

Site Cleanup:

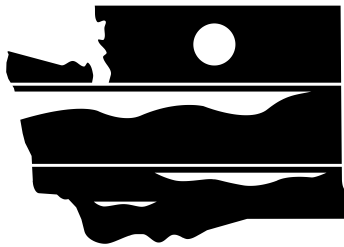
EAST WATERWAY

Located in the Everett Harbor area, south of the United States
Naval Station in
Snohomish County, Washington

DRAFT PUBLIC PARTICIPATION PLAN

Prepared by:

Washington State Department of Ecology



DEPARTMENT OF
ECOLOGY
State of Washington

June 2015

This plan is for you!

This Public Participation Plan (Plan) is prepared for the East Waterway 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 East Waterway Site.

For additional copies of this document, please contact:

Washington State Department of Ecology
Andy Kallus, Site Manager
Toxics Cleanup Program
PO Box 47600
Olympia, WA 98504-7600
(360) 407-7259
Email: Andrew.Kallus@ecy.wa.gov

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 Port Gardner Bay waterfront – the East Waterway Site (Site). The Site is located in the Everett Harbor area (along the industrialized waterfront), south of the United States Naval Station and directly west of downtown Everett, in Everett, Washington. These opportunities are part of a collaborative effort by the Washington State Department of Ecology (Ecology) and the Potentially Liable Persons (PLPs) – Kimberly-Clark Worldwide, Inc. (K-C), the Port of Everett (Port) and the Washington Department of Natural Resources (DNR) – to decide on cleanup actions for the Site. Current documents for review include:

- Draft Agreed Order, a legal document between Ecology and the PLPs to agree to provide remedial action at the Site where there has been a release or threatened release of hazardous substances. The Order requires the PLPs to conduct a Remedial Investigation and Feasibility Study (RI/FS) and develop a draft Cleanup Action Plan (DCAP) addressing potential in-water (e.g., marine sediment) contamination at the Site.

Cleanup actions, and the public participation process that helps guide them, are established in Washington’s Model Toxics Control Act (MTCA).¹ 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.

¹ 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.

- Notifying the public about review and comment opportunities during specific phases of the cleanup investigation.
- Providing appropriate public participation opportunities 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 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 Port Gardner Bay waterfront sites and is part of a larger cleanup effort called the Puget Sound Initiative (PSI). Washington State established the PSI 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 Port Gardner Bay baywide area move forward into investigation and cleanup, information about them will be provided to the community as well as people and groups who are interested.

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 K-C, the Port and DNR are responsible for cleanup 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 East Waterway 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 K-C, the Port and DNR urge the public to become involved in the cleanup process.

2.0: Site Background

Site Description and Location

The Site is located in the Everett Harbor area (along the industrialized waterfront) near the mouth of the Snohomish River, south of the United States Naval Station and directly west of downtown Everett, Washington, on Port Gardner Bay (see Figure 1).

