

Public Participation Plan

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1.0 Introduction and Overview of the Public Participation Plan

1.1 PUBLIC PARTICIPATION AT HAZARDOUS WASTE SITES

Public participation is an integral element of the Model Toxics Control Act (MTCA), Chapter 70.105D Revised Code of Washington (RCW). The citizen-mandated hazardous waste cleanup law went into effect in March 1989. The implementing regulation, found in Chapter 173-340 of the Washington Administrative Code (WAC), prescribes the process and standards to identify, investigate, and clean up facilities where hazardous substances may be located. The law and associated regulations for implementation include requirements and guidelines for involving the public in the investigation and cleanup of hazardous waste sites.

Under Part VI WAC 173-340-600 of the regulations, a Public Participation Plan (PPP) is required for sites undergoing investigation and cleanup of hazardous substances that are conducted under the Washington State Department of Ecology (Ecology) or its oversight. The plan must be updated for each new phase of work at the site.

The PPP is a document designed to provide a process for meaningful public participation during the technical studies and cleanup of a site. While certain aspects of the plan are prescribed by regulation, PPPs are developed to meet the needs of a specific community and to encourage participation by members of the community. According to cleanup regulations, “the scope of the plan shall be commensurate with the nature of the proposed remedial actions, the level of public concern, and the risks posed by the facility.”

This PPP addresses public participation in the cleanup of the Cap Sante Marine (CSM) Site as it is today under current conditions. This PPP also addresses public participation in cleanup activities that would be implemented under potential future developed conditions, where public access and site conditions may be different from their existing conditions. This plan will be reviewed at each phase of the cleanup, and amended or rewritten as appropriate. This plan includes information about basic public participation requirements, which include:

- Notifying the public about available site-specific reports and studies
- Notifying the public about public comment opportunities during specific phases of the cleanup
- Providing for appropriate public participation methods such as informational mailing or meetings
- Considering public comments received during public comment periods

1.2 GOAL OF THIS PUBLIC PARTICIPATION PLAN

The goal of this plan is to promote public understanding of the cleanup regulations and process and to encourage the public’s meaningful participation in achieving a cleanup that is protective of human health and the environment. The actions in this plan will provide a channel for the public to be notified of, comment on, and assist in the cleanup process for the CSM Site.

The main objectives of this plan are to:

- a) Promote public understanding of the cleanup and meaningful participation in the cleanup process.
- b) Ensure that people will be appropriately informed of the status of cleanup activities for the existing site conditions and of cleanup activities that would be a component of potential future development on the site.
- c) Solicit and respond to community concerns, questions, and comments regarding the present cleanup as well as future development.

1.3 PUBLIC PARTICIPATION FOR THE SELECTION OF CLEANUP ACTIONS

This PPP has been prepared by the owner of the CSM Site, the Port of Anacortes (Port). The PPP accompanies an Agreed Order that sets forth the legal agreements that Ecology and the Port will follow during the cleanup of the CSM Site.

Documents that will be presented for public comment are listed below and defined in detail in the paragraphs that follow:

- Agreed Order (which includes a scope of work for environmental studies and interim actions on the site and a schedule for their implementation)
- Public Participation Plan (PPP)
- Remedial Investigation/Feasibility Study (RI/FS) and Interim Action Work Plan
- Remedial Investigation (RI)
- Interim Action Completion Report (if an Interim Action is performed)
- Feasibility Study (FS)
- Cleanup Action Plan (CAP; which includes a scope of work and schedule for cleanup and a compliance monitoring and contingency plan)
- State Environmental Policy Act (SEPA) and associated SEPA Checklist

An Agreed Order is a legal contract signed by Ecology and the Potentially Liable Party that contain the agreements to perform the site investigation and cleanup actions.

The Scope of Work and Schedule attached to the Agreed Order will describe the specific activities required by the Agreed Order that will be completed and their required schedule for completion. The Scope of Work will also contain a preferred schedule for completion of the cleanup action.

A RI/FS is a comprehensive study of site conditions (RI), combined with an evaluation of alternatives for remediating those conditions in a way that satisfies state cleanup standards and remedial selection criteria (FS). The central concern with conducting an RI/FS is to make sure that the process fulfills its proper purpose, which is to select the most cost-effective remedy that meets cleanup standards and is protective of human health and the environment. In addition,

redevelopment plans for the CSM Site may require interim actions at the CSM Site prior to completion of the RI/FS and selection of the final remedy.

A CAP is a document prepared under WAC 173-340-360 that selects the cleanup actions and specifies cleanup standards and other requirements for the cleanup actions. The CAP is a decision and summary document based on a RI/FS. The CAP for the CSM Site will define cleanup actions that must be accomplished at the site as it is in its present condition and cleanup actions that may be required under certain conditions when redevelopment of the site occurs.

