

**Site Cleanup:**

**CAP SANTE MARINE SITE**

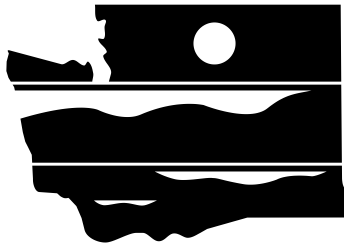
Between 11<sup>th</sup> and 13<sup>th</sup> Streets east of Q Avenue  
Anacortes County, Washington

**DRAFT PUBLIC PARTICIPATION PLAN**

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**Prepared by:**

Washington State Department of Ecology



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

**May 2013**

## **This plan is for you!**

This Public Participation Plan (Plan) is prepared for the Cap Sante Marine Site cleanup as part of the requirements of the Model Toxics Control Act (MTCA). The Plan provides information about MTCA cleanup actions and requirements for public involvement, and identifies how the Washington State Department of Ecology (Ecology) will support public involvement throughout the cleanup. The Plan is intended to encourage coordinated and effective public involvement tailored to the community's needs at the Cap Sante Marine Site.

For additional copies of this document, please contact:

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If you need this publication in an alternate format, please call the Toxics Cleanup Program at (360) 407-7170. Persons with hearing loss can call 711 for Washington Relay Service. Persons with a speech disability can call (877) 833-6341 (TTY).

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## 1.0: Introduction and Overview of the Public Participation Plan

This Public Participation Plan (Plan) explains how you can become involved in improving the health of your community. It describes public participation opportunities that will be available during this review period for a site on the Anacortes waterfront – the Cap Sante Marine Site. The Site is located between 11<sup>th</sup> and 13<sup>th</sup> Streets east of Q Avenue in Anacortes, Washington. These opportunities are part of a collaborative effort by the Washington State Department of Ecology (Ecology) and the Port of Anacortes (Port) to decide on cleanup actions for the Cap Sante Marine Site. Current documents for review include:

- The draft Consent Decree (Decree), a formal legal document between Ecology and the Port agreeing upon cleanup actions for the Site.
- The draft Remedial Investigation and Feasibility Study (RI/FS) presents the results of RI and Interim Action activities completed at the Site.
- The draft Cleanup Action Plan (CAP), a document which describes proposed cleanup actions for the Site.

Cleanup actions, and the public participation process that helps guide them, are established in Washington’s Model Toxics Control Act (MTCA)<sup>1</sup>. Under MTCA, Ecology is responsible for providing timely information and meaningful chances for the public to learn about and comment on important cleanup decisions before they are made. The goals of the public participation process are:

- To promote understanding of the cleanup process so that the public has the necessary information to participate.
- To encourage involvement through a variety of public participation opportunities.

This Plan provides a framework for open dialogue about the cleanup among community members, Ecology, and other interested parties. It outlines basic MTCA requirements for community involvement activities that will help ensure that this exchange of information takes place during the investigation and cleanup. These requirements include:

- Notifying the public about available reports and studies about the site.
- Notifying the public about review and comment opportunities during specific phases of the cleanup investigation.

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<sup>1</sup> The Model Toxics Control Act (MTCA) is the hazardous waste cleanup law for the State of Washington. The full text of the law can be found in Revised Code of Washington (RCW), Chapter 70.105D. The legal requirements and criteria for public notice and participation during MTCA cleanup investigations can be found in Washington Administrative Code (WAC), Section 173-340-600.

- Providing appropriate public participation opportunities, such as fact sheets, to learn about cleanup documents, and if community interest exists, holding meetings to solicit input and identify community concerns.
- Considering public comments received during public comment periods.

In addition to these basic requirements, the Plan may include additional site-specific activities to meet the needs of your community. Based upon the type of the proposed cleanup action, the level of public concern, and the risks posed by the site, Ecology may decide that more public involvement opportunities are appropriate.

These opportunities form the basis for the public participation process. The intent of this Plan is to:

- Provide complete and current information to all interested parties.
- Let you know when there are opportunities to provide input.
- Provide opportunities to listen to and address community concerns.

