



Public Participation Plan

**East of 4th—Georgetown
Clean Earth/Burlington
734 South Lucile Street
Seattle, WA 98108**

Hazardous Waste & Toxics Reduction Program

Washington State Department of Ecology
Northwest Regional Office
Shoreline, Washington

January 2022, Publication 22-04-004



Publication Information

This document is available on the Department of Ecology's website at <https://apps.ecology.wa.gov/publications/SummaryPages/2204004.html> and <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=2622>.

Cover photo

This photo was provided to us by Michael Wright at Clean Earth/Burlington.

Related Information

- Facility site ID: 47779679
- Cleanup site ID: 2622

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Northwest Regional Office

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¹ www.ecology.wa.gov/contact

Español

El Departamento de Ecología está anunciando el período de comentarios públicos relacionado a la limpieza ambiental del sitio Clean Earth/Burlington. Para obtener este documento, o más información sobre este sitio en español, favor de comunicarse con Gretchen Newman al 360-407-6097 o preguntas@ecy.wa.gov.

ADA Accessibility

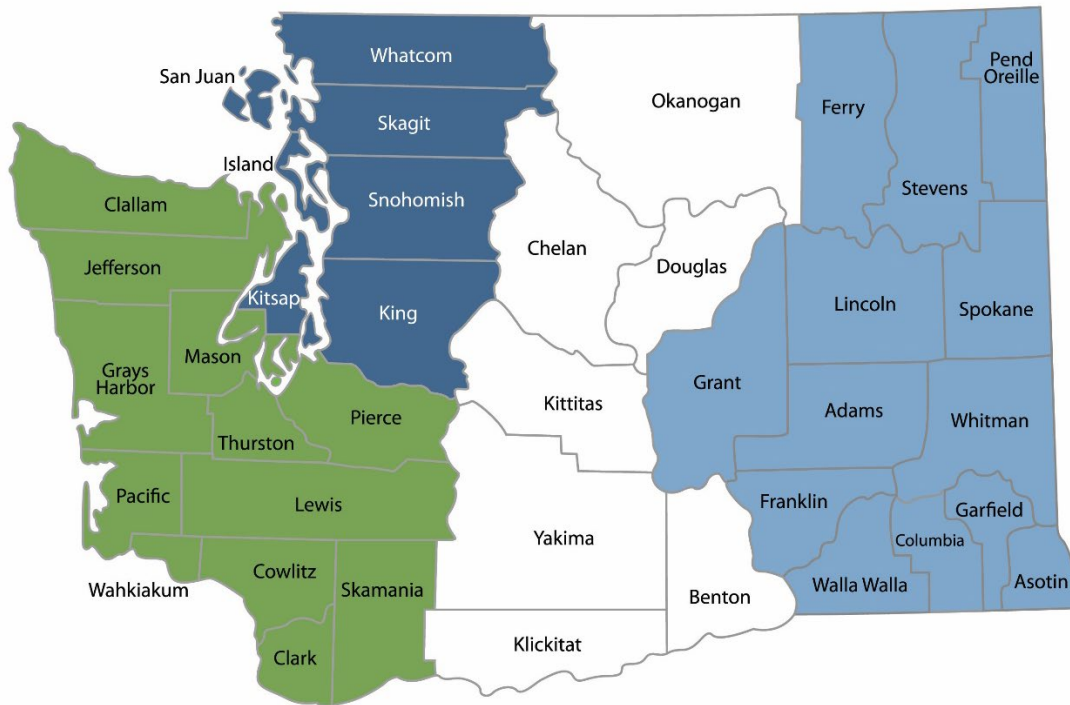
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² www.ecology.wa.gov/accessibility

Department of Ecology's Regional Offices

Map of Counties Served



Southwest Region 360-407-6300	Northwest Region 206-594-0000	Central Region 509-575-2490	Eastern Region 509-329-3400
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Region	Counties served	Mailing Address	Phone
Southwest	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
Northwest	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
Central	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
Eastern	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
Headquarters	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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DEPARTMENT OF
ECOLOGY
State of Washington

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Public Involvement in Contamination Cleanup

Ecology (we) developed this public participation plan (plan) in cooperation with Clean Earth/Burlington. This plan is for their facility located at 734 South Lucile Street in Seattle, Washington.

