



Response to Comments

Engineering Design Report

RG Haley Cleanup Site Bellingham, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

April 2022



Publication Information

This document is available on the Department of Ecology's website at:

<https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3928>

Cover photo credit

- RG Haley Site on Bellingham waterfront, October 2017 (Ecology)

Related Information

- Clean-up site ID: 3928
- Facility site ID: 2870

Contact Information

Toxics Cleanup Program

Ian Fawley
Public Involvement Coordinator
425-324-5901, Ian.Fawley@ecy.wa.gov
913 Squalicum Way, Unit 101
Bellingham, WA 98225

Lucy McInerney, PE
Site Manager
425-410-1400, Lucy.McInerney@ecy.wa.gov
PO Box 330316
Shoreline, WA 98133-9716

Website¹: [Washington State Department of Ecology](http://www.ecology.wa.gov)

ADA Accessibility

The Department of Ecology is committed to providing people with disabilities access to information and services by meeting or exceeding the requirements of the Americans with Disabilities Act (ADA), Section 504 and 508 of the Rehabilitation Act, and Washington State Policy #188.

To request an ADA accommodation, contact Ecology by phone at 360-407-6831 or email at ecyadacoordinator@ecy.wa.gov. For Washington Relay Service or TTY call 711 or 877-833-6341. Visit Ecology's website for more information.

¹ www.ecology.wa.gov/contact

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
---	---	---------------------------------------	---------------------------------------

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

Response to Comments

Engineering Design Report

RG Haley Cleanup Site Bellingham, WA

Toxics Cleanup Program
Washington State Department of Ecology
Northwest Regional Office
Shoreline, WA

April 2022



DEPARTMENT OF
ECOLOGY
State of Washington

Table of Contents

List of Figures and Tables	5
Public Outreach Summary	6
Comment Summary	8
Next Steps	9
Comments and Responses	9
Comment from: Norman Peck	9
Comment from: Kim and Vince Tisovec	10
Comment from: Ava Ferguson	10
Comment from: Wes Haworth	11
Comment from: Tim Kraft	11
Comment from: Connie Kelly	11
Comment from: Avram Hecht	12
Comment from: Larry McCarter	13
Comment from: Liz Marshall	14
Comment from: Liz Marshall	16
Comment from: RE Sources (Eleanor Hines)	16
Appendices	20

List of Figures and Tables

Figures

Figure 1: Washington's formal cleanup process (download a text explanation¹⁵) 9

Tables

Table 1: List of Commenters 8

Public Outreach Summary

The RG Haley cleanup site (Site) located on the Bellingham waterfront is continuing Washington State's [formal cleanup process](#)² as directed under the Model Toxics Control Act ([MTCA](#)³). The City of Bellingham (City) is addressing contamination at the Site under a legal agreement with Ecology.

The Department of Ecology's public involvement activities related to this Site's 30-day comment period (January 31 – March 1, 2022) included:

- **Postcard and Fact Sheet:**
 - US mail distribution of a postcard providing information about the cleanup document, the public comment period, and walking tour to approximately 3,070 addresses including neighboring businesses and other interested parties.
 - Email distribution of the postcard and a fact sheet to 260 people, including interested individuals, local/county/state/federal agencies, neighborhood associations, and interested community groups.
 - The postcard and fact sheet were available digitally through Ecology's [cleanup site webpage](#)⁴.
- **Legal Notices:**
 - Publication of one paid display ad in *The Bellingham Herald*, dated Friday, January 28, 2022.
- **Site Register:**
 - Publication of 4 notices in Ecology's Toxics Cleanup Site Register:
 - Comment Period Notice:
 - January 27, 2022
 - February 10, 2022
 - February 24, 2022
 - Response Summary Notice:
 - May 19, 2022
 - Visit [Ecology's Site Register website](#)⁵ to download PDFs.
- **Media Notification:**
 - Ecology sent a media notice on Thursday, January 27, 2022, to *The Bellingham Herald*, *The Cascadia Daily News*, Western Washington University's *The Planet*, [Northwest Citizen news website](#)⁶, [Whatcom News website](#)⁷, and KGMI 790 AM radio station.

² <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

³ <https://ecology.wa.gov/mtca>

⁴ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3928>

⁵ <https://apps.ecology.wa.gov/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter>