### ***Part of the Puget Sound Initiative***

The Site is one of several Anacortes waterfront sites and is part of a larger cleanup effort called the Puget Sound Initiative (PSI). Washington State established the Puget Sound Initiative to protect and restore Puget Sound. The PSI includes cleaning up 50-60 contaminated sites within one-half mile of the Sound. These sites are grouped in several bays around the Sound for “baywide” cleanup efforts. As other sites in the Anacortes baywide area move forward into investigation and cleanup, information about them will be provided to the community as well as to interested people and groups.

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

Ecology will lead public involvement activities. Ecology maintains overall responsibility and approval authority for the activities outlined in this plan. Ecology and the Port are responsible for clean up at the Site. Ecology will oversee all future cleanup activities and ensure that contamination on the Site is cleaned up to concentrations that are established in state regulations and that protect human health and the environment.

### ***Organization of this Public Participation Plan***

The sections that follow in this Plan provide:

- Section 2: Background information about the Cap Sante Marine Site.
- Section 3: An overview of the local community that this plan is intended to engage.
- Section 4: Public involvement opportunities in this cleanup.

This Plan addresses current conditions at the Site, but it is intended to be a dynamic working document that will be reviewed at each phase of the cleanup and updated as needed. Ecology and the Port urge the public to become involved in the cleanup process.

## 2.0: Site Background

### *Site Description and Location*

The Site is located between 11<sup>th</sup> and 13<sup>th</sup> Streets east of Q Avenue in Anacortes, Washington, on Fidalgo Bay (see Figure 1). The area was recently redeveloped in conjunction with interim action at the Site, including shoreline habitat restoration, construction of a containment wall for public access esplanade and a new restaurant with parking access. The Site is located adjacent to a Safeway grocery store and gravel boat trailer parking area to the west, office spaces and a parking lot to the north, and marine storage warehouses to the south.



**Figure 1:** The Cap Sante Marine Site is shown in the above map, located adjacent to Fidalgo Bay in Anacortes, WA.

## ***General Site History and Contaminants***

The Cap Sante Marine Site was acquired by the Port of Anacortes (Port) in 1956 and operated as a boat yard, marina support area and offshore fueling facility. From the late 1970s to 2007, Cap Sante Marine, Ltd. occupied the northern portion of the Site and continued to supply marine services. In the early 1980s, fuel was observed seeping from an underground storage tank (UST) into the waters of Fidalgo Bay next to the site. Fuel was recovered and the seepage was stopped. In 1985, the Port replaced the then-existing USTs with new tanks; however impacted soils linked to the prior petroleum leakage were not removed.

In 2004 and 2005, the Port further inspected the degree of the site contamination. Findings revealed that a fan-shaped contaminated area around the former USTs extended to the bay was impacting soil and groundwater. In 2007, USTs, supply lines, and 9,888 cubic yards of contaminated soil at the Site were removed by the Port during an Interim Action. Currently there are two areas where isolated contaminated soil remains, approximately 1,100 cubic yards in the Cap Sante Lease Area and 700 cubic yards in the Fisherman's Work Area and Parking Lot of the Site. The Port of Anacortes, the current owner, is working with Ecology to address the remaining cleanup in the actions outlined in the draft CAP.

Based on results of the Remedial Investigation study prepared in 2013, residual petroleum hydrocarbons (gasoline and diesel) and carcinogenic polycyclic aromatic hydrocarbons (cPAHs) were found in concentrations above cleanup levels. The RI did not identify contaminants exceeding preliminary cleanup levels in groundwater or sediments adjacent to the Site.

## ***The Cleanup Process***

Washington State's cleanup process and key opportunities for you to provide input are outlined in Figure 2 on page 16. The general cleanup process includes the following steps:

- Remedial Investigation (RI) – investigates the site for types, locations, and amounts of contaminants.
- Feasibility Study (FS) – identifies cleanup options for those contaminants.
- Cleanup Action Plan (CAP) – selects the preferred cleanup option and explains how cleanup will be conducted.

