



DEPARTMENT OF
ECOLOGY
State of Washington

Public Participation Plan

Circle K 1461 Cleanup Site
2350 24th Avenue East
Seattle, WA 98112

Facility Site ID: 2322
Cleanup Site ID: 5089

September 2018

Publication and Contact Information

This document is available on the Department of Ecology's Circle K 1461 website at:
<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=5089>

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- Central Regional Office, Union Gap 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

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2350 24th Avenue East
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Washington State Department of Ecology
Northwest Regional Office
Toxics Cleanup Program
Bellevue, Washington

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Public Involvement in Contamination Cleanup

The Department of Ecology (Ecology) and the property owner, Mr. Kuk Jin Choung, are addressing contamination at the Circle K 1461 Cleanup Site (Site) with Ecology managing cleanup activities under a Mixed Funding Consent Decree. The contamination came from a former service station and lube facility and is present above state cleanup standards. As a result, it must be addressed under Washington's cleanup law, the Model Toxics Control Act.

Ecology developed this public participation plan (plan) to promote meaningful community involvement in the Site cleanup process. The plan describes ways Ecology will inform the public about cleanup activities, and identifies how and when the public can get involved.

Ecology Site contacts

Department of Ecology
Northwest Regional Office
3190 160th Ave SE
Bellevue, WA 98008-5452

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Public Participation Grants

Qualified individuals and not-for-profit public interest organizations are eligible to apply for a Public Participation Grant (PPG) from Ecology. For contaminated sites, these funds may be used to:

- Contract with an expert to help interpret technical jargon and information.
- Conduct activities that enhance the public's understanding of, and participation in, the site cleanup process.

For more information about PPGs, please contact Lynn Gooding at 360-407-6062 or lynn.gooding@ecy.wa.gov. You may also visit Ecology's [Public Participation Grant website](#).¹

¹ ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants

Washington's Cleanup and Environmental Laws

Ecology derives its authority to require cleanup of contamination from the state Model Toxics Control Act (MTCA; [Chapter 70.105D Revised Code of Washington \(RCW\)](#)²). The MTCA provides requirements for contaminated site cleanup in Washington State and sets standards to ensure the cleanup protects human health and the environment. Standards for sediment cleanup are established in the state Sediment Management Standards, [Chapter 173-204 Washington Administrative Code \(WAC\)](#)³.

Model Toxics Control Act (MTCA)

MTCA began as a grassroots citizen's initiative in 1988, and started the process of systematically cleaning up contaminated sites in Washington. Under MTCA, a current or past property owner or operator may be held responsible for cleaning up contamination on, or coming from, their property to standards that are safe for human health and the environment.

Ecology enacts the MTCA and oversees cleanups in the state and issues regulations and guidance governing those cleanups. The regulations are found in [Chapter 173-340 WAC](#)⁴. Ecology investigates reports of property contamination, and if the contamination is seen as a significant threat to human health or the environment, the contaminated property is placed on the Hazardous Sites List. The cleanup process begins once Ecology selects a site from the Hazardous Sites List.

Public participation is an important part of cleanup under the MTCA process. Participation needs are assessed at each cleanup site according to the level of public interest and the degree of risk posed by the contamination. Individuals who live near the site, community groups, businesses, government, other organizations, and interested parties have the opportunity to get involved by commenting during the cleanup process.