⁶ <https://nwcitizen.com/>

⁷ <https://whatcom-news.com/>

- **Media Coverage:**
 - *Cascadia Daily News* ran an [online story](#)⁸ on February 8, 2022 about the RG Haley public outreach and future city park after attending RE Sources' walking tour.
 - *The Bellingham Herald* ran an [online story](#)⁹ on February 9, 2022 and a front page story in print on February 10, 2022 about the RG Haley public outreach and future city park after attending RE Sources' walking tour.
- **Social Media:**
 - **Twitter:** Ecology – Northwest Region @ecyseattle posted a [tweet](#)¹⁰ on Monday, January 31, 2022 connecting readers to the comment period including the cleanup site webpage, the walking tour, and how to submit comments.
- **Walking Tour and Virtual Tour Video**
 - Ecology collaborated with RE Sources, an Ecology Public Participation Grant recipient, on an [on-site walking tour](#)¹¹ including an informational [virtual tour video](#)¹² hosted on RE Sources' website. The virtual tour video featured videos created by RE Sources, interviews with the City and Ecology, and a public participation video created by Ecology.
- **Websites:**
 - Ecology announced the public comment period and public meeting, posted the fact sheet and postcard, and made the review documents available on Ecology's [RG Haley webpage](#)¹³ and Ecology's [Public Inputs & Events webpage](#)¹⁴.
- **Document Repositories:**
 - In consideration of public health and safety, Ecology could offer only coordinated in-person review options during the 30-day comment period. Outreach materials and websites directed the public to contact Ian Fawley, Outreach Specialist, for document review assistance.

⁸ <https://www.cascadiadaily.com/news/2022/feb/08/contaminated-rg-haley-site-will-be-a-park/>

⁹ <https://www.bellinghamherald.com/news/local/article258151903.html>

¹⁰ <https://twitter.com/ecyseattle/status/1488211014973751301?s=20&t=81AspHYK4g141B4KvCgNhg>

¹¹ <https://www.re-sources.org/2022/01/bellingham-waterfront-cleanup-rg-haley>

¹² <https://www.youtube.com/watch?v=nod-ZLipv8A&t=2s>

¹³ <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3928>

¹⁴ <https://ecology.wa.gov/Events/Search/Listing>

Comment Summary

From January 31 – March 1, 2022, Ecology solicited public comments on an engineering design report for the RG Haley cleanup site. The report represents 30% completion of design work and provides details, refining the cleanup action selected by Ecology in 2018.

Ecology received comments from 11 commenters during the 30-day comment period.

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Norman	Peck		Individual
2	Kim and Vince	Tisovec		Individual
3	Ava	Ferguson		Individual
4	Wes	Haworth		Individual
5	Tim	Kraft		Individual
6	Connie	Kelly		Individual
7	Avram	Hecht		Individual
8	Larry	McCarter		Individual
9	Liz	Marshall		Individual
10	Liz	Marshall		Individual
11	Eleanor	Hines	RE Sources	Organization

Next Steps

Ecology has reviewed and considered the public comments received on the engineering design report. Based on Ecology’s evaluation of the comments, no changes were necessary in the document, and it is being finalized.

Later in 2022 through 2023, the City will proceed with permitting activities and additional investigation to develop 60, 90 and 100% complete construction plans and specifications.

Also in 2023, Ecology expects to issue a legal agreement for public review requiring the City to implement the construction plans and specifications. Construction is anticipated to begin in 2024.

See graphic below and visit Ecology’s [cleanup process webpage](#)¹⁵ to learn more about Washington’s formal cleanup process.

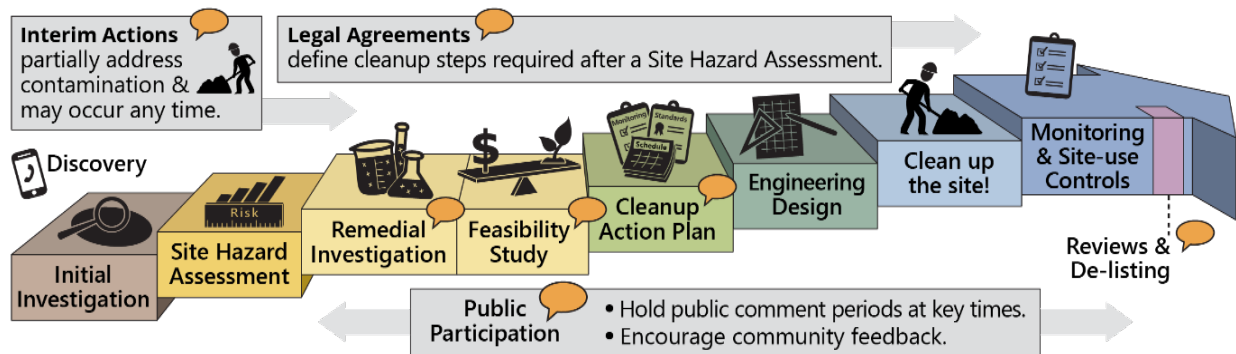


Figure 1: Washington's formal cleanup process ([download a text explanation](#)¹⁵)

Comments and Responses

The public comments are presented below, along with Ecology’s responses. Appendix A, page 20, contains the comments in their original format.

Comment from: Norman Peck

Hello Lucy and all. Question more than comment: was use of zero-valance iron in basal sediment fill and/or upland fill locations to passively de-chlorinate PCP/dioxins/dibenzofurans in addition to stabilization measures? Keep up the good work!

