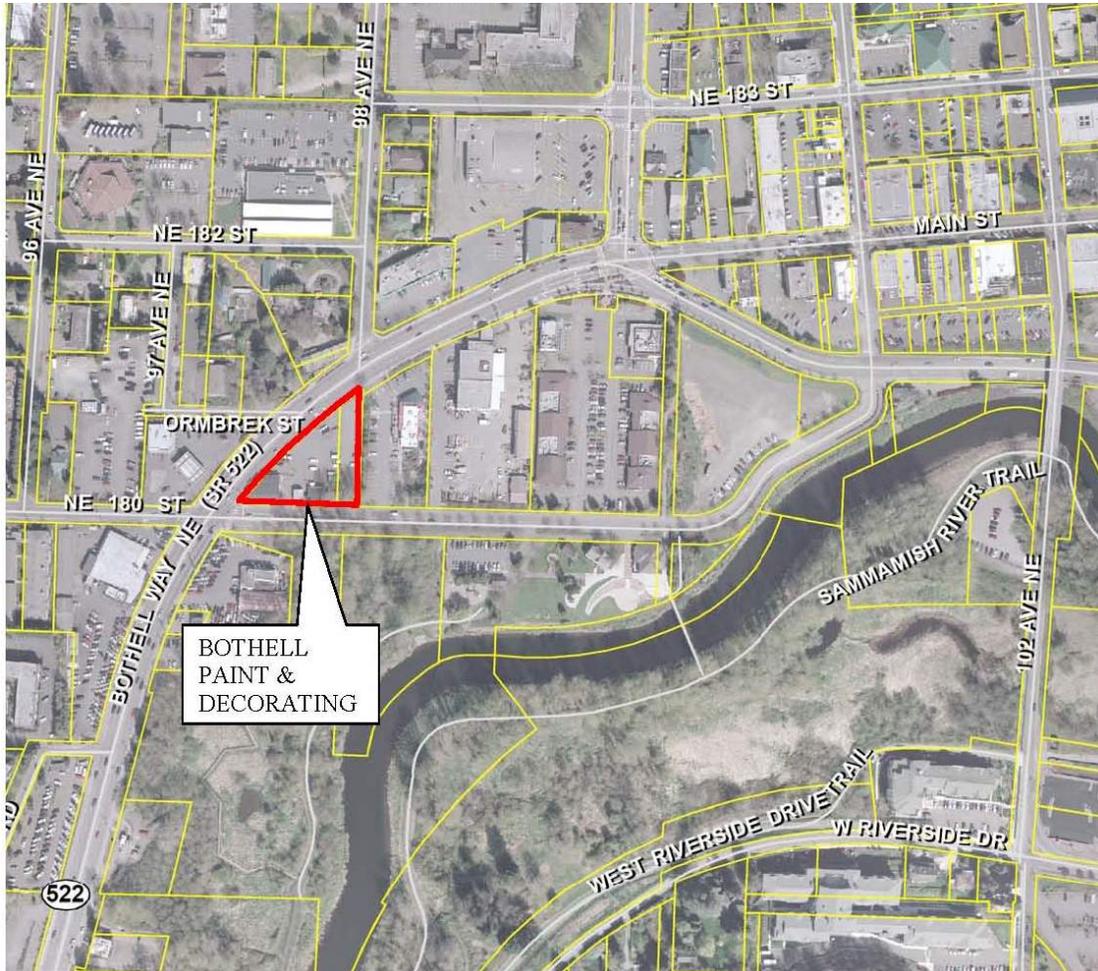


**EXHIBIT D**

**Bothell Painting and Decorating Site  
Public Participation Plan**



**2008**

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**Prepared by  
Washington State Department of Ecology  
3190 160th Avenue SE  
Bellevue, WA 98008-5452**

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## 1.0 INTRODUCTION

The Washington State Department of Ecology (Ecology) has developed this public participation plan pursuant to the **Model Toxics Control Act (MTCA)**, to promote meaningful community involvement prior to implementation of remedial action at the **Bothell Paint and Decorating site**. **This site is** located at 18004 and 18005 Bothell Way NE, Bothell, and the adjacent parcel to the East (King County Tax Parcel Nos. 945720-0081 and 945720-0072). The site is listed in Ecology's known and suspected contaminated sites list **Facility Site number** 93536765.

