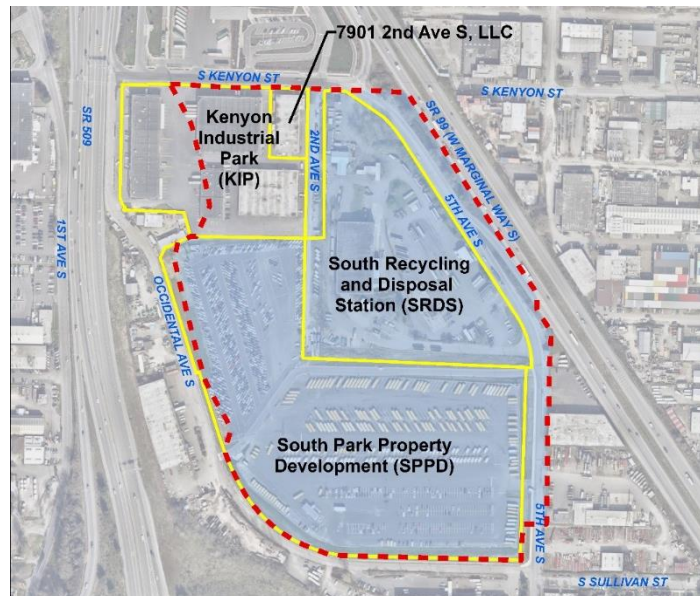




DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## PUBLIC PARTICIPATION PLAN

# **SOUTH PARK LANDFILL SEATTLE, WASHINGTON**



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## **Introduction**

The Washington State Department of Ecology (Ecology) developed this public participation plan according to the Model Toxics Control Act (MTCA). This plan is designed to promote meaningful community involvement during the cleanup and long-term monitoring of a portion of the South Park Landfill site located in Seattle, Washington. This plan describes the tools Ecology will use to inform the public about site cleanup activities, and how the community can become involved in this process.

Ecology and some of the potentially liable persons (PLPs), namely the City of Seattle (City) and South Park Property Development, LLC (SPPD) negotiated a legal agreement called an Agreed Order in 2009 that formally describes their working relationship. King County is also a named PLP at the Site but was not included in that Agreed Order.

Under the Agreed Order, the PLPs performed a remedial investigation/feasibility study (RI/FS) in accordance with Chapter 173-340 of the Washington Administrative Code. These studies determined the nature and extent of contamination associated with the former South Park Landfill and evaluated the remedial actions necessary for the Site. A Draft Cleanup Action Plan (DCAP) was also completed under the order. The Agreed Order was amended in 2013 and 2015 to carry out Interim Actions by SPPD and the City of Seattle.

The cleanup of a defined portion of the site, called the Settlement Area, will be implemented under a Consent Decree. The City of Seattle SPPD, and King County will sign a Consent Decree for the two largest parcels on the site. The Consent Decree is considered a final settlement of liability for contamination within the Settlement Area. It does not settle liability for the whole Site, which extends beyond the Settlement Area. The final Cleanup Action Plan for the Settlement Area incorporates the two Interim Action cleanups. It requires that the existing landfill cap, landfill gas controls, stormwater controls, and systems for groundwater and landfill gas monitoring be maintained. In addition, the Plan requires institutional controls that restrict land use and access, and prevent interference with the cleanup remedy.

## **Location and Site Background**

### **Location**

This site is generally located at 8100 & 8200 2<sup>nd</sup> Avenue South (County Assessor's Parcel Numbers 7328400005 & 3224049005) in Seattle, Washington to the west of the Lower Duwamish Waterway. The property is bordered to the north by Kenyon Street Southwest, to the south by South Sullivan Street, to the west by Occidental Ave South, and to the east by State Route 99 and 5<sup>th</sup> Avenue South (See figure on page 7). The site boundary is determined by the extent of contamination.

### **South Park Landfill Site Background**

Starting around 1927, King County acquired parcels of land in the area through the tax foreclosure process. Some of those parcels later became the South Park Landfill. As early as the 1930's, the northwest corner and southern portion of the property were used as a landfill. By the 1940's the landfill area was expanding as it was used for disposal of waste from south Seattle and King County. At this time, open burning of refuse was occurring at the site.