Response:

Multiple contaminants are present in soil, groundwater and sediment at the RG Haley site, including chlorinated and non-chlorinated compounds. Zero valent iron (ZVI) can be used as an

¹⁵ <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

¹⁵ <https://apps.ecology.wa.gov/publications/SummaryPages/1909166.html>

amendment to support de-chlorination of chlorinated compounds like pentachlorophenol. However, it is not effective on non-chlorinated compounds like petroleum hydrocarbons and polycyclic aromatic hydrocarbons (PAHs). As a result, the cleanup action calls for in situ soil stabilization in the upland and amending sediment caps with activated carbon and/or organoclay to address the full range of contaminants present.

Comment from: Kim and Vince Tisovec

Are the giant dirt mounds on waterfront taken from soil in this clean up area? We live nearby and have experienced a big increase in allergy type reactions since they began dumping soil on the site. We also have an increase of dust in our home. Are these being monitored and sampled for toxins?

Response:

The white plastic covered soil (stockpile soil) is associated with the adjacent Cornwall Avenue Landfill cleanup site. In 2011, sediment dredged from the Squalicum Harbor Marina was amended with 5% cement for strength and handling purposes and placed on the Cornwall Avenue Landfill site for future use as part of the cleanup of that site. This stockpile soil contains low level contamination similar to levels typically found throughout urban areas. Because the stockpile soil is slightly contaminated, the plastic cover is regularly inspected and maintained to prevent erosion and to prevent people and wildlife from coming into contact with the soil.

The cleanup action for the Cornwall Avenue Landfill site selected by Ecology in 2014, calls for a multi-layer upland capping system that includes the following layers from top to bottom: 6-inches of top soil (or pavement), 18-inches of cover soil, two plastic membranes, 24-inches of stockpile soil, and a plastic membrane.

The cleanup of the RG Haley site and the Cornwall Avenue Landfill site will occur at the same time as a single construction project. Construction is anticipated to begin in 2024.

Comment from: Ava Ferguson

This project has been in the works for years. I understand that the site is very contaminated. But what is it about the process that is taking so long? Bellingham is sorely in need of public space along its waterfront. Can't this process be expedited? The freeway development on Interstate 5 in Tacoma has moved faster than this project--and that's taken a life time! Hurry it up. Most of us will be dead by the time this site becomes a park.

Response:

The cleanup of the RG Haley site and adjacent Cornwall Avenue Landfill site will occur at the same time as a single construction project. Construction is slated to start in 2024.

It has taken a long time for a variety of reasons including: evolving science and regulations, changes to sea level rise projections, coordination between the RG Haley and Cornwall Avenue

Landfill sites due to overlapping contamination, and coordination with the City of Bellingham to ensure compatibility between the cleanup and future park development.

Comment from: Wes Haworth

If you drive around town and see the numerous homeless camp garbage dumps, it shouldn't take a normal person long to establish pollution priorities in Bellingham. If you need a list of addresses, I can provide a list where you can start looking.

It seems like there are two sanitary/cleanliness standards, one for property taxpayers and one for homeless camps (no responsibilities, litter/pollute the earth) that taxpayers end up paying for.

Response:

Thank you for your comment. These issues do not fall within Ecology's cleanup authority. The City of Bellingham has an online system where you can report your concerns:

<https://cob.org/services/safety/police-services/reporting/homeless-camp>.

Comment from: Tim Kraft

I see a permanent coffee shop/cafe in the design. Let's learn from the mistake of allowing Woods Coffee customers to distribute their litter throughout Boulevard park. Most of the litter in Boulevard Park has a Woods Coffee logo on it. Please, no permanent businesses in our parks! If they are allowed, THEY should pay for litter control, not city parks.

Response:

Thank you for your comment. These issues do not fall within Ecology's cleanup authority. Please contact Gina Austin with the City of Bellingham, Park Development Division, to address these concerns: gaustin@cob.org; (360) 778-7014.

Comment from: Connie Kelly

I truly hope this will be and most of the land. Bellingham a public park. With trees, plants and area for wildlife, trails, maybe a picnic area. We do not want private condos to take the best views. Bellingham needs more public parks especially waterfront parks.

Connie Kelly

Response:

Thank you for your comment. These issues do not fall within Ecology's cleanup authority. Please contact Gina Austin with the City of Bellingham, Park Development Division, to address these concerns: gaustin@cob.org; (360) 778-7014.

Comment from: Avram Hecht

Hello,

My family has strong ties to this former lumber mill site and I would like to add some details for context of these great plans for our community. My Great grandfather, Axel Bulow, personally ran/oversaw the lumber mill/cross arm factory for many decades as RG Haley himself resided in Toledo, Ohio. Axel Bulow ran a soup kitchen on these premises for employees and community members during the great depression and his wife would cut employees hair during that time. Axel was an immigrant from Sweden and taught himself engineering skills and he actually invented/developed much of the machinery to process the cross-arms they made on site.

My Father, Emil Hecht, grew up working at the lumber mill with his grandfather, during the summers and he has many fond memories and some good photos, I believe. Although there certainly has been some negative downstream effects from the pollution created at this site, Axel ran this plant and the other plant near the site of the current Chrysalis hotel for many years and was a pillar in the community during these early days in our town.