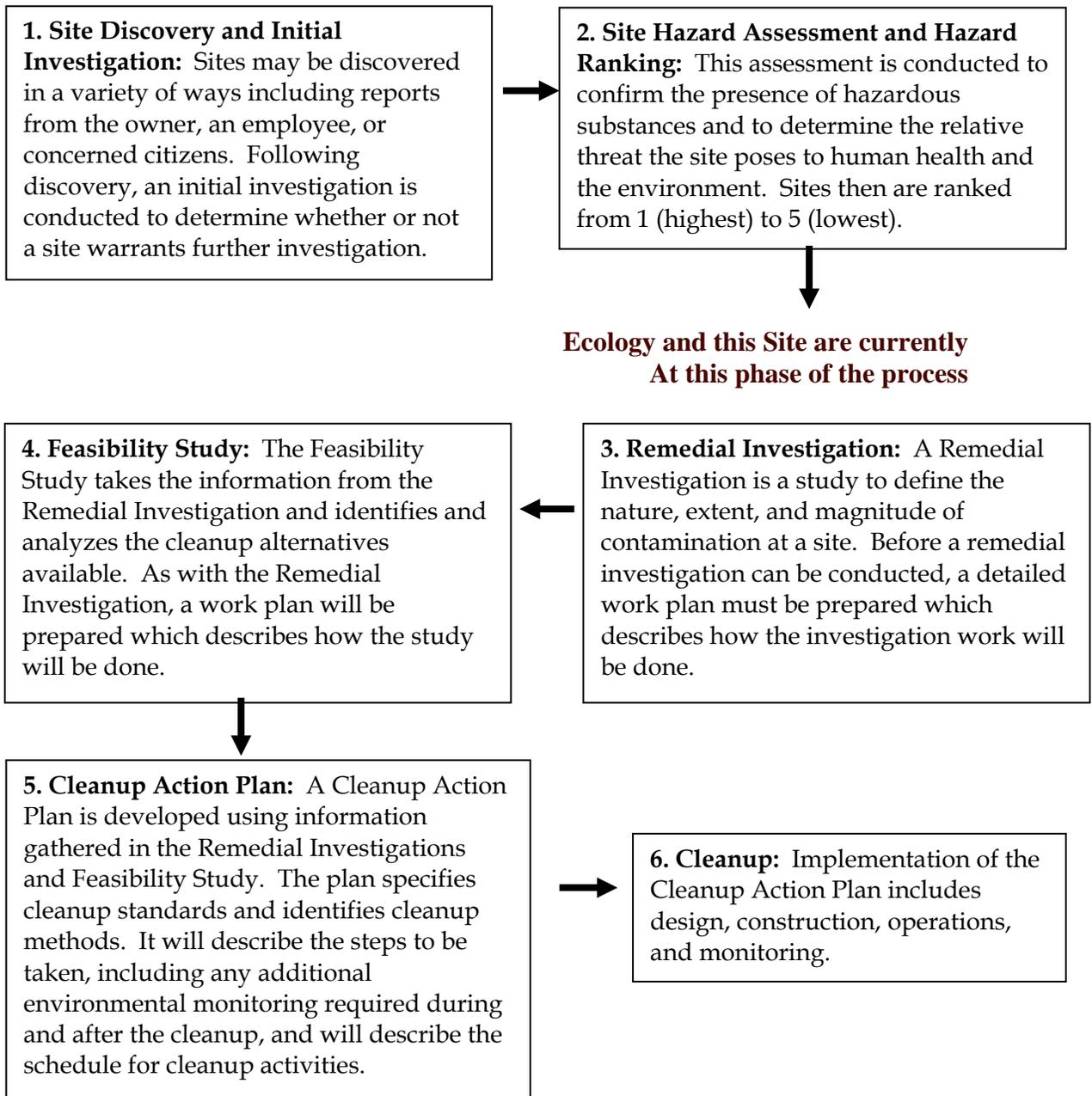
This plan outlines and describes the tools and approaches that Ecology uses to inform the public about site activities and identifies opportunities for the community to become involved. This plan aims at addressing potential community concerns regarding the remedial action and defines the types of public participation activities that will take place as a part of the cleanup process. It is based on Ecology's Model Toxic's Control Act (MCTA) regulations (WAC 173-340-600 Public Participation). Ecology is committed to an open dialogue with the community to ensure that interested parties receive information as well as provide input during the decision-making process.

