

**EXHIBIT D**  
**PUBLIC PARTICIPATION PLAN**



**FINAL DRAFT**

**PUBLIC PARTICIPATION PLAN**

**LANDSBURG MINE SITE**

**RAVENSDALE, WASHINGTON**

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## **I. Introduction**

The Washington State Department of Ecology (Ecology) has developed this Public Participation Plan in cooperation with the currently identified potentially liable parties (PLPs), according to the Model Toxics Control Act (MTCA) to promote meaningful community involvement during the cleanup action phase of the Landsburg mine site in Ravensdale, Washington. The PLPs for the Landsburg Site are: Palmer Coking Coal Company, LLP; PACCAR Inc; Plum Creek Timberlands Company, L.P.; Browning-Ferris Industries of Illinois, Inc.; TOC Holdings Co.; and the BNSF Railway Company.

The Public Participation Plan outlines and describes the tools that Ecology uses to inform the public about cleanup activities and identifies opportunities for the community to become involved as the cleanup is implemented.

In 1993, Ecology and the PLPs prepared a Public Participation Plan for the Landsburg Mine site that addressed public participation for remedial investigation and feasibility study phase of the cleanup project. In 2010, we have prepared this Public Participation Plan to address public participation during cleanup activities at the site.

## **II. Goals and Objectives of the Public Participation Plan**

The goal of this plan is to identify communication channels and ways to solicit community involvement in order to allow the community to participate in a meaningful way in the decision-making processes during investigation and cleanup of the site.

The main objectives of this plan are to:

- Provide information and promote public understanding of the cleanup process.
- To facilitate and encourage open communication between the community, Ecology, other agencies and the potentially liable persons (PLPs).
- Invite and encourage interaction and collaboration among representatives of the community, Ecology and the PLPs.
- Solicit and respond to community concerns, questions and comments.

### **Roles and Responsibilities**

Public participation activities for the Landsburg Mine site are being coordinated among Ecology and the PLPs. Ecology maintains overall responsibility and approval authority in accordance with MTCA requirements. Ecology, with participation of the PLPs, conducts public outreach activities, including soliciting, receiving and considering comments, making final decisions, and preparing responsiveness summaries.

## **III. Model Toxic Control Act (MTCA) Cleanup Process**

1. **Site Discovery and Initial Investigation:** Sites may be discovered in a variety of ways, including reports from the owner, an employee or concerned citizens. Following discovery,

an initial investigation is conducted to determine whether or not a site warrants further investigation.

2. **Site Hazard Assessment and Hazard Ranking:** This assessment is conducted to confirm the presence of hazardous substances and to determine the relative threat the site poses to human health and the environment. Sites then are ranked from 1 (highest) to 5 (lowest).
3. **Remedial Investigation:** A Remedial Investigation is a study to define the nature, extent and magnitude of contamination at a site. Before a remedial investigation can be conducted, a detailed work plan must be prepared which describes how the investigation work will be done.
4. **Feasibility Study:** The Feasibility Study takes the information from the Remedial Investigation and identifies and analyzes the cleanup alternatives available. As with the Remedial Investigation, a work plan will be prepared which describes how the study will be done.
5. **Cleanup Action Plan:** A Cleanup Action Plan is developed using information gathered in the Remedial Investigations and Feasibility Study. The plan specifies cleanup standards and identifies cleanup methods. It will describe the steps to be taken, including any additional environmental monitoring required during and after the cleanup, and will describe the schedule for cleanup activities.
6. **Cleanup:** Implementation of the Cleanup Action Plan, includes design, construction, operations and monitoring.

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#### IV. Proposed Consent Decree for Cleanup

Ecology and the PLPs have negotiated a consent decree (a legal document filed in court which formalizes an agreement between Ecology and the PLPs) to implement cleanup actions at the Landsburg Mine site. The consent decree outlines the work to be done to cleanup contamination at the site. The consent decree contains the following:

##### 1. **Site Description**

The document presents the property and site boundaries.