My father and I would love to provide further information regarding the history of this area and hope to be able to donate to this project in a significant manner.

My Grandmother, Louise Hecht (Axel Bulow's daughter), lived the last 20 years of her life in a condo perched just above the newly proposed park, so she could see her father's old site. I believe she wrote countless letters to the city over the years encouraging them to try to turn the wasted area into a park for all to enjoy. She would be overjoyed to see this coming to fruition.

Many thanks,

Avram Hecht, MD

R. Emil Hecht, MD

Response:

Thank you for your comment, and thank you for sharing your family's history with this site.

Please contact Gina Austin with the City of Bellingham, Park Development Division, to follow-up on your interests with the park project: gaustin@cob.org; (360) 778-7014.

Comment from: Larry McCarter

Thank you for working on this project. Pretty odd that you would use an old Photo that does not show the White Mountains of Dioxin Soils on this same site. Is that legal to ignore the property lines in this clean up strategy? The Outline of the project area, exempting the areas under the polluted soils (under the white tarps) that are to be spread onto the remaining areas is a concern of mine. This site is One site and the Port's use of this land as a surface Landfilling site violates landfill siting rules (too close to waterline and shore). Also, the design fails to address the major source of exposure which is Groundwater infiltrating from the uplands. This Water is the major reason pollution moves off the site and your design inadequately intercepts the ground water. Please include the Piles of Dioxin loaded soils and don't put them back in the ground, unlined and destined to be underwater in a few hundred years. Thank You. Larry McCarter

Response:

The white plastic covered soil stockpiles are associated with the adjacent Cornwall Avenue Landfill cleanup site. In 2011, sediment dredged from the Squalicum Harbor Marina was amended with 5% cement for strength and handling purposes and placed on the Cornwall Avenue Landfill site for future use as part of the cleanup of that site. The soil has low-permeability and will be a component of an upland capping system to help address infiltration into municipal landfill material. The location of the stockpiles as well as measures to prevent erosion and manage stormwater were subject to state and local permit requirements.

The stockpiled soil contains low levels of dioxin/furans and the cleanup action for the Cornwall Avenue Landfill selected by Ecology in 2014 calls for a multi-layer upland capping system that isolates the stockpile soil. The capping system includes the following layers from top to bottom: 6-inches of top soil (or pavement), 18-inches of cover soil, two plastic membranes, 24-inches of the stockpile soil, and a plastic membrane. This system places the stockpile soil in a location that prevents human and wildlife contact.

The cleanup of the RG Haley and the Cornwall Avenue Landfill sites will occur at the same time as a single construction project. Construction is slated to begin in 2024.

Regarding groundwater, investigations of the Cornwall Avenue Landfill site indicate that the majority of groundwater recharge is from direct precipitation with some limited recharge from fracture zones in the adjacent Chuckanut Sandstone formation. Surface water runoff and shallow groundwater movement down the hillside adjoining the site is captured and drained, in part, by the ditch extending along the railroad tracks. Surface water diversion by the ditch, along with the installation of a multi-layer upland capping system as described above, will reduce or eliminate groundwater recharge at the Cornwall Avenue Landfill site.

Regarding anticipated sea-level rise, design of the Cornwall Avenue Landfill site cleanup action is currently underway and, based on best available science, assumes a projected 50-inches of

sea-level rise over the next 100-years. The cleanup action is being designed to be stable and effective under these assumptions, as well as adaptable.

Comment from: Liz Marshall

To me it is mind-boggling that this cleanup takes two or more decades. Nevertheless I will again submit a few commoner views on this mysterious project. Kudos for a cleanup of a Bellingham Bay shoreline, although contributing new pollution on top of a cleaned area will be a tragedy. Since the time of Waterfront Futures, I have preferred that elected officials restore Bellingham Bay to a semblance of forest and estuary type mode. After all, there are around 320 ports in Washington. Not every port is a value-add from a return-on-investment perspective. The construction is taking place in a tsunami zone beneath the railway elephant in the room. Everything could be subject to emergency and insurance nightmares in an instant.

In my opinion, the City of Bellingham and Whatcom County are generally less mindful of nature than they should be. This attitude is in step with similar mindsets and actions of entities, for instance, certain Washington state agencies, the US Army Corps of Engineers, private companies, associations, lobbyists and others. It is putting serious pressures on ecosystems and is harming inhabitants. All this while some of those ecosystems had been or are still providing free services to humans. At the same time, there is a frenetic push for heavier tourism, business and homebuying to compound the damage.

There are various inhabitants whom I hope won't be disturbed by the construction. Ospreys nest on the dock. Eagles have nested behind Silfab. One or more Kingfishers have hunted the RG Haley area. Deer travel the site. To name a few. Development at the Port area has brought significant lighting and noise pollution. I believe there is air pollution as well. Citizens' lack of respect for litter and loitering laws results in entanglement and toxicology hazards in the water. Government and developers' removal of birds' nesting places without protected alternatives has ignored nature's beauty and ecological contributions. For example, geese who used to nest at GPWest might have moved across Cornwall Avenue but that is highly industrialized and inhospitable.

