
DRAFT PUBLIC PARTICIPATION PLAN

KENMORE INDUSTRIAL PARK
KENMORE, WASHINGTON

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Prepared by
Washington State Department of Ecology,
with input from Kenmore Industrial Park

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INTRODUCTION

The purpose of this Public Participation Plan is to assist in promoting public understanding and participation in the Kenmore Industrial Park cleanup. Cleanups conducted under the Washington State Model Toxics Control Act (MTCA) and the regulations that guide site cleanup (Chapter 173-340-WAC), require public notice and encourage public comment and participation. This Public Participation Plan outlines a variety of tools and activities to encourage public involvement in the Kenmore Industrial Park cleanup. While certain aspects of the Public Participation Plan are prescribed by regulation, the intent is to customize the approach to meet the specific community information needs.

This Public Participation Plan complies with MTCA and the MTCA regulations. The following sections provide a brief description of the site background and community profile and outline the public involvement tools and activities for the Kenmore Industrial Park.

This plan covers activities at the site for the State Remedial Investigation/Feasibility Study (RI/FS), Cleanup Action Plan, Consent Decree and State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) for the cleanup. SEPA compliance for the redevelopment is covered by the Northshore Community Plan Environmental Impact Statement (EIS), adopted in 1993, and the Lakepointe Mixed Use Master Plan Supplemental EIS, dated July 14, 1998. Pioneer Towing Company, Inc. (Pioneer Towing) and the Washington State Department of Ecology (Ecology) are committed to providing public participation opportunities prior to and during the cleanup of this site. This Plan is intended to promote public understanding of Pioneer Towing's and Ecology's responsibilities, planning activities, and remedial activities at the site. It also provides an opportunity to receive information from the public on a comprehensive cleanup plan to protect human health and the environment. Figure 1 shows the cleanup process and public participation activities, as well as opportunities for public comment.

SITE BACKGROUND

SITE LOCATION AND DESCRIPTION

Kenmore Industrial Park is located southwest of the intersection of Bothell Way NE and 68th Avenue NE in Kenmore, King County, Washington, along the 6500 to 6800 blocks of NE 175th Street (Figure 2). The site comprises approximately 45 acres. The site is located adjacent to and north of the mouth of the Sammamish River and the southwestern portion of the property forms a peninsula that extends into Lake Washington. The site is relatively flat and bordered by road and shoreline embankments.

The site is currently used as an industrial park and is occupied predominantly by a sand and gravel stockpile yard and several smaller storage and light industrial operations. The current owner of the site is Pioneer Towing.