Ecology and the City of Bothell (Bothell) have negotiated a legal agreement called an **Agreed Order** that formally describes their working relationship and outlines the scope of work. Bothell will complete the remedial action outlined in the Agreed Order. The remedial action tasks at this Site are to complete the **Remedial Investigation (RI)**, to develop a **Feasibility Study (FS)**, and prepare a **Draft Cleanup Action Plan (DCAP)** for the site.

Following the completion of the draft RI/FS report and draft CAP, additional public involvement activities will be scheduled. The public involvement activities will be tailored based on the public comments received for this site and MTCA requirements. This will include public notifications and comment periods where appropriate.

## Steps in the Cleanup Process

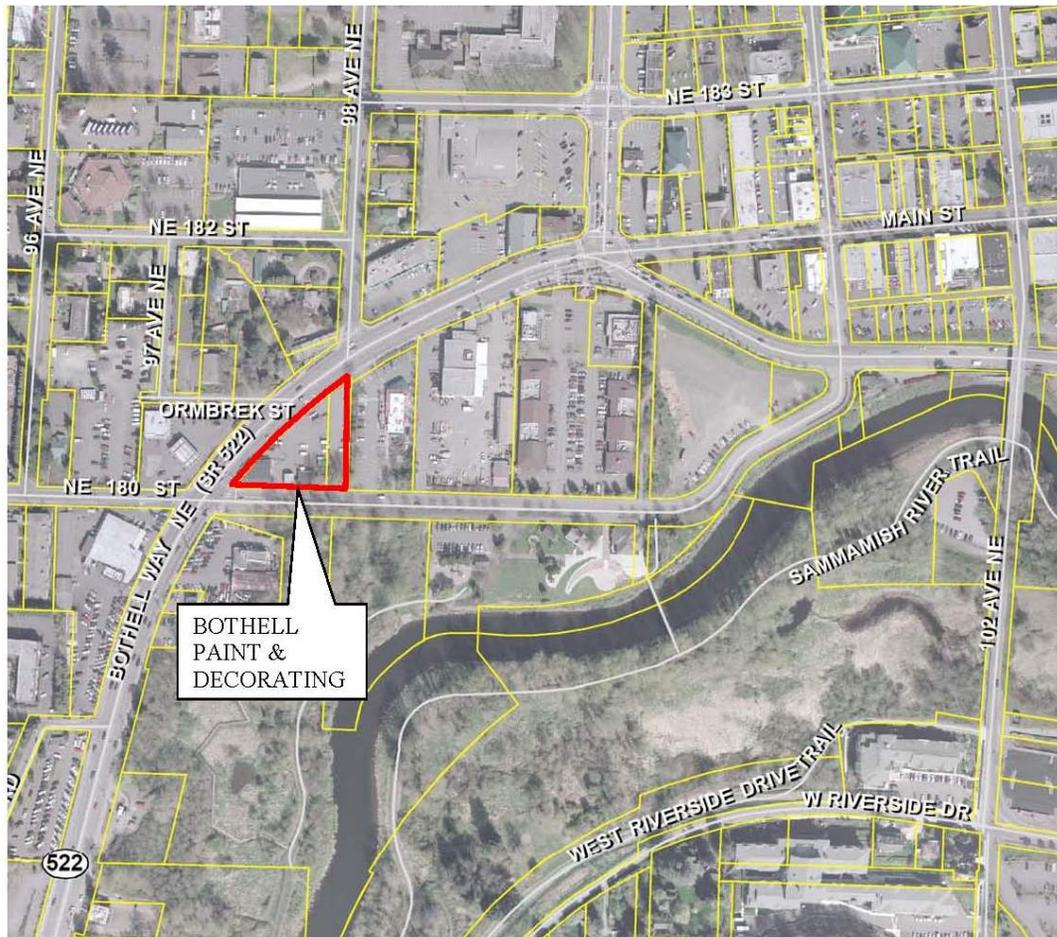
The MTCA rules detail each step in the cleanup process to ensure that cleanups are thorough and protective of human health and the environment. The chart below defines these steps and how they apply to the project site. Legal documents such as “**Agreed Orders**” or “**Consent Decrees**” further define some of the steps and associated time frames. The cleanup process is complex. During the process, issues often arise that need more scrutiny or evaluation, and may lead to changes in the scope or timing of the project. At the same time, it is in everyone’s interest to complete a cleanup as quickly as possible.