Along Glass Beach and Cornwall Avenue, some people feed gulls bread which can get caught in their throat and cause death. Other people have deliberately fed them bread in order to easily run them over.

Some businesses spread bait boxes around which can kill (slowly and painfully) rodents and other small animals. Rodenticides also kill eagles, hawks, owls and any predator that ingests the dying or dead prey. Some years ago there was even a bait box in the newly-established Padden Creek bioretention feature; I notified a City department requesting its removal. It shouldn't have even occurred to anyone to put it there. Bait boxes are a scam.

Along the lines of the City's and Port's love of development, the project website indicates that new construction after the cleanup is complete is expected to start in a few years and cost \$21

million. That is a lot of expense for concrete and so on that will further degrade natural patterns.

I read in 2021 that shoreline armoring is losing its luster now as suitable protection for the nearshore habitat. I subsequently saw the new riprack installed at Boulevard Park and was disappointed. Moreover, people get up on the rocks which is ill-advised. Based on past performance, bad behavior at the site might be demonstrated by park goers possibly during cleanup, construction, and after the park is built. Can engineering design somewhat mollify opportunities for violators, pranksters, and criminals? And I don't mean by forbidding trees and shrubs.

I assume the old yellow Cascade Gas pipes will be removed. A technician told me they are not in use and totally harmless. They are an eyesore.

It can be expected, based on past City and Port performance, that new buildings, sports courts, trails etc. will be named after historically polluting industries. I feel that this is grossly misplaced glorification.

Although there are gulls who like it, I would think the log in the middle of the water is problematic for boats. I tried to notify the Coast Guard to inquire about it but there was no reply. Maybe I contacted the wrong person. I couldn't find a suitable email address. Out of curiosity, after the young man fired a rifle from South Bay Trail eight times over the water of Bellingham Bay 2/8/22 I wanted to ask the USCG what their manual says about such incidents whether from land or from boats, but my telephone call was not transferred to any subject matter expert nor was my message returned as promised.

Illegal vehicles, lack of sanitation, and sundry activities along Cornwall Avenue are pretty rough and will probably impede the added traffic during cleanup, construction and end use. There are hot rodders and other speeders without mufflers. There have been crimes such as fireworks, fires, illegal camping, stabbings, etc. People even get dropped off there by taxi drivers when there is no place for them to go. I for one don't foresee that the future of the RG Haley and Cornwall Landfill sites will be any different at the rate of indifference that we are going.

Response:

Cleanup efforts have taken a long time for a variety of reasons including: evolving science and regulations, changes to sea level rise projections, coordination between the RG Haley and Cornwall Avenue Landfill sites due to overlapping contamination, and coordination with the City of Bellingham to ensure compatibility between the cleanups and future park development.

The engineering design report included the analysis of potential tsunami impacts as well as accounting for sea level rise and storm surge based on the best available science. The design is based on the results of this analysis.

Habitat components are included in the cleanup design that mitigate for impacts on eelgrass and forage fish, and provide suitable in-water materials for migrating salmonids. Also, as the

project moves through permitting, state and federal fish and wildlife protection agencies may require additional habitat protection/improvement measures. Lastly, it is Ecology's understanding that the City of Bellingham's post-cleanup park development will incorporate other upland habitat features.

Regarding visitor safety in the future park, Ecology understands that the City of Bellingham is consulting with emergency service organizations (police and fire department) during park design. In addition, we understand that the City of Bellingham has found that the best way to curb unwanted activities is to build amenities that bring in park visitors, reducing the isolation of the property. Not only would park users generally be present, but park maintenance workers as well.

The abandoned yellow natural gas pipes will either be removed or encapsulated beneath the cleanup cap.

Ecology understands that the naming of a City of Bellingham park includes soliciting suggestions from the public, followed by a decision from the Parks & Recreation Board and City Council. Prior to naming a park after a person, the person is researched.

During construction the area will be fenced and possibly monitored to ensure security and public safety.

Comment from: Liz Marshall

My blog post regarding the importance of wildlife corridors is in addition to my comment submitted earlier. <https://www.planetmanners.net/2022/02/usa-wildlife-corridors-are-important-for.html>

Response:

Thank you for your additional comment. See response to your previous comments.

Comment from: RE Sources (Eleanor Hines)

[See original formatted comment letter in Appendix A. The comment below has been divided into comment sections to better organize responses.]

Comment Section 1

RE: RG Haley Draft Engineering Design Report

Dear Lucy McInerney,

Thank you for taking the time to consider our comment on the draft Engineering Design Report (dEDR). We appreciate Ecology opening up this stage in the process for public comment even though it is not required. We believe that it is important to keep the public well informed on

the progress of this site and look forward to the day this and its adjacent site, Cornwall Avenue Landfill, will be opened up to public access.