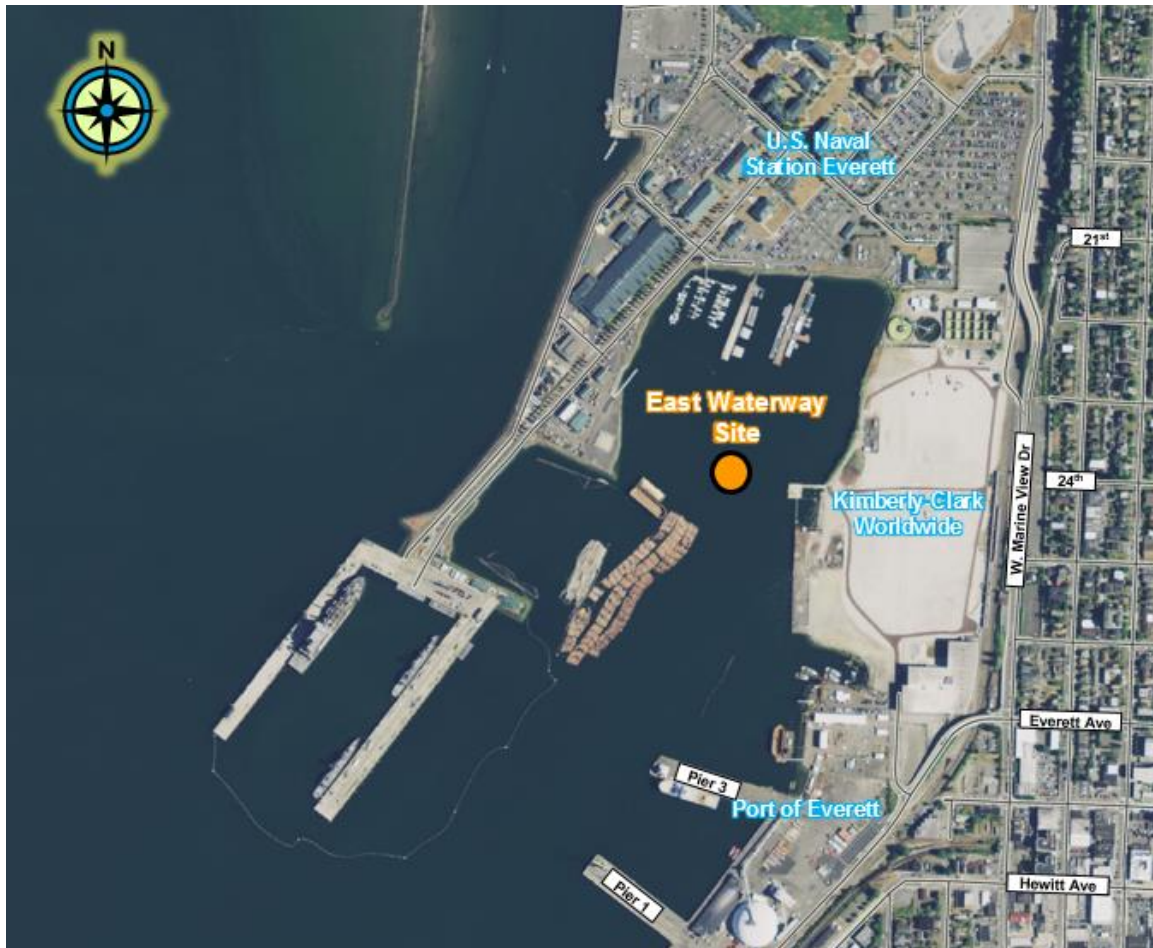


Figure 1: The East Waterway Site is shown in the above map, located in the Everett Harbor area directly west of downtown Everett, WA.

General Site History and Contaminants

The East Waterway Site was developed in the early 1900s. Pulp and paper manufacturing was conducted at the Site for just over 80 years. Bulk petroleum operations, manufacturing of heavy equipment and machinery for the oil drilling industry, naval

shipyard operations, and other waterfront industrial and shipping operations were also conducted on the Site beginning as early as 1930.

After merging with Scott Paper Company in 1995, K-C became the owner of the pulp and paper mill. K-C operated the mill until 2012, when it filed for permits to demolish the facility to ready the property for sale and redevelopment. Demolition began in summer 2012 and was completed by July 2013. In the 1970s, the Port developed a portion of the East Waterway into a cargo shipment facility. K-C, the Port and DNR have been identified as PLPs at the Site.

Various environmental investigations at the Site conducted from the 1980s to early 2015 found marine sediments contaminated with: metals (arsenic, mercury, zinc, copper, lead), polycyclic aromatic hydrocarbons (PAHs), semivolatile organic compounds, total polychlorinated biphenyls (PCBs) and dioxins/furans.

In December 2012, Ecology and K-C entered into an Agreed Order (AO) to clean up the upland area to the east of the Site. The East Waterway was not included in the upland area AO. To clean up remaining in-water contaminants, Ecology is entering into a separate AO with the PLPs to research and identify hazardous substances at this Site. This includes upland sources that could potentially release contaminants to the in-water area. Any such substances identified will be addressed under separate documents (see next section for examples).

The Cleanup Process

Washington State's cleanup process and key opportunities for you to provide input are outlined in Figure 2 on page 14. 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 comment periods may be conducted separately or combined.

Steps in the cleanup process and related documents are described in greater detail in the following subsections.

Interim Actions

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

Overview of draft Agreed Order

The proposed agreement, called an Agreed Order, is a legal document between Ecology and K-C, the Port and DNR which agrees to provide remedial action at the Site where there has been a release or threatened release of hazardous substances.