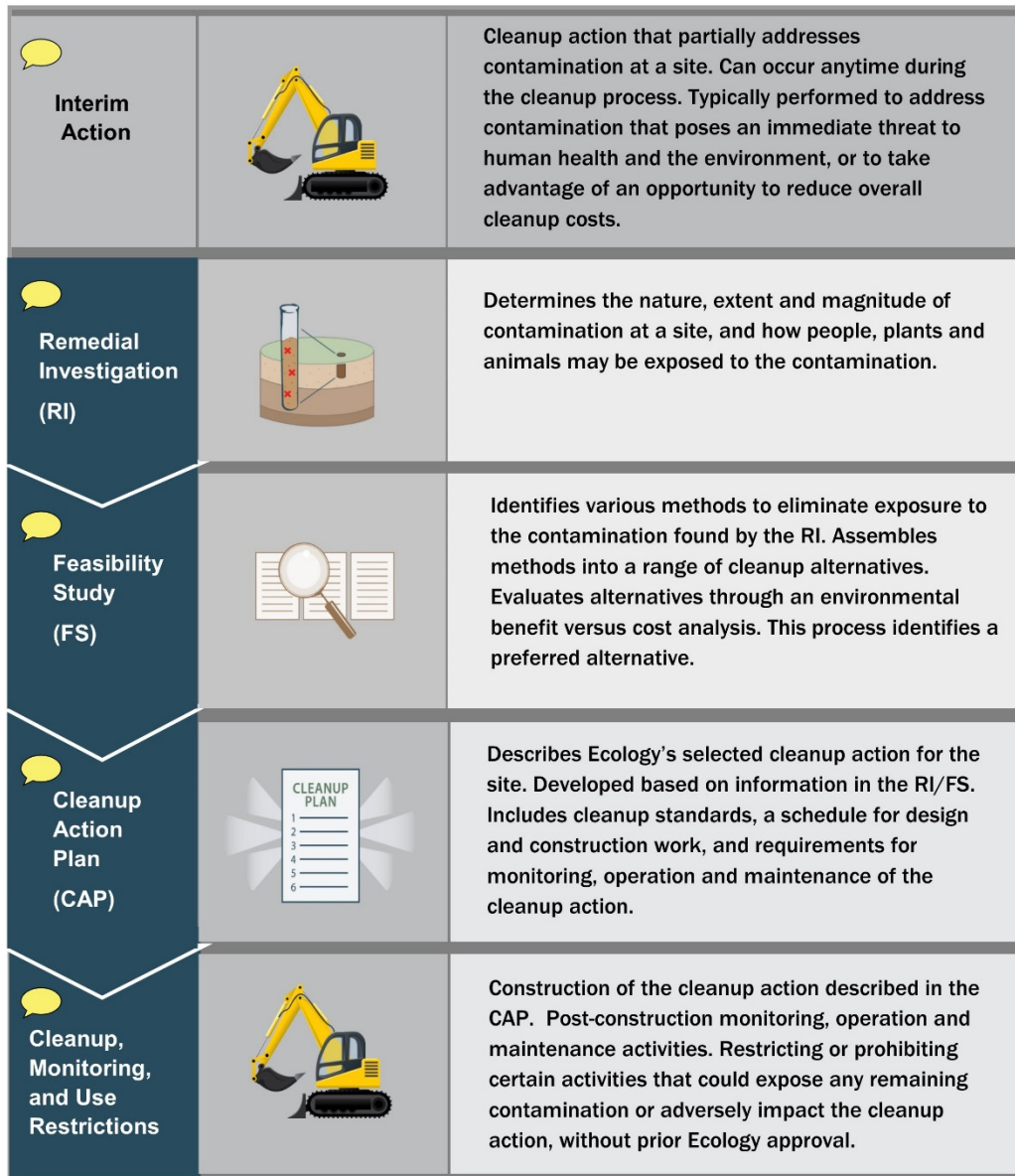
Under the MTCA, the cleanup process generally includes four steps, with opportunities for the public to review and comment on cleanup documents. In addition, a partial cleanup (called an interim action) can occur at any time during the cleanup process. The public is provided an opportunity to review and comment on planned interim action work as well.

² <https://fortress.wa.gov/ecy/publications/publications/9406.pdf>

³ <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

⁴ <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

Steps in Washington's Cleanup Process



 Opportunities for public review and comment

Figure 1: Steps in Washington's Cleanup Process

State Environmental Policy Act

Under the State Environmental Policy Act (SEPA; Chapter 197-11 WAC) potential adverse environmental impacts must be considered by state and local agencies when making decisions. Although cleanup projects typically do not result in adverse environmental impacts, SEPA review is conducted throughout the cleanup process as required.

Site Information



Figure 2: Cleanup site facing Southeast from 24th Avenue

Background and location

The Site is located at 2350 24th Avenue East, Seattle, WA. The Property is located in a mixed commercial area of the Montlake residential neighborhood.

