

Site Cleanup:

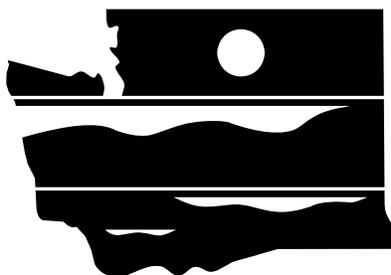
NORTH MARINA WEST END SITE

11th Street - 14th Street west of
West Marine View Drive
Everett, Washington

PUBLIC PARTICIPATION PLAN

Prepared by:

Washington State Department of Ecology



DEPARTMENT OF
ECOLOGY
State of Washington

Updated June 2011

This Plan is for you!

This Public Participation Plan (Plan) is prepared for the Port of Everett's North Marina West End Site cleanup as part of the requirement of the Model Toxics Control Act (MTCA). The Plan provides information about MTCA cleanup actions and requirements for public involvement, and identifies how Ecology and the Port will support public involvement throughout the cleanup. The Plan is intended to encourage coordinated and effective public involvement tailored to the community's needs around the North Marina West End Site.

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If you need this document in a format for the visually impaired, 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 conducted during cleanup of a site on the Everett waterfront – the North Marina West End Site (Site). These opportunities are part of a cooperative agreement between the Washington State Department of Ecology (Ecology) and the Port of Everett (port). The current agreement, called an Agreed Order, is a legal document in which the port and Ecology agree to decide on cleanup actions for the North Marina West End Site. The port has completed significant investigation and cleanup of this Site as part of a larger North Marina Redevelopment project, known as Port Gardner Wharf. Ecology is working with the port to complete this investigation and cleanup. The Site is generally located between 11th and 14th Streets off West Marine View Drive, on Port Gardner Bay, Everett, Washington.

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 to provide 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 Public Participation Plan provides a framework for open dialogue about the cleanup among community members, Ecology, cleanup site owners, 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, which 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.

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.

- 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 additional public involvement opportunities are appropriate. The port also keeps the community informed through newsletters and its website, which provides progress on waterfront cleanup.

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.
- Listen to concerns.
- Address those concerns.

Part of the Puget Sound Initiative

North Marina West End is one of several sites in the Everett area and is part of a larger cleanup effort called the Puget Sound Initiative (PSI). Governor Chris Gregoire and the Washington State Legislature authorized the PSI as a regional approach 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 Everett 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, with support from the port. Ecology maintains overall responsibility and approval authority for the activities outlined in this Plan. The port is responsible for cleanup at this Site. Ecology will ultimately oversee all cleanup activities, and ensure that contamination on this 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 North Marina West End 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 Public Participation 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 North Marina West End Site is located generally between 11th and 14th Streets west of West Marine View Drive, in Everett, Snohomish County, Washington (see Figures 1 and 2). It is southwest of the Legion Memorial Golf Course and the American Legion Memorial Park. The upland portion of the Site is about 17 acres in size, and the in-water portion is about 10 acres. It is bounded on three sides by Port Gardner Bay, and on the east by additional Marina property, Burlington Northern Railroad, and West Marine View Drive.

The City of Everett Comprehensive Plan land use map² indicates that the Site is zoned waterfront commercial. Zoning to the north is parks/open space and maritime services (industrial), zoning to the east is residential, and to the west includes open water and parks (Jetty Island). As noted earlier, The port is currently in the process of redeveloping the North Marina Area, which includes the Site. Redevelopment will include a mix of marina support, retail, restaurant, hotel, office, residential, and public recreational uses.