The Agreed Order describes the studies that the PLPs agree to perform on the Site. The Agreed Order provides guidance on the following studies and documents:

- **Draft Remedial Investigation/Feasibility Study (RI/FS)** – The RI determines which contaminants are on the Site, where they are located, and whether there is a significant threat to human health or the environment. The RI report provides baseline data about environmental conditions that will be used to develop cleanup options. The FS report then identifies and evaluates cleanup options in preparation for the next step in the process. The RI and FS reports are expected to be combined into a draft East Waterway Site RI/FS report. The draft report will be made available for public review and comment. Comments will be considered as the draft cleanup action plan (DCAP) is prepared.
- **Draft Final Cleanup Action Plan (DCAP)** – After public comment on the draft RI/FS report, a preferred cleanup alternative will be selected. The DCAP explains the cleanup standards that will be applied at the Site, selects the preferred cleanup alternative(s) and outlines the work to be performed during the actual site remediation. The DCAP may also evaluate the completeness and effectiveness of any interim actions that were performed on the Site. The DCAP will be available for public review and comment.

3.0: Community Profile

Community Profile

Everett is Snohomish County's largest city and the seventh largest city in the state of Washington. Everett's current population is approximately 105,370, situated within 33.45 square miles.² Located on Port Gardner Bay, Everett hosts the west coast's second largest marina, United States Navy Homeport Naval Station Everett and The Boeing Company's assembly plant. The city's current labor workforce is more than 80,000,³ employed predominantly in technology, aerospace and service-based industries.

Key Community Concerns

An important part of this Plan is to identify key community concerns for cleanup of the 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, and 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 helps ensure that they are adequately addressed. On-going key community concerns will be identified for the East Waterway Site through public comments and other opportunities, as detailed in Section 4.

² United States Census Bureau. <http://quickfacts.census.gov/qfd/states/53/5322640.html> (Accessed May 29, 2015)

³ American Fact Finder. http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_13_5YR_S2301&prodType=table (Accessed May 29, 2015)

4.0: Public Participation Opportunities

Ecology and K-C, the Port and DNR 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 visit our website at <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4297>, or contact:

Andy Kallus, Site Manager
Department of Ecology
Toxics Cleanup Program
PO Box 47600
Olympia, WA 98504-7600

Phone: (360) 407-7259
Email: Andrew.Kallus@ecy.wa.gov

Ecology's Webpage

Ecology has created a webpage to provide convenient access to information. Documents such as the draft Agreed Order 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 East Waterway webpage is available at the following address:

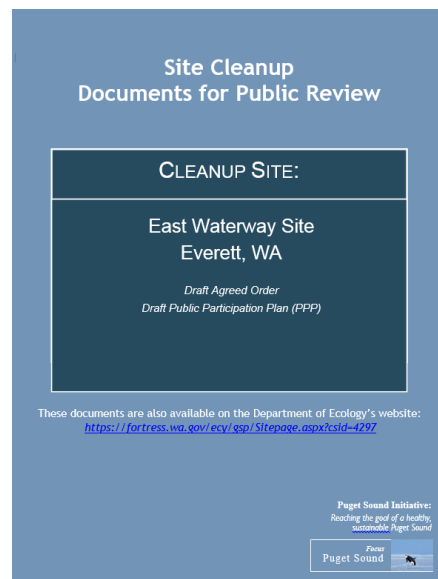
<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4297>

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 are:

- **Everett Public Library**
2702 Hoyt Ave
Everett, WA 98201
Phone: (425) 257-8000
Website: <http://epls.org/>
- **Department of Ecology Headquarters**
300 Desmond Drive
Lacey, WA 98503
By appointment. Please contact Carol Dorn at (360) 407-7224 or 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 Agreed Order, draft Consent Decree, draft RI, draft 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 East Waterway Site, newspaper notices will be posted in the Snohomish County Tribune and The Daily Herald.

