



DEPARTMENT OF
ECOLOGY
State of Washington

Public Participation Plan

Seattle Public Utilities Midway Landfill Cleanup Site Kent, WA

Facility Site ID: 2043

Cleanup Site ID: 4729

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Publication and Contact Information

This plan is available on the Department of Ecology's website at:
<https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4729>

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To request Americans with Disabilities Act accommodation, or printed materials in a format for the visually impaired, contact the Ecology ADA Coordinator at 360-407-6831 or ecyadacoordinator@ecy.wa.gov, or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Public Participation Plan

**Seattle Public Utilities Midway Landfill
Cleanup Site**

Washington State Department of Ecology
Northwest Regional Office
Toxics Cleanup Program
Bellevue, Washington

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Table of Contents

Introduction.....	1
Federal Cleanup Laws.....	1
Washington’s Cleanup Laws	1
Model Toxics Control Act (MTCA).....	2
State Environmental Policy Act.....	2
Site Information	4
Land use	4
How the site became contaminated.....	4
Contamination and completed cleanup actions.....	4
Proposed development plans.....	7
Construction and Cleanup Action Plan amendments.....	9
Future land ownership.....	9
Area community.....	10
Public Participation Activities	11
How we share information with the community.....	11
Postal mailing list.....	12
Site Register	12
Newspaper display ads or legal notices	12
Ecology’s website and social media platforms	12
Document repositories	13
Signs around the cleanup site.....	13
How to share information with us.....	13
Public comment periods.....	13
Public events	14
Public Participation Grants	14
Americans with Disabilities Act	15
Plan Amendments	15

Introduction

The Washington State Department of Ecology (Ecology) developed this public participation plan (plan) in cooperation with Seattle Public Utilities (City of Seattle), Sound Transit, and the Washington State Department of Transportation (WSDOT).

The purpose of the plan is to promote meaningful community involvement during cleanup or development actions at sites that have been cleaned up but still contain contamination.

The plan describes ways Ecology will inform the public about options and decisions throughout the cleanup and development processes. Ecology encourages the public to learn about and get involved in decision-making opportunities. This plan identifies how and when the public can get involved during different stages of cleanup and development of the contaminated site.

This plan is for development actions to safely occur at the Midway Landfill Site (Site), where the City of Seattle completed cleanup actions in 1992. See “Future land ownership” on page 9 for legal agreement details between Ecology, City of Seattle, Sound Transit and WSDOT.

Federal Cleanup Laws

Ecology’s cleanup activities at the Midway Landfill site must follow legal requirements under the federal Comprehensive Environmental Response, Compensation, and Liability Act ([CERCLA](#)¹), commonly known as Superfund. Congress enacted this law on December 11, 1980.

In May 1986, the Site was listed by the United States Environmental Protection Agency (EPA) as a [National Superfund site](#)². In 1992, the City of Seattle completed remedial actions.

Washington’s Cleanup Laws

Ecology uses the Model Toxics Control Act (MTCA) and accompanying regulations for cleanup activities.

This plan is required under MTCA, a law that passed in 1989. MTCA provides guidelines for contaminated site cleanup in Washington State and sets standards to ensure the cleanup protects human health and the environment.

¹ <https://www.epa.gov/superfund/superfund-cercla-overview>

² <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=1000851>

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 MTCA and oversees cleanups in the state and issues regulations and guidance governing those cleanups. The regulations are found in [Chapter 173-340 Washington Administrative Code \(WAC\)](#).³ Ecology investigates reports of property contamination, and if it poses a significant threat to human health or the environment, the site is placed on the Confirmed and Suspected Contaminated Sites List for further assessment. The cleanup process can begin at any time after a release of a hazardous substance to the environment has been discovered.

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 on the cleanup process.

Under the MTCA, the cleanup process generally includes multiple steps (see Figure 1 on page 3), 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.

