

PUBLIC PARTICIPATION PLAN UPDATE

Cleanup Action Plan
Kent Highlands Landfill
Kent, Washington

Washington State Department of Ecology
Northwest Regional Office
Toxics Cleanup Program
Bellevue, Washington

October, 1992

I. INTRODUCTION AND OVERVIEW

The Washington Department of Ecology (Ecology) is committed to providing public involvement opportunities during the investigation and cleanup of hazardous waste sites. The Public Participation Plan is intended to promote public understanding of Ecology's responsibilities, planning activities and remedial activities at such sites. It also provides an opportunity for Ecology to gain information from the public that will help the department to develop a comprehensive cleanup plan that is protective of both human health and the environment.

A. The goal of the public involvement effort and the Public Participation Plan is to ensure that the public is kept informed as the cleanup proceeds. This plan discusses the community's concerns and outlines public involvement activities to be conducted for the phases of cleanup covered by this plan. This Public Participation Plan was organized by and all public involvement activities will be carried out by Marianne Deppman, a public involvement specialist with the Department of Ecology's Toxics Cleanup Program. Marianne can be reached at (206) 649-7254.

B. The plan is organized as follows:

- I. Introduction and overview of plan
 - A. Purpose
 - B. Organization
 - C. Intent
- II. Site background
- III. Community concerns
 - A. Community characterization
 - B. Interview results
- IV. Public involvement activities
- V. Glossary

The plan will be reviewed at each phase of cleanup and amended or rewritten as appropriate.

- C. This Public Participation Plan addresses public involvement activities that will take place during the Cleanup Action Plan stage of the cleanup process. The plan has been tailored to the needs of the public based on the nature and stage of the cleanup, the level of public concern, and the risks posed by the site.

II. SITE BACKGROUND

Kent Highlands Landfill is located in Kent, about 14 miles south of Seattle, Washington. The landfill occupies about 60 acres of a 90-acre site located north of the Kent-Des Moines Road (SR 516) and about .3 miles east of Interstate 5. The City of Seattle (Seattle) leases the site from the City of Kent.

Seattle used the landfill as a municipal dump from 1968 until its closure in December 1986. In 1986 the U.S. Environmental Protection Agency (EPA) placed the landfill on the National Priorities or Superfund list.

In 1987, Ecology negotiated a consent order with Seattle to conduct a Remedial Response Program under the authority of the state Water Pollution Control Act (the cleanup is now being conducted under the authority of the Model Toxics Control Act). The remedial response program included: 1) A Remedial Investigation to determine the nature and extent of the contamination at the site. The RI report was completed in 1991; 2) A Feasibility Study to evaluate the cleanup alternatives at the site -- this document is called the Closure Action Report and was produced by the City of Seattle -- this report was completed in mid-1992.

The Remedial Response Program was also to include the detailed outline of the final cleanup and closure actions chosen from the alternatives evaluated in the Closure Action Report. Under the Model Toxics Control Act this document is called the Cleanup Action Plan. The Draft Cleanup Action Plan was completed in October 1992. Before the plan can be adopted as final, the public is invited to review and comment on it during a 30-day comment period. Once the public has had this opportunity, the Cleanup Action Plan will be finalized.

III. COMMUNITY CONCERNS

The Public Participation Plan Update was developed after interviewing local residents, citizen activists and city officials from Kent and Seattle.

- A. The site is surrounded by a freeway, undeveloped land and suburban land uses including single family residential, commercial and recreational uses. (See community relations plan written in 1987.)
- B. Due to the dramatic events surrounding the closure of the Midway landfill located just one mile south of Kent Highlands, citizens in the area have been very interested and active in the closure actions at Kent Highlands.

The early concerns at the site are noted in the community relations plan written at the time of the original consent order in 1987. The following is a description of concerns at the Draft Cleanup Action Plan phase of the cleanup -- five years after the cleanup work began.

Interviewees seemed pleased with the way the cleanup has progressed to this point. They indicated they were pleased that the city and Ecology had responded to their concerns and started the cleanup work.

The remaining concerns centered around:

- Future development of the site
- Will the final construction be disruptive to the surrounding area?
- Leachate and stormwater collection and treatment and the effect of these on the Green River and Midway Creek. Making sure the collection ponds are large enough to handle storm events.
- Landfill gas burning. Will the gas be burned completely? Need to be sure that the burning of the gas isn't harmful.
- Need to be sure the landfill will be monitored continuously to be sure closure actions are effective -- especially the off-site wells.

VI. PUBLIC INVOLVEMENT ACTIVITIES

Ecology proposes the following public involvement activities for the site, keeping in mind the information and level of concern indicated by the community interviews. Public involvement for the Kent Highlands Landfill Site during the Draft Cleanup Action stage shall consist of the following activities:

- A. **A 30-day public comment period for the Draft CAP.** The public comment period will begin October 14, 1992 and end November 13, 1992.

