



DEPARTMENT OF
ECOLOGY
State of Washington

Public Participation Plan

**Block 38 West
Cleanup Site
Seattle, WA**

*Facility Site ID: 62773
Cleanup Site ID: 15008*

March 2020

Publication and Contact Information

This plan is available on the Department of Ecology's website at:
<http://ecyaptcp/gsp/SitePage.aspx?csid=15008>

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Public Participation Plan

Block 38 West Cleanup Site

Washington State Department of Ecology

Northwest Regional Office

Toxics Cleanup Program

Bellevue, Washington

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Introduction

The Washington State Department of Ecology (Ecology) developed this public participation plan (plan) in cooperation with City Investors IX L.L.C.

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 process. 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 of the contaminated site.

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.

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 \(WAC\)](#).¹ Ecology investigates reports of contamination, and if it is determined to pose a threat to human health or the environment, the property 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.

¹ <https://fortress.wa.gov/ecy/publications/publications/9406.pdf>

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 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.

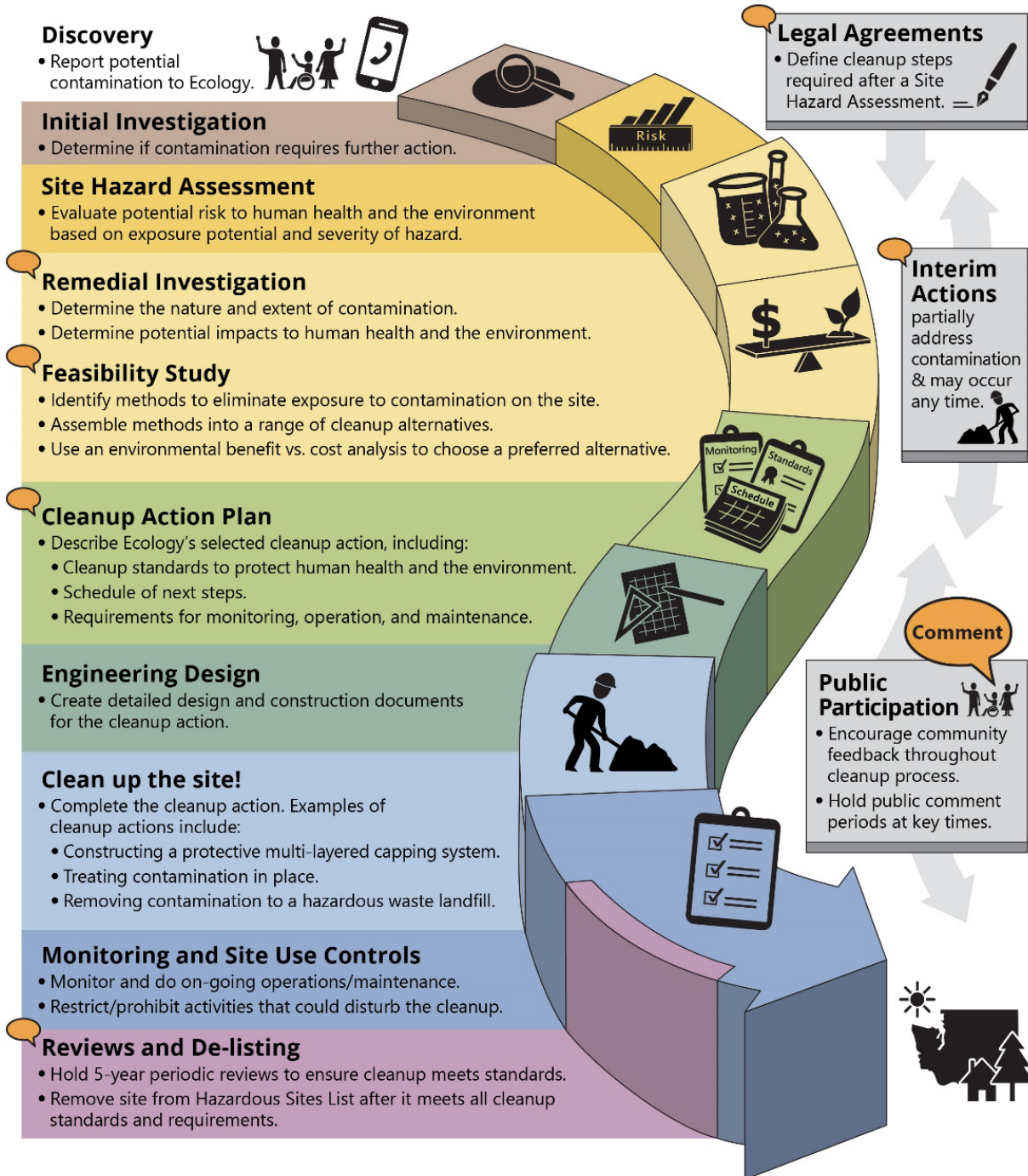
State Environmental Policy Act

MTCA cleanups also require evaluation under the State Environmental Policy Act (SEPA; [Chapter 197-11 WAC](#)²). 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. A SEPA review will occur in the future along with the cleanup action documents for this site.

² <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 Process³

³ <https://fortress.wa.gov/ecy/publications/documents/1909166.pdf>