This plan describes how we involve the public in investigating contamination and selecting cleanup activities during the corrective action process.

We encourage the public to:

- Learn about and get involved in decision-making opportunities.
- Provide input during the investigation and cleanup of contamination.

This plan is for corrective action (cleanup). Public participation activities are coordinated between Clean Earth/Burlington and Ecology. We must make sure the cleanup and the outreach comply with Washington State's Dangerous Waste Regulations and Model Toxics Control Act (MTCA) requirements. We will hold public comment periods and other public outreach during the cleanup process.

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

Northwest Regional Office
PO Box 330316
Shoreline, WA 98133

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Public Participation Grants

Grants may be available to neighborhood committees, non-profits, and other groups.

For contaminated sites, these funds can be used to:

- Hire an expert to help interpret technical information.³
- Conduct activities to increase understanding 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 webpage](#).⁴

State and Federal Cleanup Laws

In Washington state, we use the MTCA and other regulations for cleanup activities on properties that treated, stored, or disposed of hazardous chemicals. These cleanups, called **corrective actions**, are required under the federal Resource Conservation and Recovery Act (RCRA). The U.S. Environmental Protection Agency (EPA) maintains and enforces environmental standards across the United States. EPA allows Ecology to use MTCA, not RCRA, for cleanup activities in Washington state.

This public participation plan is required under MTCA. MTCA sets standards to ensure contaminated site cleanups in our state protect human health and the environment.

Model Toxics Control Act

MTCA began as a grassroots citizen's initiative in 1988. We started using it in our state to clean up contaminated sites in 1989. Under MTCA, a current or past property owner or operator may need to pay to clean up contamination on or coming from their property, until levels are safe for human health and the environment.

Under MTCA, we oversee cleanups and issue [regulations and guidance](#)⁵ for them. We investigate reports of property contamination. If the contamination is a threat to human health or the environment, the property goes 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 entities, and other interested parties can comment on the cleanup process.

³ 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.

⁴ www.ecology.wa.gov/ppgrants

⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/9406.html>

Under MTCA, the cleanup process happens in phases. Many of the phases have time for the public to review and comment on cleanup documents. See Figure 1, Washington's Formal Cleanup Process, for more information.

Resource Conservation and Recovery Act

There are federal and state rules about hazardous wastes. Congress passed RCRA in 1976 to ensure safe management and disposal of hazardous waste. RCRA was updated several times to expand the scope and requirements.

RCRA's goals are to:

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

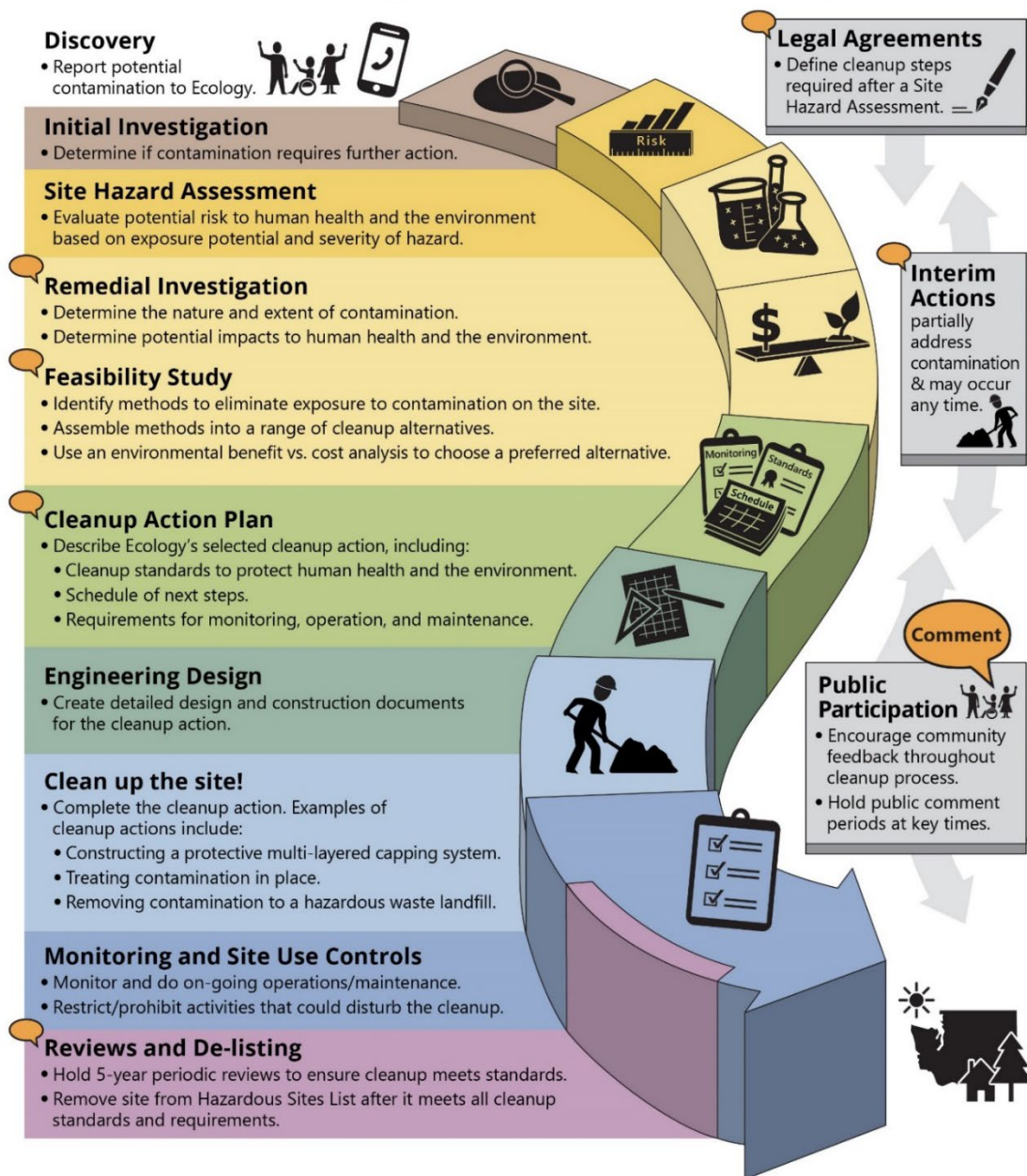
Treatment, storage, and disposal (TSD) facilities must have a permit to design, operate, maintain, or close their site. RCRA also requires facilities to clean up contamination from past and present practices. These cleanup activities are called **corrective actions**.

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

State Environmental Policy Act

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

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: [Washington's Formal Cleanup Process Infographic](#).⁶

[Read a Plain Text version of Figure 1](#).⁷

⁶ <https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html>

⁷ <https://apps.ecology.wa.gov/publications/parts/1909166part2.pdf>

Site Information

Basic information

Georgetown is a neighborhood in Seattle, Washington. South of downtown, Georgetown retains a sizeable number of residences and businesses, despite being surrounded on all sides by industry and major transportation corridors. This industrial neighborhood boasts major sports stadiums, fun places to eat, and urban breweries.

Some notable landmarks near Georgetown include the Burlington Northern Santa Fe (BNSF) Railway and Union Pacific Railroad to the north, the Duwamish River to the west, Interstate 5 (I-5) to the east, and Boeing Field to the south. Surrounding neighborhoods include South Park to the west and Beacon Hill to the east.