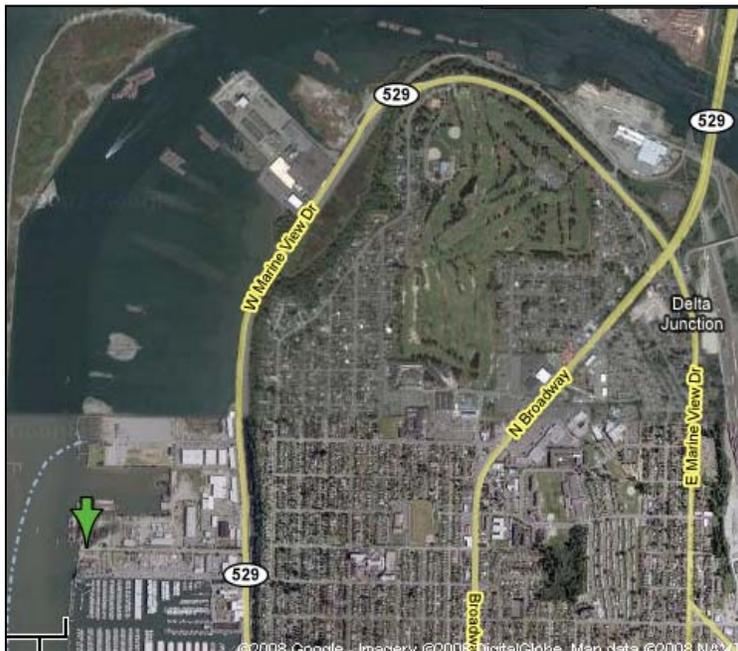


Figure 1: The North Marina West End Site, shown in the above map with an arrow, is generally located between 11th and 14th Streets, west of West Marine View Drive, Everett, WA, in Snohomish County, on Port Gardner Bay.

² Planning and Community Development, City of Everett, WA
http://www.ci.everett.wa.us/pdf/planning/Comppln_April2009_Reduced.pdf (Accessed June 13, 2011)



Figure 2: A larger view of the North Marina West End Site, shown in the above photo with a dotted line.

General Site History and Contaminants

From about 1890 until about 1950, timber-product operations dominated waterfront industrial activities at the Site. The North Marina Area was filled to its current configuration between about 1947 and 1955. Since that time, the North Marina West End Site has been used for commercial, marine, and general industrial purposes. Uses included trucking and construction activities, such as welding, pile driving, sandblasting, creosote log storage, and painting. In addition, there were a number of petroleum product storage tanks for diesel fuel, gasoline, waste and heating oil.

The results of several environmental studies showed contamination from these uses in soil, water, and sediment. This contamination includes:

- Semivolatile organic compounds (SVOCs) including polycyclic aromatic hydrocarbons (PAHs) and 1-methylnaphthalene in soil;
- One PAH (acenaphthene) in sediment;
- Petroleum hydrocarbons in soil and groundwater;
- Vinyl chloride in groundwater;
- Metals, including arsenic, copper, lead, and mercury in soil, and

- Metals including dissolved arsenic and copper in groundwater.

An interim action conducted between 2006 and 2008 included excavation and offsite disposal of over 40,000 tons of soil impacted by arsenic, copper, carcinogenic PAHs, 1-methylnaphthalene, lead, mercury, and petroleum hydrocarbons. The interim action also included cleanup of petroleum contaminated groundwater. Ecology is working with the port to complete site investigations and cleanup.

The Cleanup Process

Washington State's cleanup process and key opportunities for you to provide input are outlined in Figure 3. The general cleanup process includes the following steps:

- Interim Action – addresses early cleanup needs at a site prior to completing the final cleanup.
- 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. The draft CAP, or DCAP, will be an attachment to a formal legal document, called the Consent Decree or Decree.

Each of these steps will be 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
- Decree and DCAP

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.

Interim actions beyond those already implemented are not currently anticipated on the North Marina West End Site under this Agreed Order.

Remedial Investigation/Feasibility Study Report

The port agreed to conduct an RI/FS on the Site. 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 draft 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 processes typically include several phases:

- Scoping
- Site characterization
- Development and screening of cleanup alternatives
- Treatability investigations (if necessary to support decisions)
- Detailed analysis

The Draft RI and FS were combined into one report for the North Marina West End Site. The report was prepared by the port in accordance with the Agreed Order. The report describes exposure pathways, or how contaminants move through upland soil, groundwater, and sediment, and how human health and the environment may be affected. Information about the amount and location of contaminants along with exposure pathways was used to identify cleanup alternatives for the Site.

Overview of the Remedial Investigation

The RI describes the contamination in upland soil, groundwater, and sediments in and surrounding the Site, and determines whether there is a significant threat to human health or the environment. RI results are discussed below.

