



DEPARTMENT OF
ECOLOGY
State of Washington

DRAFT - Public Participation Plan

Port of Seattle Terminal 91

2001 W Garfield Street, Seattle WA 98119

Facility Site ID: 24768

Cleanup Site ID: 2674

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Publication and Contact Information

This plan is available on the Department of Ecology's [Port of Seattle Terminal 91 website](#).¹

For more information contact:

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

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

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¹ <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2674>

Public Participation Plan

Port of Seattle Terminal 91

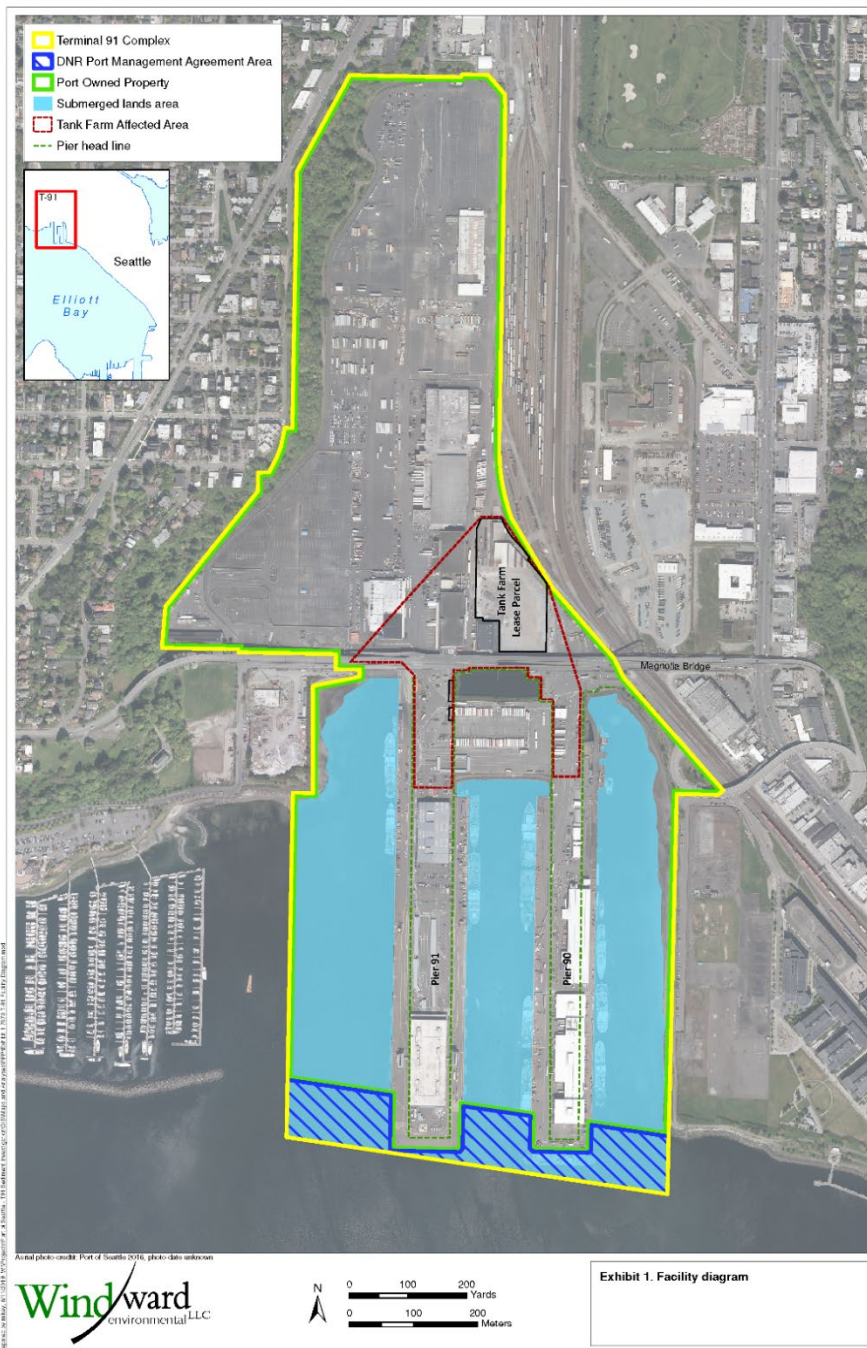
Hazardous Waste and Toxics Reduction Program
Central Region
Washington State Department of Ecology
Union Gap, Washington

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Public Involvement in Contamination Cleanup

The Washington State Department of Ecology (Ecology) developed this public participation plan (plan) with the Port of Seattle, the party paying for cleanup. The purpose of the plan is to encourage community involvement during cleanup.