- B. A public meeting will held at 7:00 pm on October 28, 1992 at Sunnycrest Elementary School, located at 24629 42nd Ave. South in Kent. The public meeting will be announced in a fact sheet delivered to nearly 800 people in the affected vicinity, and in advertisements in the Seattle Times South Zone, the Valley Daily News and the Highline Times and Federal Way News.

- C. Residences and businesses in the vicinity of the site will be notified of the 30-day public comment period by a delivered fact sheet. The fact sheet will be delivered on October 13, 1992.

The fact sheet will also be sent to individuals, environmental groups, public officials, public agencies and private firms that have expressed an interest in the site.

- D. The public comment period will be advertised in the Seattle Times South Zone and The Valley Daily News on October 19 and in the Highline Times and the Federal Way News on October 21. The ads will be 3 columns wide by 5 inches high.

- E. The public shall have an opportunity to review the proposed Enforcement Order and the Public Participation Plan at the following repositories/locations:

Department of Ecology
Northwest Regional Office
Attn: Judy Fisher
3190 160th Avenue SE
Bellevue, WA 98008-5452
(206) 649-7239

Kent Library
212 2nd Ave. North
Kent, WA 98032

Des Moines Library
21620 11th Ave. South
Des Moines, WA 98198

- F. All comments received during the public comment period will be maintained for the administrative record. A formal Responsiveness Summary will be prepared addressing all written comments received during the public comment period. The summary will be placed with the other site documents in the information repositories listed above. A copy of the Responsiveness Summary will also be sent to all who commented.

- G. Persons requesting to be placed on the mailing list for the site will receive updates on site activities as new information becomes available. Those on the initial mailing list will receive all future mailings regarding this site.
- H. When additional public involvement activities are needed, the public will be notified through additional fact sheets, notification in Ecology's Site Register, advertisements in the Seattle Times South Zone and the Valley Daily News. This Public Participation Plan will then be updated and placed in the information repositories listed above.
- I. If Ecology and the potentially liable person agree to substantial changes to the Draft Cleanup Action Plan, Ecology shall provide additional public notice and an opportunity to comment.

Appendix A

GLOSSARY

Agreed Order: A legal document, issued by Ecology, which formalizes an agreement between Ecology and the potentially liable persons for the actions needed at a site. An agreed order may be used for all remedial actions except for non-routine cleanup actions and interim actions that constitute a substantial majority of a cleanup action likely to be selected. Since an agreed order is not a settlement, an agreed order shall not provide for mixed funding, a covenant not to sue, or protection from claims for contribution. An agreed order means that the potentially liable person agrees to perform remedial actions at the site in accordance with the provisions of the agreed order and that Ecology will not take additional enforcement action against the potentially liable person to require those remedial actions specified in the agreed order so long as the potentially liable person complies with the provisions of the order. Agreed orders are subject to public comment. If an order substantially changes, an additional public comment period is provided.

Applicable state and federal laws: All legally applicable requirements and those requirements that Ecology determines are relevant and appropriate requirements.

Area background: The concentrations of hazardous substances that are consistently present in the environment in the vicinity of a site which are the result of human activities unrelated to releases from that site.

Carcinogen: Any substance or agent that produces or tends to produce cancer in humans.

Chronic toxicity: The ability of a hazardous substance to cause injury or death to an organism resulting from repeated or constant exposure to the hazardous substance over an extended period of time.

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

Cleanup action: 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 cleanup levels; utilizes permanent solutions to the maximum extent practicable; and includes adequate monitoring to ensure the effectiveness of the cleanup action.

Cleanup action plan: A document which selects the cleanup action and specifies

cleanup standards and other requirements for a particular site. The cleanup action plan, which follows the remedial investigation/feasibility study report, is subject to a public comment period. After completion of a comment period on the draft cleanup action plan, Ecology issues a final cleanup action plan.

Cleanup Level: The concentration of a hazardous substance in soil, water, air, or sediment that is determined to be protective of human health and the environment under specified exposure conditions.

Cleanup process: The process for identifying, investigating, and cleaning up hazardous waste sites.

Consent Decree: A legal document, approved and issued by a court, which formalizes an agreement reached between Ecology and potentially liable persons on the actions needed at a site. A consent decree is subject to public comment and a public meeting is required. If a consent decree substantially changes, an additional comment period is provided. After satisfying the public comment and meeting requirements, Ecology files the consent decree with the appropriate superior court or federal court having jurisdiction over the matter.

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.

Enforcement Order: A legal document, issued by Ecology, requiring remedial action. Failure to comply with an enforcement order may result in substantial liability for costs and penalties. An enforcement order is subject to public comment. If an enforcement order is substantially changed, an additional comment period is provided.