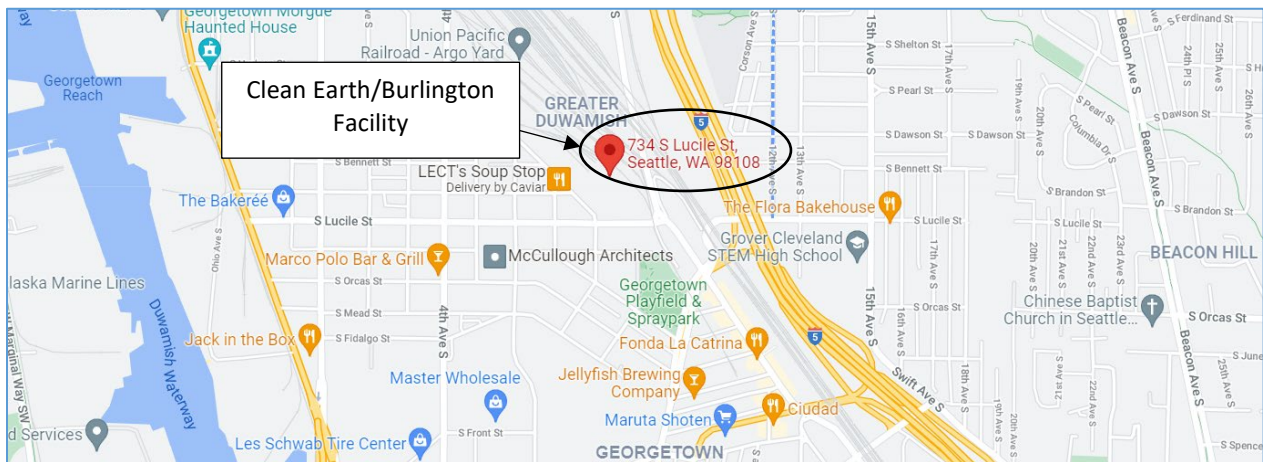


Figure 2: Google Map showing Clean Earth/Burlington site in Seattle, WA.

Site history

Burlington Environmental, LLC and PSC (Phillips Services Corporation) Environmental Services, LLC are wholly owned subsidiaries of Clean Earth Environmental Solutions, Inc. (Clean Earth). We refer to Clean Earth/Burlington throughout this document because the company uses the name Clean Earth in public, but the facility is permitted as Burlington Environmental, LLC.

Clean Earth/Burlington is a nationwide hazardous waste treatment, storage, and disposal company. Hazardous waste spills and leaks at the Georgetown location resulted in soil and groundwater contamination.

Before Clean Earth/Burlington owned this property, parts of it were unpaved and used to stain wood shakes and shingles. Twenty-four underground storage tanks (USTs) were installed on site between 1958 and 1965. They were removed in 1987.

- In 1991, EPA issued a dangerous waste management permit to Clean Earth/Burlington Georgetown. The permit allowed the company to receive, store, and treat hazardous wastes at this facility. The permit required that soil and groundwater contamination be investigated and addressed.