The plan describes how Ecology informs people about contamination investigations and cleanup options during the cleanup. Ecology and the Port want people to know about decision-making opportunities. This plan says how and when people can get involved during the different stages of the investigation and cleanup of contamination.

Site contacts

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

Ecology

Tom Mackie, site manager
Washington Department of Ecology
1250 West Alder Street
Union Gap, WA 98903-0009
509-575-2803
thomas.mackie@ecy.wa.gov

Port of Seattle

Joanna Florer
Port of Seattle
Pier 69
2711 Alaskan Way
206-787-7739
florer.j@portseattle.org

Public Participation Grants

Grants may be given 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 explain technical information.²
- Conduct activities that increase 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](#).³

State and Federal Cleanup Laws

Ecology uses the state Model Toxics Control Act (MTCA) and other regulations for cleanup activities. In Washington State, we also cleanup properties that treated, stored or disposed of hazardous chemicals (TSDs). These cleanups, called corrective actions, are required under the Federal Resource Conservation and Recovery Act (RCRA) and are regulated by the Washington Department of Ecology (Ecology).

This public participation 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 Ecology started using the rule to clean up contaminated sites in Washington in 1989. Under MTCA, a current or past property owner or operator may have to pay to clean up contamination on, or coming from, their property to levels that are safe for human health and the environment.

Under MTCA, Ecology oversees cleanups in the state and issues [regulations and guidance](#)⁴ for those cleanups. Ecology investigates reports of property contamination, and if the contamination

² 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.

³ ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants

⁴ <https://fortress.wa.gov/ecy/publications/publications/9406.pdf>

is a real threat to human health or the environment, the contaminated property is placed on the Hazardous Sites List, and the cleanup process begins.

Public participation is an important part of the MTCA process. Participation needs are determined for each cleanup site by the level of public interest and the risk posed by the contamination. People who live near the site, community groups, businesses, government, and other interested parties can comment on the cleanup process.

Under MTCA, the cleanup process usually includes five phases. Each phase has time for the public to review and comment on cleanup documents.

Resource Conservation and Recovery Act (RCRA)

There are federal and state rules about hazardous wastes. Congress passed the Resource Conservation and Recovery Act (RCRA) in 1976 to ensure safe management and disposal of hazardous waste. RCRA has been updated several times, including in 1984. The changes expanded the scope and requirements of RCRA.

RCRA's goals are to:

- Protect human health and the environment.
- Reduce waste and conserve energy and natural resources.
- Reduce or eliminate generation of hazardous waste.

Waste treatment, storage, and disposal (TSD) facilities must apply for a permit for the facility's design, operation, maintenance, and closure. RCRA requires these facilities to clean up contamination resulting from past and present practices. These cleanup activities are known as 'corrective action.'

Federal RCRA and state dangerous waste regulations require public participation opportunities during the stages of the permitting and cleanup of waste management facilities.