##### 2. **Cleanup Action Plan**

This plan describes the cleanup alternatives investigated and then selected in the Feasibility Study and the cleanup levels, points of compliance and compliance monitoring program for the site. The Cleanup Action Plan also presents the proposed remedy for cleanup of the site.

##### 3. **Environmental Covenant**

An environmental covenant (also called a restrictive covenant or deed restriction or notices on the deed) are agreements between Ecology and a landowner that are filed with the county register of deeds, along with property deeds, and may place restrictions on uses of property. These restrictions are designed to keep people from coming into contact with

hazardous substances left behind after the cleanup is completed, thereby protecting human and environmental health.

**4. State Environmental Policy Act (SEPA) Checklist:**

The State Environmental Policy Act (SEPA) requires evaluation of the likely significant adverse environmental impacts of a proposal, reasonable alternatives, and possible measures for reducing impacts. The SEPA environmental checklist asks a series of questions designed to assist Ecology in making a determination of whether the proposal will likely have a significant adverse impact on the environment.

**5. Cleanup Schedule**

The schedule for the implementation of remedial action and cleanup is presented.

**6. Operation and Maintenance (O&M) Plan**

An Operation and Maintenance (O&M) Plan presents technical guidance to assure effective operations and maintenance under both normal and emergency conditions.

**7. Compliance Monitoring Plan**

The Compliance Monitoring Plan includes a program for protection monitoring to confirm that human health and the environment are adequately protected during construction and operation and maintenance periods of the cleanup action; performance monitoring to confirm the cleanup standards or other performance standards have been attained; and monitoring to confirm the long-term effectiveness of the cleanup action. The Compliance Monitoring Plan document will also contain a contingency treatment plan in the unlikely event that groundwater treatment may be required at a future date at the Landsburg Mine Site.

**V. Location and Site Background**

**Location**

The Landsburg Mine site contains an abandoned coal mine located east of the city of Kent in Ravensdale, Washington – roughly 25 miles southeast of the city of Seattle. This site is located approximately 1.5 miles northwest of Ravensdale in southeast King County. The site is located directly south of the S.E. Summit-Landsburg Road and north of S.E Kent-Kangley Road. It is a quarter mile northwest of the City of Kent's municipal watershed and roughly 700 feet south of the Cedar River.

**Site Background**

The Landsburg Mine site contains a former underground coal mine. The mine site occupies property currently owned by Palmer Coking Coal Company, LLP and formerly by the Plum Creek Timber Company, L.P. Coal mining began along the Landsburg coal seam in the 1930s. In 1959, when the Landsburg seam was exhausted, mining shifted to the Rogers seam and continued there until 1975.

Underground mining methods were used to extract the coal from the Rogers seam. These methods resulted in the ground surface above the abandoned mine sinking down and forming a subsidence trench. This trench is roughly three-quarters of a mile long, 20 to 60 feet deep and 60 to 100 feet wide.



During the late 1960s and early 1970s, the northern part of the trench was used as a disposal site for a variety of industrial wastes. The wastes either were contained in drums or were drained from tanker trucks. Records indicate that about 4,500 drums and 200,000 gallons of oily waste water and sludge were disposed of in this portion of the trench. A portion of the waste may have been burned during several large fires in the early 1970s.

Samples taken from recovered drums indicate that this material consisted of a wide range of organic and inorganic industrial waste, including paint waste, polychlorinated biphenyls (PCBs), cyanide, metals, and oily sludge. Disposal of land-clearing debris and construction debris in the trench continued until the early 1980s.

In late 1991, at Ecology's request, four of the PLPs removed the most accessible drums from the trench and constructed a fence to restrict access to the site. After the drums were removed, Ecology and the PLPs began negotiations for a Remedial Investigation and Feasibility Study (RIFS). The results of this study were available for public review and comment in March 1996. The first Draft Cleanup Action Plan (DCAP) was completed and submitted to Ecology in 2002.

In May of 2004, a hydrogeologic investigation was completed at the south end of the mine site. Two monitoring wells and a deep well (700 feet) were installed in 2005. In the summer of 2008, the infrastructure components for a contingent groundwater treatment system were installed at the site.