In 1951, the city of Seattle (City) purchased a portion of the landfill. The City then sold the northwest corner of that area to a private party in 1955, which would later become the Kenyon Industrial Park. Beginning in 1958, King County leased the portion of landfill it still owned to the City. The City operated the landfill at the site until 1966. Starting in the 1950s a portion of the landfill became an auto wrecking yard which continued on part of the site into the 1970s.

By the 1960s, the northern and southern dumping areas had expanded enough to connect. Dumping and burning occurred in the central part of the site as well, however; the open burning ended in 1961. The landfill stopped accepting refuse when the City built the South Transfer Station in 1966 to process trash for transport out of the area.

From 1984 to 1996 King County leased portions of the site to a variety of tenants, mostly for truck storage. In 2006, King County sold its remaining 19.4 acre parcel to South Park Property Development, LLC (SPPD).

### **Lower Duwamish Waterway Site**

The South Park Landfill site is in the source control study area for the Lower Duwamish Waterway site in south Seattle. The Lower Duwamish Waterway site is approximately 5.5 miles of the Lower Duwamish Waterway which flows into Elliott Bay. The Lower Duwamish Waterway site is designated as a contaminated site under both state and federal law. Ecology and the U.S. Environmental Protection Agency (EPA) are working to clean up contaminated sediments and control sources of recontamination in the Lower Duwamish Waterway (LDW). The LDW was added to the National Priorities List (Superfund) by EPA on September 13, 2001. Ecology added the Lower Duwamish Waterway site to the Washington State Hazardous Sites List on February 26, 2002.

The sediments in the Lower Duwamish Waterway contain a wide range of contaminants due to years of industrial activity and run off from residential areas. These contaminants include polychlorinated biphenyls (PCBs), polycyclic aromatic hydrocarbons (PAHs), metals, chlorinated dioxins and furans, and phthalates.

In December 2000, EPA and Ecology entered into an Agreed Order on Consent with King County, the Port of Seattle, the City of Seattle, and The Boeing Company to perform a Remedial Investigation (RI) and Feasibility Study (FS) of sediment contamination in the waterway. EPA is leading work on the RI/FS and supporting Ecology in source control work. Ecology is leading source control efforts in coordination with the City of Seattle, King County, the Port of Seattle, the City of Tukwila, and EPA. Ecology also supports EPA efforts on the RI/FS for the Lower Duwamish Waterway site.

As part of the source control efforts in the LDW, Ecology works with their consultants to develop Source Control Action Plans (SCAPs) for areas of sediment contamination that

will or may require cleanup. The purpose of the SCAPs is to identify potential contamination sources and the actions needed to keep sediments from being contaminated again after any cleanup occurs.

The South Park Landfill site is located within the River Mile 2.2 - 3.4 West (Riverside Drive) Source Control Area. The SCAP for this area will be based on a thorough review of information pertinent to sediment recontamination in this source control area, as presented in the Source Control Area Summary of Existing Information and Identification of Data Gaps Report. This report and the Source Control Action Plan for this source control area are available on Ecology's website.

### **South Park Landfill Site Contaminants of Concern**

The site contamination as currently known to Ecology is due to its use as a landfill since the 1930s. Contaminants that have been detected in groundwater at the South Park Landfill site are:

- Trichloroethylene
- *cis*-1,2-Dichloroethylene
- Vinyl chloride
- Arsenic
- Barium
- Benzene
- Iron
- Manganese

Landfill gas (a combination of methane and other gases) is also present at the site.

### **Previous Cleanup Work**

Environmental investigations began at the site in the mid-1980s. In 1999, King County entered into Ecology's Voluntary Cleanup Program (VCP) to address contamination on the site, some of which had migrated off the landfill property. While in the Voluntary Cleanup Program, King County made progress toward defining the nature and extent of contamination associated with the South Park Landfill site. The site is now in Ecology's

formal cleanup process to complete the investigation into the nature and extent of contamination, to assess remedial action alternatives, and to complete cleanup of the Site.