State Environmental Policy Act

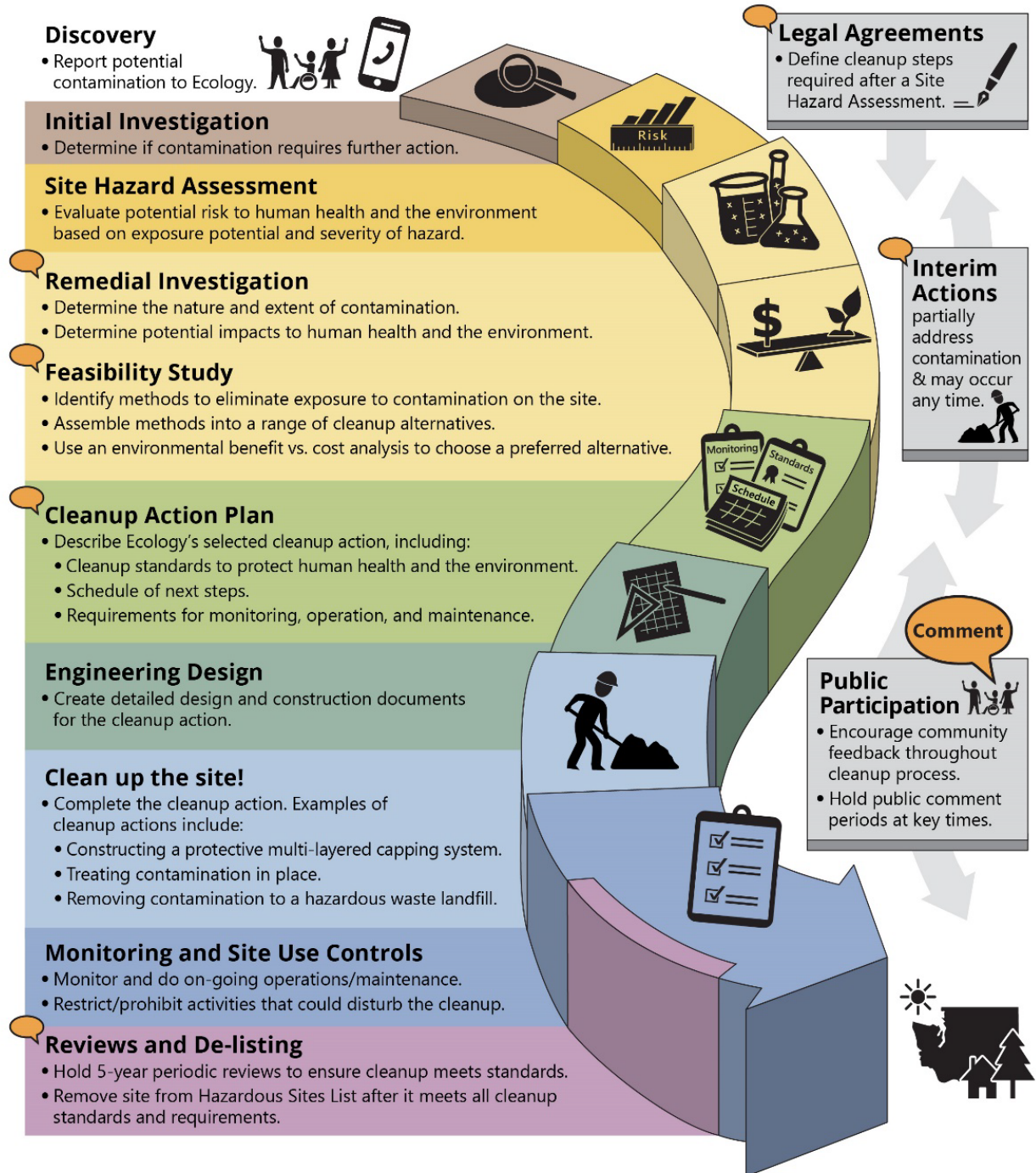
MTCA cleanups also require evaluation under the State Environmental Policy Act (SEPA; [Chapter 197-11 WAC](#)⁴). Under SEPA, the potential for significant adverse environmental impacts from a project or action must be evaluated by state and local agencies when making decisions. This evaluation is subject to public review and comment in parallel with cleanup documents.

³ <https://fortress.wa.gov/ecy/publications/publications/9406.pdf>

⁴ <https://apps.leg.wa.gov/wac/default.aspx?cite=197-11>



Washington's Formal Cleanup Process



Washington's Cleanup Law

Model Toxics Control Act (MTCA)

MTCA defines the cleanup process. This public-initiated environmental law directs upland cleanups (on land or in groundwater) and sediment cleanups (in freshwater or marine environments). Ecology enacts MTCA and regulates the cleanup process.