RE Sources is a non-profit organization located in northwest Washington and founded in 1982. We work to protect the health of northwest Washington's people and ecosystems through the application of science, education, advocacy, and action. Our priority programs include Protecting the Salish Sea, Freshwater Restoration, Climate Action, and Fighting Pollution—all critical issues affecting our region. Our North Sound Baykeeper is also a member of the Waterkeeper Alliance, with over 300 organizations in 34 countries around the world that promote fishable, swimmable, drinkable water. RE Sources has thousands of supporters in Whatcom, Skagit, and San Juan counties, and we submit these comments on their behalf. [Please note that we send this comment on behalf of our organization even though we were only able to select “submitted by individual” in the online comment form.]

Overall, our comments are similar reminders to the comments we made in the draft Cleanup Action Plan (dCAP) public comment period. [...]

Response Section 1

Thank you for your comment. Online comment form note: The technical issue was resolved on March 1, 2022 after the comment submittal. This RE Sources comment was categorized as “organization.”

Comment Section 2

[...] We would like to restate the importance of collaboration with the adjacent cleanup sites and future site plans. RG Haley is adjacent to both the Cornwall Avenue Landfill and Whatcom Waterway sites, all of which overlap to some degree in terms of contaminants. To ensure protection of human health and the environment, we encourage Ecology and others involved in the cleanup to continue to work between the sites to ensure that the boundaries of each site do not present a weakness where contamination may seep through to increase risk of exposure to humans or the environment. [...]

Response Section 2

The RG Haley site cleanup design has been and will continue to be closely coordinated with the Cornwall Avenue Landfill site cleanup design. Also, data from the Whatcom Waterway site are used in the RG Haley EDR. Construction of the RG Haley and Cornwall Avenue Landfill cleanups will occur at the same time as a single project.

Comment Section 3

[...] Additionally, it is important to ensure that these cleanup plans are made in close consideration for the future site use plans that entail RG Haley and Cornwall Avenue Landfill for the proposed park. Details such as what caps are used and where will determine things like what type of vegetation may be planted. Just like Ecology saw the need to keep the public updated on the progress of the RG Haley site’s cleanup, we hope there will be periodic public updates on the progress of the park development. [...]

Response Section 3

There has been and will continue to be close coordination between the City of Bellingham RG Haley cleanup project, the Port of Bellingham Cornwall Avenue Landfill cleanup project and the City of Bellingham park project. It is Ecology's understanding that updates on the park design are periodically posted on the project webpage at <https://cob.org/project/cornwall-beach-park-master-plan>.

Comment Section 4

[...] We have some general concerns over how much contamination is remaining on site. This leaves the site much more vulnerable for contamination issues to arise in the event of an earthquake, storm surges combined with sea level rise, or other combinations of natural disturbance events. As the cleanup plans become further refined, we urge Ecology to incorporate information from the Coastal Storm Modeling System (CoSMoS) when it becomes available for the Bellingham waterfront to ensure the cleanup plans will withstand predicted sea level rise and storm surges. [...]

Response Section 4

Sea level rise, storm surges and tsunami potential were all analyzed and modeled based on the best available science at the time of design. Ecology is aware of CoSMoS and looks forward to its availability.

Comment Section 5

[...] We are pleased to see some habitat elements included in the dEDR, although habitat enhancement is not required under the Model Toxics Control Act (MTCA). Because there are extensive and well established eelgrass beds and forage fish habitat within the cleanup site boundaries, adequately addressing this priority habitat in the cleanup will help protect this crucial habitat into the future. We encourage Ecology to protect and maintain this critical habitat to the best of their ability and mitigate when necessary. [...]

Response Section 5

As the project moves through permitting, state and federal fish and wildlife protection agencies may require additional habitat protection/improvement measures.

Comment Section 6

[...] As stated in our dCAP, we stress the importance of continued monitoring and contingency plans, especially where natural recovery methods are used, to make sure that the caps are continuing to contain the contaminants. Events like if a ship were to strike ground could occur in this area, and any dredging activities should be done with care. Offshore recreational mooring is also a concern in the marine unit here, as it is for the Cornwall Avenue Landfill site. We encourage Ecology to continue to take this into consideration to avoid cap disturbances from anchoring. [...]

Response Section 6

A no anchor zone to protect the sediment cap from disturbance is anticipated for this site.

Comment Section 7

[...] Lastly, we are pleased to see institutional controls accounted for in the plan. As full removal of contaminated materials is not the plan, institutional controls are a key to permanence at this site.

Thank you for your time and consideration. We appreciate this opportunity for public comment and efforts to protect both human and environmental health.

Sincerely,

Eleanor Hines
North Sound Baykeeper, Lead Scientist
RE Sources
eleanorh@re-sources.org

Response Section 7

Comment noted.

Appendices

Appendix A. Public comments in original format

Norman Peck

Hello Lucy and all. Question more than comment: was use of zero-valance iron in basal sediment fill and/or upland fill locations to passively de-chlorinate PCP/dioxins/dibenzofurans in addition to stabilization measures? Keep up the good work!