The infrastructure that was constructed in 2008 included a treatment facility area pad surrounded by a security fence, underground power to the treatment pad, and a discharge pipe extending from the treatment facility pad to the west along Summit-Landsburg Road. The treatment system itself will be designed, built and operated only if groundwater from the site exceeds MTCA cleanup levels at the established points of compliance.

Interim groundwater monitoring was conducted periodically from 1994 to 2003, quarterly in 2004, and semi-annually from 2005 to the present. The analytical results from the interim groundwater monitoring events over the years indicate no significant changes in groundwater conditions from those observed during the RI.



### **Contaminants of Concern**

Contaminants were observed at levels of concern only within certain surface areas within the trenches in the northern portion of site which was where waste disposal is known to have occurred in the past. State cleanup levels are exceeded in these trench soils. The northern portion of the trench is currently fenced. Also, no contamination has been observed exiting the mine in the air, surface water, or groundwater, nor has soil outside of the trench been impacted.

The contaminants of concern from waste sampled in the trench soil containing disposed wastes (northern trenches) include:

- Chromium
- Lead
- Polychlorinated biphenyls (PCBs)
- Bis (2-ethylhexyl) phthalate
- TCE (trichloroethene)
- TPH (total petroleum hydrocarbons)

## **VI. Current Activity – Consent Decree and Cleanup Action Plan**

Cleanup at the Landsburg Mine site will be conducted under a consent decree. This is a legal agreement negotiated between Ecology and the PLPs for implementing the cleanup actions. The cleanup action plan identifies proposed cleanup actions for the site based on the investigation results and an evaluation of remedial alternatives presented in the Remedial Investigation/Feasibility Study (RI/FS) that was conducted in 1996.

During the Remedial Investigation phase of this cleanup, nine potential cleanup options were evaluated for this site. The options ranged from no action to excavating and removing all remaining waste and contaminated soil at the site.

The selection of the preferred cleanup alternative was based on the following five criteria:

- Long-term effectiveness and reliability
- Short-term effectiveness
- Reduction in toxicity, mobility and volume
- Implement ability and cost
- Community acceptance

### **Proposed Cleanup Action Plan**

After several screenings based on criteria specified in MTCA, the preferred remedy proposed for the site consists of a low-permeability soil cap over the trench that will be backfilled. The remedy will leave the existing buried materials in the trench so that direct contact with contaminants cannot occur.

The cap design will minimize the amount of water infiltrating the waste and thus minimize the potential for future impacts to groundwater. It would extend slightly beyond the trench on both sides. The cap will be sloped to optimize stability and encourage runoff so as to minimize rainwater infiltration to the maximum extent possible. Surface water runoff from the cap and the length of the trench would be collected in drainage ditches and conveyed to on-site

stormwater ponds. This alternative also includes continued groundwater monitoring, institutional controls to limit access to the site, periodic maintenance and contingency plans.

The cleanup actions to be conducted for this preferred alternative include the following steps:

- Backfill the trench with acceptable fill materials
- Allow the backfill to consolidate
- Place a low-permeability soil cap over the trench backfill, including grading, surface water diversion, and surface water management conveyance ditches and ponds
- Maintain the cap
- Monitor groundwater
- Implement and maintain institutional controls (restrictive covenants)
- Maintain contingency plans and infrastructure

## **VII. Community Profile**

The Landsburg Mine site is located in Ravensdale, Washington. Ravensdale is located 15 miles east of the city of Kent in southeast King County. It is primarily a rural community. Southeast King County has been the fastest growing area in the state in recent years and due to this growth, the Ravensdale area has become a growing and changing demographic, with a mix of old and new residents.

Mining and logging provided the economic foundation of the Ravensdale area in years past. Older Ravensdale residents remember the active mine – some were even employed by the mine or by companies affiliated with it. Now, mining has mostly stopped and logging continues on a much smaller scale. Many residents now work outside of the immediate area. The owners and operators of the mine and their families still live in the area and continue to be prominent members of the community.

