

**DRAFT**

**PUBLIC PARTICIPATION PLAN**

**For**

**Hungry Whale  
1680 N. Montesano Street  
Westport, Washington 98595**

Submitted by:

Washington State Department of Ecology  
Southwest Regional Office  
Toxics Cleanup Program  
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## **1.0 Introduction**

The Hungry Whale site is located at 1680 N. Montesano Street (site) in Westport, Washington. Groundwater and soil contamination resulting from past retail gasoline operations on the Hungry Whale was detected in 1990. The owner of the property, the Port of Grays Harbor, is entering into an Agreed Order (agreement) with the Washington State Department of Ecology (Ecology) to continue the investigation and cleanup of the site. Agreed Orders are legal documents approved and issued by Ecology. The Hungry Whale Agreed Order formalizes the agreement between Ecology and the Port of Grays Harbor regarding cleanup of the site.

Since 2005, the Port of Grays Harbor and its consultant, Urban Redevelopment, have been working with Ecology to investigate, plan, and coordinate the cleanup of the soil and groundwater contamination. An interim action was performed by 21<sup>st</sup> Century Ltd. between October 1997 and October 1999, but contaminated soil and groundwater remain above state cleanup levels. Ecology and the Port of Grays Harbor will work together to provide consistent outreach to the community surrounding the site and to others interested in the cleanup.

### **1.1 What is a Public Participation Plan?**

Public participation plans are an important component of Washington's Model Toxics Control Act (MTCA) and accompanying regulations Revised Code of Washington (RCW) 70.105D *et seq* and Washington Administrative Code (WAC) 173-340-600. Public participation plans summarize activities designed to give the public a meaningful opportunity to learn about and provide input on important cleanup decisions

This plan is subject to public comment, and Ecology welcomes input on how communication and this plan may be enhanced.

### **1.2 Goals of this Public Participation Plan**

This plan is designed to achieve specific goals as well as satisfy the requirements of MTCA. The goals of this Hungry Whale public participation plan are:

- To maintain open communication and provide information about site cleanup to promote public understanding of the cleanup process;
- To ensure the public's questions are answered and concerns are addressed;
- To notify the public of opportunities to comment on and be involved in technical decisions; and
- To provide additional sources of information.

### **1.3 Objectives of Public Participation**

Objectives are specific measurable actions that the Port of Grays Harbor or Ecology will take to meet plan goals. The Port of Grays Harbor and Ecology will monitor the plan's objectives to see that the goals are met and to ensure the community is well-informed about and involved in decisions regarding the site.

Objectives:

- Work with community leaders and the Grays Harbor County Health Department to assess the method and need for outreach to non-English speaking audiences. Design and use techniques and activities that are effective.
- Work with the local library, local churches and other resources to communicate with community members that may not speak English.
- Provide the Fact Sheet in English and Spanish to the local community, if necessary. Direct mail the English and Spanish versions to property owners within 1 mile of the site, if necessary.
- Translate the Fact Sheet into additional languages if recommended by community leaders.
- If necessary, set up contacts within Ecology for non-English speaking community members that can serve as translators. Involve Ecology's TIRT (translation) teams.
- Post the Agreed Order and related materials at the Westport City Hall, on the Ecology website, and with the Southwest Regional Office in Lacey. Translate the Agreed Order or other materials if there is public interest in such translations.

- Hold a public meeting, hearing or open house if there is community interest in such an event or if it would enhance communication of important information and public input.

## **1.4 Plan Participants**

The key participants carrying out this plan include Port of Grays Harbor and Ecology. Another important participant is Urban Redevelopment, the Port of Grays Harbor's environmental consultant.

Contact information for Ecology is listed in Section 4.3 of this plan.

## **2.0 Site Background**

### **2.1 Site History**

The Port of Grays Harbor is the owner of Hungry Whale and is the Potentially Liable Party (PLP) under this Agreed Order. The Port of Grays Harbor is responsible for site investigation and cleanup actions and related costs.

This site is an active service station/convenience store and there has been a release of hazardous substances above standards established MTCA, Chapter 70.105D of the Revised Code of Washington (RCW). MTCA is a citizen generated law defining Ecology's clean up standards for hazardous waste sites.

Ecology has approved a work plan for the Port of Grays Harbor to do remedial investigations at the site. The investigations are designed to determine the extent and type of contamination on the Hungry Whale and are currently underway.

According to a Remedial Investigation performed for the Department of Ecology by Science Application International Corporation (SAIC) in November 1991, petroleum hydrocarbons, benzene, toluene, ethylbenzene, and xylene (BTEX), lead, and hydraulic oil have been released to soils and groundwater on the site.

The proposed Agreed Order requires the Port of Grays Harbor to conduct a remedial investigation/feasibility study (RI/FS) of soil and groundwater that may contain

petroleum hydrocarbons and the other contaminants identified in 1991 (e.g. BTEX, lead, hydraulic oil).