A former Gull service station operated on the Site from 1968 until 1990. A small food market and retail dry-cleaning drop off location have operated at the site since then.

In 1992, Ecology and a new property owner entered into a Mixed Funding Consent Decree where Ecology provided the property owner a loan from state funds to cover a portion of the cleanup costs. Ecology conducted an early cleanup action, called an interim action. Ecology's interim action:

- Removed leaking tanks
- Conducted partial soil evacuation
- Installed a product recovery system that operated until 1997

Ecology conducted Pilot Study tests in 2005 and in 2017 to evaluate other potential cleanup alternatives for remaining contamination.



Figure 3: Location of cleanup site at southeast corner of McGraw St. and 24th Ave.



Figure 4: Circle K 1461 Cleanup Site Map

How the site became contaminated

Petroleum contamination was discovered in soil and ground water after a release in 1989 from a leaking underground storage tank.

Contamination

In 2017 Ecology completed an environmental study (Remedial Investigation/Feasibility Study, RI/FS) of the Site and assessed a range of cleanup options.

The study helped define the extent of chemicals in soil and groundwater from a former service station and lube facility:

- Petroleum products (Gasoline, Diesel, Oil-range Total Petroleum Hydrocarbons)
- Benzene, Toluene, Ethyl-Benzene, and Xylene (BTEX)

The petroleum plume has extended off-property beneath adjacent streets and residential property.

Cleanup plans

In 2017 Ecology finished the draft RI/FS report and prepared a preliminary draft Cleanup Action Plan (DCAP). Ecology's environmental study determined that the contamination is located mostly within the property boundary, extending slightly to the north under East McGraw Street and slightly west under 24th Avenue East.

Based on the results of the 2017 Pilot Study test, the DCAP outlines the preferred cleanup alternative that includes:

- injections of oxygen releasing chemicals to oxidize contaminated ground water followed by,
- ground water and soil vapor extraction.

If no significant changes are made after public comment, the draft RI/FS report and DCAP will be finalized. If funding is approved, implementation of the cleanup action plan will begin in summer 2019.



Figure 5: Field work during 2017 Pilot Study testing

Area community

The Site is located in the residential Montlake neighborhood in Seattle. The [City of Seattle Department of Neighborhoods](#)⁵ produced a [Montlake Neighborhood “Snapshot”](#)⁶ that provides a community overview (see page 8):

- “People” (race/ethnicity and languages spoken)
- “What We’re Hearing” (community concerns)
- “Neighborhood Numbers” (population statistics from the 2009-2013 American Community Survey)
- “Learn More” (resources for more information)

The [Environmental Protection Agency’s Environmental Justice Screening and Mapping Tool](#)⁷ reports no significant demographic indicators above the EPA threshold (80th percentile) in a quarter mile radius from the site. The highest demographic indicator was “Population Under 5 years of age” at 75th percentile. This may be due to the nearby Montlake Elementary School located at 2409 22nd Avenue East, Seattle, WA 98112.

The [United States Census Bureau’s American Fact Finder](#)⁸ census tract data reports no significant language populations speaking English less than “very well.”

Ecology will reach out to cultural community organizations as part of our public involvement efforts and provide information in other languages as appropriate following federal guidance.⁹ We strive to involve the whole community in our public participation efforts and welcome your input on additional measures we can take to reach the nearby community.

⁵ <http://www.seattle.gov/neighborhoods/neighborhoods-and-districts>

⁶ <http://www.seattle.gov/Documents/Departments/Neighborhoods/Districts/Neighborhood%20Snapshots/Montlake-Snapshot.pdf>

⁷ <https://ejscreen.epa.gov/mapper/index.html?wherestr=47.505875%2C+-122.290814>

⁸ <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

⁹ Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 69 Fed. Reg. § 35602 (June 15, 2004).