Each of these steps is generally documented in reports and plans that will be available for public review. Public comment periods of at least 30 calendar days are usually conducted for the following documents:

- Draft RI report
- Draft FS report



- Draft CAP

These cleanup steps and documents are described in greater detail in the following subsections.

### ***Interim Actions***

Interim actions may be conducted during the cleanup if required by Ecology. An interim action partially addresses the cleanup of a site, and may be required if:

- It is technically necessary to reduce a significant threat to human health or the environment.
- It corrects a problem that may become substantially worse or cost substantially more to fix if delayed.
- It is needed to complete another cleanup activity, such as design of a cleanup plan.

In 2007, interim action was completed at the Site and consisted of excavation and removal of contaminated soil. A total of 9,800 cubic yards of petroleum-contaminated soil and 88 cubic yards of metals-contaminated soil were removed during this excavation. As a result of this interim action, all of the known contamination identified by the Remedial Investigation field study was removed. Also included in the interim action were restoration and redevelopment activities consisting of excavation backfill, construction of a block retaining wall, a public esplanade along the waterfront and shoreline habitat restoration.

### ***Overview of the draft Remedial Investigation/Feasibility Study Report***

The draft RI/FS, prepared by GeoEngineers and the Port, were combined into one report for the Cap Sante Marine Site. The draft RI/FS presents the results of the RI and interim action activities completed at the Site and provides an evaluation of cleanup alternatives for addressing residual contamination following completion of the Interim Action.

### ***Overview of the draft Consent Decree***

In the Consent Decree (Decree), a formal legal document, Ecology and the Port agree upon the cleanup actions needed to protect human health and environment at the Site. The Decree requires the Port to carry out the specifically identified cleanup actions described in the draft CAP.

### ***Overview of the draft Cleanup Action Plan***

The draft CAP was completed in 2013 as a collaborative effort by Ecology and the Port, based on the findings of the draft RI/FS. The draft CAP describes Ecology's proposed

cleanup action for the Site and outlines requirements for the cleanup. The draft CAP does the following:

- Identifies cleanup level for soil and groundwater
- Recommends and describes cleanup actions from the draft RI/FS
- Presents a schedule to carry out the cleanup
- Identifies monitoring activities to demonstrate the effectiveness of cleanup action

The draft CAP recommends the following actions to address soil contamination at the Site:

- Use engineering controls and institutional controls to contain contamination and mitigate risk of contact with contaminated soil
- Monitor groundwater to confirm contaminant concentrations do not increase above groundwater cleanup levels
- Establish environmental covenants as necessary to restrict future development and control any future soil disturbance where contamination may remain at the Site

## 3.0: Community Profile

### ***Community Profile***

Anacortes is Skagit County's second largest city and its largest seaport. It is the principal city on Fidalgo Island. The current population is approximately 15,941 people (about 7,600 households)<sup>2</sup> situated within about 12 square miles. Located on Fidalgo Bay, Anacortes has 12.5 miles of saltwater shoreline, giving rise to three Port of Anacortes marine terminals, a shipyard, several yacht and mid-size boat building and sales operations, and four private marinas. Four freshwater lakes and 3,300 acres of city-owned forestland and parks create a rural feeling, but the City also has modern educational and health care facilities. The City's 2006 labor workforce was more than 7,000, predominantly employed in manufacturing, accommodations/food service, retail, and health care<sup>3</sup>.

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

An important part of this Plan is to identify key community concerns for the cleanup site. Many factors are likely to raise community questions, such as the amount of contamination, how much contamination has been cleaned up and what remains, or future use of the Site. Community concerns often change over time as new information is learned and questions are answered. Identifying site-specific community concerns at each stage of the cleanup process is helpful to ensure that they are adequately addressed. On-going key community concerns will be identified for the Cap Sante Marine Site through public comments and other opportunities, as detailed in Section 4.