## **2.2 Environmental and Health Impacts**

Both the soil and groundwater at the Hungry Whale site have been contaminated. Ecology completed a Site Hazard Assessment (SHA) of the site on August 9, 1993 and ranked the site "2" for human and environmental health risk. Ranking ranges from 1 to 5, with 1 representing the highest relative risk and 5 the lowest relative risk. Contaminated groundwater at the site is not used for drinking or other consumptive uses. Drinkable water is provided to the site and nearby properties by the City of Westport.

The property is currently used as a retail service station/convenience store and asphalt pavement covers most of the property. Some human exposure to contaminants could occur from contact if the pavement was removed.

The RI/FS will provide new information useful for identifying and describing the contamination and related environmental and human health risks, and for developing an effective cleanup action. The cleanup action will be designed to ensure long-term exposure does not occur from contaminants at the site.

## **2.3 Site Cleanup**

The RI/FS is just one step in the clean up of the Hungry Whale site. A specific cleanup action will be selected and implemented once the RI/FS is complete. Clean up of the site will need to meet all federal and state standards and Ecology will oversee cleanup activities.

The public will be invited to comment on the selected cleanup action once the RI/FS is complete.

## **3.0 Regulatory Framework for Site Cleanup & Public Participation**

### **3.1 Overview of the Regulatory Framework**

Cleanup activities at the Hungry Whale site fall under MTCA. Passed into law in 1989, MTCA is intended to provide a clear and efficient process to clean up contaminated sites to standards that are safe for both human health and the environment. Under MTCA, a current or past owner or operator may be held responsible for the cleanup.

Ecology is responsible for implementing and enforcing the provisions of MTCA and its accompanying administrative regulations. Ecology investigates reports of property contamination and determines if a significant threat exists to human health, the environment, or both. If a significant threat exists, the site is placed on the Hazardous Sites List and a cleanup process begins.

### **3.2 Steps in the State Cleanup Process**

Washington State's laws and regulations lay out each step in the cleanup process to ensure that cleanups are protective of human health and the environment. The basic steps are:

- site discovery and initial investigation;
- site hazard assessment and hazard ranking;
- remedial investigation;
- feasibility study;
- cleanup action plan; and
- cleanup.

Interim cleanup steps also may be taken during investigation of a site to reduce or eliminate the negative effects of contamination. Interim actions frequently result in a level of cleanup that meets MTCA standards for the protection of human health and the environment.

### **3.3 MTCA and Public Participation**

MTCA regulations emphasize the importance of public participation throughout the cleanup process. Under MTCA, interested parties, such as neighboring residents and businesses, are given the opportunity to influence decisions regarding cleanup. This is important because public awareness and involvement are instrumental to the success of any cleanup project.

Public participation grants may be available to groups living near contaminated sites. Grant funds may be used to provide additional public involvement or to receive additional technical assistance, and enhance the public's understanding of complex issues involved in a cleanup. Public participation grants are available through Ecology's Solid Waste and Financial Assistance Program. Information can also be found at Ecology's web site at <http://www.ecy.wa.gov/programs/swfa/grants.html> or by contacting Kathy Seel at [ksee461@ecy.wa.gov](mailto:ksee461@ecy.wa.gov) or (360) 407-6061.

### **4.0 Public Participation Activities & Responsibilities**

The purpose of this Plan is to promote public understanding and participation in the MTCA cleanup planned for the Hungry Whale site. This section of the plan addresses how the Port of Grays Harbor and Ecology will share information and receive public comment and community input regarding the cleanup. Ecology, working closely with the Port of Grays Harbor, will retain lead responsibility for public participation activities. The Port of Grays Harbor may prepare its own materials about site-related activities and will give Ecology three workdays to review information prior to dissemination. Ecology will also give the Port of Grays Harbor three workdays to review materials prior to dissemination.

#### **4.1 Public Participation Tools**

Ecology uses a wide variety of tools to support public participation in the planning and cleanup of MTCA sites. Ecology incorporates the community's input into cleanup decisions and activities whenever possible.



Below is a list of public participation tools Ecology uses, their purposes, and descriptions of when and how they will be used during the Hungry Whale site cleanup.

**(a) Formal Public Comment Period**

Comment periods are the primary method Ecology uses to get feedback from the public on proposed cleanup decisions. Comment periods usually last 30 days and are required at key points during the cleanup process before final decisions are made. During a comment period, the public can comment in writing, or if a public hearing is held, oral comments can be given.

*The comment period for the Hungry Whale site will be 30 days. If state or federal holidays occur during the comment period, the end date of the comment period will be extended one day for every day of holiday. Public comment will be solicited at key points during the cleanup process.*

**(b) Public Meeting, Open House or Hearing**

Public meetings may be held at key points during the investigation and cleanup process. Ecology also may offer a public meeting for actions expected to be of particular interest to the community. These meetings may be held in an open house format and would be held at a location convenient to the community. Also, if ten or more people request a public hearing during a public comment period, Ecology will hold a public hearing for the purpose of taking oral comments on documents and decisions.