SEPA determinations, which evaluate a development's potential adverse impacts to the environment, are required on all proposed cleanup actions.

1.4 ROLES AND RESPONSIBILITIES

Public participation activities for the cleanup process are coordinated between Ecology and the Port. Ecology maintains overall responsibility and approval authority for the activities outlined in this plan in accordance with the cleanup regulation requirements. The Port and Ecology will conduct public notice, which includes soliciting, receiving, and considering comments, and preparing a record that documents comments received. The public will be notified of comment periods that occur at specific points in the site investigation and cleanup process (usually following submission of specific reports to Ecology) as required by the state's cleanup law. The community is provided with the opportunity to review and, through public comment, share concerns or contribute information that may influence decisions about the cleanup.

1.5 ORGANIZATION OF THE PUBLIC PARTICIPATION PLAN

This plan provides an overview of the cleanup process, background information about the site, an overview of the community and plans for public involvement regarding the site. Proposed activities that will be used to raise awareness and to seek input from the community are also described. Other information needed to implement the public participation plan (e.g., locations of information centers and a list of organizations contacted) is included. Ecology and the Port urge the public to become involved in the cleanup process. This plan will be updated as more information becomes available during the cleanup process. If more information is needed or groups have questions or comments on the plan or other aspects of the cleanup, they can contact the individuals listed in Section 4.2.

Ecology's website and information centers also provide more detailed information.

2.0 Site Background

2.1 SITE DESCRIPTION AND LOCATION

The CSM Site is within the Cap Sante Boat Haven, located at the east end of 13th Street, along the Eastern shoreline of downtown Anacortes, WA. The CSM Site is bounded by Q Street to the West. Directly across Q Street are a Safeway store and a vacant gravel lot used for boat trailer parking. East of the CSM Site is the marina area of the Cap Sante Boat Haven and to the South of the CSM Site is the Seafarers' Memorial Park.

Soils at the CSM Site are generally composed of fill material, mainly of dredged sand with interbedded layers of silt and clay of variable thickness. The ground surface is asphalt in the roadway and a combination of asphalt, concrete slab, and gravel within the boatyard. The Port has owned the CSM Site since 1956. The CSM Site has been operated as a boat yard and marina support area since approximately 1959.

2.2 GENERAL SITE HISTORY

The Port has owned the CSM Site since 1956, and currently leases it to Cap Sante Marine Ltd. Cap Sante Marine Ltd. has been a Port tenant since the late 1970s, providing small vessel storage, launch and minor maintenance services. The CSM Site has been operated as a boatyard and marina support area, including a marine fueling facility since approximately 1959. The fuel float is located on a float offshore from the CSM Site. The fuel supply tanks, underground storage tanks (USTs), are located within the leased area and are connected to the float via a series of underground pipelines. In the early 1980s, petroleum fuel was observed seeping into the marine waters at the boat basin at several locations near the fuel float. In 1983, under order from the U.S. Coast Guard, the Port installed a trench to control the seepage of fuel. The trench intercepted the fuel flowing through the soil. According to the available site documentation, 1,250 gallons of fuel were recovered from the trench and the seepage stopped.

It was determined that the seepage resulted from leaking USTs that supplied the fuel docks at Cap Sante Boat Haven. In 1985, the Port replaced these USTs with two new 12,000 gallon tanks. Impacts to the soils and groundwater in the vicinity of fuel leaks and recovery trench were not evaluated, nor were any potentially impacted soil reported to have been removed.

In 2004 and 2005 the Port conducted a series of Environmental Due Diligence Investigations into the extent of soil and groundwater contamination at the CSM Site. The Port's investigations revealed soil and groundwater contaminated with gasoline, diesel, and benzene in a roughly fan-shaped area around the USTs and extending to Fidalgo Bay. Ecology and the Port are performing a RI/FS at the CSM Site under an Agreed Order.

2.3 CONTAMINANTS OF CONCERN

Contaminants of concern (COCs) for soil, groundwater, and shoreline sediment include those associated with the historical petroleum fuel tanks and supply lines located at the CSM Site. Therefore, COCs include petroleum hydrocarbons, polycyclic aromatic hydrocarbons (PAHs),

volatile organic compounds associated with petroleum fuel, and lead. The specific constituents are listed below:

- Gasoline-range hydrocarbons
- Diesel-range hydrocarbons
- Oil-range hydrocarbons
- PAHs
- Benzene, toluene, ethylbenzene, xylenes (BTEX)
- Methyl tert-butyl ether (MTBE)
- Lead

2.4 THE CLEANUP PROCESS

The steps involved in Washington State's cleanup process are summarized in Figure B.1. The general process is to investigate the site for contaminants, identify and select cleanup options, and conduct a cleanup. At any time during the cleanup process, an interim cleanup action may be conducted. Issuance of a draft remedial investigation report, a draft feasibility study report, a draft CAP, or an interim action work plan are activities for which a public notice and comment period of at least 30 days are conducted. The cleanup process is further described in the following sections and the opportunities for public involvement are identified.