Kim and Vince Tisovec

Are the giant dirt mounds on waterfront taken from soil in this clean up area? We live nearby and have experienced a big increase in allergy type reactions since they began dumping soil on the site. We also have an increase of dust in our home. Are these being monitored and sampled for toxins?

Ava Ferguson

This project has been in the works for years. I understand that the site is very contaminated. But what is it about the process that is taking so long? Bellingham is sorely in need of public space along its waterfront. Can't this process be expedited? The freeway development on Interstate 5 in Tacoma has moved faster than this project--and that's taken a life time! Hurry it up. Most of us will be dead by the time this site becomes a park.

Wes Haworth

If you drive around town and see the numerous homeless camp garbage dumps, it shouldn't take a normal person long to establish pollution priorities in Bellingham. If you need a list of addresses, I can provide a list where you can start looking.

It seems like there are two sanitary/cleanliness standards, one for property taxpayers and one for homeless camps (no responsibilities, litter/pollute the earth) that taxpayers end up paying for.

Tim Kraft

I see a permanent coffee shop/cafe in the design. Let's learn from the mistake of allowing Woods Coffee customers to distribute their litter throughout Boulevard park. Most of the litter in Boulevard Park has a Woods Coffee logo on it. Please, no permanent businesses in our parks! If they are allowed, THEY should pay for litter control, not city parks.

Connie Kelly

I truly hope this will be and most of the land. Bellingham a public park. With trees, plants and area for wildlife, trails, maybe a picnic area. We do not want private condos to take the best views.

Bellingham needs more public parks especially waterfront parks.

Connie Kelly

Avram Hecht

Hello,

My family has strong ties to this former lumber mill site and I would like to add some details for context of these great plans for our community. My Great grandfather, Axel Bulow, personally ran/oversaw the lumber mill/cross arm factory for many decades as RG Haley himself resided in Toledo, Ohio. Axel Bulow ran a soup kitchen on these premises for employees and community members during the great depression and his wife would cut employees hair during that time. Axel was an immigrant from Sweden and taught himself engineering skills and he actually invented/developed much of the machinery to process the cross-arms they made on site.

My Father, Emil Hecht, grew up working at the lumber mill with his grandfather, during the summers and he has many fond memories and some good photos, I believe. Although there certainly has been some negative downstream effects from the pollution created at this site, Axel ran this plant and the other plant near the site of the current Chrysalis hotel for many years and was a pillar in the community during these early days in our town.

My father and I would love to provide further information regarding the history of this area and hope to be able to donate to this project in a significant manner.

My Grandmother, Louise Hecht (Axel Bulow's daughter), lived the last 20 years of her life in a condo perched just above the newly proposed park, so she could see her father's old site. I believe she wrote countless letters to the city over the years encouraging them to try to turn the wasted area into a park for all to enjoy. She would be overjoyed to see this coming to fruition.

Many thanks,

Avram Hecht, MD
R. Emil Hecht, MD

Larry McCarter

Thank you for working on this project. Pretty odd that you would use an old Photo that does not show the White Mountains of Dioxin Soils on this same site. Is that legal to ignore the property lines in this clean up strategy? The Outline of the project area, exempting the areas under the polluted soils (under the white tarps) that are to be spread onto the remaining areas is a concern of mine. This site is One site and the Port's use of this land as a surface Landfilling site violates landfill siting rules (too close to waterline and shore). Also, the design fails to address the major source of exposure which is Groundwater infiltrating from the uplands. This Water is the major reason pollution moves off the site and your design inadequately intercepts the ground water. Please include the Piles of Dioxin loaded soils and don't put them back in the ground, unlined and destined to be underwater in a few hundred years. Thank You. Larry McCarter

To me it is mind-boggling that this cleanup takes two or more decades. Nevertheless I will again submit a few commoner views on this mysterious project. Kudos for a cleanup of a Bellingham Bay shoreline, although contributing new pollution on top of a cleaned area will be a tragedy. Since the time of Waterfront Futures, I have preferred that elected officials restore Bellingham Bay to a semblance of forest and estuary type mode. After all, there are around 320 ports in Washington. Not every port is a value-add from a return-on-investment perspective. The construction is taking place in a tsunami zone beneath the railway elephant in the room. Everything could be subject to emergency and insurance nightmares in an instant.

In my opinion, the City of Bellingham and Whatcom County are generally less mindful of nature than they should be. This attitude is in step with similar mindsets and actions of entities, for instance, certain Washington state agencies, the US Army Corps of Engineers, private companies, associations, lobbyists and others. It is putting serious pressures on ecosystems and is harming inhabitants. All this while some of those ecosystems had been or are still providing free services to humans. At the same time, there is a frenetic push for heavier tourism, business and homebuying to compound the damage.

There are various inhabitants whom I hope won't be disturbed by the construction. Ospreys nest on the dock. Eagles have nested behind Silfab. One or more Kingfishers have hunted the RG Haley area. Deer travel the site. To name a few. Development at the Port area has brought significant lighting and noise pollution. I believe there is air pollution as well. Citizens' lack of respect for litter and loitering laws results in entanglement and toxicology hazards in the water. Government and developers' removal of birds' nesting places without protected alternatives has ignored nature's beauty and ecological contributions. For example, geese who used to nest at GPWest might have moved across Cornwall Avenue but that is highly industrialized and inhospitable.