## Schedule and Sequence of Public Involvement Activities

Activity	Public Participation/ Communications Activity
Agreed Order prepared for public notice December 2008	<ul style="list-style-type: none"> <li>• Community/interest group briefings if necessary</li> <li>• Fact Sheet mailed - week of 12/15/08</li> </ul>
30 Day Public Comment Period	<ul style="list-style-type: none"> <li>• Public comment period - draft Agreed Order including Public Participation Plan (PPP) Jan. 2- Feb. 2, 2009</li> <li>• Review and evaluate public comments</li> <li>• Prepare a responsiveness summary if necessary</li> <li>• Revise Agreed Order and PPP if recommended</li> </ul>
Updates/Public Notifications	<ul style="list-style-type: none"> <li>• As needed.</li> </ul>
30 Day Public Comment Period	<ul style="list-style-type: none"> <li>• Fact Sheet for Draft Remedial Investigation and Feasibility Study Report, and draft Cleanup Action Plan.</li> <li>• Prepare a responsiveness summary if necessary</li> <li>• Revise the RI/FS and CAP if recommended.</li> </ul>

## Site Background and Map



The City of Bothell (Bothell) owns the Bothell Paint & Decorating Site located at 18004 and 18005 Bothell Way NE and the adjacent parcel to the east (King County Tax Parcel Nos. 945720-0081 and 945720-0072). Bothell acquired the property from Victory Development LLC, and from Leonard P. Giannola in 2008.

This site was used by a former sandblasting operation and contained at least one petroleum underground storage tank (UST). A 1,000-gallon UST was removed near the northeast corner of the west building at the site in 1988. A hole in the UST was observed at the time of removal. Petroleum liquid (free product) was reported in the excavation on the surface of ground water. A soil sample collected from the sidewall of the excavation during tank removal contained petroleum hydrocarbons (gasoline-range) above the MTCA cleanup levels.

Further environmental investigations were conducted at the property in February 2008. During these investigations, low concentrations (below MTCA cleanup levels) of volatile

organic compounds were detected in ground water adjacent to the former leaking underground storage tank.

Additionally, sandblasting operations were conducted at this site in the southern portion of the property by a former tenant. Sandblast grit and petroleum staining associated with a compressor were observed in that vicinity. Shallow soils in the sandblast area contain petroleum hydrocarbons and metals exceeding MTCA cleanup levels. One soil sample contained cadmium exceeding Washington State Dangerous Waste requirements. One ground water sample contained arsenic concentrations exceeding MTCA cleanup levels and possibly exceeding natural background levels. Note that natural background levels have not been determined for this site at this time.

## **Cleanup Work to be Performed**

The proposed work tasks under this Agreed Order are to prepare a work plan to complete the remedial investigation (RI) and Feasibility Study (FS) and prepare a Draft Cleanup Action Plan (DCAP). These documents will be reviewed and revised as necessary for approval by Ecology. With Ecology's approval, the next step will be public review of the draft RI/FS report and draft CAP. Future actions may include a new proposed legal agreement for implementation of the CAP.

## **2.0 CONTAMINANTS OF CONCERN**

Petroleum hydrocarbons and metals in soil, and chlorinated solvents and metals in ground water are the primary contaminants of concern at this site. The Remedial Investigation will provide additional information to identify the nature and extent of contamination at the site.

## **3.0 PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITY**

The purpose of this Public Participation Plan is to promote public understanding and participation in the cleanup process for this site. This section addresses how Ecology will keep the public informed about site activity and provide opportunities for being involved in the cleanup.

Ecology will continue to use a variety of tools to facilitate public participation in the planning and cleanup of this site. These tools are:

- Formal comment periods and responsiveness summaries.
- Fact sheets.
- Public meeting (if requested by 10 or more persons).
- Information repositories.

- Site register notices.
- Web tools including a web-based Events calendar.

Ecology will consider and implement constructive input provided by the community whenever possible.

Ecology urges the public to become involved in the remedial action process. Information will be provided regularly to provide many opportunities to review materials and provide comments. This plan is intended to be a flexible working document that will be updated as community concerns emerge and/or more information becomes available during the cleanup process. To arrange for a briefing with project staff, ask questions or provide comments on the plan or other aspects of the cleanup, please contact one of the persons listed below. This public participation plan will be a working document as the project processes.