Notices are also sent by regular mail to the local community and interested parties. The local 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 a 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(s) under review. 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 online at http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html

Mailing Lists

Ecology maintains both email 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 email. 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 email 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 email 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

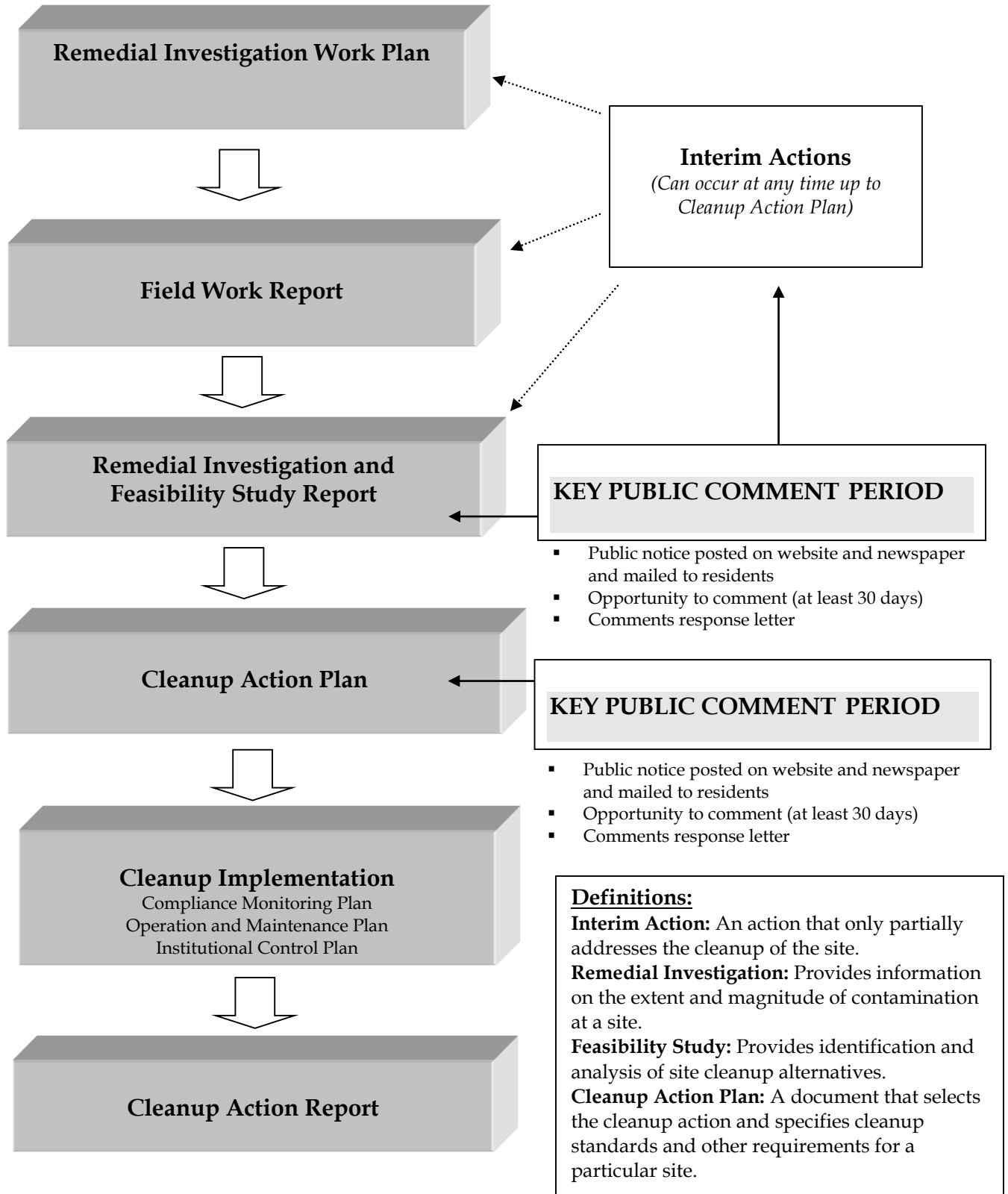
Ecology is committed to the public participation process and will consider additional means for delivering information and receiving comments, including combining public comment periods for other actions (such as those associated with the State Environmental Policy Act).

Public Participation Grants

You are eligible to apply for a Public Participation Grant from Ecology approximately every two years to provide funding for 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.

Visit www.ecy.wa.gov/programs/swfa/grants/ppg.html for more information about Ecology's Public Participation Grants.

Figure 2: 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.