*A public meeting, open house or hearing is not currently scheduled for the Hungry Whale. A meeting, open house or hearing may be scheduled if it would enhance communication between Ecology and the community regarding cleanup activities.*

**(c) Responsiveness Summaries**

After every public comment period, Ecology reviews and may respond to all comments received, both oral and written, in a responsiveness summary. Ecology considers changes or revisions based on the input from the public. If significant changes are

recommended, then a second comment period is held. If no significant changes are recommended, then the draft documents are finalized.

*A responsiveness summary for the Hungry Whale may be created if public comments warrant it. The summary would then be made available with other documents at the Information Repositories listed below.*

**(d) Information Repositories**

Information repositories are libraries or other convenient locations where the public can easily access documents and other site materials. Printed materials are placed at each repository during comment periods and remain at the repositories for the duration of the cleanup process. Ecology's Central Files also can make copies of documents for a fee.

*For the Hungry Whale site, the Information Repositories are:*

*WESTPORT CITY HALL  
506 N. Montesano Street  
Westport, WA 98595  
(360) 268-0131*

*WASHINGTON DEPARTMENT OF ECOLOGY  
SW Regional Office - Toxics Cleanup Program  
300 Desmond Drive  
Olympia, Washington 98504-7775  
(360) 407-6365*

*Site information and documents will be posted on the Ecology website at  
[http://www.ecy.wa.gov/programs/tcp/sites/tcp/sites/hungry\\_whale/whale.html](http://www.ecy.wa.gov/programs/tcp/sites/tcp/sites/hungry_whale/whale.html)*

**(e) Site Register and Public Events Calendar**

Ecology's Toxic Cleanup Program uses its bimonthly *Site Register* and web-based *Public Events Calendar* to announce all of its public meetings and comment periods as well as many other activities.

*Public comment periods for the Hungry Whale will be announced in the Site Register. To receive a copy of the Site Register, please contact Linda Thompson at 360-407-6069 or [ltho461@ecy.wa.gov](mailto:ltho461@ecy.wa.gov).*

*Copies are also available on the Ecology web site at:  
[http://www.ecy.wa.gov/biblio/site\\_reg.html](http://www.ecy.wa.gov/biblio/site_reg.html)*

*Public comment period and meeting announcements may also be found on Ecology's Public Events Calendar at: <http://www.ecy.gov>*

#### **(f) Mailing List**

Ecology compiles a mailing list for each site that includes neighboring property owners, public agencies, elected officials, tribes, schools, libraries, individuals that have requested mailings and other known interested parties. Each mailing list is maintained by Ecology and updated as needed.

*Ecology's Southwest Regional Office has created a mailing list specific to the Hungry Whale site. Please contact Guy Barrett or [gbar461@ecy.wa.gov](mailto:gbar461@ecy.wa.gov) to be added to or removed from the mailing list.*

#### **(g) Fact Sheets**

Ecology creates facts sheets and distributes them to persons and organizations interested in the cleanup of a particular site. The fact sheets are designed to inform the public of comment opportunities, meetings and important cleanup activities.

*Fact Sheets for the Hungry Whale site will be displayed at the repositories listed under (d), mailed to the list described under (f), and made available on the Ecology website at: [http://www.ecy.wa.gov/programs/tcp/sites/tcp/sites/hungry\\_whale/whale.html](http://www.ecy.wa.gov/programs/tcp/sites/tcp/sites/hungry_whale/whale.html)*

#### **(h) Notice/Display Ads/Legal Ad**

Notice of proposed actions and their related comment periods are published in the newspaper of largest circulation in the city or county of the proposed action.

*A legal ad announcing any public comment period or meeting for the Hungry Whale site will be placed in The Aberdeen Daily World. The ad will run for three days at the beginning of any comment period or meeting and include information about the proposed action, a request for public comment, and the dates of the public comment period.*

## **4.2 Plan Updates**

This public participation plan is meant to be a dynamic guide for informing and involving the community in the decision-making process for the site. This plan may be updated as the project proceeds. If a substantial update is necessary, then the revised plan will be submitted to the public for comment.

## **4.3 Public Points of Contact**

For project-related questions, contact Ecology's site manager for Hungry Whale:

Guy Barrett  
Toxics Cleanup Program  
PO Box 47775  
Olympia, WA 98504-7775  
Phone: 360-407-7115  
E-mail: [gbar461@ecy.wa.gov](mailto:gbar461@ecy.wa.gov)

For public participation questions, contact Ecology's public involvement coordinator for Hungry Whale, Guy Barrett, at (360) 407-7115 or [gbar461@ecy.wa.gov](mailto:gbar461@ecy.wa.gov).