



DEPARTMENT OF
ECOLOGY
State of Washington

Public Participation Plan

**Smith Kem Ellensburg Inc.
200 South Railroad Avenue, Ellensburg**

Facility Site ID: 12832256

Cleanup Site ID: 4257

October 2020

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=4257>

For more information contact:

Central Regional Office
1250 West Alder Street
Union Gap, WA 98903-0009
(509) 575-2490

Washington State Department of Ecology – www.ecology.wa.gov

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Union Gap 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

To request ADA accommodation, including printed materials in a format for the visually impaired, contact Ecology 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

Smith Kem Ellensburg Inc. Site

Toxics Cleanup Program
Central Region
Washington State Department of Ecology
Union Gap, Washington

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Public Involvement in Contamination Cleanup

The Washington State Department of Ecology (Ecology) developed this public participation plan (plan). The purpose of the plan is to promote meaningful community involvement during cleanup.

The plan describes ways Ecology will inform the public about contamination investigations and cleanup options 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 the investigation and cleanup of contamination.

This plan is for all phases of remedial action at the Smith Kem Ellensburg Inc (site).

Site contacts

To be included in the site record, comments about the cleanup process must be submitted during comment periods. Questions and informal comments or information about the site's history are welcome anytime.

Ecology

Central Regional Office
1250 West Alder Street
Union Gap, WA 98903-0009

John Mefford, Site Manager
John.Mefford@ecy.wa.gov
509-454-7836

Rhonda Luke, Public Involvement Coordinator
Rhonda.Luke@ecy.wa.gov
509-454-7838

Shell Oil Products US; Smith Kem Ellensburg, Inc.

Shell Oil Products US (SOPUS)
20945 S. Wilmington Avenue
Carson, CA 90810

Smith Kem Ellensburg Inc.
PO Box 774
Ellensburg, WA 98926

Andrea Wing, Shell Oil Products US
Andrea.wing@shell.com
(714) 731-1050

Andrew King on behalf of Laurel Erickson,
for Smith Kem Ellensburg Inc.
Andy.King@pkglaw.com
(206) 257-5854

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 information¹
- 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.²

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.

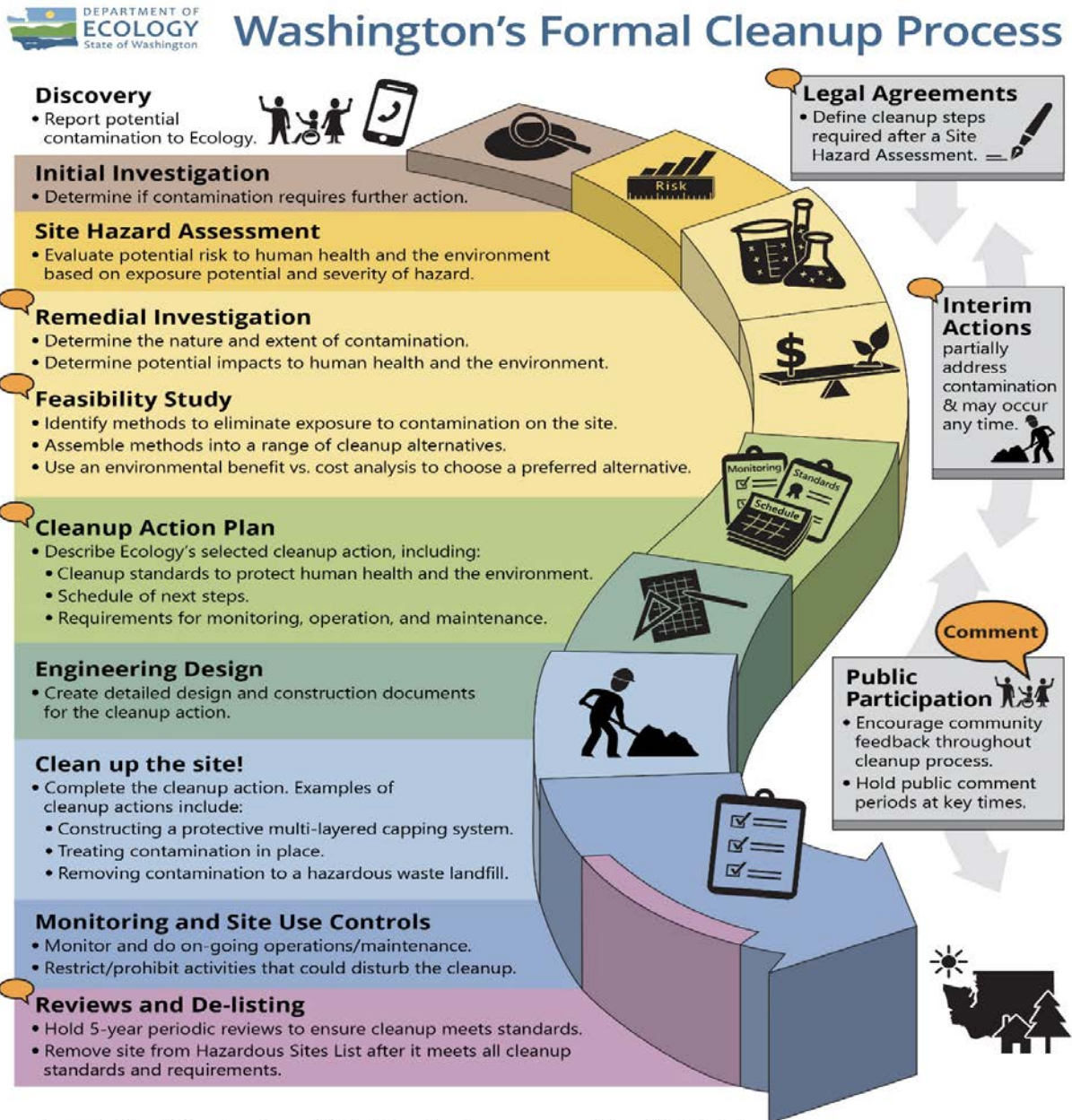
Ecology enacts MTCA and oversees cleanups in the state and issues regulations and guidance governing those cleanups. The regulations are found in Chapter 173-340 Washington Administrative Code (WAC).³ Ecology investigates reports of property contamination, and if the contamination is seen as a significant threat to human health or the environment, the contaminated property is placed on the Hazardous Sites List, and the cleanup process begins.