Site Information

Land use

The Block 38 West Site (Site) is located in the South Lake Union neighborhood of Seattle. The property known as Block 38 West is generally located at 500-536 Westlake Avenue North, is approximately 1.06 acres in size, and consists of three parcels (Property). The Property is currently zoned for mixed residential and commercial uses.

Structures on the Property most recently included a 3-story reinforced concrete building on the northernmost parcel that was constructed in 1920 (Figure 3); a 2-story reinforced concrete building on the central parcel that was constructed in 1964 (Figure 4); and a 3-story masonry building on the southernmost parcel that was constructed in 1919 (Figure 5).



Figure 2. Block 38 West Site location.



Figure 3. North parcel



Figure 4. Center parcel



Figure 5. South parcel

Historical operations on the northern portion of the Block 38 West Property included lumber storage, a transfer warehouse, and a commercial printer. Historical operations on the central portion of the Block 38 West Property included lumber storage, a horse stable and wagon house, a blacksmith, a wagon shop, an auto repair facility, a veterinary hospital, parking, and retail operations. Historical operations on the southern portion of the Block 38 West Property from the 1890s through 2019 included lumber storage, a blacksmith shop, warehouse storage, and retail and commercial operations. A railroad trestle ran through what is now an alley just east of the Property.

City Investors IX L.L.C. bought the three parcels in the late 1990s. In 2019, the company demolished the Property’s structures as part of the planned redevelopment. The redevelopment

includes construction of a multistory mixed-use building with a preliminary design for 12-story office building above street level and four levels of parking below street level.