**For technical questions, please contact:**

Jerome Cruz, Site Manager  
Washington State Department of Ecology  
Toxics Cleanup Program – Northwest Regional Office  
3190 160<sup>th</sup> Ave SE  
Bellevue, WA 98008  
Phone: 425-649-7094  
E-mail: [jcru461@ecy.wa.gov](mailto:jcru461@ecy.wa.gov)

**For Community Involvement questions, please contact:**

Nancy Lui, Community Outreach  
Washington State Department of Ecology  
Toxics Cleanup Program – Northwest Regional Office  
3190 160<sup>th</sup> Ave SE  
Bellevue, WA 98008  
Phone: 425-649-7117  
E-mail: [nlui461@ecy.wa.gov](mailto:nlui461@ecy.wa.gov)

**For Community Involvement questions for City of Bothell, please contact:**

Joyce Goedeke - Public Information Officer  
City of Bothell  
18305 101<sup>st</sup> Ave. NE  
Bothell, WA 98011  
Phone: 425-486-3256  
E-mail: [joyce.goedeke@ci.bothell.wa.us](mailto:joyce.goedeke@ci.bothell.wa.us)

## **Goal of this Public Participation Plan**

MCTA states that public participation plans are intended to encourage coordinated and effective public involvement tailored to the public's needs at a particular facility. The goals of this plan are:

- To identify people and organizations with an interest or potential interest in the site.
- To promote public understanding and to identify community concerns related to the:
  - Agreed Order
  - Remedial Investigation
  - Feasibility Study
  - Draft Cleanup Action Plan
- To encourage interactive communication and collaboration between Ecology, the City of Bothell, and the community.
- To meet the public participation requirements under MCTA.

## **Roles and Responsibilities**

Ecology maintains overall responsibility and approval authority for the activities outlined in this plan in accordance with MTCA requirements. Ecology conducts public comment periods as required by MTCA, which include receiving comments, making decisions, and preparing responsiveness summaries if necessary.

## **Public Outreach Activities**

A 30-day public comment period will be scheduled for each major phase of the project. A formal public notice for each of the comment periods will include the following:

- A fact sheet will be distributed to the impacted community and surrounding areas.
- A newspaper advertisement will be placed in the local area newspaper.
- A notice will be published in Ecology's Site Register and Ecology's Public Calendar.
- All public documents will be available on Ecology's website for public review.
- A public meeting will be held if 10 or more people request a meeting during the public comment period.

## **Formal Public Comment Period**

Comment periods are the primary method Ecology uses to get feedback from the public on proposed cleanup decisions, which Ecology presents as draft documents. Comment periods usually last for 30 days and are required at key points during the investigation and cleanup process before final decisions are made.

During a comment period, the public can comment in writing through letters or email. Verbal comments are taken if a public hearing is held. After a formal comment period, Ecology reviews all comments received and may respond in a document called a Responsiveness Summary.

During the public comment period, please send your written comments to:

Jerome Cruz, Site Manager  
Washington State Department of Ecology  
Toxics Cleanup Program – Northwest Regional Office  
3190 160<sup>th</sup> Ave SE  
Bellevue, WA 98008  
Phone: 425-649-7094  
E-mail: [jcru461@ecy.wa.gov](mailto:jcru461@ecy.wa.gov)

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

## **Public Meetings and Hearings**

Public meetings may be held at key points during the cleanup process. Ecology may also offer public meetings for actions expected to be of particular interest to the community. If ten or more people request a public meeting or hearing during the 30 day comment period, Ecology will hold a public meeting for the purpose of taking oral comments on draft documents.

## **Information Repositories**

Information repositories are convenient places where the public can go to read and review site information (see below). The information repositories are often at libraries or community sites to which the public has access. During the comment period, the site documents will be available for review at each repository that is listed below. Documents remain at the repositories for the entire duration of the project.

The entire site file is available for review at Ecology's Northwest Regional Office by appointment. For special accommodations or translation assistance, please contact Nancy Lui at [nlui461@ecy.wa.gov](mailto:nlui461@ecy.wa.gov) or at 425-649-4259 (TDD) and please indicate you would like assistance with the "Bothell Paint and Decorating" site.