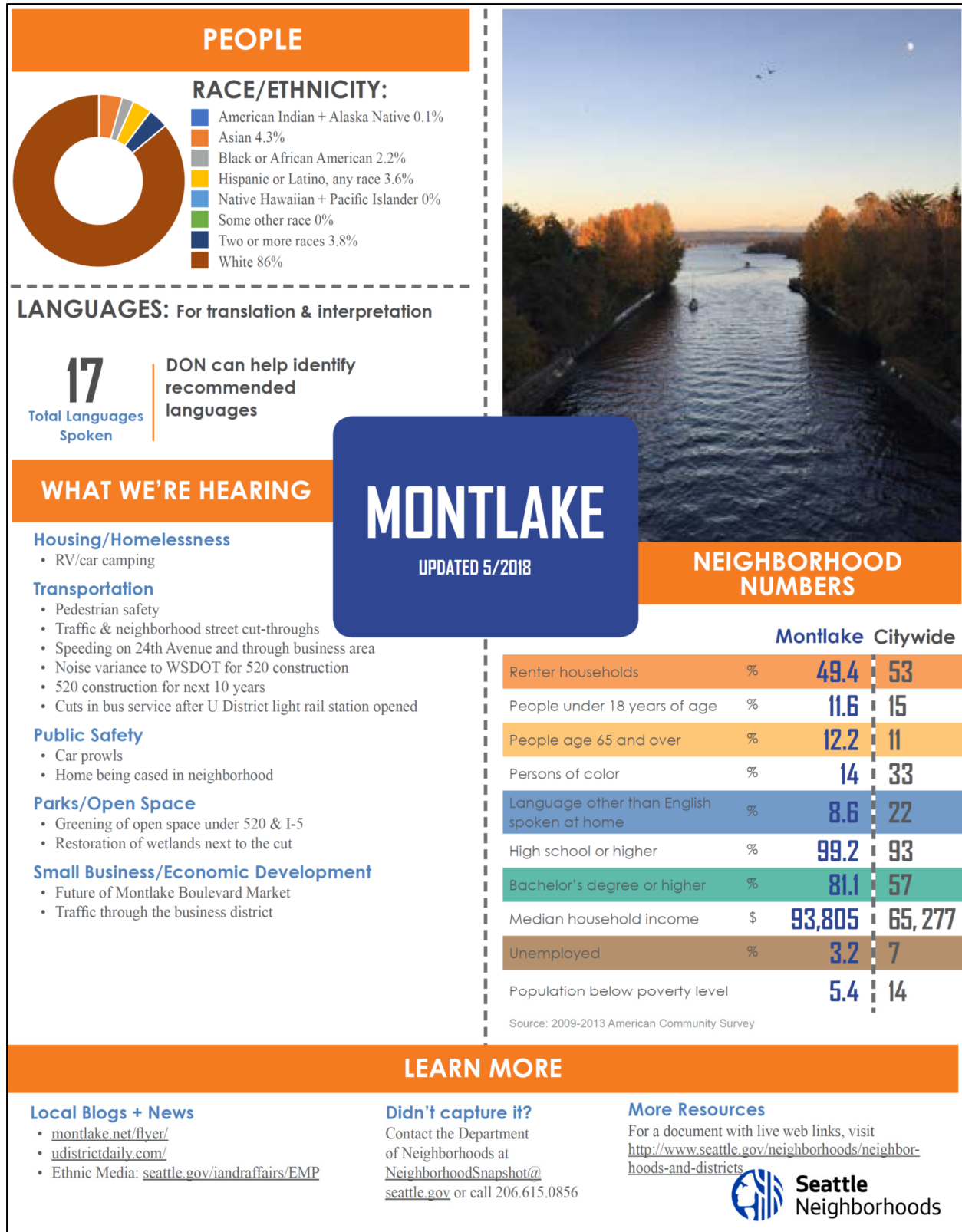


Figure 6: City of Seattle Department of Neighborhood's Montlake Snapshot, May 2018

Public Participation Activities

Interested persons may ask questions, submit informal comments, or share Site information with Ecology at any time. However, to be included in the formal Site record, comments must be submitted in writing during designated comment periods.

How we share information with the community

During specific steps of the cleanup process, Ecology will mail notices about upcoming public comment periods to residences and businesses near the Site. The mailing list area may vary depending on the type of contamination and where it is located, but at a minimum it will include addresses within a quarter-mile radius of the Site, and other interested organizations and individuals. The notices will provide general information about the Site, contact information for submitting comments, and times and locations of public meetings or hearings, or how to request one if one is not yet scheduled.

