<br/>tcp/cleanup.html</a> . | Department of Ecology<br>Northwest Regional Office<br>3190 160th Avenue SE<br>Bellevue<br>425- 649-7190 |
|--|---|--|---|

Documents available at these repositories will include the Prospective Purchaser Consent Decree, Cleanup Action Plan, SEPA environmental checklist and DNS, and this Public Participation Plan, and later the Responsiveness Summary, Engineering Design and other documents prepared for this site cleanup will be available at the repositories for your review and information.

### **Site Register**

One of the Department of Ecology Toxics Cleanup Program's primary communication tools is the Washington State Site Register. All public meetings and comment periods as well as many other site activities are published in this bimonthly report. This public comment period will be announced in the Site Register. To receive the Site Register, contact Sherrie Minnick at (360) 407-7200 or [shan461@ecy.wa.gov](mailto:shan461@ecy.wa.gov).

### **Mailing List**

MTCA requires that notice shall be mailed to persons who reside within the potentially affected vicinity of the proposed action. The potentially affected vicinity shall include all property within 300 feet of the site and any other property that is determined to be directly affected by the proposed action.

Ecology will compile a mailing list for this site. The list will include the above plus other individuals, groups, public agencies, elected officials, and private businesses and industries that request site-related mailings, as well as other known interested parties. The list will be maintained at Ecology's NWRO and will be updated as needed.

### **Fact Sheets**

Fact sheets are site-specific newsletter-like publications that are mailed to interested persons, businesses, government agencies, and residents in and around affected communities. The fact sheet is used as a public notice to inform them of comment periods and important site activities. Fact sheets are also used to informally update the community on the progress of the site cleanup.

For this site, a fact sheet will be mailed to announce the formal comment period, public hearing and availability of site documents to be reviewed. Future fact sheets will periodically update the community on the progress of the site cleanup.

### **Notice/Display Ads**

Notice of the proposed action and comment period shall be published in the newspaper of largest circulation in the city or county of the proposed action. Display ads are preferred as they are easier to find and easier to understand compared to legal notices.

The public notice/display ad for this site to announce the comment period and public hearing will be placed in Eastside Journal.

## **5.2 Plan Updates**

This Public Participation Plan may be updated as the project proceeds. If an update is necessary then the revised plan will be submitted to the public for comment.

## **5.3 Public Points of Contact**

**Department of Ecology**  
3190 160th Avenue SE  
Bellevue WA 98008-5452

Maura S. O'Brien  
Site Manager  
425- 649-7249  
Fax 425-649-7098  
[mobr461@ecy.wa.gov](mailto:mobr461@ecy.wa.gov)

**Juanita Village, L.L.C.**  
10843 NE 8<sup>th</sup> Street, Ste. 200  
Bellevue WA 98004

Andrew W. Colquitt  
Managing Director  
425- 688-0096  
Fax 425-637-1922