Steps in Washington’s Cleanup Process

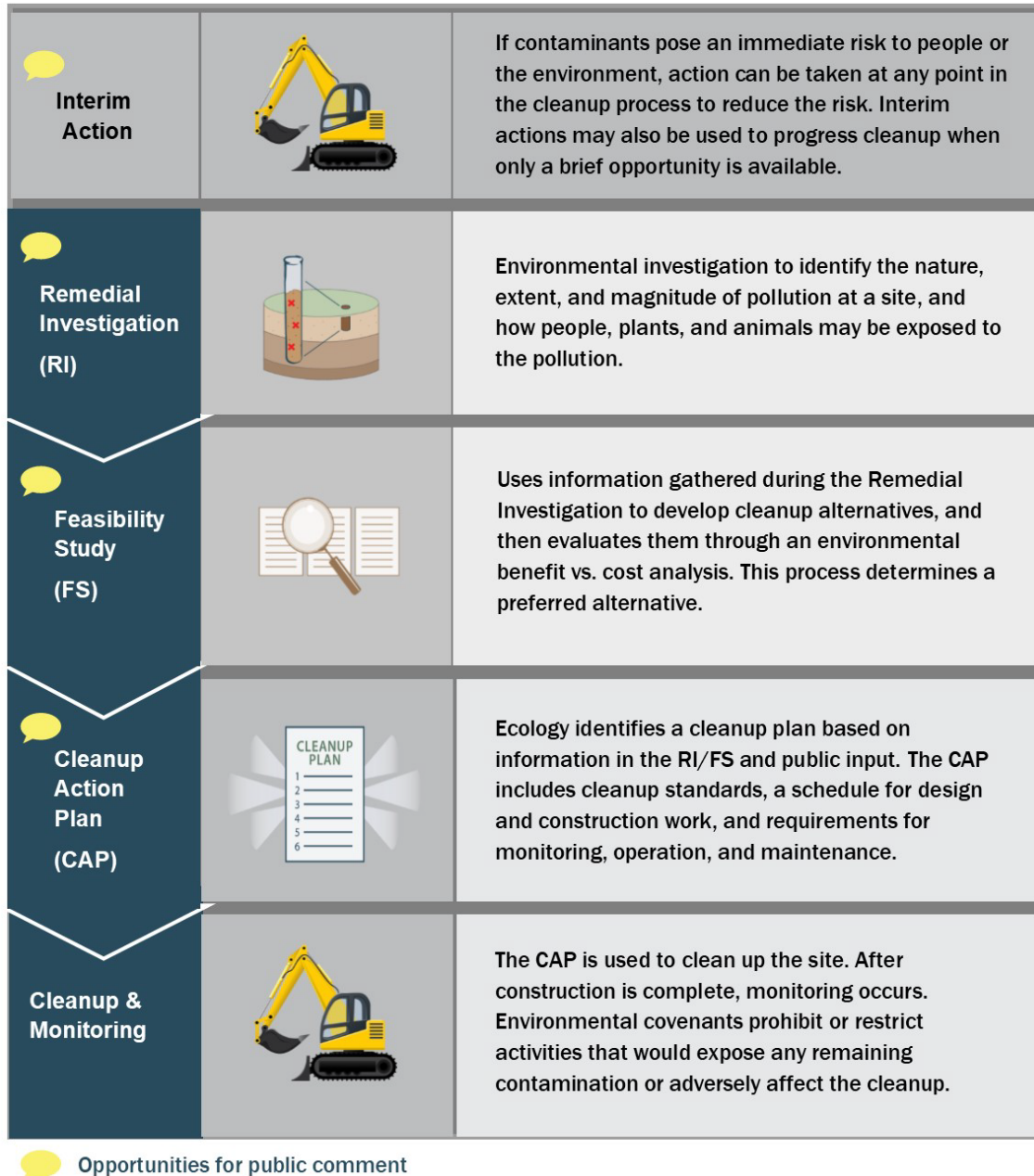


Figure 1. Steps in Washington’s Cleanup Process

State Environmental Policy Act

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

Site History

Land use

The Terminal 91 Complex (T91 Complex) is located in an industrial area of the Interbay neighborhood of Seattle. The Great Northern Railroad began filling in the area between Magnolia Bluff and Queen Anne Hill in the early 1900's. Filling continued through the 1940's.