- In 2002, EPA gave Ecology responsibility for this cleanup.
- In 2003, Clean Earth/Burlington closed this facility and removed all the buildings. Interim cleanup actions were done to protect people from harmful gases that were escaping from the contaminated soil. Over 50 monitoring wells were installed to track contamination levels.
- In 2004, Clean Earth/Burlington purchased the White Satin Sugar building (pictured on this plan's cover) and built an underground wall. The underground wall is a barrier that keeps the highly contaminated groundwater on the property and from moving toward the Duwamish River. A treatment system began pumping the groundwater within the barrier wall to treat the water and continues to treat groundwater within the barrier wall today.
- In 2010, we issued an Agreed Order that requires Clean Earth/Burlington to clean and contain the contaminated soils and groundwater. Groundwater contamination caused by the facility goes farther west than 4th Ave. S., but the cleanup actions in this Agreed Order are mainly for contamination east of 4th Ave. A separate Agreed Order that involves three other businesses deals with contamination west of 4th Ave. S.
- We approved Clean Earth/Burlington's *Engineering Design Report* in 2011 and the company began additional cleanup actions.
- In 2012, Clean Earth/Burlington excavated and disposed 5,000 tons of PCB-contaminated soil from the Union Pacific Railroad property. They improved biological breakdown of contamination by putting vegetable oil in the bottom of the excavation before it was backfilled. Then they covered the area with concrete to prevent exposure to any remaining soil contamination.
- In 2015, Clean Earth/Burlington began a supplemental treatment for groundwater contamination inside the barrier wall: **in-situ bioremediation**. This treatment helps bacteria already in the groundwater break down the toxic chemicals. This was done twice a year for 5 years. The last bioremediation treatment occurred in May 2020.
- In 2015, we amended the Agreed Order to include new cleanup actions to address a chemical called 1,4-dioxane (a chemical that may cause cancer) in groundwater. Between 2016–2018, Clean Earth/Burlington tested different chemicals to treat 1,4-dioxane. In 2020, Clean Earth/Burlington injected chemical treatments in three locations to decrease levels of 1,4-dioxane in groundwater. They're currently monitoring results.

Clean Earth/Burlington also used and contaminated part of the Union Pacific Railroad's Argo Yard, just northeast of the site. They have cleaned up much of the contaminated soil in that area, but some contamination remains. In 2019, Ecology approved property use restrictions to protect human health and the environment. Restrictions include not drinking groundwater and not building homes on the property. Property use restrictions are accomplished using institutional controls.

Institutional controls are administrative and legal ways to minimize human exposure to contamination and/or protect the remedy. On this site, institutional controls will:

- Restrict groundwater use.
- Restrict and regulate subsurface work.
- Require vapor intrusion mitigations for any buildings inside the barrier wall.
- Require continued operation of the groundwater treatment system.
- Require maintenance of the barrier wall, surface cover, and monitoring wells.

Clean Earth/Burlington must maintain financial resources to implement the cleanup action, monitor its performance, and provide for long-term operation, maintenance, and repair.

Contamination

Soil is contaminated on the Clean Earth/Burlington and Union Pacific Railroad properties.

As detailed in the Remedial Investigation (RI), remaining soil contaminants include:

- Gasoline and related petroleum products.
- Chlorinated solvents, trichlorethylene (TCE), and vinyl chloride (VC)—chemicals that may cause cancer.
- Polycyclic aromatic hydrocarbons (PAHs)—cancer-causing chemicals.
- Polychlorinated biphenyls (PCB)—man-made cancer-causing chemicals.

Although both properties have done cleanup efforts for PCB-contaminated soils, low levels of PCBs remain. The properties used thick concrete to pave over soils contaminated above cleanup levels, and require property use restrictions. Groundwater outside of the Clean Earth/Burlington barrier wall is currently contaminated with:

- Gasoline and related petroleum products.
- Chlorinated solvents, TCE, and VC—chemicals that may cause cancer.
- 1,4-dioxane—a chemical that mixes well with water and can harm the eyes, skin, lungs, liver, and kidneys. It may cause cancer and is used in industry as a solvent.

Groundwater inside the barrier wall has higher levels of contaminants.

Cleanup process

Under the permit going out for public comment in 2022, Clean Earth/Burlington will continue with the requirements of the formal cleanup action plan for the East of 4th area for both soil and groundwater. In addition, Clean Earth/Burlington will finalize the investigation of the West of 4th site and develop a Cleanup Action Plan to clean up the groundwater along with other potentially liable parties under a separate Agreed Order.

You can download the following documents for East of 4th here: ecology.wa.gov/BurlingtonEast4th.⁸

- Dangerous Waste Management Permit
- Remedial Investigation (RI) Report
- Feasibility Study (FS)
- Focused Feasibility Study (FFS)
- Cleanup Action Plan
- Engineering Design Report
- East of 4th Avenue Cleanup Implementation Report
- Agreed Order for the East of 4th Site

Ecology uses the RI, FS, and SFS to select cleanup actions for the site. We oversee site cleanup activities—they must meet all federal and state standards. We’re asking the public to comment on the permit and public participation plan.