Soil – Results indicate that interim action – removal of contaminated soil on the Site – was successful, and remaining contaminants of concern (COCs) are compliant with soil cleanup levels identified in the RI/FS.

Groundwater – Results indicate that groundwater on the Site has arsenic, copper and vinyl chloride exceeding cleanup levels. These exceedances appear to be remnants of sources that were removed during the interim action. Since the contaminant sources have been removed, levels of arsenic, copper and vinyl chloride are expected to decrease over time.

Sediment – Chemical tests indicate that marine sediments at the Site have elevated concentrations of fluoranthene (i.e., exceeding Ecology’s Sediment Quality Standard or SQS). However, the SQS cleanup level for fluoranthene was exceeded in only a single location, and the source was most likely a nearby bulkhead that was removed during the interim action. Fluoranthene is a common chemical associated with creosote and the bulkhead was constructed using creosote-treated pilings and timbers. No other chemicals exceeded SQS cleanup levels.

Overview of the Feasibility Study

The purpose of the FS is to evaluate potential cleanup action alternatives and recommend a preferred cleanup action. Information from the RI about the amount and location of contaminants is used to understand potential risks and identify cleanup alternatives. Alternatives may include contaminant removal, capping, and/or institutional controls to reduce exposure, and they may be used in different combinations.

The results of the RI indicate that the interim action between 2006 and 2008 was very successful and further active remediation is not necessary. After conducting a screening of cleanup action alternatives, a single cleanup action alternative was identified by Ecology and evaluated based on regulatory criteria to address risk on the Site. That cleanup alternative includes the following:

Groundwater – To address groundwater contamination, the cleanup alternative would consist of long-term groundwater compliance monitoring and institutional controls. Institutional controls would include restricting the use of groundwater in the northern portion of the Site where contamination was found.

Sediment – Monitored natural recovery was selected as the preferred alternative for the sediments, using ongoing, naturally occurring processes to reduce sediment impacts over time.

The cleanup alternative does not address soil because the remaining soil concentrations are compliant with soil cleanup levels identified in the RI/FS.

Cleanup Action Plan

The port, under Ecology oversight, prepared a DCAP for the North Marina West End Site.

The DCAP:

- Identifies cleanup levels for groundwater and sediment that the cleanup will achieve. Cleanup levels are stringent, so that future land uses will not be restricted.
- Describes the selected cleanup action and summarizes why this action was selected.

- Presents a schedule to carry out the cleanup.
- Identifies applicable state and federal laws.
- Specifies the types, levels, and amounts of hazardous substances remaining onsite, and the measures that will be used to prevent movement and contact with those substances.

The DCAP recommends that the cleanup action consist of long-term groundwater compliance monitoring and institutional controls to address upland contamination, and monitored natural recovery to address sediment contamination.

Long-term compliance monitoring will include monitoring groundwater quality from eight existing monitoring wells along the shoreline, and monitoring sediment at one location in the southeast corner of the Site.

A legal agreement, called a covenant, will be placed on the Site as an institutional control and will include the following elements:

- Prohibit groundwater use for drinking water.
- Manage, treat, and discharge groundwater used for construction or other non-potable purposes in conformance with an Ecology-approved groundwater management plan.
- Require worker contact with contaminated groundwater to be conducted by individuals with appropriate training and certifications for working on hazardous waste sites.

Implementation of the final CAP will begin immediately following entry into the Consent Decree and all CAP requirements are anticipated to be completed within one year.

Cleanup Consent Decree

The DCAP is an attachment to a formal legal document, called the Consent Decree or Decree. In the Decree, Ecology and the port agree upon the cleanup actions needed to protect human health and the environment at the Site. The Decree requires the port to carry out the cleanup actions that are specifically identified in the final CAP and within the schedule identified in the Decree. An updated Public Participation Plan is also an attachment to the Decree.

3.0: Community Profile

Community Profile

Everett is Snohomish County's largest city and the sixth largest city in the State of Washington. The current population of Everett is approximately 103,000³ situated within 47.7 square miles. Located on Port Gardner Bay, Everett hosts the West Coast's largest public marina, the third largest container port in the state, the U.S. Navy Homeport Naval Station Everett, and The Boeing Company's assembly plant. The city's 2010 labor workforce was more than 80,000, predominantly employed in technology, aerospace, and service-based industries.⁴

Key Community Concerns

An important part of the Public Participation Plan is to identify key community concerns for each cleanup site.