Cleanup Process and Public Participation Activities

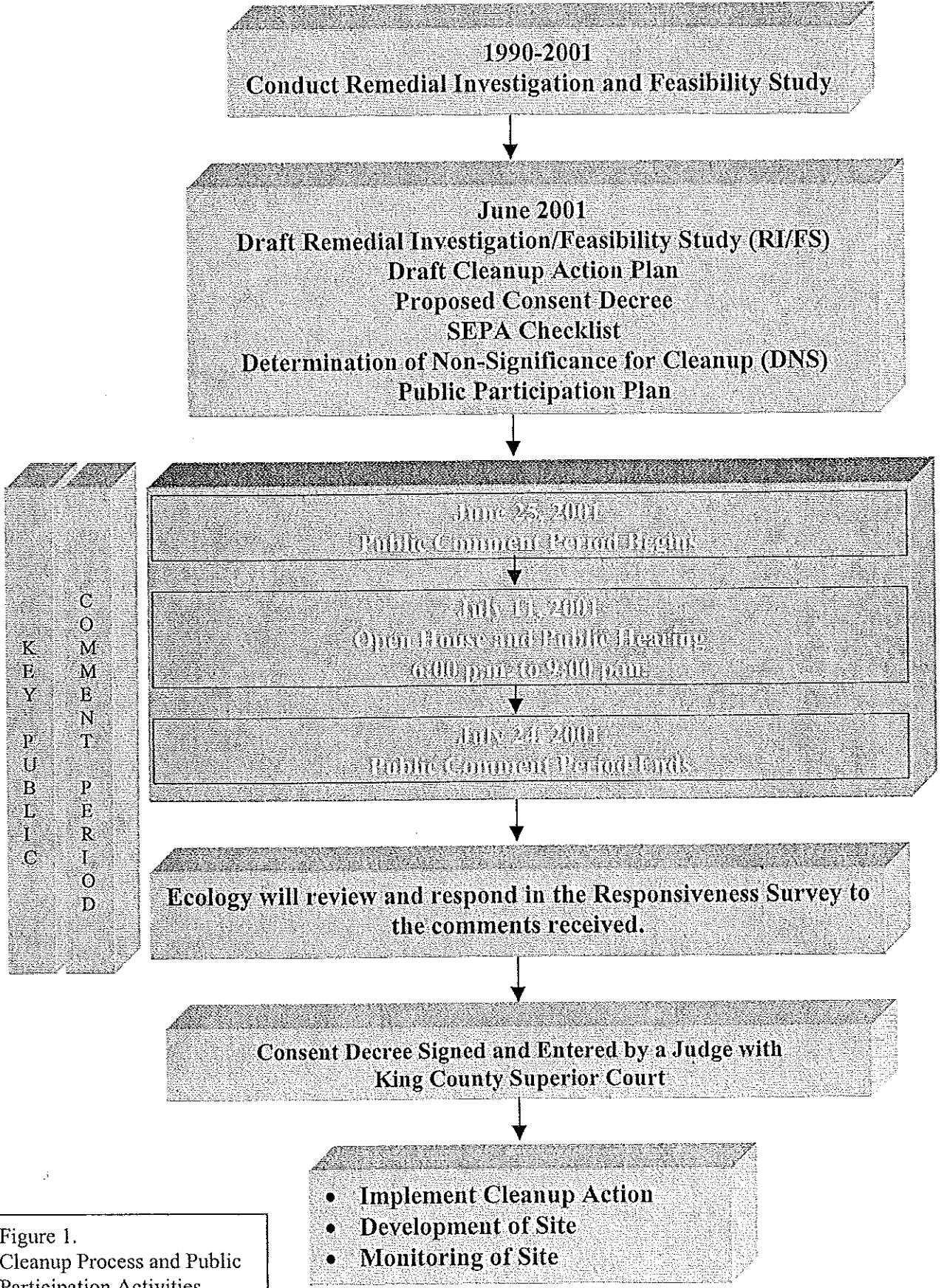


Figure 1.
Cleanup Process and Public
Participation Activities

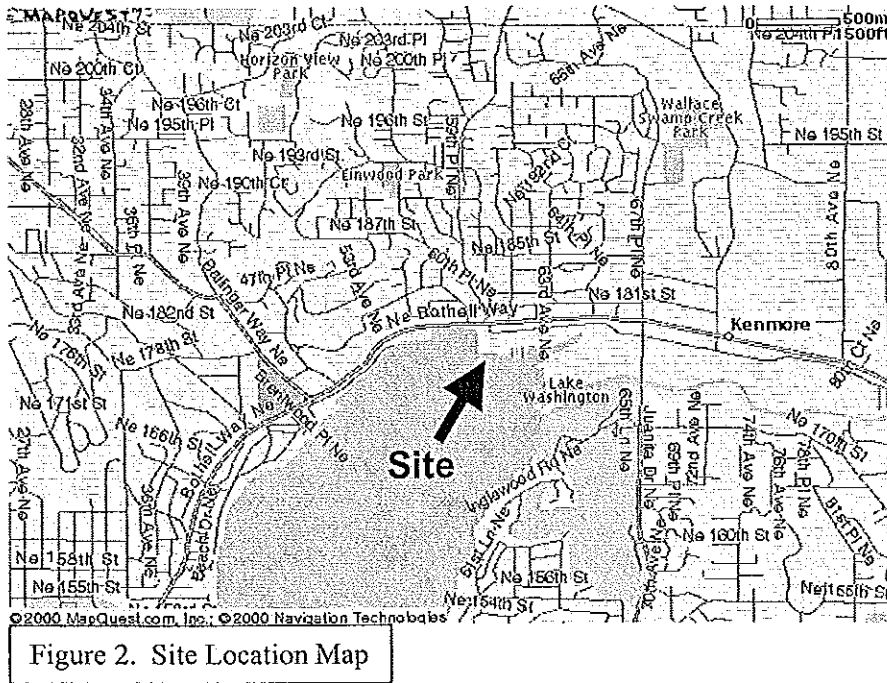


Figure 2. Site Location Map

SITE HISTORY AND HISTORICAL OPERATIONS

At the turn of the 20th century, the southern and western portions of the site comprised a shallow, submerged delta. In 1916, the United States Army Corps of Engineers lowered the lake level. As development progressed at the site, the southern and western portions were subject to reclamation. By 1956, significant filling activities occurred at the north margin of the property. During that time, various fill materials were placed at the site, resulting in a landfilled peninsula elevated above the former deltaic environment. By 1969, the entire property appears to have been filled to its current elevation. Fill records indicate that construction debris were disposed at the site. The fill consisted predominantly of demolition debris, with smaller amounts of concrete and asphalt rubble, and a minor soil matrix. The origin of the fill is reported to be housing demolition debris related to construction of the Interstate I-5. The landfill was eventually graded, covered with soil, and used as an industrial park.