September 2019
Ecology Publication 19 09 166

Figure 1. Steps in Washington's Formal Cleanup Process⁵

⁵ <https://fortress.wa.gov/ecy/publications/documents/1909166.pdf>

Site Information

Land use

The site is approximately 15 miles south of Seattle in Kent, WA. It was used as a gravel pit from 1945 to 1966. In 1966, the City of Seattle began using it as a landfill for waste such as demolition debris, wood waste, yard waste, and municipal waste.

How the site became contaminated

The landfill is approximately 60 acres in size with refuse buried on about 40 acres and at depths over 130 feet. From 1966 to 1983, approximately 3 million cubic yards of solid waste were deposited at the Midway Landfill. The City closed the landfill in 1983.

In 1983, gas and groundwater testing revealed potentially combustible methane gas and contaminated groundwater traveling from the closed landfill. As a result, cleanup work began in 1985 under the direction of Ecology.

Contamination and completed cleanup actions

Due to historic landfill use, the site contains municipal solid waste and associated landfill gas. Contaminants of concern found in the landfill originally included:

- Metals
- Semivolatile organic compounds
- Polychlorinated biphenyls (PCBs)

Beginning in September 1985, the City of Seattle constructed gas migration control wells within the landfill property and gas extraction wells beyond the landfill property to control the subsurface migration of landfill gas.

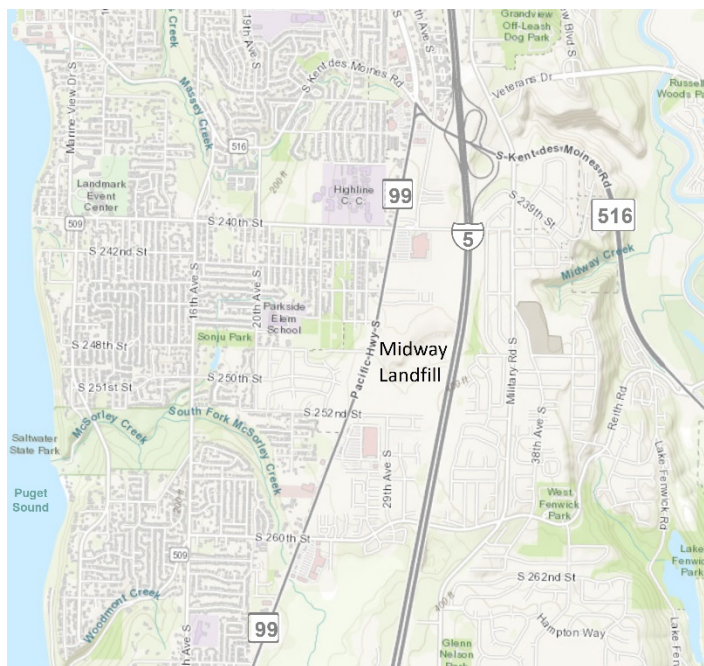


Figure 2. Midway Landfill site location

In addition, the City of Seattle constructed a surface water management system including the preparation of a Surface Water Management Plan. This system consisted of:

- Filling and grading to control surface water drainage to prevent surface water from infiltrating the landfill.
- Constructing of a 10-million-gallon stormwater detention pond with permanent dewatering system (the North Pond) and a controlled discharge structure.
- Rerouting of stormwater from surrounding areas to prevent it from entering the landfill. This rerouting was done by diverting the Linda Heights Park drain and surface water runoff from I-5 to the North Pond.