Various companies, the Port of Seattle and individuals owned the property from the late 1800s through 1941 (see Figure 2). Oil companies ran parts of the area from 1926 until 1941. In 1941, the U.S. Navy took possession, formed the T91 Complex, and continued using the existing aboveground fuel tanks (tank farm) for fuel and lubricating oil. The Port bought the T91 Complex in the 1970s. The four-acre tank farm operated from the 1920s until the tanks were removed in 2005. Burlington Environmental Inc. (BEI) recovered waste oil and treated wastewater from about 1971–1995. The Environmental Protection Agency (EPA) began overseeing facility activities in 1980 under RCRA and permitted the facility in 1992. In 1995, BEI terminated their lease. The site is currently under a RCRA permit for corrective action only. The corrective actions for the upland tank farm happened from 2013 – 2015. That cleanup is now in the monitoring phase to make sure that it is a success.

Development History

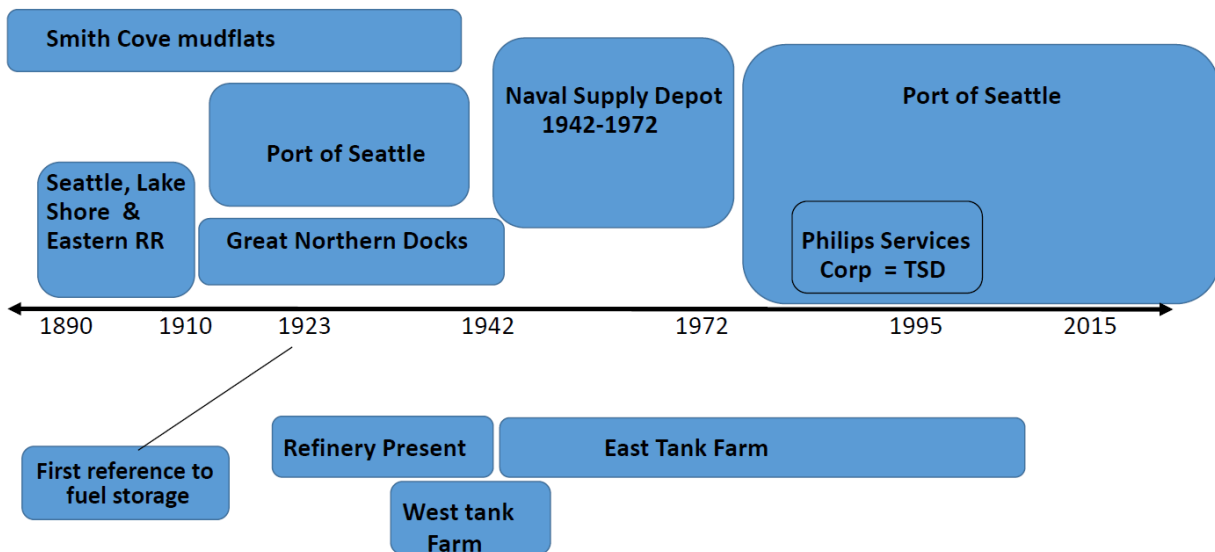


Figure 2. Timeline of T91 ownership and operations

How the site became contaminated

Tank farm and uplands

BEI and its predecessors and successors referred to as Philip Services Corporation (Philip), operated on this site from 1971 to 1995. In order for Philip to continue legally treating, storing and disposing of hazardous wastes at this facility, Ecology and the EPA issued a hazardous waste permit on July 22, 1992. The permit was issued to Philip (operator) and to the Port of Seattle (owner). When Philip stopped TSD activities, it began the closure and corrective actions to clean and close the waste treatment and storage areas.

Philip did two assessments (RCRA Facility Assessments or RFAs) to find where releases to the soil and groundwater may have occurred. Contaminants exceeding cleanup levels include:

- Metals - arsenic, copper, lead, mercury, and zinc
- Polycyclic aromatic hydrocarbons (PAHs)
- Phthalates
- Semi volatile organic compounds (SVOCs)
- Polychlorinated biphenyls (PCBs)
- Total petroleum hydrocarbons

Submerged lands

Historic land use and industrial practices contaminated the sediment (mud) under Elliot Bay at this site (Submerged Lands Area of Terminal 91, see Appendix A.) Our initial investigation found the following contaminants at levels of concern:

- Metals – arsenic, copper, lead, mercury, and zinc
- Tributyltin
- Polycyclic aromatic hydrocarbons (PAHs)
- Phthalates
- Semi volatile organic compounds (SVOCs)
- Polychlorinated biphenyls (PCBs)
- Discarded military munitions (DMMs)