A number of businesses historically operated at the site. Historic operations have included assorted small storage and manufacturing industries, sand and gravel staging and support facilities, and associated offices. In a fenced compound in the north-central portion of the property, a concrete truck fleet was fueled and maintained. Fuels were stored in above ground storage tanks inside the fenced compound. On the western portion of the site, a pond was maintained where excess concrete and concrete truck washwater was collected.

COMMUNITY PROFILE

KENMORE COMMUNITY DESCRIPTION

The site is located in the City of Kenmore. Kenmore, incorporated in August 1998, has a population of about 17,000 and covers an approximately 6-square-mile area within King County, Washington. Upon incorporation, Kenmore became responsible for the review and approval of all building and land use permits within its boundaries. The City Council has given priority to local control of planning and land use decision-making and began accepting new land use permits at Kenmore City Hall in the winter of 1998.

Kenmore has adopted King County development regulations and zoning codes, with minor exceptions, in an effort to provide continuity to the community; however, these regulations may change over time. Similarly, Kenmore negotiated an interlocal agreement with King County Department of Development and Environmental Services in an effort to assure a smooth transition in administration from King County to the City of Kenmore.

Kenmore recently drafted a vision statement to express its community goals and purposes. The preliminary vision statement provides a sense of the Kenmore community as it exists today and how it will likely exist in the future:

With integrity as its cornerstone, Kenmore is a city that will meet its obligations by providing:

- Public safety
 - Effective and efficient services
 - A community-generated plan for the future
 - Forums for citizen participation and involvement
 - Fair-friendly service responsive to the diverse needs of the citizens
 - Representation of Kenmore's interests in local and regional partnerships
- ... leaving a sustainable legacy.¹

¹ City of Kenmore, <http://www.cityofkenmore.com/>, June 12, 2001.

KEY COMMUNITY CONCERNS

Overall, the community is supportive of the property being cleaned up and redeveloped. Community input into the proposed redevelopment and cleanup has come primarily through the efforts of the Lakepointe Citizens' Advisory Task Force. The Lakepointe Citizens' Advisory Task Force functioned for over three years and in the course of its work consulted on issues related to site cleanup and development of the project's Master Plan, Commercial Site Development Permit Application, and Shoreline Substantial Development Permit Application. The work of the Task Force involved continuing, substantive input from the very beginning of the cleanup process by a highly diverse group of local residents and representatives from the many community interests drawn from those geographic areas potentially effected by the cleanup and redevelopment. Ecology was active in the public participation process by presenting information, providing materials, and answering questions regarding the process and procedures applicable to the site cleanup. The Task Force meetings were open to the public and broadly advertised. Public comment was solicited at the beginning of each meeting, and public questions and comments were encouraged during most meetings. Although some concerns have been raised about traffic congestion associated with the redevelopment, in the course of a close collaboration with the development team, King County, and other interested groups, a broad consensus among the members developed a broad outline of the project as reflected in the Master Plan and the various permit applications. The consensus included confidence that the project would be built on the site in a manner protective of human health and the environment.

SITE CLEANUP AND REDEVELOPMENT

The cleanup action will be fully integrated with and will occur at the same time as the proposed redevelopment of the site. The objectives of the cleanup action are to prevent human contact with contaminants in the landfilled demolition debris and to prevent the migration of contaminants above levels of concern to surrounding surface waters. Contaminants that pose concern at the site include certain metals (lead, arsenic, barium, and selenium) and certain petroleum hydrocarbons.