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<sup>2</sup> US Census Bureau, State & County QuickFacts, <http://quickfacts.census.gov/qfd/states/53/5301990.html> (Accessed April 22, 2013)

<sup>3</sup> Anacortes Chamber of Commerce web site, *available at* <http://www.anacortes.org/pdf/AnacortesCommunityProfileMarch2007.pdf>; Accessed 11/12/07.

## **4.0: Public Participation Opportunities**

Ecology and the Port invite you to share your comments and participate in the cleanup in your community. As we work to meet our goals, we will evaluate whether this public participation process is successful. This section describes the public participation opportunities for the Site.

### ***Measuring Success***

We want this public participation process to succeed. Success can be measured, at least in part, in the following ways:

- Number of written comments submitted that reflect understanding of the cleanup process and the site.
- Direct, in-person feedback about the site cleanup or public participation processes, if public meetings are held.
- Periodic updates to this Plan to reflect community concerns and responses.

If we are successful, this process will increase:

- Community awareness about plans for cleanup and opportunities for public involvement.
- Public participation throughout the cleanup.
- Community understanding regarding how their input will be considered in the decision-making process.

### ***Activities and Information Sources***

#### **Ecology Contacts**

Ecology is the lead contact for questions about the cleanup in your community. The Ecology staff person identified in this section is familiar with the cleanup process and activities at the Site. For more information about public involvement or the technical aspects of the cleanup, please contact:

Sandra Caldwell, Site Manager  
WA State Dept. of Ecology  
Toxics Cleanup Program  
PO Box 47600  
Olympia, WA 98504-7600  
Phone: (360) 407-7209

E-mail: [Sandra.caldwell@ecy.wa.gov](mailto:Sandra.caldwell@ecy.wa.gov)

## Ecology's Webpage

Ecology has created a webpage to provide convenient access to information. Documents such as the draft Consent Decree, draft RI/FS and draft CAP are posted as they are issued during the investigation and cleanup process. Visitors to the webpage can find out about public comment periods and possible meetings; download, print, and read information; and submit comments via email. The webpage also provides links to detailed information about the MTCA cleanup process. The Cap Sante Marine Site webpage is available at the following address:

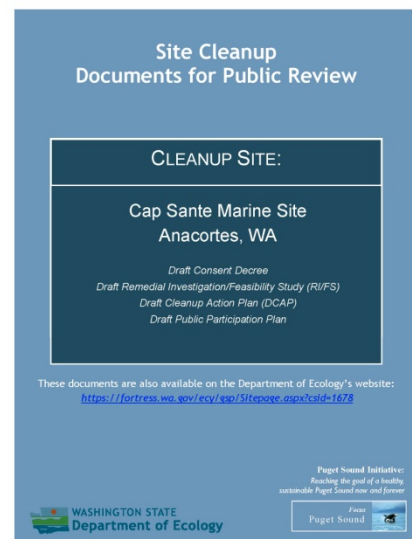
<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=1678>

## Information Centers/Document Repositories

The most comprehensive source of information about the Site is the information center, or document repository. Two repositories provide access to the complete list of site-related documents. All Site investigation and cleanup activity reports will be kept in print at those two locations and will be available for your review. They can also be requested on compact disk (CD). Document repositories are updated before public comment periods to include the relevant documents for review. Documents remain at the repositories throughout the investigation and cleanup. For the Site, the document repositories and their hours are:

- **Anacortes Public Library**  
1220 10<sup>th</sup> Street  
Phone: (360) 293-1910  
Hours: Mon. 9 am - 8 pm,  
Tues. – Wed. 11 am - 8 pm,  
Thurs. – Fri. 11 am - 6 pm,  
Sat. 12 pm - 5 pm, Sun. 1 pm - 5 pm
- **WA Department of Ecology Headquarters**  
300 Desmond Dr.  
Lacey, WA 98503  
By appointment. Please contact Carol Dorn  
at (360) 407-7224 or [Carol.Dorn@ecy.gov](mailto:Carol.Dorn@ecy.gov).

Look for document covers much like the illustration on the right.