Ecology may also develop documents outside of comment periods to keep the community updated on the Site's status. We will make these informational documents available online and, if warranted, by US mail.

Comment period notices and other Site announcements may also be posted in various locations throughout the community (for example, local businesses, schools, libraries).

Notification lists

Ecology maintains an email list and a mailing list that includes: postal addresses within a quarter-mile radius of the Site; relevant local, state, federal, and tribal government contacts; and, other interested parties.

We will use these lists to send notices when cleanup documents are available for public review and comment or for other Site communications.

If you would like to be added to the email or mailing lists for this Site, please contact Nancy Lui at 425-649-7117 or Nancy.Lui@ecy.wa.gov.

Site Register

Public comment periods, events, and other cleanup notices are published in Ecology's [Site Register](#).¹⁰ To receive the *Site Register* by email, please contact Cheryl Ann Bishop at 360-407-6848 or cherylann.bishop@ecy.wa.gov, or [subscribe online](#).¹¹

¹⁰ ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data

¹¹ <http://listserv.wa.gov/cgi-bin/wa?SUBED1=siteregister&A=1>

Newspaper display ads or legal notices

We announce public comment periods and events in ads or notices published in The Seattle Times. We will also publish notice on our [Public Input & Events Listing](#).¹²

Ecology's website and social media platforms

We maintain a [website for the Circle K 1461](#) site.¹³ The website provides Site information, including current status, public comment period information and documents, and other Site documents.

We may also share information about cleanup sites through [news releases, our ECOconnect blog, and social media](#).¹⁴

Document repositories

During public comment periods, you can find print documents at the following locations:

Seattle Public Library – Montlake Branch

2401 24th Avenue East
Seattle, WA 98112
Phone: 206-684-4720

Washington Department of Ecology

Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452

To schedule an appointment, please contact the Northwest Region Office Central Records staff at 425-649-7190 or sally.perkins@ecy.wa.gov.

Signs at the Site

We may also install signs displaying information about cleanup status, traffic impacts, and health risks at the Site.

¹² ecology.wa.gov/Events/Search/Listing

¹³ <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=5089>

¹⁴ ecology.wa.gov/About-us/Get-to-know-us/News

How to share information with us

Interested persons may ask questions, submit informal comments, or share Site information with Ecology at any time. However, to be included in the formal Site record, comments must be submitted in writing during designated comment periods. These written comments can be submitted via:

- Ecology's online comment form
- Email or mail to the Ecology Site Manager

We may also meet with interested community members and organizations to gather information and identify public concerns. To collaborate with us about this Site, please contact Nancy Lui at 425-649-7117 or Nancy.Lui@ecy.wa.gov.

Public comment periods

At minimum, the MTCA requires 30-day public comment periods for cleanup documents. Ecology may hold longer public comment periods based upon the complexity of the documents, level of public interest, or other compelling factors.

For related SEPA documents, these are typically issued for public review with the cleanup documents and follow their public comment period.

After a public comment period ends, we typically respond in writing to all comments received in a Response to Comments document. This document is provided to each commenter, and placed on the Site webpage. If the comments received result in significant changes to the cleanup documents, then we will revise and re-issue the documents for public review. If the comments do not result in significant changes, then the documents are considered final.

Public events

We hold public meetings, workshops, open houses, and public hearings based on community interest. If we have not scheduled a meeting, we will hold one if we receive 10 or more written requests.

Events are held at locations close to the Site that meet Americans with Disabilities Act standards. Public meetings, workshops, open houses, and hearings are always announced in advance using a variety of methods.

Plan Amendments/Updates

Ecology developed this plan following MTCA regulations (WAC 173-340-600). We review it as the cleanup progresses and amend/update it as necessary.

This plan includes information for the public regarding opportunities to get involved in the Site cleanup process. The outreach activities and mechanisms presented reflect Ecology's current plans for keeping the public informed and for receiving information and comments from the public.

If you feel the outreach activities and mechanisms described in this plan are insufficient, or need modification, please contact Nancy Lui at 425-649-7117 or Nancy.Lui@ecy.wa.gov.