When public notice is required, the law states that at a minimum, the "potentially affected vicinity" must be notified by mail and an advertisement must be placed in the newspaper with the largest circulation in the community. Additionally, during any public comment period, by request of 10 or more people, Ecology or the Port will hold a public meeting about the proposal that is undergoing public review. These requirements will be followed for each public comment opportunity.

2.5 INTERIM ACTIONS

During the cleanup process, interim actions may be conducted if required or approved by Ecology. An Interim Action is any action that partially addresses the cleanup of the site. An Interim Action may be implemented to address any of the following circumstances:

- When it is technically necessary to reduce the threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a site.
- When it corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed.
- When it is necessary to provide completion of a site hazard assessment, state RI/FS, or design of a CAP.

Ecology will hold a public comment period of at least 30 days for planned interim actions.

2.6 REMEDIAL INVESTIGATION/FEASIBILITY STUDY REPORT

The goal of the remedial investigation is to determine what contaminants are on the CSM Site. The draft RI report provides baseline data about environmental conditions that will be used to develop cleanup actions. The draft FS report identifies the site cleanup alternatives based on data compiled during the remedial investigation. These studies contain information that enables the selection of a cleanup action. The draft RI and FS will be made available for public review and comment.

The remedial investigation and feasibility study process may include the following phases:

- Project scoping
- Site characterization
- Interim Action
- Development and screening of alternatives for cleanup
- Treatability investigations
- Detailed analyses

The RI report will include analyses of existing site data and planned supplemental data. The data analyses will be used to determine the appropriate interim action, if it is determined to be necessary. Following Ecology approval and completion of the Interim Action, a draft FS report will be prepared to identify and screen potential remedial alternatives and evaluate the interim action that was performed.

2.7 CLEANUP ACTION PLAN

After public comment is received on the draft RI and FS reports, preferred cleanup alternatives will be selected and a draft CAP will be prepared. This plan specifies the cleanup standards that will be applied to the CSM Site, the selected preferred cleanup alternatives, and may provide for additional cleanup requirements, if necessary. This plan also outlines the work to be performed during the actual site remediation. The CAP for the CSM Site may also evaluate the completeness and effectiveness of any interim actions that were performed at the site. The draft CAP will be submitted for public review and comment. Once public comments are received and reviewed and any necessary comments made, Ecology provides final approval.

3.0 Community Profile

3.1 COMMUNITY PROFILE

Anacortes is Skagit County's second largest city and its busiest seaport. The current population of Anacortes is approximately 16,000 people, situated within 14.8 square miles. The City of Bellingham is the nearest medium city, located approximately 18 miles north of Anacortes. The majority of jobs are within the fields of refining, manufacturing, casino resort, education, and healthcare.

3.2 KEY COMMUNITY CONCERNS

For the past approximately 47 years, the project site has operated as a boat yard and marina support area. In the early 1980s fuel was observed seeping into the waters of Fidalgo Bay adjacent to the CSM Site. In 1983, under order from the U.S. Coast Guard, the Port installed a trench to control the seepage of fuel. The trench intercepted the fuel flowing through the soil. According to available site documentation, approximately 1,250 gallons of fuel were recovered from the trench and the seepage stopped.

It was determined that the seepage resulted from leakage from the USTs that supplied the fuel docks at Cap Sante Boat Haven. In 1985 the Port replaced these USTs with two new 12,000 gallon tanks. Impact to the soils and groundwater in the vicinity of the fuel leaks and the recovery trench were not evaluated, nor was any potentially impacted soil reported to have been removed.

Following the completion of Environmental Due Diligence investigations conducted in 2004 and 2005, the Port submitted the results of the investigations to Ecology (FSM 2004, Floyd|Snider 2006). The CSM Site was then placed on the Hazardous Sites List and Ecology and the Port are entering into an Agreed Order for the remediation of the historical fuel releases at the CSM Site. Beyond this action, there has been no evident reaction from citizens or neighbors.

4.0 Public Participation Activities

4.1 INTRODUCTION

This section describes the objectives and desired outcomes of public participation for the CSM Site and summarizes the overall strategy for public participation. The activities will be coordinated with the release of the studies and plans described in Section 1.3.