## Public Comment Periods

Public comment periods provide opportunities for you to review and comment on major documents, such as the draft Consent Decree, draft RI/FS, draft CAP and draft Public Participation Plan. The typical public comment period is 30 calendar days.

### *Notice of Public Comment Periods*

Notices for each public comment period will be provided by local newspaper and by mail. These notices indicate the timeframe and subject of the comment period, and explain how you can submit your comments. For the Cap Sante Marine Site, a newspaper notice will be posted in The Anacortes America, The Clamdigger and Skagit Valley Herald.

Notices are also sent by regular mail to the local community and interested parties. The community typically includes all residential and business addresses within one-quarter mile of the site, as well as potentially interested parties such as public health entities, environmental groups, and business associations.

### *Fact Sheets*

One common format for public comment notification is the fact sheet. Like the newspaper notice, fact sheets explain the timeframe and purpose of the comment period, but also provide background and a summary of the document under review. The fact sheet will explain the documents that have been released for public comment. Future fact sheets will be prepared at key milestones in the cleanup process.

## **MTCA Site Register**

Ecology produces an electronic newsletter called the MTCA Site Register. This semi-monthly publication provides updates of the cleanup activities occurring throughout the state, including public meeting dates, public comment periods, and cleanup-related reports. Individuals who would like to receive the MTCA Site Register can sign up three ways:

- Call (360) 407-6848
- Send an email request to spre461@ecy.wa.gov
- Register on-line at [http://www.ecy.wa.gov/programs/tcp/pub\\_inv/pub\\_inv2.html](http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html)

## **Mailing Lists**

Ecology maintains both e-mail and regular mail distribution lists throughout the cleanup process. The lists are created from carrier route delineations for addresses within one-quarter mile of the Site; potentially interested parties; public meeting sign-in sheets; and requests made in person or by regular mail or e-mail. You may request to be on a mailing list by contacting the Ecology staff person listed earlier in this section.

## **Optional Public Meetings**

A public meeting will be held during a comment period if requested by ten or more people, or if Ecology decides it would be useful. Public meetings provide additional opportunity to learn about the investigation or cleanup, and to enhance informed comment. If you are interested in a public meeting about the Site, please contact the Ecology staff listed earlier in this section.

## **Submitting Comments**

You may submit comments by regular mail or e-mail during public comment periods to the Ecology Project Manager listed earlier in this section.

## **Response to Comments**

Ecology will review all comments submitted during public comment periods, and will modify documents as necessary. You will receive notice by regular mail or e-mail that Ecology has received your comments, along with a general explanation about how the comments were addressed, and where the revised document can be found.