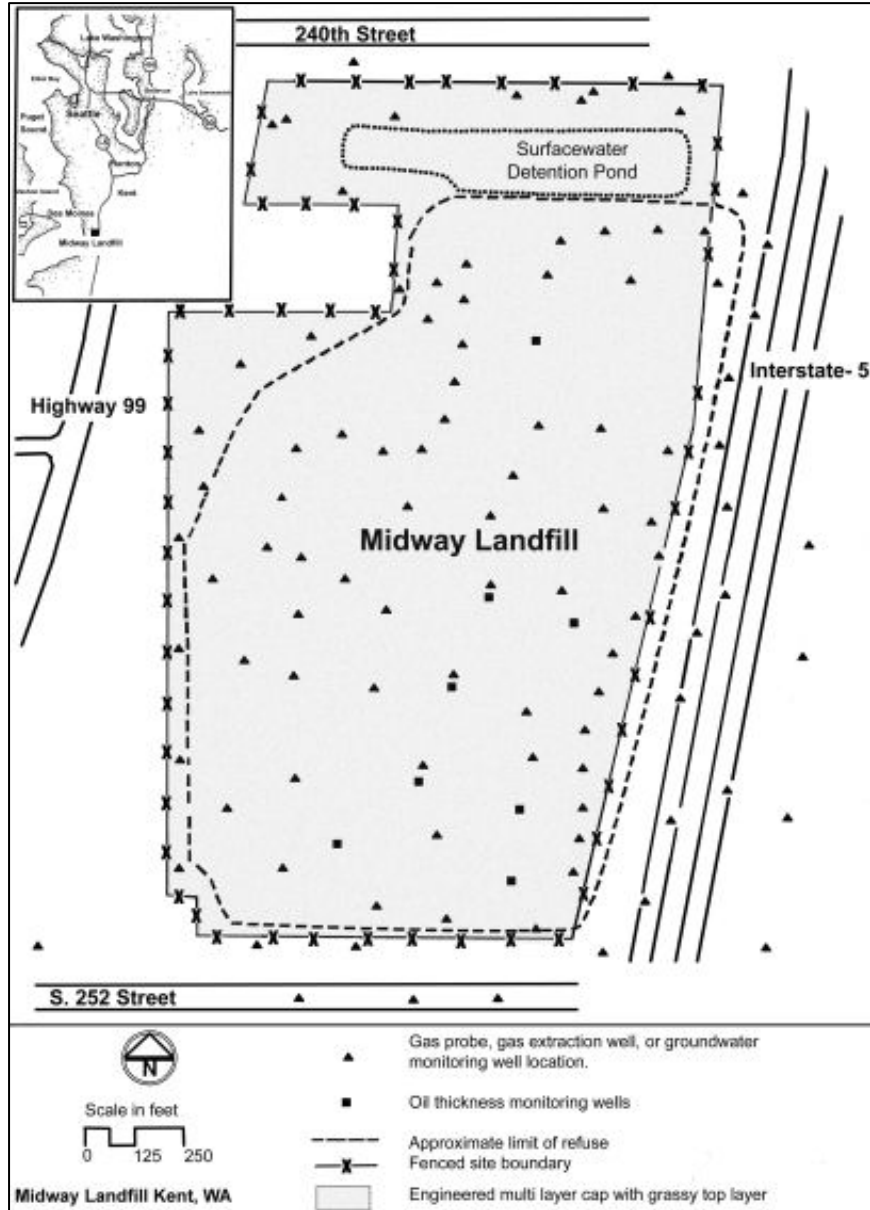


Figure 3. Midway Landfill engineered design

All elements of the surface water management system were completed by April 1990.

A 1990 Consent Decree (CD) between Ecology and the City of Seattle memorialized the remedial actions already completed, and detailed additional cleanup work that the City of Seattle agreed to finance and perform. This additional cleanup work, or remedial action, had four elements:

1. **Construction of a multi-layered landfill cover system or “cap.”** The cap was to comprise layers (from bottom to top) of low permeability clayey silt/silty clay, a 50-mil synthetic membrane, a geonet drainage layer, 1 foot of sand, and 1 foot of topsoil planted with shallow-rooted grasses. The landfill cover was designed to greatly reduce the amount of stormwater infiltration and control post-closure escape of hazardous emissions from the landfill. Placement of the low permeability clayey silt/silty clay was not required on the steeper sideslope areas of the landfill.
2. **Completion of a landfill gas extraction system.** This system included a final gas manifold system to link onsite extraction wells to an enhanced motor blower and flare system. The purpose of the onsite extraction wells was to create a “vacuum curtain” around the closed landfill to prevent offsite migration of landfill gas, and to help draw previously migrated gas back to the landfill. The enhanced flares were installed to burn the extracted gas before discharge to the atmosphere. The gas extraction system also included numerous offsite gas monitoring probes to provide data on the extent of landfill gas migration and the effectiveness of the extraction system.
3. **Completion of final project reports.** A final project report was prepared for each remedial action project constructed at the landfill. These reports included record drawings documenting the work as constructed, and a narrative report identifying deviations from the approved plans and specifications.
4. **Preparation of a comprehensive Operations and Maintenance Manual.** This manual incorporated both short-term and long-term operation and maintenance requirements for all remedial actions implemented at the landfill as part of the CD.