The public participation strategy is designed to accomplish the following goals:

- Help the public understand the issues at the CSM Site
- Inform the public about opportunities for input
- Solicit input to the draft cleanup studies and draft action plans
- Provide feedback to the public about how decisions are made and how their input is incorporated

The outcomes of a successful public involvement process will include an increase in:

- Awareness in the community about plans for the cleanup at the CSM Site and the opportunity for public involvement
- Public participation throughout the cleanup
- Community understanding regarding how their input will be considered in the decision-making process

4.2 PUBLIC CONTACTS

Department of Ecology

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4.3 ECOLOGY ACTIVITIES AND RESPONSIBILITIES

4.3.1 Public Comment Period

A public comment period will be scheduled following the completion of the Agreed Order and the RI/FS and Interim Action Work Plan. The public comment period will take place for 30 days and comments will be taken on the following documents:

- Agreed Order
- RI/FS and Interim Action Work Plan
- Public Participation Plan
- State Environmental Policy Act (SEPA) application and associated SEPA Checklist

Additional public comment periods may be scheduled by Ecology and the Port, of which the public will be notified.

4.3.2 Notice of Public Comment Periods

Public notice of the comment periods will be given using the following methods:

- A fact sheet describing the activity and how the public may comment. The fact sheet will be mailed to all addresses on the Ecology mailing list. The list contains residents and property owners of the area and other interested community members.
- A display ad will be placed in the *Anacortes American*.
- A notice will be published in Ecology's *SEPA Register*.
- A notice will be published in Ecology's *MTCA Site Register*.

Ecology's MTCA Site Register is a semi-monthly electronic publication that provides updates of the cleanup activities occurring throughout the state. The most current information regarding public meetings, public comment periods, and cleanup-related reports is produced in this newsletter for all sites in Washington State.

4.3.3 Information Repositories

Information repositories will be available to the public to ensure that the community has access to relevant documents at the following locations:

Anacortes Public Library

1209 9th Street

Anacortes, WA 98221

360-293-1926

Major documents will be available

Hours: Mon–Thurs 11am to 8pm

Friday 11am to 5pm

Sat–Sun 12pm to 5pm

Washington State Department of Ecology

3190 160th Avenue SE

Bellevue, WA 98008

425-649-7190

Major documents will be available

Hours: Weekdays 8am to 5pm

In addition to the information repositories listed above, the Port will also have a copy of all relevant documents regarding the investigation and cleanup at the CSM Site.

4.3.4 Public Hearing

A public hearing will be held during the public comment period to describe the documents and answer questions from the community on the documents. When the public hearing is scheduled, a reminder will be published in the *Anacortes American*.

4.3.5 Responsiveness Summary

A responsiveness summary will be prepared following the public comment period that addresses the comments. The responsiveness summary will be available at the information repositories listed above.

4.4 PORT ACTIVITIES AND RESPONSIBILITIES

4.4.1 Notification to Neighborhood Organizations

There are a number of conditions that may occur in which the Port is required to notify Ecology. For these conditional reporting requirements, the Port will also notify the local neighborhood organizations of these conditions by telephone or by email within 1 week of occurrence or confirmation. These conditions are:

- Notification of the intent to transfer properties.
- Notification of SEPA and permitting public comment periods for development actions that will trigger cleanup requirements. All major documents will be submitted to the official information repository.
- Notification and stop work for any activities performed on the site that is not allowable under the restrictive covenant for the site.

4.4.2 Library Information Repository

The Port will place all major documents in the Anacortes Public Library in the official information repository for the CSM Site. These documents include all reports submitted to Ecology under the agreements in the Agreed Order and CAP and all reports submitted to Ecology regarding the status of cleanup actions, monitoring and development.

4.4.3 Neighborhood Meetings

The designated Port contact will be available to attend neighborhood meetings upon request and will give updates on the status of cleanup activities.

4.4.4 Citizen's Public Involvement Committee

At the discretion of community members, the community may establish a committee of neighborhood representatives focused on monitoring cleanup activities. If such a committee were formed, the designated Port contact would be available to attend committee meetings upon request and give updates on the status of cleanup activities.

The designated Port contact will be available to attend neighborhood meetings upon request and will give updates on the status of cleanup activities.

4.5 PUBLIC PARTICIPATION GRANT ACTIVITIES

Citizens of the local neighborhoods are eligible to apply for a Public Participation Grant from Ecology. Additional public participation activities may be defined under the scope of such a grant. Those additional activities would not reduce the scope of required public involvement activities defined by this plan. Activities conducted under this plan would be conducted to coordinate with potential additional activities defined under the grant.

5.0 References

Floyd Snider McCarthy, Inc. (FSM). 2004. *Results of Limited Environmental Due Diligence Investigation, Cap Sante Boat Haven--Anacortes, Washington*. 14 June.

Floyd|Snider. 2006. *Limited Environmental Due Diligence Report, Former Shell Oil Tank Farm, Cap Sante Marine Lease Area*. Prepared for Port of Anacortes. 8 November.

**Port of Anacortes
Cap Sante Marine Lease Area**

**Remedial Investigation/
Feasibility Study and Interim Action
Work Plan**

**Appendix B
Figures**

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