Past cleanups

Tank Farm

After the dangerous waste activities stopped, Ecology required BEI to remove contaminants from the tanks so that they were no longer a threat to human health or the environment. This process, known as RCRA closure, is done when a facility no longer treats, stores or disposes of hazardous waste. BEI did above ground closures following an Ecology-approved closure plan. After the closure, a portion of the tanks were used to store bunker and fuel oil until early 2003. The Port later removed those above ground tanks and structures in 2005. The Port conducted the final closure in 2013–2015 under Ecology oversight. Under a restrictive covenant, the Port can only use the land in ways that prevent people from coming in contact with any remaining hazardous substances.

Uplands

The Port began cleaning up the upland areas in 1999, except for the Tank Farm Area. Soil in these areas was contaminated mostly with petroleum products.

Submerged lands (sediments)

The Army Corps of Engineers (Corps) began cleaning up the sediment (mud) under Elliot Bay at this site in 2010 when discarded military munitions were found near the western pier (Pier 91). The Corps investigated to find the discarded munitions, and then removed them under a Federal program called the Defense Environmental Restoration Program for Formerly Used Defense Sites. Work was completed in March 2012. While the Navy owned the facility, it sometimes disposed of munitions overboard without documentation. Port of Seattle divers occasionally still find discarded military munitions and have them removed.

Area community

The site is located on Elliot Bay north of downtown Seattle and below the communities of Magnolia and Queen Anne. Queen Anne is situated on the hill just east of the site. Magnolia is a neighborhood on a peninsula. Both neighborhoods are mostly residential.

Magnolia neighborhood

Magnolia occupies a peninsula connected to the city by bridges. Much of the peninsula is occupied by Discovery Park, home to the Daybreak Star Indian Cultural Center. Daybreak Star is a conference center, a location for powwows, home for United Indians' Sacred Circle Gallery, and headquarters for the United Indians. See below for demographic information for Magnolia.

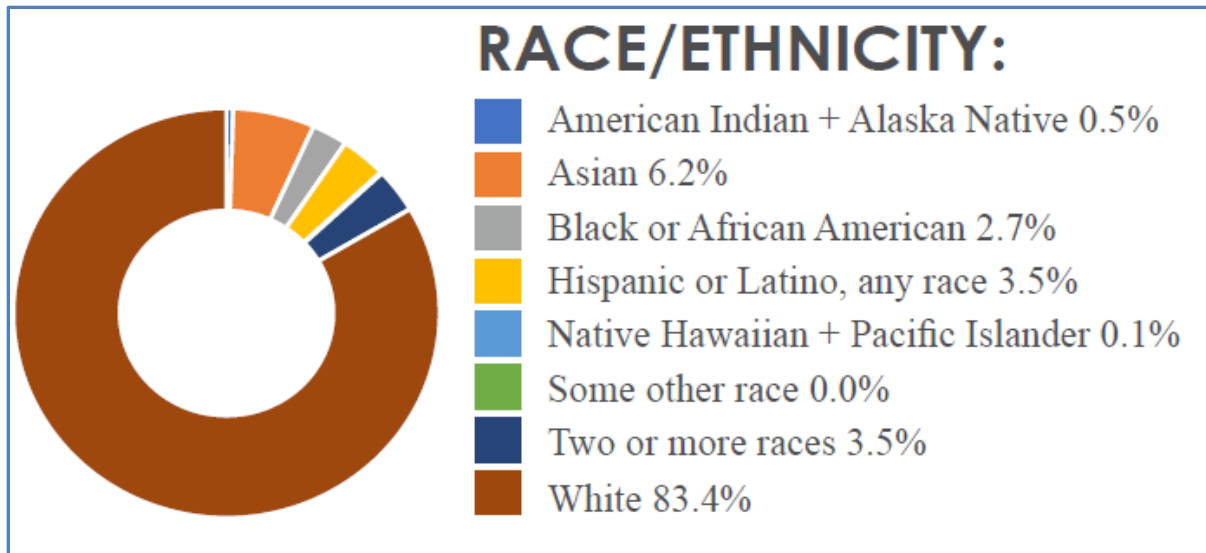


Figure 3. Race Ethnicity profile, Magnolia neighborhood⁵

- American Indian + Alaska Native 0.5%
- Asian 6.2%
- Black or African American 2.7%
- Hispanic or Latino, any race 3.5%
- Native Hawaiian + Pacific Islander 0.1%
- Some other race 0.0%
- Two or more races 3.5%
- White 83.4%