The CD also required the City of Seattle to place a notice in the records of real property kept by the King County auditor stating that the landfill was on the National Priority List. The CD also required the City of Seattle to serve a copy of the CD upon any prospective purchaser, lessee, transferee, assignee, or other successor in interest to the property prior to the transfer of any legal or equitable interest in all or any portion of the landfill.

Additional remedial elements were negotiated and agreed upon by the City of Seattle and Ecology in the 2006 CD. These additional elements included the following:

1. Monitoring to:
 - A. Ensure the remedial systems are working as designed
 - B. Ensure progress is being made toward meeting groundwater cleanup standards
 - C. Ensure adequate containment is maintained when and if major changes are approved by Ecology in the operation of the Site, such as turning off or scaling down the gas collection system
 - D. Demonstrate that the cleanup levels have been achieved
2. An Institutional Control to give notice that no water supply wells are to be constructed and used in areas with groundwater contamination emanating from the landfill.

Proposed development plans

WSDOT and Sound Transit have transportation projects planned along the I-5 Corridor, portions of which adjoin the Midway Landfill. Only smaller portions of these projects will occur at the Site. See figures and webpage links below for project details. The WSDOT SR 509 Completion Project will add additional lanes to I-5, and the Sound Transit Federal Way Link Extension (FWLE) will extend light rail from the existing Angle Lake Station at S 200th Street to the Federal Way Transit Center. At the Site, the two projects are adjacent and the FWLE will be constructed in the WSDOT I-5 right of way (ROW) on the east edge of the landfill. See Figure 6 on page 8.



Figure 4. WSDOT SR 509 Completion Project

<https://www.wsdot.wa.gov/Projects/SR509/completion>



Figure 5. Sound Transit Federal Way Link Extension

<https://www.soundtransit.org/system-expansion/federal-way-link-extension>



Figure 4. Federal Way Link Extension (FWLE) Midway Project Area at the Midway Landfill Site

There is landfill material in the WSDOT ROW, and the City of Seattle will remove material as necessary to accommodate the WSDOT project. The City of Seattle, WSDOT, and Sound Transit believe that there are advantages to implementing a combined project that meets the needs of all three agencies and provides best value to the public.

ST's contractor (Contractor) will remove landfill material sufficient for both the WSDOT's land widening work and for constructing a ground-level (at-grade) alignment for Sound Transit's FWLE. This work is referred to as the "FWLE Midway Project."

Construction and Cleanup Action Plan amendments

Construction will impact the Midway Landfill Site's:

- Landfill cap.
- Gas collection infrastructure.
- Surface water management system monitoring network on the eastern border of the Site.

The Cleanup Action Plan Amendment defines requirements for:

- Removal and disposal of waste.
- Protection and repair of the disturbed landfill cap and infrastructure systems.
- Approval and documentation of the work.

Future land ownership

Following completion of the FWLE Midway Project, the City of Seattle, Sound Transit, and WSDOT will make some changes in property ownership. The Sound Transit FWLE rail alignment property currently owned by WSDOT will become owned by Sound Transit.

The new Prospective Purchaser Consent Decree between Ecology and Sound Transit defines requirements for Sound Transit's long-term maintenance of their portion of the Site to ensure continued environmental protection.

The Consent Decree Amendment between Ecology and the City of Seattle and the new Prospective Purchaser Consent Decree between Ecology and Sound Transit will all ensure implementation of the required actions defined in the Cleanup Action Plan Amendment.

The public is invited to comment on these documents.