Many factors are likely to raise community questions, such as the amount of contamination, how the contamination will be cleaned up, 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 North Marina West End Site through public comments and other opportunities as detailed in Section 4.

³ US Census Bureau, Population and Housing Occupancy Status: 2010. http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_PL_GCTPL2.ST13&prodType=table (Accessed June 14, 2011)

⁴ City of Everett. <http://www.everettwa.org/default.aspx?ID=314> (Accessed June 14, 2011)

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 this 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:

Andy Kallus
Ecology Site Manager
WA State Dept. of Ecology
Toxics Cleanup Program
P.O. Box 47600

Olympia, WA 98504-7600
Phone: (360) 407-7259
E-mail: Andrew.Kallus@ecy.wa.gov

Ecology's Webpage

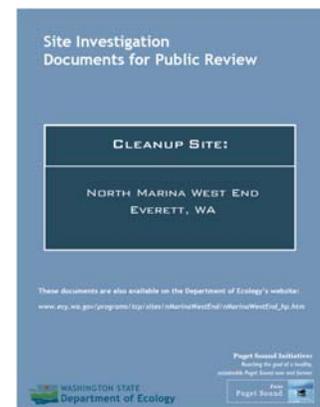
Ecology has created a webpage to provide convenient access to information. Documents such as the Agreed Order, RI/FS draft reports, and cleanup plans, are posted as they are issued during the investigation and cleanup process. Visitors to the webpage can find out about public comment periods and meetings; download, print, and read information; and submit comments via e-mail. The webpage also provides links to detailed information about the MTCA cleanup process. The North Marina West End Site webpage is available at the following address:

<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=934>

Information Centers/Document Repositories

The most comprehensive source of information about the North Marina West End Site is the information center, or document repository. Two repositories provide access to the complete list of site-related documents. All North Marina West End investigation and cleanup activity reports will be kept in print at those two locations and will be available for your review. They can be requested on compact disk (CD) as well. 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 this Site, the document repositories and their hours are:

- **Everett Public Library**
2702 Hoyt Ave.
Phone: (425) 257-8010
Hours: Mon.-Wed. 10 a.m.-9 p.m., Thurs.-Sat.
10 a.m.-6 p.m., Sun. 1-5 p.m.
- **WA Department of Ecology Headquarters**
300 Desmond Drive
Lacey, WA 98504-7600
By appointment. Please contact Carol Dorn at
(360) 407-7224 or Carol.Dorn@ecy.wa.gov.



Look for document covers such as 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 Agreed Order, draft Public Participation Plan, and the draft RI/FS report. 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 North Marina West End Site, newspaper notices will be posted in The Daily Herald and the Marysville Globe.

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. Two fact sheets have been prepared for the North Marina West End Site. The first fact sheet explains the Agreed Order and this Public Participation Plan (Appendix A). The second fact sheet explains the Draft Remedial Investigation/Feasibility Study, Draft Cleanup Action Plan and Draft Consent Decree (Appendix B). 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) 407-6069
- Send an email request to Seth.Preston@ecy.wa.gov or
- Register on-line at 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 list is 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 the 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 North Marina West End Site, please contact the Ecology staff person listed earlier in this section.

Submitting Comments

You may submit comments by regular mail or e-mail during public comment periods to the 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 an explanation about how the comments were addressed.