## **VIII. Key Community Concerns and Issues**

Concerns and opinions expressed by community members include concerns about how contamination from the site may affect their health and the environment, the need to expedite site cleanup, the quality of their water wells, environmental health of the Cedar River and Rock Creek; and the need to improve community involvement through increased communication. Additional concerns have focused on economic issues, such as property values.

## **IX. Public Participation Activities and Responsibilities**

The purpose of this Public Participation Plan is to promote public understanding and participation in the MTCA activities planned for this site. This section of the plan addresses how Ecology will share information and receive public comments and community input on the site cleanup.

### **Public Involvement Activities**

Ecology uses a variety of activities to facilitate public participation in the investigation and cleanup of MTCA sites. Ecology will implement input provided by the community whenever possible.

The following is a list of the public involvement activities that Ecology will use, their purposes, and descriptions of when and how they will be used during this site cleanup.

#### **1. Formal Public Comment Periods**

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 investigation and cleanup process before final decisions are made.

During a comment period, the public can comment in writing. Verbal comments are taken if a public hearing is held. After the formal comment periods, Ecology reviews all comments received and may respond in a document called a Responsiveness Summary.

Ecology will consider the need for changes or revisions based on input from the public. If significant changes are made, then a second comment period may be held. If no significant changes are made, then the draft document(s) will be finalized.

#### **2. Public Meetings and Hearings**

Public meetings may be held at key points during the cleanup process. Ecology may also offer public meetings for actions expected to be of particular interest to the community. Also, if ten or more people request a public meeting during the 30-day comment period, Ecology will hold a public meeting for the purpose of taking written comments on draft documents.

#### **3. Responsiveness Summaries**

After the public comment period ends, Ecology will review the comments, make final decisions and prepare a responsiveness summary, which is a compilation of public comments and Ecology's responses to them. Copies will be mailed to all those who commented and all those who request copies.

### **Information Repositories**

Information repositories are places where the public may read and review site information, including documents that are the subject of public comment.

Ecology has established the following repositories for the Landsburg Mine site cleanup project.

- Maple Valley Public Library – 21844 SE 248th Street, Maple Valley, WA 98038 (425) 432-4620
- Washington State Department of Ecology – 3190 160th Avenue SE, Bellevue, WA 98008 (425) 649-7190. Please call for an appointment.
- Some site information will also be posted on Ecology's web site at [http://www.ecy.wa.gov/programs/tcp/sites/landsborg\\_mine/landsborg\\_mine\\_hp.html](http://www.ecy.wa.gov/programs/tcp/sites/landsborg_mine/landsborg_mine_hp.html)

### **Site Register**

Ecology's Toxics Cleanup Program uses the Site Register to announce all of its public meetings and comment periods, as well as many other activities. To receive the Site Register in electronic or hard copy format, contact Linda Thompson at 360-407-6069 or by e-mail at [Ltho461@ecy.wa.gov](mailto:Ltho461@ecy.wa.gov). It is also available on Ecology's web site at: [http://www.ecy.wa.gov/programs/tcp/pub\\_inv/pub\\_inv2.html](http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html)

### **Mailing List**

Ecology has compiled a mailing list for the site. The list includes individuals, groups, public agencies, elected officials, private businesses, potentially affected parties, and other known interested parties. The list will be maintained at Ecology's Northwest Regional Office and will be updated as needed. Please contact **Nancy Lui at (425) 649-7117 or [nlui461@ECY.WA.GOV](mailto:nlui461@ECY.WA.GOV)** if you would like to be involved or have your address added to or deleted from this mailing list.

### **Fact Sheets**

Ecology will mail fact sheets to persons and organizations interested in the Landsburg Mine site cleanup project to inform them of public meetings, comment opportunities and important site activities. Ecology may also mail fact sheets to the interested persons about the progress of the site cleanup.

### **Newspaper Display Ads**

Ecology may place ads or press releases in the Maple Valley-Covington Reporter, Seattle Times and the Voice Of The Valley to announce public comment periods and public meetings or hearings for the site.

### **Plan Update**

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

**Points of Contact**

If you have questions or need more information about this plan or the Landsburg Mine cleanup project, please contact the following:

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