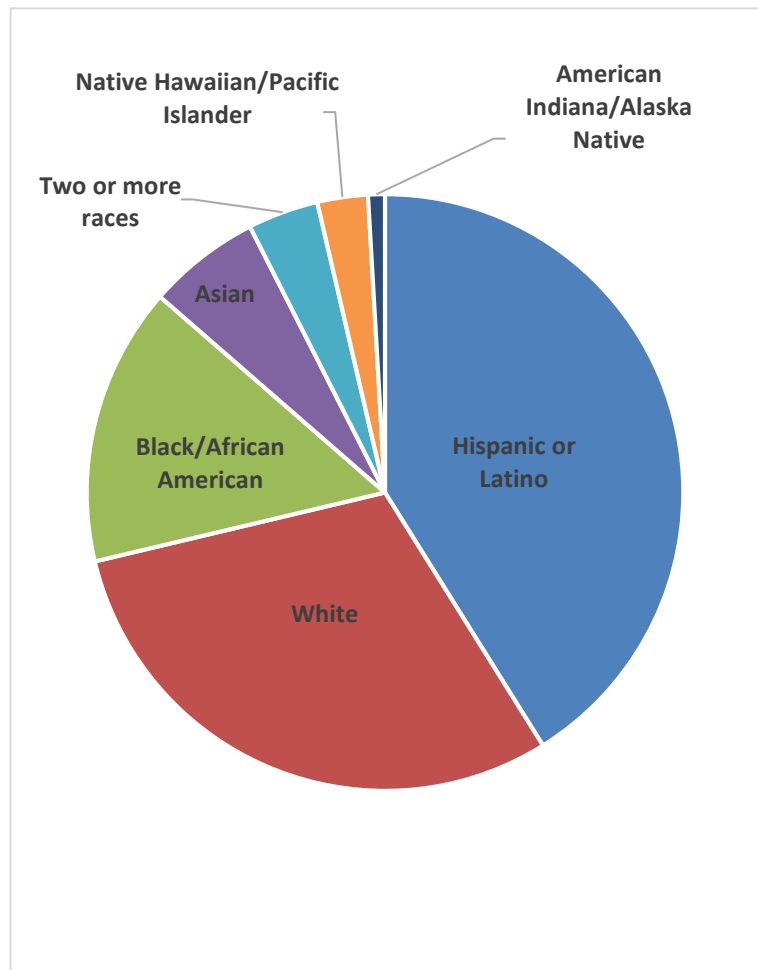
Area community

Land use in the Site vicinity consists primarily of commercial activities and residential areas. Commercial establishments, light industry, and manufacturing facilities border both sides of Highway 99 in the area. Two elementary schools, Sunnycrest Elementary School and Parkside Elementary School, and a city park, Linda Heights Park, are within a half-mile radius of the Site. Most of the nearby residences are detached single-family dwellings, with some multi-unit residential developments. Several mobile home parks are also in the vicinity. A 6-acre wetland, the Parkside Wetland, located to the east of Parkside Elementary School and west of the landfill, is a naturally occurring detention basin for local surface water runoff, primarily from the west side of Highway 99.

According to the most recent King County census, the median annual household income near the site is predominantly \$34,999 to \$49,999.

The percent of the population that identifies with each racial group is as follows:

- Hispanic or Latino: 41.11%
- White: 30.17%
- Black/African American: 15.11%
- Asian: 6.12%
- Two or more races: 3.83%
- Native Hawaiian/Pacific Islander: 2.74%
- American Indian/Alaska Native: 0.91%



Ecology will reach out to cultural community organizations as part of our outreach and provide information in other languages as appropriate following federal guidance.⁶ The non-English language(s) most widely spoken in the Midway Landfill Site area is/are Spanish, Somali, and Korean. When appropriate, Ecology will provide outreach in these languages. We strive to make our public participation efforts as inclusive as possible and welcome your input about how to best reach the nearby community.

There are no federally recognized tribes that own land or rely on resources that could be affected by the project work. Ecology will ensure that tribes with interest in natural and cultural resources will be engaged with any decision-making process for this site and have ample opportunity to be involved throughout the process on a government-to-government basis.

Public Participation Activities

Members of the public may ask questions, submit informal comments, or share site information at any time. Interested parties do not need to wait for a formal public comment period to contact Ecology.

However, to be included in the formal site record, comments about the site investigation, cleanup alternatives, or cleanups must be submitted during formal comment periods. In addition, the public is invited to review site documents before they become final. This is the most direct and influential way to learn more about the site and be involved in the cleanup's decision-making.

How we share information with the community

During specific stages of the cleanup, Ecology will mail notices about public comment periods to addresses surrounding the site. The mailing list area will vary depending on the type of contamination and where it's located, but the list will at least include addresses within a 1/4-mile radius of the site and other interested organizations and individuals. These 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 not yet scheduled.

Ecology may also develop documents outside of comment periods to keep the community updated on the site's status. These informational documents will be available online and at

⁶ 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).

document repositories. Print copies may be mailed to the nearby community if we feel the message warrants the associated cost and resources.