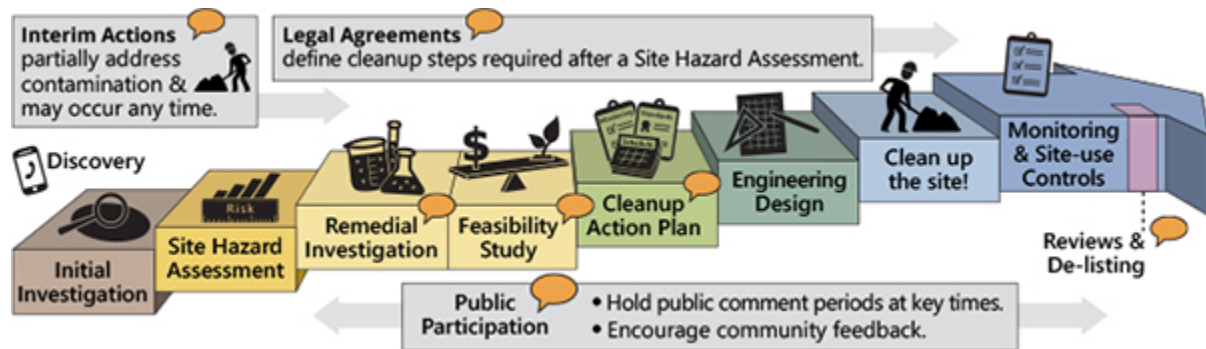


Figure 3: Formal Cleanup Process Infographic.

⁸ ecology.wa.gov/BurlingtonEast4th

Demographics

Table 1: Georgetown study area: One-mile ring (radius) around the site (population 7,508).

Demographic Indicators	Value	State Average	Percentile in State
Demographic Index	43%	29%	81
Minority Population	64%	31%	91
Low-Income Population	21%	27%	44
Linguistically Isolated Population	12%	4%	91
Population with Less Than High School Education	16%	9%	83
Population Under 5 Years of Age	3%	6%	19
Population Over 64 Years of Age	14%	15%	51

People of color and minority population

Ecology ran a demographic analysis using EPA’s Environmental Justice Screen⁹ (EJSCREEN) tool for a one-mile radius around the site. The standard report suggests these indicators for environmental justice considerations:

- Demographic index.
- Minority population.
- Low-income population.
- Linguistically isolated population.
- Population with less than high school education.
- Population over 64 years of age.

Census data from the 2014–2018 American Community Survey (ACS) indicates the largest racial and ethnic population around the site is Asian with 3,118 residents.