⁵ <http://www.seattle.gov/Documents/Departments/Neighborhoods/Districts/Neighborhood%20Snapshots/Magnolia-Snapshot.pdf>

Queen Anne neighborhood

Queen Anne neighborhood is located on one of the highest hills in Seattle, just above Terminal 91. The topography was carved by the Vashon Glacier more than 13,000 years ago. See below for demographic information about Queen Anne.

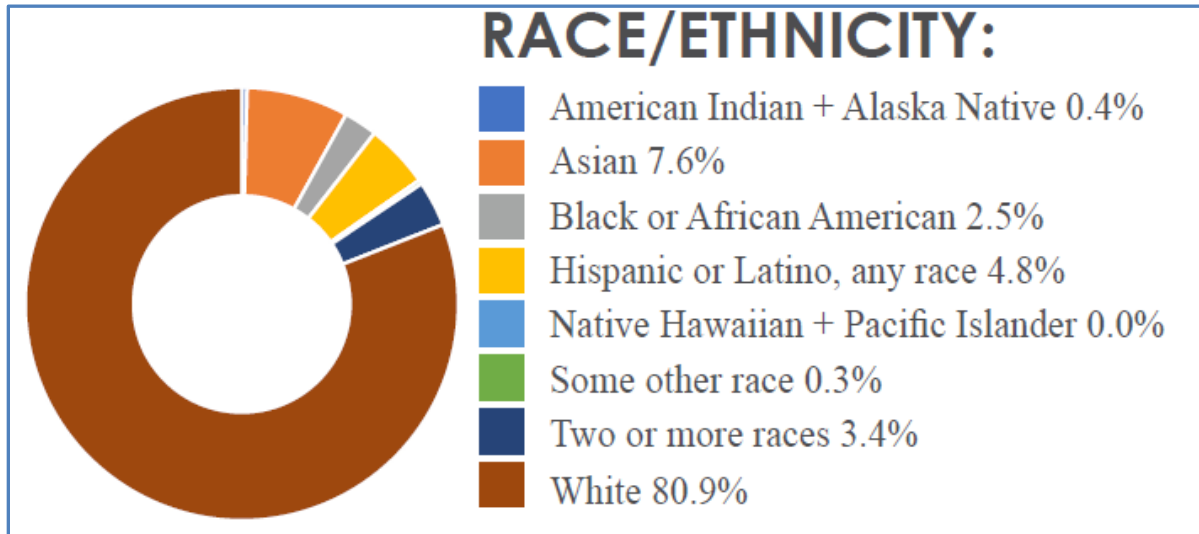


Figure 4. Race Ethnicity Profile, Queen Anne neighborhood⁶

- American Indian + Alaska Native 0.4%
- Asian 7.6%
- Black or African American 2.5%
- Hispanic or Latino, any race 4.8%
- Native Hawaiian + Pacific Islander 0.0%
- Some other race 0.3%
- Two or more races 3.4%
- White 80.9%

Public participation activities

The public may ask questions, submit informal comments, or share site information at any time. People do not have to wait for a formal public comment period to contact us. 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. Also, the public is invited to review

⁶ <http://www.seattle.gov/Documents/Departments/Neighborhoods/Districts/Neighborhood%20Snapshots/Magnolia-Snapshot.pdf>

and comment on site documents before they become final. This is a 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 the stages of the cleanup, we 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 of the site and other interested organizations and individuals. These notices provide general information about the site, contact information, how to submit comments, and times and locations of public meetings or hearings or how to request one if not yet scheduled.