Environment: Any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the state of Washington.

Exposure: Subjection of an organism to the action, influence, or effect of a hazardous substance (chemical agent) or physical agent.

Exposure Pathway: The path a hazardous substance takes or could take from a source to an exposed organism. An exposure pathway describes the mechanism by which an

individual or population is exposed or has the potential to be exposed to hazardous substances at or originating from a site.

Facility: 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.

Feasibility study (FS): Provides identification and analysis of site cleanup alternatives, and is usually completed within a year. The entire RI/FS process takes about two years and is followed by the cleanup action plan. Remedial action evaluating sufficient site information to enable the selection of a cleanup action plan.

Free product: A hazardous substance that is present as a nonaqueous phase liquid (that is, liquid not dissolved in water).

Ground water: Water in a saturated zone beneath the surface of land or below a surface water.

Hazardous site list: A list of ranked sites that require further remedial action. These sites are published in the Site Register.

Hazardous Substance: Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) *[any discarded, useless, unwanted, or abandoned substances including, but not limited to, certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes: (a) have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or (b) are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.]* and (6) *[any dangerous waste which (a) will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife; and is highly toxic to man or wildlife; (b) if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.],* or any hazardous substance as defined in RCW 70.105.010 (14) *[any liquid, solid, gas, or sludge, including any material, substance, product, commodity, or waste, regardless of quantity, that exhibits any of the characteristics or criteria of*

hazardous waste as described in rules adopted under this chapter.] or any hazardous substance as defined by rule under Chapter 70.105 RCW; petroleum products.

Hazardous waste site: Any facility where there has been a confirmation of a release or threatened release of a hazardous substance that requires remedial action.

Independent cleanup action: Any remedial action conducted without Ecology oversight or approval, and not under an order or decree.

Initial Investigation: An investigation to determine that a release or threatened release may have occurred that warrants further action.

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.

Mixed funding: Any funding, either in the form of a loan or a contribution, provided to potentially liable persons from the state toxics control account.

Model Toxics Control Act (MTCA): Refers to RCW 70.105D. It was approved by voters at the November 1988 general election and known as Initiative 97. The implementing regulation is WAC 173-340.

Natural background: The concentration of hazardous substance consistently present in the environment which has not been influenced by localized human activities.

National Priorities List (NPL): EPA's list of hazardous waste sites identified for possible long-term remedial response with funding from the federal Superfund trust fund. There are currently 41 sites in Washington State officially designated as final NPL sites and 4 sites pending federal Superfund designation.

Owner or operator: Any person with any ownership interest in the facility or who exercises any control over the facility; or in the case of an abandoned facility, any person who had owned or operated or exercised control over the facility any time before its abandonment.

Potentially liable person (PLP): Any person whom Ecology finds, based on credible

evidence, to be liable under authority of RCW 70.105D.040.

Public notice: At a minimum, 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 or county) newspaper of largest circulation; and 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.

Recovery by-products: Any hazardous substance, water, sludge, or other materials collected in the free product removal process in response to a release from an underground storage tank.

Release: Any intentional or unintentional entry of any hazardous substance into the environment, including, but not limited to, the abandonment or disposal of containers of hazardous substances.

Remedial action: Any action to identify, eliminate, or minimize any threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities of any release or threatened release of a hazardous substance, and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

Remedial investigation (RI): Any remedial action which provides information on the extent and magnitude of contamination at a site. This usually takes 12 to 18 months and is followed by the feasibility study. The purpose of the remedial investigation/feasibility study is to collect and develop sufficient site information enabling the selection of a cleanup action.

Responsiveness summary: A compilation of all questions and comments to 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 in exposed humans or other living organisms.

Sensitive environment: An area of particular environmental value, where a release could pose a greater threat than in other areas including: wetlands; critical habitat for

endangered or threatened species; national or state wildlife refuge; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river; rookery; riparian area; big game winter range.

Site: The same as facility (see above).

Site characterization report: A written report describing the site and nature of a release from an underground storage tank, as described in WAC 173-340-450 (4)(b).

Site hazard assessment (SHA): An assessment to gather information about a site to confirm whether a release has occurred and to enable Ecology to evaluate the relative potential hazard posed by the release. If further action is needed, an RI/FS is undertaken. 173-340-320.

Site Register: Ecology publication issued every two weeks listing major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control Act. To receive this publication, please call (206) 438-3081.

Surface water: Lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the state of Washington or under the jurisdiction of the state of Washington.

TCP: Ecology Toxics Cleanup Program.

Underground storage tank (UST): An underground storage tank and connected underground piping as defined in the rules adopted under Chapter 90.76 RCW.

Washington Ranking Method: Method used to rank sites placed on the hazardous sites list. A report describing this method is available from Ecology.