⁹ <https://www.epa.gov/ejscreen>

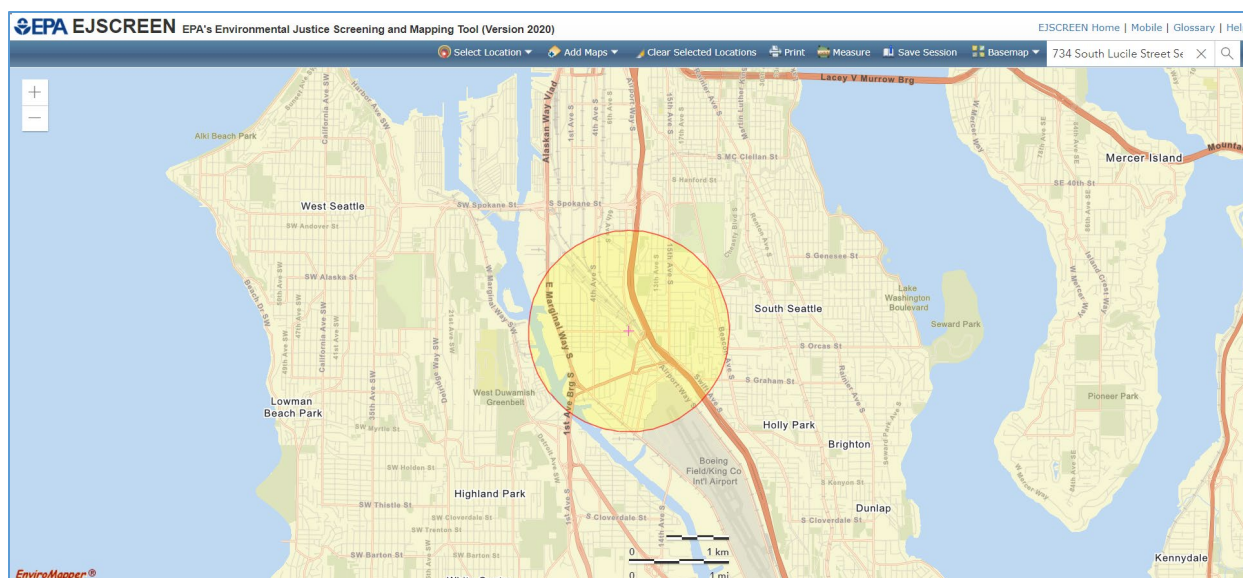


Figure 4: Map showing one-mile radius for EJ indicators (taken from EPA’s EJSCREEN mapping tool).

English language proficiency

According to the [Language Data \(Census 2015\)](#)¹⁰ for this zip code (98108), the Chinese and Vietnamese populations that speak English “less than very well” are 20.65 percent of the area population. The Spanish population that speaks English “less than very well” is 5.74 percent of the population.

Census data from the 2014–2018 American Community Survey (ACS) shows that 1,788 residents within a one-mile radius speak English “less than very well.” There are 360 linguistically isolated households. Asian-Pacific languages are spoken in 340 homes and Spanish in 19.

Outreach activities and language access

Based on this analysis, we will conduct the following outreach activities for this site:

- Contact cultural organizations and leaders in these communities.
- Provide information about requesting language services in all public materials.
- Provide basic information for this site in Chinese, Vietnamese, Khmer, and Spanish in all outreach materials.
- Translate all documents that are vital or critical to well-being for language groups that are either 5% of the population or more than 1,000 people.

¹⁰ http://teams/sites/EXEC/mitt/LanguageMap/Shared%20Documents/ACS_LanguageData_2015.aspx

To request translation services, please contact:

Janelle Anderson, Community Outreach & Environmental Education Specialist
Washington Department of Ecology
Northwest Regional Office
PO Box 330316
Shoreline, WA 98133
Phone: 425-301-6454
Email: Janelle.anderson@ecy.wa.gov

Ecology will reach out to cultural community organizations as part of our outreach and provide information in other languages following federal guidance.¹¹ The non-English languages most widely spoken in this area are Chinese, Vietnamese, Khmer, and Spanish. When appropriate, we will provide outreach materials in these languages. We strive to make our public participation efforts as inclusive as possible and welcome your input about how to reach the nearby community.

Tribal involvement

The federally recognized Muckleshoot, Snoqualmie, Stillaguamish and Suquamish tribes have fishing rights within or just north of the Lower Duwamish Waterway. The Duwamish Tribe also actively fishes the Duwamish River. We'll invite these tribes to engage in decision-making during 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 don't 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 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 around the site. The mailing list area varies depending on the type of contamination and its location, 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.

¹¹ 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).

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 extra costs.

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

Postal mailing list

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

Everyone will receive public comment notices when draft documents are available.

We'll 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 Janelle Anderson at 425-301-6454 or Janelle.anderson@ecy.wa.gov.

Site Register

Public comment periods, events, and other cleanup notices are published in Ecology's [Site Register](#).¹² To receive the Site Register by email, please [subscribe online](#),¹³ or contact Sarah Kellington at sarah.kellington@ecy.wa.gov or 360-407-7466.