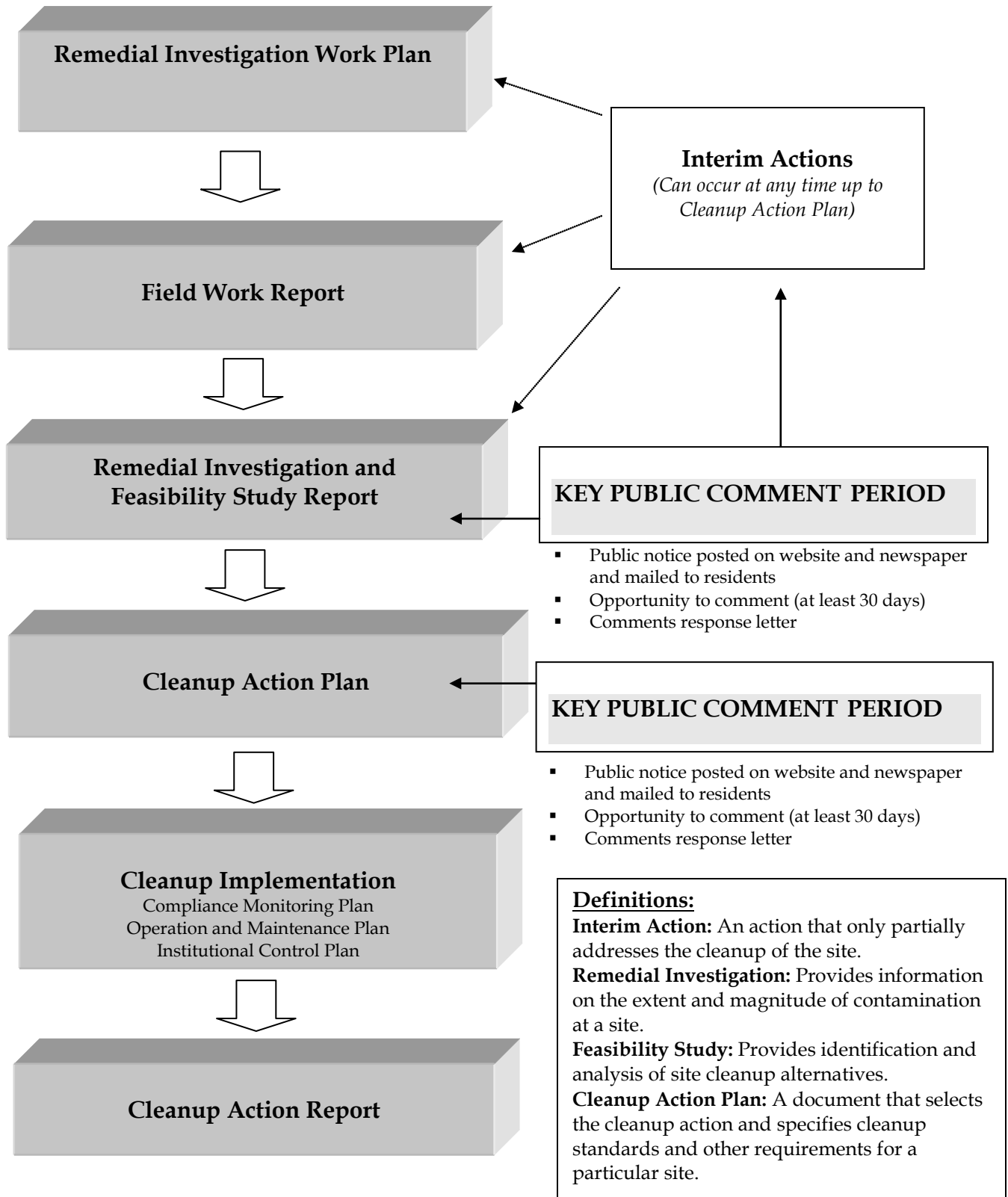
## **Other**

Ecology is committed to the public participation process and will consider additional means for delivering information and receiving comments, including combining public comment periods for other actions (such as those associated with the State Environmental Policy Act).

## ***Public Participation Grants***

You are eligible to apply for a Public Participation Grant from Ecology to provide additional public participation activities. Those additional activities will not reduce the scope of the activities defined by this Plan. Activities conducted under this Plan would coordinate with the additional activities defined under the grant.

**Figure 3: Washington State Cleanup Process**





## Glossary

**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 MTCA cleanup requirements, including but not limited to: complying with cleanup standards, utilizing permanent solutions to the maximum extent practicable, and including adequate monitoring to ensure the effectiveness of the cleanup action.

**Cleanup Action Plan:** A document that 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 cleanup action plan, Ecology finalizes the cleanup action plan.

**Cleanup Level:** The concentration (or amount) of a hazardous substance in soil, water, air, or sediment that protects human health and the environment under specified exposure conditions. Cleanup levels are part of a uniform standard established in state regulations, such as MTCA.

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

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

**Feasibility Study:** Provides identification and analysis of site cleanup alternatives and is usually completed within a year. The entire Remedial Investigation/Feasibility Study (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.

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

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

**Model Toxics Control Act:** Refers to RCW 70.105D. Voters approved it in November 1988. The implementing regulation is WAC 173-340 and was amended in 2001.

**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 the opportunity for interested persons to comment.

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

**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:** Any remedial action that 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 to enable the selection of a cleanup action.