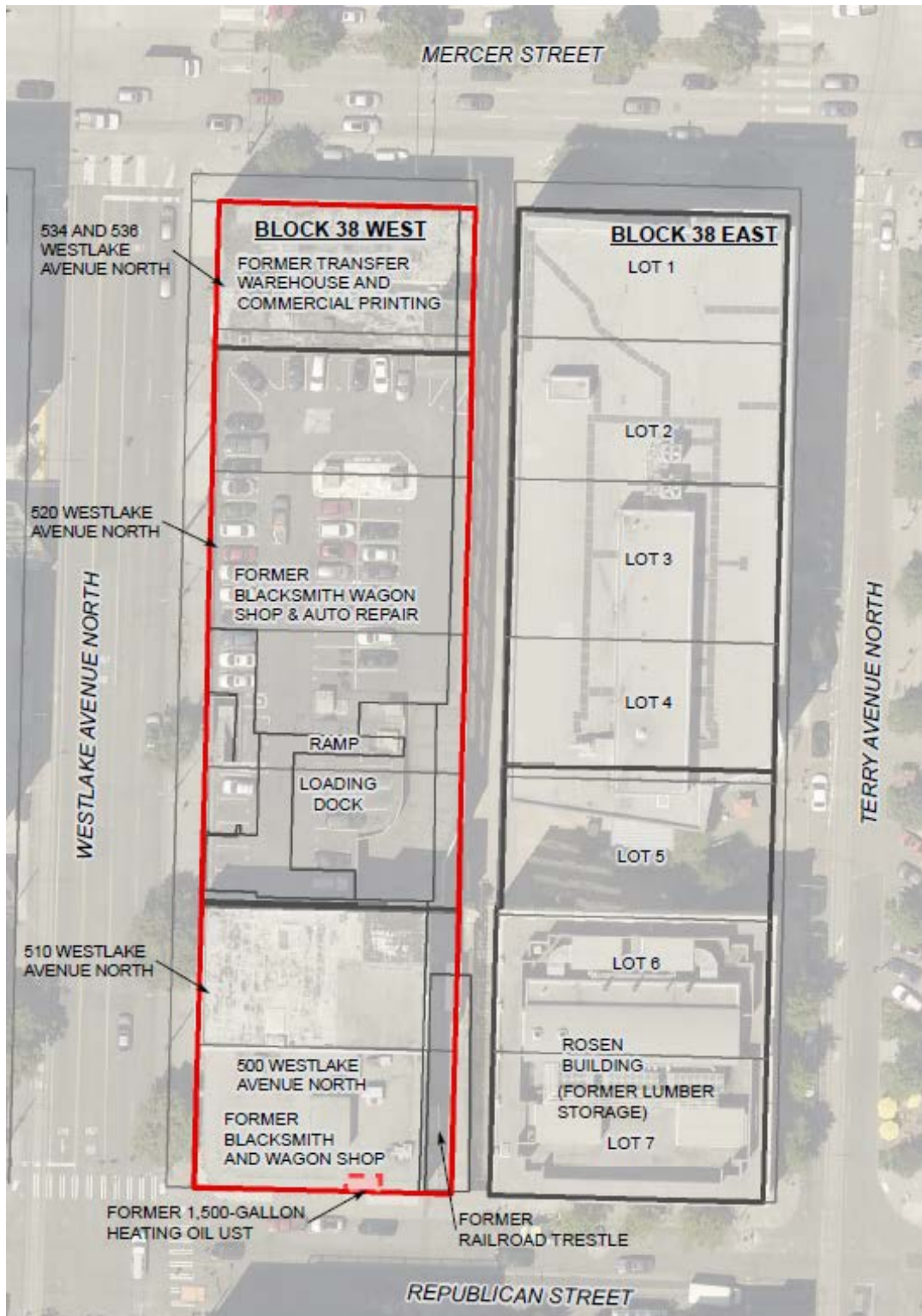


Figure 6. Block 38 West Site property map with historic features. Farallon 2019.

How the site became contaminated

Based on environmental investigations, no specific uses or historical features were confirmed as a source of soil and groundwater contamination at the Site. However, fill soil and wood debris from a former lumber yard were placed on the Block 38 West Property, and these materials may have contributed to the contamination. Other suspected sources of contamination include possible spills or leaks of petroleum products that may have occurred from historical uses of the Property and contaminants migrating to the Site from off-Property facilities via groundwater migration or other transport mechanisms.

Contamination and completed cleanup actions

Investigations at the Site found the following in soil and/or groundwater:

- petroleum hydrocarbons (as diesel-range and oil-range organics)
- polycyclic aromatic hydrocarbons (PAHs), including naphthalenes and carcinogenic PAHs (cPAHs)
- benzene

These contaminants were found at levels that exceed allowable standards under the state's cleanup law, the Model Toxics Control Act (MTCOA Chapter 70.015D RCW), and therefore must be addressed during the cleanup action. Cis-1,2-dichloroethene was also found in the groundwater but at concentrations below levels of concern.

Why this site matters

The Block 38 West Site is part of the South Lake Union neighborhood, which is located next to downtown Seattle and bordered on the north by Lake Union. This area has a long history of industrial and commercial activities which caused contamination of the soil and groundwater. Currently, this area is undergoing extensive redevelopment as new buildings are constructed for commercial and residential use. Proposed construction activities at the Property could impact an existing groundwater contaminant plume located nearby. Ecology is working with Property owners to clean up contamination present at the Site and other nearby sites to reduce impacts to human health and the environment.