The information repositories will be located at:

**Bothell City Hall**

18305 101<sup>st</sup> Ave. NE  
Bothell, WA 98011  
Monday- Friday 8 am- 5pm

**King County Bothell Regional Library**

18215 98th Ave. NE  
Bothell, WA 98011  
Monday-Thursday 10 am-9 pm  
Friday 10 am-6 pm  
Saturday 10 am-5 pm  
Sunday Noon-8 pm

**Washington State Department of Ecology**

3190 160th Ave. S.E.  
Bellevue, WA 98008  
Call for an appointment: Sally Perkins  
425-649-7190  
425-649-4450 FAX  
E-mail: [sper461@ecy.wa.gov](mailto:sper461@ecy.wa.gov)  
Hours: Tuesday – Thursday, 8 am–Noon and 1–4:30 pm

## **Site Register and Public Events Calendar**

Ecology's Toxics Cleanup Program uses its bimonthly Site Register and web-based Public Involvement Calendar to announce all of its public meetings and comment periods as well as additional site activities. To receive the Site Register in electronic or hard copy format, contact Linda Thompson at 360-407-6069 or by email at [ltho461@ecy.wa.gov](mailto:ltho461@ecy.wa.gov). The Public Involvement Calendar is available on Ecology's website at <http://apps.ecy.wa.gov/pubcalendar/calendar.asp>

## **Mailing List**

Ecology has compiled and maintains a list of interested parties, organizations and residents living near the cleanup site. This list will be used to disseminate information via mail (fact sheets, site updates, public notices, etc.). If you are not on the mailing list for this site and wish to be added, please contact Nancy Lui at [nlui461@ecy.wa.gov](mailto:nlui461@ecy.wa.gov) or at

425-649-7117. In the subject line, please indicate “Bothell Paint & Decorating Facility” mailing list.

## **Ecology Website**

Information on the cleanup is available online at Ecology’s Website:

[http://www.ecy.wa.gov/programs/tcp/sites/bothellPaint/bothellPaint\\_hp.html](http://www.ecy.wa.gov/programs/tcp/sites/bothellPaint/bothellPaint_hp.html)

## **4.0 PUBLIC PARTICIPATION GRANTS AND TECHNICAL ASSISTANCE**

Additionally, citizen groups living near contaminated sites may apply for public participation grants during open application periods. These grants help citizens receive technical assistance in understanding the cleanup process and create additional avenues for public participation.

**NOTE:** 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.

## **5.0 PUBLIC PARTICIPATION PLAN AMENDMENTS**

The Plan was developed by Ecology and complies with the MCTA regulations (Chapter 173-340 WAC). It will be reviewed as cleanup progresses and may be amended if necessary. Amendments may be submitted to Ecology’s site manager, Jerome Cruz, for review and consideration. Ecology will determine final approval of the Plan as well as any amendments.

## APPENDIX A – 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 WAC 173-340-350 through 173-340-390.

**Chemicals of Concern (COCs):** Hazardous substances that are of particular concern at this site.

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

**Consent Decree:** A legal document approved and issued by a court which formalizes an agreement reached between the state and potentially liable persons (PLPs) on the actions needed at a site. A decree is subject to public comment. If a decree is substantially changed, an additional comment period is provided.

**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.

**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.

**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 or, placed, or otherwise come to be located.

**Facility Site ID #:** Site specific number assigned by Ecology for the Ecology known and suspected contaminated sites database.

**Feasibility Study:** The Feasibility Study takes the information from the Remedial Investigation and identifies and analyzes the cleanup alternatives available. As with the Remedial Investigation, a workplan will be prepared which describes how the study will be done.

**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 (MTCA):** Refers to RCW 70.105D approved by voters in the state of Washington 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 to Ecology and notice 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.

**Remedial Investigation:** A Remedial Investigation is a study to define the nature, extent, and magnitude of contamination at a site. Before a remedial investigation can be conducted, a detailed workplan must be prepared which describes how the investigation work will be done.

**Responsiveness Summary:** A compilation of all questions and comments into 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.

**Site Discovery and Initial Investigation:** Sites may be discovered in a variety of ways including reports from the owner, and employee, or concerned citizens. Following discovery, an initial investigation is conducted to determine whether or not a site warrants further investigation.

**Site Hazard Assessment and Hazard Ranking:** This assessment is conducted to confirm the presence of hazardous substances and to determine the relative threat the site poses to human health and the environment. Sites then are ranked from 1 (highest) to 5 (lowest).

**Site Register:** Publication issued every two weeks of 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 (360) 407-7200.

**Underground Storage Tank (UST) area:** An area at a property that contains underground storage tank or tanks and connected underground piping for the storage and containment of liquids and are defined in the rules adopted under Chapter 90.76 RCW.