¹ 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.

² ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants

³ <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 five phases. Each phase includes an opportunity for the public to review and comment on cleanup documents.



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

State Environmental Policy Act

The State Environmental Policy Act (SEPA) is followed during review and development of cleanup plans.

Site History

Land use

The Site is situated on property owned by Ad Gro, LLC and the facility is operated by The McGregor Company. Historically, the property has been used as a bulk fuel facility and an agricultural products business. Previous environmental investigations of the Site indicate the presence of hazardous substances in soil and groundwater above state cleanup standards, including diesel range organics, chlorinated pesticides and herbicides, nitrate and ammonia. As a result, the Site is subject to the investigation and cleanup requirements of the Model Toxics Control Act (MTCA) administered by Ecology.

How the site became contaminated

The likely sources of release include activities such as spillage during unloading and handling of materials from above ground storage tanks and other storage containers. This applies to the contamination by petroleum hydrocarbons, the anhydrous ammonia and other agricultural chemicals including chlorinated pesticides and herbicides.

Contamination

Soil and groundwater are the media contaminated with:

- Diesel range organics
- Chlorinated pesticides and herbicides
- Nitrate

Cleanup plans

Cleanup actions have not occurred to date. The site will be fully characterized to determine the nature and extent of contamination.

The public will have opportunity to comment during the review of the Remedial Investigation/Feasibility Study and the finalization of the Draft Cleanup Action Plan. After public comment has concluded and the Cleanup Action Plan has been approved, another Agreed Order will be negotiated to implement the Cleanup Action Plan.

Area community

The area is zoned by the City of Ellensburg as

- The land use zoning classification of the neighborhood is Industrial Residential (R-S), Light Industrial I-L, and Heavy Industrial I-H. Railroad Avenue which extends north south through this area is a minor arterial road. A railroad corridor (BNSF Railway) runs north south adjacent at the east portion of the area. Two tributaries to the Yakima River, Mercer Creek and Wilson Creek, flow north to south through this area.
- Area demographics (economic and ethnic): The ethnic composition of the population within a one (1) mile radius of the site is predominantly white (approximately 88%) and about 10% Hispanic and about 2% Asian.
- Language needs - English

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 Ellensburg area is Spanish. When appropriate, Ecology will provide outreach in Spanish. We strive to make our public participation efforts as inclusive as possible and welcome your input about how to best reach the nearby community.

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.

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).

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.

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 approximately within a 1/4-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 Rhonda Luke at 509-454-7838 or Rhonda.Luke@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 Sarah Kellington at 360-407-7466 or Sarah.Kellington@ecy.wa.gov, or subscribe online.⁶

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

⁶ <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 Ellensburg Daily Record. 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 Smith Kem Ellensburg Inc. 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

Document repositories

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

Ellensburg Public Library
209 North Ruby Street
Ellensburg, WA 98926

Washington Department of Ecology
Central Regional Office
1250 West Alder Street
Union Gap, WA 98903

To schedule an appointment, please contact Jackie Mengarelli at 509-575-2027 or Jackie.Mengarelli@ecy.wa.gov.**

**Due to circumstances beyond control and public health and safety concerns at the time this document was prepared, Ecology cannot offer in-person review options. Please visit the Smith Kem Ellensburg Inc. cleanup site website⁸ to review documents electronically.

⁷ ecology.wa.gov/Events/Search/Listing

⁸ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=4257>

⁹ ecology.wa.gov/About-us/Get-to-know-us/News

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 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 John Mefford at 509-454-7836 or John.Mefford@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. 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.

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.

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 John Mefford at 509-454-7836 or John.Mefford@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.