We may also develop documents outside of comment periods to keep the community updated about the site. These documents will be available online and at document repositories. Printed copies may be mailed to the community if Ecology thinks the message warrants the extra costs.

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

Non-English speakers

Ecology will reach out to cultural community organizations as part of the project and provide information in other languages as needed following federal guidance. We strive to make our public participation efforts as inclusive as possible. We welcome your input about how to best reach the nearby community.

Tribal communication

The federally recognized Muckleshoot and Suquamish Tribes rely on resources that could be affected by the contamination. Ecology will ensure that the Tribes are engaged in decision-making for this site and are involved during the process on a government-to-government basis.

Postal mailing list

Ecology maintains a mailing list that includes addresses near the site and relevant local, state, tribal and federal government contacts.

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

We will add additional individuals, organizations, and other interested parties to the mailing list when asked. If you would like to be added to the mailing list for this site, please contact Tom Mackie at 509-575-2803 or by email to thomas.mackie@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 Sarah Kellington at 360-407-7466 or sarah.kellington@ecy.wa.gov.

Newspaper display ads or legal notices

We announce public comment periods and public events in newspapers such as the Seattle Times or other local outlets. We will also publish notice on our [Public Input & Events Listing](#).⁸

Email lists

Ecology has an email list to update interested people about Treatment, Storage and Disposal (TSD) sites in the state including this site. If you would like to be added to that email list, please contact Thea Levkovitz at 425-649-7286 or thea.levkovitz@ecy.wa.gov.

Ecology's website and social media platforms

We maintain a website for the [Port of Seattle Terminal 91 Site](#).⁹ The website provides site information, and you may download cleanup documents. We may also share information about cleanup sites through [news releases](#),¹⁰ our [Ecology blog](#), and social media such as [QueenAnne News](#),¹¹ [Magnolia Voice](#),¹² and [Seattle's Ethnic Media Program](#).¹³

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

⁸ ecology.wa.gov/Events/Search/Listing

⁹ www.bit.ly/T91cleanup

¹⁰ ecology.wa.gov/About-us/Get-to-know-us/News

¹¹ <https://queenannenews.com/>

¹² <https://magnoliavoice.com/>

¹³ <http://www.seattle.gov/iandraffairs/EMP>

Document repositories

During public comment periods, you can look at printed documents at the following locations:

Seattle Public Library – Queen Anne

400 W. Garfield Street
Seattle, WA 98104
206-386-4636

Seattle Public Library – Magnolia

2801 34th Avenue W
Seattle, WA 98199
206-386-4225

Washington State Department of Ecology

3190 160th Ave. SE
Bellevue, WA 98008
Call for appointment
425-649-7190
sally.perkins@ecy.wa.gov

How to share information with us

MTCA requires at least a 30-day public comment period for draft cleanup documents and a 14-day comment period for SEPA documents. SEPA documents are often available for review with other cleanup documents. We may hold comment periods longer than 30 days.

We may also identify public concerns and cleanup goals by meeting with interested community members and organizations. To talk with us about this site, please contact Tom Mackie, Site Manager at 509-575-2803 or thomas.mackie@ecy.wa.gov.

Public comment periods

Formal 30-day comment periods allow the public to comment on draft documents, legal agreements, and proposed cleanup actions. If there is enough interest, Ecology can extend the public comment period. When Ecology oversees SEPA determinations, we hold comment periods for at least two weeks. We hold 45-day comment periods when we are issuing or renewing corrective action permits.

After a comment period, we publish all the input we received and our response to comments and questions. If the comments result in significant changes, the documents are revised and re-issued for public review. If the comments do not result in significant changes, 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 if 10 people request it. We may 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 (ADA) standards. Public meetings, workshops, open houses, and hearings are always announced in advance in several ways.

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.

This plan includes information for the public about opportunities for public involvement and comment. The outreach activities in this section are Ecology's current plans for keeping the public informed and providing ways for people to share their concerns and questions with us.

If you feel the planned outreach activities are insufficient, or should be modified, we will work to find solutions. New outreach activities or tools can be used right away, with or without amending this plan.