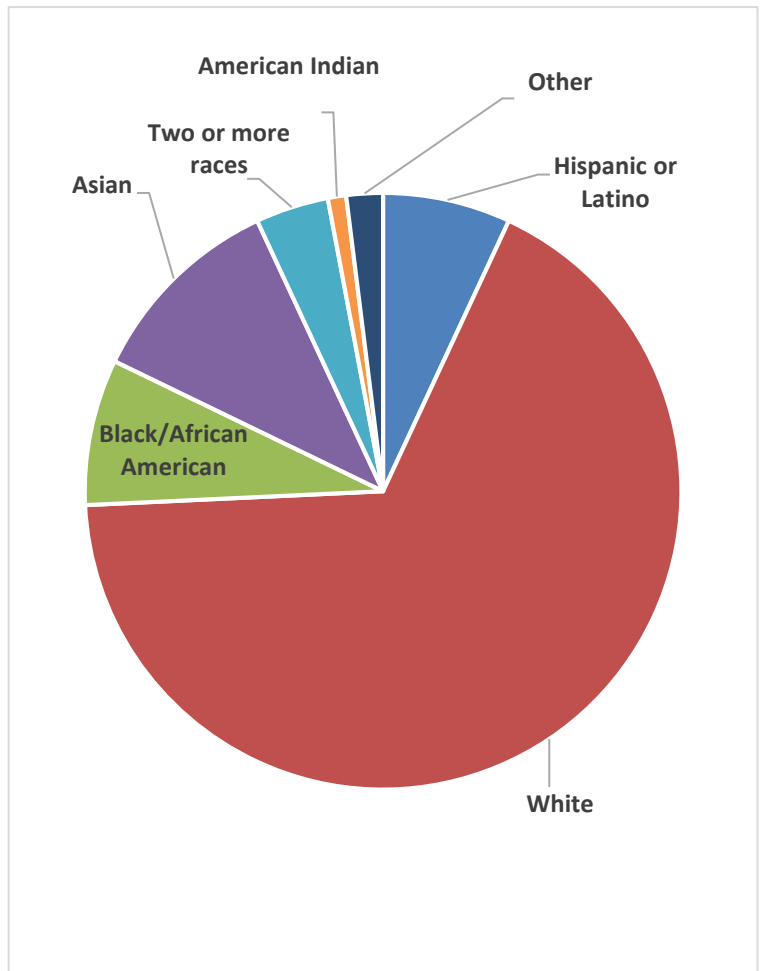
Area community

Land use in the Site vicinity consists primarily of commercial activities and residential areas. Most of the nearby residences are multi-unit residential developments with some detached single-family dwellings.

According to the most recent King County census, the median annual household income near the Site is \$95,715.

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

- Hispanic or Latino: 7%
- White: 68%
- Black/African American: 8%
- Asian: 11%
- Two or more races: 4%
- American Indian/Alaska Native: 1%
- Other 2%



Ecology will reach out to cultural community organizations as part of our outreach and provide information in other languages as appropriate following federal guidance.⁴ The non-English language most widely spoken in the Block 38 West Site area is Mandarin. When appropriate, Ecology will provide outreach in this language. 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. However, 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 document repositories. Print copies may be mailed to the nearby community if we feel the message warrants the associated cost and resources.

⁴ 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).

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 0.25-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 Kelsey Ketcheson at 425-649-7287 or kelsey.ketcheson@ecy.wa.gov.

Site Register

Public comment periods, events, and other cleanup notices are published in Ecology's [Site Register](#).⁵ To receive the *Site Register* by email, please contact Marcus Humberg at 360-407-7213 or marcus.humberg@ecy.wa.gov, or [subscribe online](#).⁶

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](#).⁷

Ecology's website and social media platforms

We maintain a [website for the Block 38 West cleanup site](#).⁸ 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](#).⁹

⁵ <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data>

⁶ <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=SITEREGISTER&A=1>

⁷ <https://ecology.wa.gov/Events/Search/Listing>

⁸ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=15008>

⁹ <https://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:

Central Branch Seattle Public Library
1000 4th Ave
Seattle, WA 98104
(206) 386-4636

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 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 State Environmental Policy Act (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 Kelsey Ketcheson at 425-649-7287 or kelsey.ketcheson@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 Block 38 West webpage](#)¹⁰. 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 that period.

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 information¹¹
- 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](#).¹²

Americans with Disabilities Act

To request ADA accommodation for disabilities, 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.

¹⁰ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=15008>

¹¹ 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.

¹² <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants>

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 Kelsey Ketcheson at 425-649-7287 or kelsey.ketcheson@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.