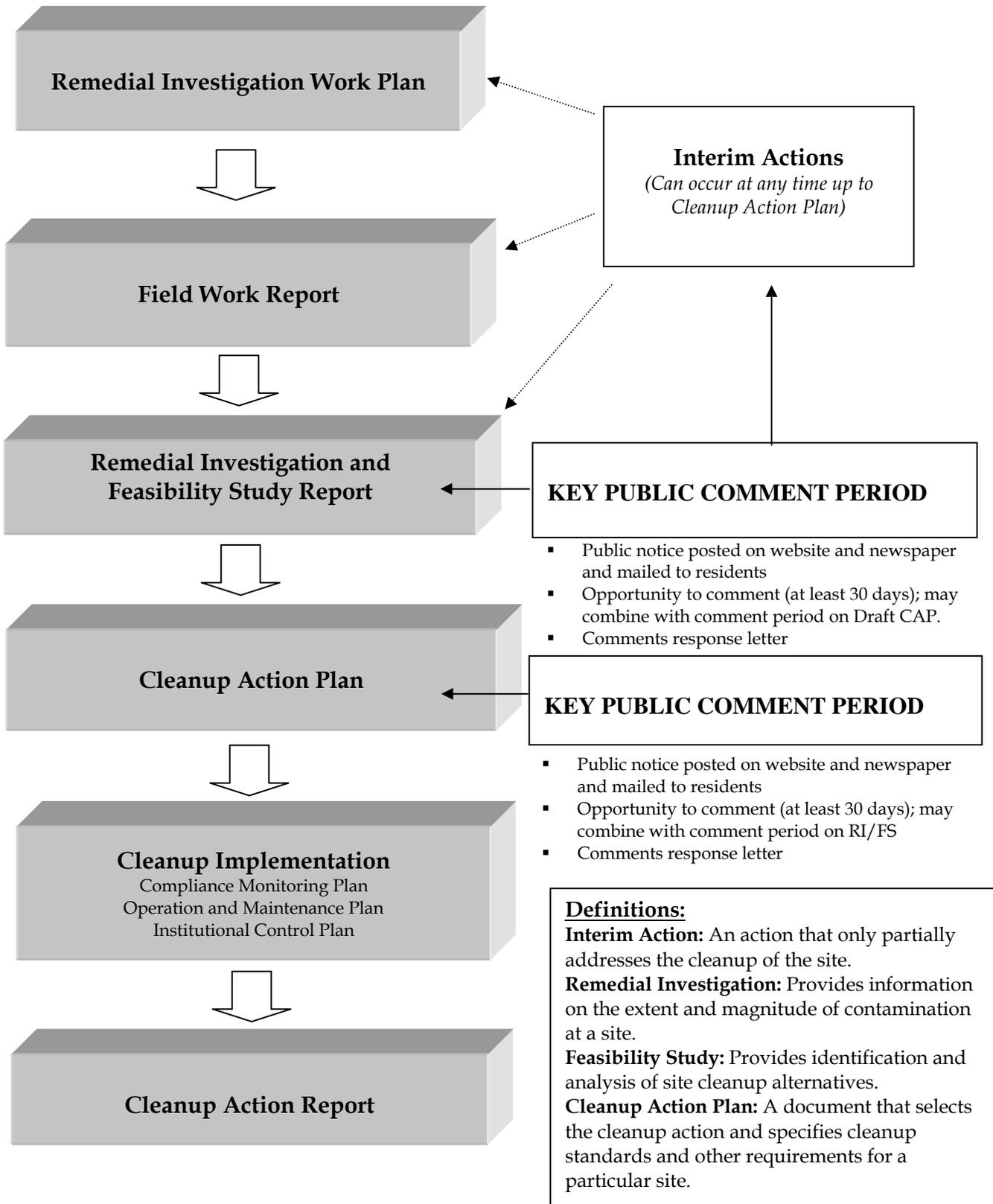
Other

Ecology and the port are 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 may be 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.

Consent Decree: A consent decree is a formal legal agreement filed in court. The work requirements in the decree and the terms under which it must be done are negotiated and agreed to by the potentially liable person, Ecology and the state Attorney General's office.

Feasibility Study: Provides identification and analysis of site cleanup alternatives and is usually completed within a year. Evaluates sufficient site information to enable the selection of a cleanup action. The entire Remedial Investigation/Feasibility Study (RI/FS) process takes about two years and is followed by the 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 Chapter 70.105D RCW. Voters approved it in November 1988. The implementing regulation is found in Chapter 173-340 WAC.

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 or expenditure consistent with MTCA 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.

APPENDIX A
Fact Sheet for Agreed Order
and
Public Participation Plan

APPENDIX B
Fact Sheet for Draft Remedial
Investigation/Feasibility Study,
Draft Cleanup Action Plan
and
Draft Consent Decree