Appendices

Appendix A. Site and location map

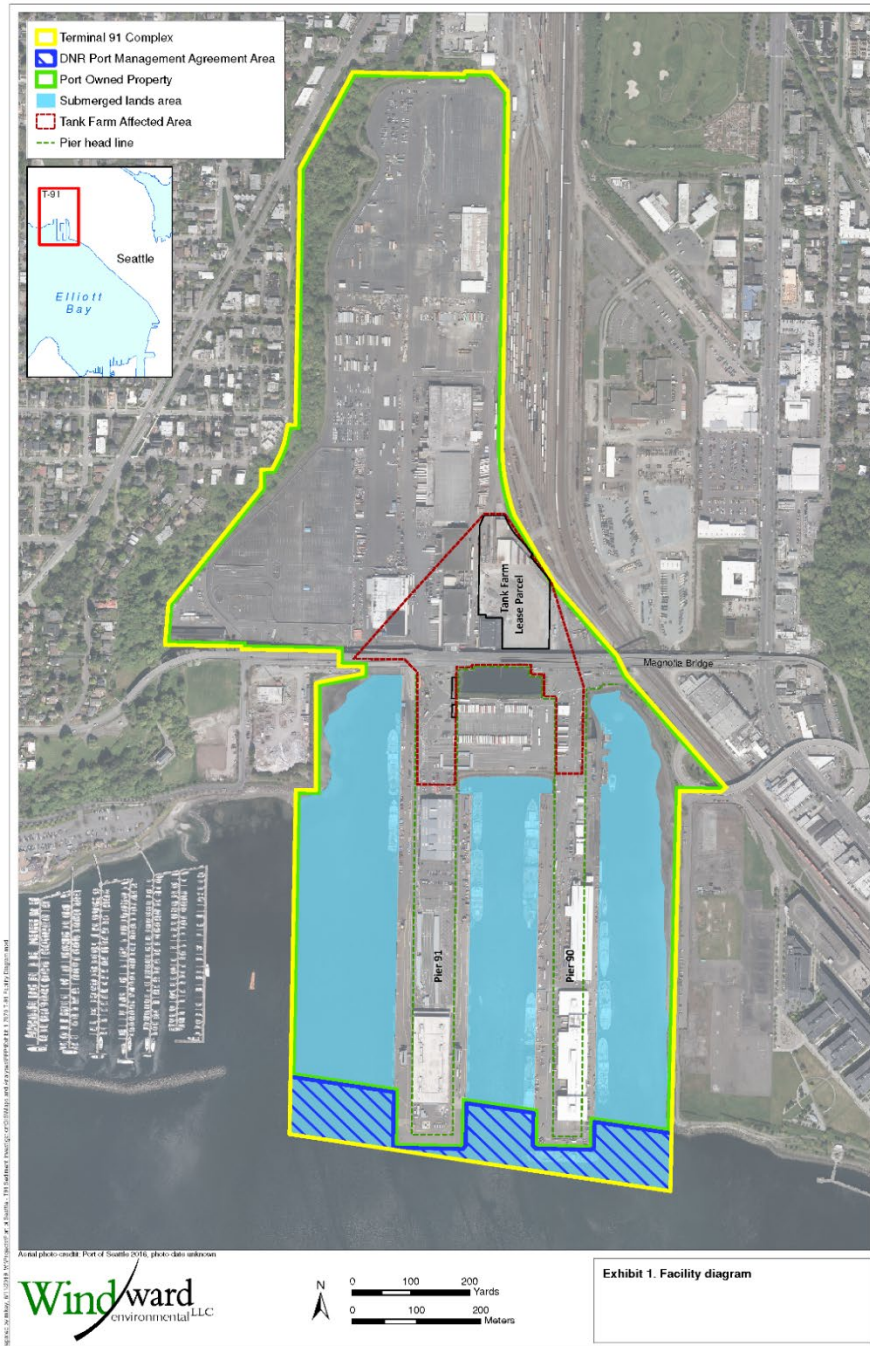


Figure 5. Terminal 91 site and location map. The uplands are to the north, the former tank farm is central and extends in places to the water's edge.