### **Current Activity**

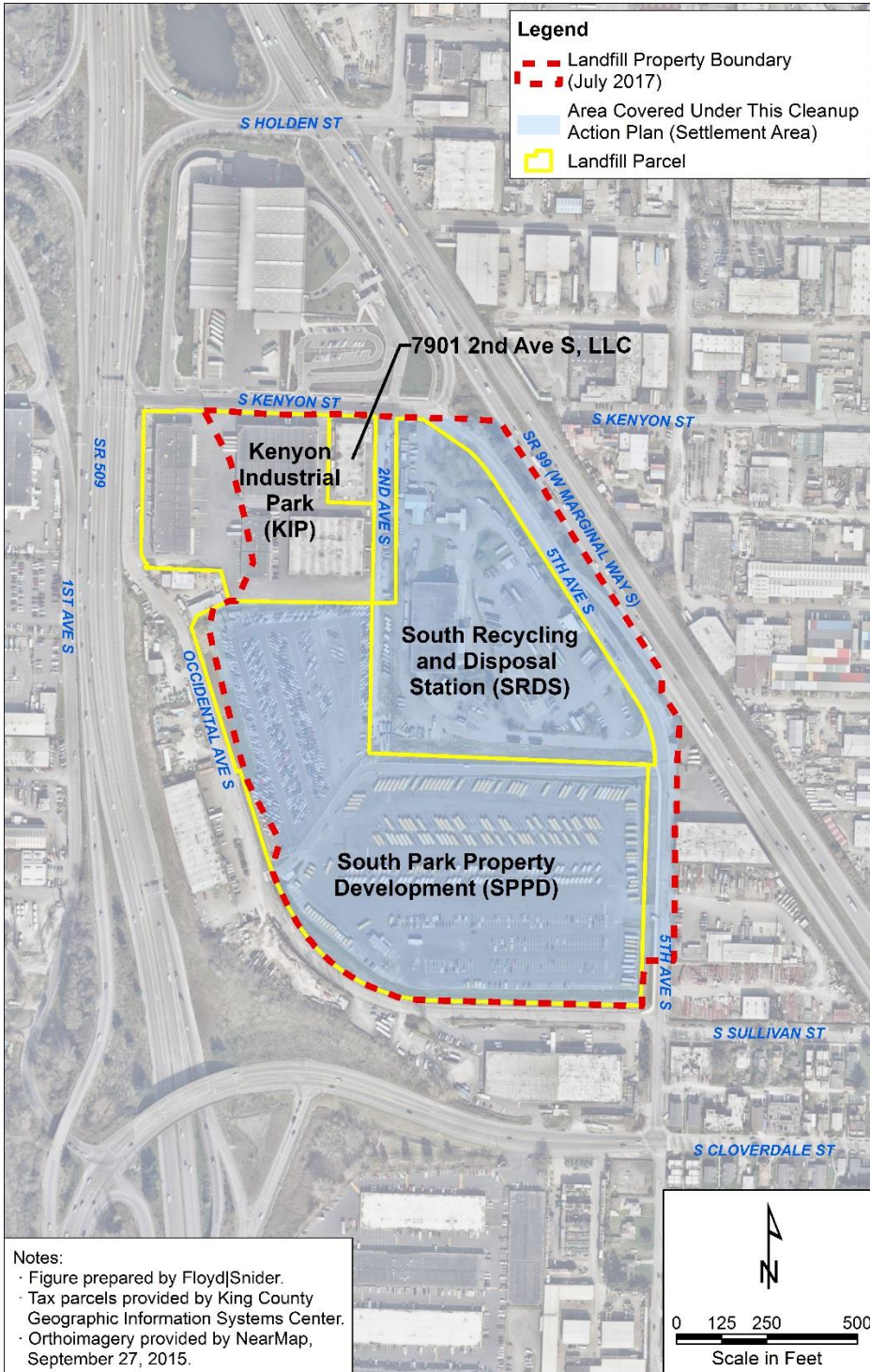
The City of Seattle and SPPD have performed an RI/FS and prepared the Agency Review draft of the Draft Cleanup Action Plan for the Settlement Area.

- The RI/FS provided sufficient data to define the nature and extent of contamination within the Settlement Area and evaluate potential remedial actions necessary to clean up the Settlement Area.
- The Draft Cleanup Action Plan used the findings in the RI/FS to identify a preferred cleanup action and a schedule to remediate the contamination. It requires that the existing landfill cap, landfill gas controls, stormwater controls, and systems for groundwater and landfill gas monitoring be operated and maintained. In addition, the plan requires environmental covenants that restrict land use and access, and prevent interference with the cleanup remedy.