CLEANUP ACTION PLAN

The proposed cleanup action includes: placement of soil cover, construction of site structures that form an engineered cap over a portion of the upland area of the property, long-term monitoring of groundwater, and implementation of measures to limit and/or prohibit activities that may interfere with the integrity of the cleanup or result in exposure to contaminants at the site. The proposed Cleanup Action Plan will be implemented in phases in conjunction with redevelopment and include the following tasks:

- ◆ Soil cover;
- ◆ Design of the redevelopment structures that will form an engineered cap over portions of the upland area of the property;
- ◆ Construction of the redevelopment structures that form the engineered cap;

- ◆ Implementation of physical measures in areas not yet redeveloped and in areas not currently under construction to limit access and potential exposure to landfilled debris at the site;
- ◆ Implementation of site modifications outside the engineered cap that reflect habitat preservation and enhancement goals;
- ◆ Implementation of worker health and safety plans and required property notices; and
- ◆ Monitoring of groundwater.

If the site remains in industrial use, deed notices, access controls, erosion controls, and groundwater monitoring appropriate for continued industrial uses will constitute the proposed cleanup action.

SITE REDEVELOPMENT

Site redevelopment will occur in conjunction with, and form an integral part of, the cleanup action. The proposed redevelopment will provide mixed commercial and residential uses, and may include phased development of residential units, professional office space, retail and commercial space, a marina with recreational boat slips, parking stalls, and construction of a new public street connecting NE Bothell Way and 68th Avenue NE. Open space on the site will include natural open space, public park areas, pedestrian walkways and trails, and possibly a public amphitheater. The open space areas on the site will also provide public access and viewpoints to Lake Washington and the Sammamish River.

ESTIMATED CLEANUP SCHEDULE

The schedule for cleanup will run concurrently with and be based on the schedule for site redevelopment. An estimated timeline for phases of the site cleanup and development is set out in the Cleanup Action Plan.

This estimated timeline might be modified during the course of redevelopment.

PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITIES

The purpose of this Public Participation Plan is to promote public understanding and participation in the Model Toxics Control Act (MTCA) cleanup planned for this site. This section of the Plan addresses how Ecology and Pioneer Towing will share information and receive public comments and community input on the site cleanup. Ecology, working with Pioneer Towing, retains lead responsibility for these activities.

PUBLIC INVOLVEMENT TOOLS

Ecology uses a variety of tools that are aimed at facilitating public participation in the planning and cleanup of MTCA sites. The following is a list of these tools, their purposes, and when and how they will be used during this site cleanup.

Formal Public Comment Period

For the Kenmore Industrial Park a thirty-day comment period will be held from June 25 to July 24, 2001. During this time, the community will have the opportunity to provide written comments on drafts of the Remedial Investigation/Feasibility Study (RI/FS), Consent Decree, Cleanup Action Plan, SEPA checklist and DNS, and this Public Participation Plan.

Public Hearing

In addition, a public hearing will be held at the Northshore Utility District Building, 6830 NE 185th Street, Kenmore, on the evening of July 11, 2001, from 7:00 – 9:00 PM, with an open house from 6:00 – 7:00 PM. At this hearing, Ecology and Pioneer Towing will communicate with the public directly, discuss the proposed cleanup actions, respond to questions and concerns about the proposed cleanup actions, and accept formal verbal comments.

Responsiveness Summary

After the public comment period, Ecology will review and respond to any comments received, both verbal and written, in a responsiveness summary. Ecology will consider changes or revisions based on input from the public. If significant changes are recommended, then a second comment period will be held. If no significant changes are recommended, then the Consent Decree will be finalized and recorded in Washington State Superior Court and preparation of the Cleanup Engineering Design report will begin. A copy of the responsiveness summary will be sent to all people who submitted comments, and it also will be made available at the Information Repositories listed below with the other site documents.

Information Repositories

During the comment period, the site documents will be available for review at information repositories. These documents will remain at the repositories for the entire duration of the cleanup. Ecology also can make copies of documents for a fee.

For the Kenmore Industrial Park cleanup, the information repositories are:

Kenmore Public Library 18138 73rd NE Kenmore, WA (425) 486-8747	Lake Forest Park Public Library Lake Forest Park Towne Centre 17171 Bothell Way NE Seattle, WA (206) 362-8860	Washington State Department of Ecology Northwest Regional Office 3190 160th Avenue SE Bellevue, WA 98008
Monday and Wednesday 11:00 AM – 9:00 PM	Monday – Friday 11:00 AM – 9:00 PM	Call Sally Perkins for an appointment: Phone: (425) 649-7190 Fax: (425) 649-4450 E-mail: perk461@ecy.wa.gov
Thursday, Friday, and Saturday 11:00 AM – 5:00 PM	Saturday 11:00 AM – 6:00 PM	Monday – Thursday 8:00 AM – 12:00 PM and 1:00 – 4:00 PM

Site information will also be posted on the Ecology web site at:
<http://www.ecy.wa.gov/programs/tcp/cleanup.html>

Documents available for public review at these repositories will include drafts of the RI/FS, Consent Decree, Cleanup Action Plan, SEPA checklist, DNS, and this Public Participation Plan.