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

Postal mailing list

Ecology maintains a mailing list that includes addresses within a 1-mile radius of the site and relevant local, state, and federal government contacts.

These people receive public comment notices when draft documents are available.

We will add additional individuals, organizations, and other interested parties to the mailing list as requested. If you would like to be added to the mailing list for this site, please contact Brad Petrovich at 425-649-4486 or brad.petrovich@ecy.wa.gov.

Site Register

Public comment periods, events, and other cleanup notices are published in Ecology's [Site Register](#).⁷ To receive the *Site Register* by email, please contact Marcus Humberg at 360-407-7213 or marcus.humberg@ecy.wa.gov, or [subscribe online](#).⁸

Newspaper display ads or legal notices

We announce public comment periods and events in ads or notices published in the *Seattle Times*, *Federal Way Mirror*, and *Kent Reporter*. We will also publish notice on our [Public Input & Events Listing](#).⁹

Ecology's website and social media platforms

We maintain a [website for the Midway Landfill site](#).¹⁰ The website provides site information, and you may download cleanup documents.

We may also share information about cleanup sites through [news releases, our ECOconnect blog, and social media](#).¹¹

⁷ ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data

⁸ <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=SITEREGISTER&A=1>

⁹ ecology.wa.gov/Events/Search/Listing

¹⁰ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4729>

¹¹ ecology.wa.gov/About-us/Get-to-know-us/News

Document repositories

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

Woodmont Public Library
26809 Pacific Hwy S
Des Moines, WA 98198
(253) 839-0121

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

To schedule an appointment, please contact Sally Perkins at 425-649-7190 or nwro_public_request@ecy.wa.gov.

Signs around the cleanup site

We may also install signs displaying information about project status, traffic impacts, and health risks around the cleanup site.

How to share information with us

At minimum, MTCA requires 30-day public comment periods for draft cleanup documents and 14-day comment periods for SEPA documents. SEPA documents are often made available for public review with other cleanup documents. In that case, we combine the comment periods, and they last at least 30 days. We may hold comment periods longer than 30 days.

We may also identify public concerns and cleanup goals by meeting with and soliciting information from interested community members and organizations. To collaborate with us about this site, please contact Brad Petrovich at 425-649-4486 or brad.petrovich@ecy.wa.gov.

Public comment periods

Formal 30-day comment periods allow interested members of the public to comment on draft documents, legal agreements, and proposed cleanup actions. If there is significant interest, Ecology may extend the public comment period. When Ecology oversees SEPA determinations,

we hold comment periods for at least two weeks and may extend to 30 days or more when other cleanup documents are concurrently available for review.

Following a comment period, we publish all the input we received and respond to significant comments and questions, as appropriate. We will place our responses on [Ecology's Midway Landfill webpage](#)¹². If the comments result in significant changes to the cleanup documents, then the documents will be revised and re-issued for public review. If the comments do not result in significant changes, then they become 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 10 people request it, and this may cause us to extend a public comment period so the meeting occurs during it.

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.

Public Participation Grants

Grants may be available to neighborhood committees, non-profits, and other groups interested in the site. For contaminated sites, these funds can be used to:

- Hire an expert to help interpret technical information¹³
- Conduct activities that enhance the public's understanding of, and participation in, the cleanup process

For more information about public participation grants, please contact Lynn Gooding at 360-407-6062 or lynn.gooding@ecy.wa.gov. You may also visit the [Public Participation Grant website](#).¹⁴

¹² <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4729>

¹³ Ecology currently does not have a citizen technical advisor for providing technical assistance to citizens on issues related to the investigation and cleanup of the site.

¹⁴ ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants

Americans with Disabilities Act

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Plan Amendments

Ecology developed this plan following MTCA regulations (WAC 173-340-600). We review it as the cleanup progresses and amend it as necessary. You may suggest amendments to Brad Petrovich at 425-649-4486 or brad.petrovich@ecy.wa.gov.

This plan includes information for the public regarding opportunities for public involvement and comment. The outreach activities discussed in this section reflect Ecology's current plans for keeping the public informed and providing ways for those interested in the site to communicate their concerns and questions to us.

If you feel the planned outreach activities and mechanisms described in this plan are insufficient, or should otherwise be modified, we will work to find solutions. New outreach activities or outreach tools established as a result can be implemented right away, with or without amending this plan.