Ecology and certain owners and operators of the site (known as potentially liable parties, or PLPs) have negotiated a legal agreement called a Consent Decree. The PLPs who will sign this agreement are the City of Seattle, SPPD, and King County.

The Consent Decree is a final settlement of liability for contamination relating to the specific area of the Site, called the Settlement Area. It does not settle liability for the whole Site, which extends beyond the Settlement Area. The work done under this Consent Decree will be done based upon the schedule in the Consent Decree.

# SITE MAP: South Park Landfill



Note: The diagram above shows the general area of the Site and the approximate boundaries of the former landfill. It is not intended to show the full extent of contamination associated with the Site.



## **Community Profile**

For decades a portion of the South Park neighborhood adjacent to the South Park Landfill has been industrialized. Current commercial and industrial operations include cargo handling and storage, marine construction, boat manufacturing, marina operations, paper and metals fabrication, food processing, and airplane parts manufacturing.

Although a portion of the neighborhood is in industrial use, South Park also has residential areas. The residents of the community are well known for their commitment to neighborhood issues. A description of this community is provided below.

### **South Park Community Description**

The South Park neighborhood is located in South Seattle, west of the Lower Duwamish Waterway. Native Americans of the Duwamish Tribe were the first residents of South Park who lived on the shores of the Duwamish River for thousands of years. This area was once a small farming town composed of Italian and Japanese farmers who supplied fresh produce to Seattle's Pike Place Market. South Park became part of the City of Seattle in 1907.

By 1920 the Duwamish River was straightened into a deep channel that would accept ocean-going ships and barges. This change in the Duwamish greatly impacted South Park. The curving meanders had been straightened, which made it easier for industry to develop along the banks of the waterway. In the mid-1960s, South Park was rezoned as industrial. Over 4,000 people complained and the City of Seattle changed the zoning to low-density residential in some areas.

The City of Seattle built the South Park Community Center in 1989 which remains a vital resource within the community. The South Park Community Center offers a wide variety of free and low cost programs and special events. Special events include free breakfasts and family events. The community center provides before and after-school programs and

school break camps for students. It also offers adult classes ranging from yoga to technology to English classes.

South Park is also served by the City-owned neighborhood center, managed by the South Park Neighborhood Association. The neighborhood center houses several non-profit and city services.

The Seattle Public Library opened the South Park branch at 8604 Eighth Avenue South (at Cloverdale Street) in September 2006. About one-third of the current collection is Spanish-language, including bilingual children's materials and Spanish Language fiction and non-fiction. The library also has bilingual staff on hand to answer questions and to help patrons.

According to EPA's EJScreen Tool, the South Park neighborhood is comprised of about 4264 people. 70% of the population are minorities, 52% are low income, and 15% speak English "less than very well." Approximately 25% of South Park's residents were born outside of the US. The population of Spanish speakers who speak English "less than very well" is 9% (based on the American Community Survey 5-year estimates). Of the children enrolled at South Park's Concord Elementary School, 83% qualify for free/reduced price lunches.

A variety of retail and service businesses are located along 14th Avenue South. Data from the Seattle Office of Economic Development lists the primary categories of employment in South Park as wholesale trade, transportation and utilities; construction/resources; manufacturing; and services.

### **The Duwamish River Cleanup Coalition**

The Duwamish River Cleanup Coalition (DRCC) is a formal "community advisory group" to EPA and represents the adjacent communities' interests in the cleanup work along the LDW. DRCC works with stakeholders (including the South Park and

Georgetown neighborhoods) to ensure a Duwamish River cleanup that is accepted by and benefits the community and is protective of fish, wildlife and human health.

DRCC was formed by an alliance of community, environmental, tribal, and small business groups affected by ongoing pollution and cleanup plans for the Lower Duwamish Waterway. The coalition members include:

- Duwamish Tribe, a non-federally recognized tribe whose historical homeland includes the Duwamish valley.
- Community Coalition for Environmental Justice,
- I'M A PAL Foundation,
- Environmental Coalition of South Seattle,
- Georgetown Community Council,
- Puget Soundkeeper Alliance,
- South Park Neighborhood Association,
- Washington Toxics Coalition, and
- Waste Action Project.