Site Register

One of the primary communication tools of Ecology’s Toxics Cleanup Program is the Site Register. All public meetings and comment periods as well as many other activities are published in this bimonthly report. The public comment period for the site will be announced in the Site Register on June 26, 2001. To receive the Site Register, contact Sherrie Minnick at (360) 407-7200 or shan461@ecy.wa.gov.

Mailing List

Ecology, with Pioneer Towing, will jointly compile a mailing list for the site. The list will include individuals, groups, public agencies, elected officials, and private businesses and industries that request site-related mailings, potentially affected parties, as well as other known interested parties. The list will be maintained at Ecology’s Northwest Regional Office and will be updated as needed.

Fact Sheet

A fact sheet is a site-specific newsletter-like publication that is mailed to potentially affected parties, as well as interested persons, businesses and government agencies in and around affected communities. The fact sheet is used to inform them of public comment periods and important site activities. A fact sheet may also be used to informally update the community regarding progress of the site cleanup.

For this site, a fact sheet was prepared and mailed out to announce the formal comment period, public hearing and availability of site documents to be reviewed. Future fact sheets will be prepared as appropriate to periodically update the community on the progress of the site cleanup.

Display Ad

The paid display ad for the site to announce the comment period and public hearing will be placed in the *Seattle Times*, the *Northlake News*, and the *Northshore Citizen*.

PLAN UPDATE

This Public Participation Plan may be updated as the project proceeds. If an update is necessary the revised plan will be submitted to the public for comment.

PUBLIC POINTS OF CONTACT

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GLOSSARY

Cleanup: Actions taken to deal with a release, or threatened release of hazardous substances that could affect public health and/or the environment. The term "cleanup" is often used broadly to describe various response actions or phases of remedial responses such as the remedial investigation/feasibility study.

Cleanup Action Plan (CAP): A document that explains which cleanup alternative(s) will be used at sites for the cleanup. The Cleanup Action Plan is based on information and technical analysis generated during the remedial investigation/feasibility study and consideration of public comments and community concerns.

Comment Period: A time period during which the public can review and comment on various documents and Ecology or EPA actions. For example, a comment period is provided to allow community members to review and comment on proposed cleanup action alternatives and proposed plans. Also, a comment period is held to allow community members to review and comment on draft feasibility studies.

Consent Decree: A formal legal document, approved and issued by a court which formalizes an agreement reached between the state (and EPA if involved) and the potentially liable person(s) (PLPs) on what will take place during the Remedial Investigation/Feasibility Study and/or cleanup action. A Consent Decree is similar to an Agreed Order except that a Consent Decree goes through the courts. Consent Decrees are subject to public comment. If a decree is substantially changed, an additional comment period is provided.

Feasibility Study (FS): See Remedial Investigation/Feasibility Study.

Groundwater: Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In some aquifers, ground water occurs in sufficient quantities that it can be used for drinking water, irrigation and other purposes.

Information Repository: A file containing current information, technical reports, and reference documents available for public review. The information repository is usually located in a public building that is convenient for local residents such as a public school, city hall, or library.

Model Toxics Control Act (MTCA): Legislation passed by the State of Washington in 1988. Its purpose is to identify, investigate, and clean up facilities where hazardous substances have been released. It defines the role of Ecology and encourages public involvement in the decision making process. MTCA regulations became effective March 1, 1989 and are administered by the Washington State Department of Ecology.

Public Participation Plan: A plan prepared to encourage coordinated and effective public involvement designed to the public's needs at a particular site.

Remedial Investigation/Feasibility Study: Two distinct but related studies. They are usually performed at the same time, and together referred to as the "RI/FS." They are intended to:

- Gather the data necessary to determine the type and extent of contamination;
- Establish criteria for cleaning up the site;
- Identify and screen cleanup alternatives for remedial action; and
- Analyze in detail the technology and costs of the alternatives.

Responsiveness Summary: A summary of oral and/or written public comments received by Ecology during a comment period on key documents, and Ecology's responses to those comments. The responsiveness summary is especially valuable during the Cleanup Action Plan phase at a site when it highlights community concerns.