Newspaper display ads or legal notices

For this site, we will announce public comment periods and events in ads or notices published in the [Seattle Times](#),¹⁴ [Seattle Chinese Post](#),¹⁵ and [Northwest Asian Weekly](#)¹⁶ newspapers, and on [KEXP](#)¹⁷ radio. We'll also publish notice on our [Public Input & Events Listing](#).¹⁸

Ecology's website and social media platforms

Ecology maintains a webpage for the [Clean Earth/Burlington—Georgetown site](#)¹⁹ that provides site information and cleanup documents. Information may also be shared about cleanup sites through [news releases](#)²⁰ and [Ecology's blog](#).²¹

¹² ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data

¹³ https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_118

¹⁴ <https://www.seattletimes.com/>

¹⁵ <https://seattlechinese.com/%e8%81%af%e7%b9%ab%e6%9c%ac%e5%a0%b1/>

¹⁶ <https://nwasianweekly.com/about/>

¹⁷ <https://www.kexp.org/>

¹⁸ ecology.wa.gov/Events/Search/Listing

¹⁹ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=2622>

²⁰ <https://ecology.wa.gov/About-us/Get-to-know-us/News>

²¹ <https://ecology.wa.gov/blog>

Document repositories

In response to Washington state's coronavirus response and Governor Inslee's Stay Home, Stay Healthy Order, in-person document review is available by appointment only. You may review documents at this location by appointment:

Washington State Department of Ecology
Northwest Regional Office
15700 Dayton Ave N. Shoreline, WA
Reception (24-hour) 206-594-0000

To schedule an appointment, please contact:

Susanne Winter
susanne.winter@ecy.wa.gov
NWRO Regional Business Administrator

Signs around the cleanup site

We may also put up signs with 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 Janelle Anderson at 425-301-6454 or Janelle.anderson@ecy.wa.gov.

Public comment periods

Formal 30-day comment periods allow members of the public to comment on draft documents, legal agreements, and proposed cleanup actions. If there is enough interest, Ecology may extend the public comment period. When Ecology oversees SEPA determinations, we hold comment periods for at least two weeks and comment periods may last 30 days or more when other cleanup documents are available for review at the same time.

Following a comment period, we publish all the input we received and respond to 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 don't 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 haven't scheduled a meeting, we will hold one if 10 people request it—we may extend the 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 Ecology at 360-407-6700 or hwtrpubs@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 Paul Bianco, Site Manager, by phone at 206-594-0046 or email paul.bianco@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 people to communicate their concerns and questions to us.

If you feel the planned outreach activities described in this plan are insufficient or need changes, we will work to find solutions. New outreach activities or outreach tools that result can be used right away, with or without updating this plan.

List of Abbreviations and Acronyms

Table 2: List of abbreviations and acronyms.

Abbreviation or Acronym	Definition
ADA	Americans with Disabilities Act
ACS	American Community Survey
BNSF	Burlington Northern Santa Fe
Burlington or BEI	Burlington Environmental, Inc.
Clean Earth	Clean Earth Environmental Solutions, Inc
Cleanup	Corrective action
Ecology (we)	Washington State Department of Ecology
EJSCREEN	EPA's Environmental Justice Screen
EPA	U.S. Environmental Protection Agency
Facility	Clean Earth/Burlington (Georgetown) Seattle, Washington
FFS	Focused Feasibility Study
FS	Feasibility study
I-5	Interstate 5
MTCA	Model Toxics Control Act
PAHs	Polycyclic aromatic hydrocarbons
Plan	Public participation plan
PLP	Potentially liable person
PSC	Phillips Services Corporation
RCRA	Resource Conservation and Recovery Act
RI	Remedial investigation
SEPA	State Environmental Policy Act
Site	Area where hazardous substances at the facility are currently located
TCE	Trichloroethylene
TSD	Treatment, storage, and disposal facility
USTs	Underground storage tanks
WAC	Washington Administrative Code