DRCC has received public participation grant funding from Ecology when available. They receive technical assistance grants from EPA for technical advisors to review all Lower Duwamish Superfund cleanup related studies and plans. They are involved in all aspects of the proposed Superfund cleanup and related MTCA cleanups. DRCC works to ensure that Ecology is aware of coalition members' concerns.

## **Key Community Concerns and Issues**

In general, South Park residents and business owners are concerned about the health and safety issues associated with living and working in the area. Activities that might disturb normal business or residential life are concerns, such as noise, traffic, and releases of contaminants that may affect human health and the environment.

There is clear interest in the cleanup process along the LDW. Some of the more significant concerns and issues expressed during past community interviews include potential impacts of river, sediment, or groundwater contamination to health, wildlife, and the local economy, as well as concerns about the effects of contamination and cleanup activities on property values and wider perceptions of the LDW area. For further information based on recent interviews, see [EPA's 2016 Community Involvement Plan](#).

Ecology works to respond to community concerns through the cleanup process and through coordination with EPA, other organizations such as state and local health agencies, and DRCC. Other public concerns may be identified over the course of the cleanup through:

- Public comment periods
- Additional community interviews
- Surveys
- Meetings
- Other contacts with individuals, community groups, or organizations

## **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 activities.

### **Public Participation Activities**

Ecology uses a variety of activities to facilitate public participation in the investigation and cleanup of MTCA sites. We will continue to try to find new ways to share project information and expand our audience. This plan will be edited and updated as appropriate.

#### ***Formal Public Comment Periods***

Comment periods are the primary method Ecology uses to get feedback from the public on proposed investigation and 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 and via e-mail. After 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 accepted and finalized.

Future public comment periods will be held for Periodic Reviews (when the performance of the cleanup remedy is evaluated, every 5 years), as well as for other documents and legal agreements that are developed for the site.

### ***Public Meetings and Hearings***

Public meetings or hearings may be held at key points during the investigation and cleanup process. Ecology also may offer public meetings for actions expected to be of particular interest to the community. Ecology will hold a public meeting or hearing if ten or more people request it during the 30 day comment period. These meetings will be held at locations convenient to the community.

### ***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 two repositories for the South Park Landfill site.

- Washington State Department of Ecology, 3190 160th Avenue SE, Bellevue, WA 98008. Please call (425) 649-7190 for an appointment.
- South Park Library, 8604 Eighth Ave S. at Cloverdale St. Seattle, WA

Site information also will be posted on Ecology's website at:

<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=1324>

### ***Site Register***

Ecology's Toxics Cleanup Program uses its bimonthly *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, visit:

[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.

To have your address added or deleted from this mailing list, please contact Ecology's **Site Manager Jerome Cruz at [jcru461@ecy.wa.gov](mailto:jcru461@ecy.wa.gov) or (425) 649-7094.**

### ***Fact Sheets***

Ecology will mail fact sheets to persons and organizations interested in the South Park Landfill site to inform them of public meetings and comment opportunities and important site activities. Ecology also may mail fact sheets about the progress of the South Park Landfill site activities.

### ***Newspaper Ads***

Ecology may place display or legal ads in the *Seattle Times*, or *West Seattle Herald* to announce public comment periods and public meetings or hearings for the South Park Landfill site.

### ***Enhanced Public Participation***

Ecology will work with EPA and stakeholders according to the enhanced public participation efforts that occur for the Lower Duwamish Waterway cleanup site. Ecology site managers and community involvement coordinators may participate in community meetings and events as needed. Ecology will coordinate with DRCC and other interested community groups throughout the public involvement process. This may include such activities as coordination for public meetings and sharing drafts of documents with DRCC for review, as appropriate.

Ecology's goal is to be transparent to the community and all other stakeholders. This will be done by posting electronic documents on Ecology's website for stakeholder review at key points in the South Park Landfill site cleanup process. Stakeholders will be able to see the planned schedule for the next phase of work at the South Park Landfill site by reviewing the Consent Decree for the Settlement Area.

### **Public Participation Plan Update**

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 South Park Landfill site, please contact:

Jerome Cruz, Site Manager  
Washington State Department of Ecology  
3190 160th Avenue SE  
Bellevue, WA 98008  
Tel: (425) 649-7094  
Email: [jcru461@ecy.wa.gov](mailto:jcru461@ecy.wa.gov)

## **Glossary**

**Agreed Order:** A legal document issued by Ecology which formalizes an agreement between the department and potentially liable persons (PLPs) for cleanup actions needed at a site. Orders are subject to public comment. If an order is substantially changed, an additional comment period may occur.

**Cleanup:** Actions taken to deal with a release, or threatened release of hazardous substances that could affect public health and/or the environment. The term "cleanup" is often used broadly to describe various response actions or phases of remedial responses such as the remedial investigation/feasibility study.

**Cleanup Action Plan:** A document which identifies the cleanup action and specifies cleanup standards and other requirements for a particular site. After completion of a comment period on a Draft Cleanup Action Plan, Ecology will issue a final Cleanup Action Plan.

**Comment Period:** A time period during which the public can review and comment on various documents and proposed actions. For example, a comment period may be provided to allow community members to review and comment on proposed cleanup action alternatives and proposed plans.

**Contaminant:** Any hazardous substance that does not occur naturally or occurs at greater than natural background levels.

**Consent Decree:** A formal legal document, approved and issued by a court, which formalizes an agreement reached between the state and the potentially liable person(s) (PLPs) on what will take place during the Remedial Investigation/Feasibility Study and/or cleanup action. A Consent Decree is similar to an Agreed Order except that a Consent Decree goes through the courts. Consent Decrees are subject to public comment. If a decree is substantially changed, an additional comment period is provided.

**Feasibility Study:** This study develops and evaluates cleanup options for a given site.



**Groundwater:** Water found beneath the earth's surface that fills pores between materials such as sand, soil, or gravel. In some aquifers, ground water occurs in sufficient quantities that it can be used for drinking water, irrigation and other purposes.

**Hazardous Substance:** Certain categories of substances defined by law and regulation that pose a threat to human health and/or the environment. Typical hazardous substances are materials that are toxic, corrosive, ignitable, explosive, or chemically reactive.

**Information Repository:** A file containing current information, technical reports, and reference documents available for public review. The information repository is usually located in a public building that is convenient for local residents such as a public school, city hall, or library.

**Interim Action:** Any remedial action that partially addresses the cleanup of a site.

**Model Toxics Control Act (MTCA):** Legislation passed by citizens of the State of Washington through an initiative in 1988. Its purpose is to identify, investigate, and clean up facilities where hazardous substances have been released. It defines the role of Ecology and encourages public involvement in the decision making process. MTCA regulations are administered by the Washington State Department of Ecology.

**Monitoring Wells:** Special wells drilled at specific locations on or off a hazardous waste site where groundwater can be sampled at selected depths and studied to determine the direction of groundwater flow and the types and amounts of contaminants present.

**Owner or Operator:** With certain exceptions defined by law, any person with any ownership interest in the facility or who exercises any control over the facility; or in the case of an abandoned facility, any person who had owned or operated or exercised control over the facility any time before its abandonment.

**Potentially Liable Person:** Any person who Ecology finds to be liable for a site under MTCA.

**Public Participation Plan:** A plan prepared to encourage coordinated and effective public involvement designed to the public's needs at a particular site

**Remedial Investigation:** This study characterizes the site and defines the extent of contamination.

**Remedial Investigation/Feasibility Study:** Two distinct but related studies. They are usually performed at the same time, and together referred to as the "RI/FS." They are intended to:

- Gather the data necessary to determine the type and extent of contamination;
- Begin to establish criteria for cleaning up the site;
- Identify and screen cleanup alternatives for remedial action; and
- Analyze in detail the technology and costs and benefits of the alternatives.

**Responsiveness Summary:** A summary of oral and/or written public comments received by Ecology during a comment period on key documents, and Ecology's responses to those comments. The responsiveness summary can be especially valuable during the Cleanup Action Plan phase at a site when it highlights community concerns.

**Settlement Area:** The area of the Site defined in the Consent Decree, where the Cleanup Action Plan's remedial actions will take place. The state's settlement will only cover the Settlement Area. The boundaries of the Settlement Area do not reflect the boundaries of the Site.

**Site:** Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

**Site Register:** Publication issued every two weeks of major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control Act. To receive this publication, please call (360) 407-7200.

**Superfund:** The federal government's program to clean up the nation's hazardous waste sites.

**Toxicity:** The degree to which a substance at a particular concentration is capable of causing harm to living organisms, including people, plants and animals.