Along Glass Beach and Cornwall Avenue, some people feed gulls bread which can get caught in their throat and cause death. Other people have deliberately fed them bread in order to easily run them over.

Some businesses spread bait boxes around which can kill (slowly and painfully) rodents and other small animals. Rodenticides also kill eagles, hawks, owls and any predator that ingests the dying or dead prey. Some years ago there was even a bait box in the newly-established Padden Creek bioretention feature; I notified a City department requesting its removal. It shouldn't have even occurred to anyone to put it there. Bait boxes are a scam.

Along the lines of the City's and Port's love of development, the project website indicates that new construction after the cleanup is complete is expected to start in a few years and cost \$21 million. That is a lot of expense for concrete and so on that will further degrade natural patterns.

I read in 2021 that shoreline armoring is losing its luster now as suitable protection for the nearshore habitat. I subsequently saw the new riprack installed at Boulevard Park and was disappointed. Moreover, people get up on the rocks which is ill-advised. Based on past

performance, bad behavior at the site might be demonstrated by park goers possibly during cleanup, construction, and after the park is built. Can engineering design somewhat mollify opportunities for violators, pranksters, and criminals? And I don't mean by forbidding trees and shrubs.

I assume the old yellow Cascade Gas pipes will be removed. A technician told me they are not in use and totally harmless. They are an eyesore.

It can be expected, based on past City and Port performance, that new buildings, sports courts, trails etc. will be named after historically polluting industries. I feel that this is grossly misplaced glorification.

Although there are gulls who like it, I would think the log in the middle of the water is problematic for boats. I tried to notify the Coast Guard to inquire about it but there was no reply. Maybe I contacted the wrong person. I couldn't find a suitable email address. Out of curiosity, after the young man fired a rifle from South Bay Trail eight times over the water of Bellingham Bay 2/8/22 I wanted to ask the USCG what their manual says about such incidents whether from land or from boats, but my telephone call was not transferred to any subject matter expert nor was my message returned as promised.

Illegal vehicles, lack of sanitation, and sundry activities along Cornwall Avenue are pretty rough and will probably impede the added traffic during cleanup, construction and end use. There are hot rodders and other speeders without mufflers. There have been crimes such as fireworks, fires, illegal camping, stabbings, etc. People even get dropped off there by taxi drivers when there is no place for them to go. I for one don't foresee that the future of the RG Haley and Cornwall Landfill sites will be any different at the rate of indifference that we are going.

Liz Marshall

My blog post regarding the importance of wildlife corridors is in addition to my comment submitted earlier. <https://www.planetmanners.net/2022/02/usa-wildlfe-corridors-are-important-for.html>

To: Lucy McInerney
Site Manager/Cleanup Project Manager
Washington State Department of Ecology
Transmitted Via Online Portal: <https://tcp.ecology.commentinput.com/?id=bHQCF>

March 1, 2022

RE: RG Haley Draft Engineering Design Report

Dear Lucy McInerney,

Thank you for taking the time to consider our comment on the draft Engineering Design Report (dEDR). We appreciate Ecology opening up this stage in the process for public comment even though it is not required. We believe that it is important to keep the public well informed on the progress of this site and look forward to the day this and its adjacent site, Cornwall Avenue Landfill, will be opened up to public access.

RE Sources is a non-profit organization located in northwest Washington and founded in 1982. We work to protect the health of northwest Washington's people and ecosystems through the application of science, education, advocacy, and action. Our priority programs include Protecting the Salish Sea, Freshwater Restoration, Climate Action, and Fighting Pollution—all critical issues affecting our region. Our North Sound Baykeeper is also a member of the Waterkeeper Alliance, with over 300 organizations in 34 countries around the world that promote fishable, swimmable, drinkable water. RE Sources has thousands of supporters in Whatcom, Skagit, and San Juan counties, and we submit these comments on their behalf. [Please note that we send this comment on behalf of our organization even though we were only able to select “submitted by individual” in the online comment form.]

Overall, our comments are similar reminders to the comments we made in the draft Cleanup Action Plan (dCAP) public comment period.

We would like to restate the importance of collaboration with the adjacent cleanup sites and future site plans. RG Haley is adjacent to both the Cornwall Avenue Landfill and Whatcom Waterway sites, all of which overlap to some degree in terms of contaminants. To ensure protection of human health and the environment, we encourage Ecology and others involved in the cleanup to continue to work between the sites to ensure that the boundaries of each site do not present a weakness where contamination may seep through to increase risk of exposure to humans or the environment.

Additionally, it is important to ensure that these cleanup plans are made in close consideration for the future site use plans that entail RG Haley and Cornwall Avenue

Landfill for the proposed park. Details such as what caps are used and where will determine things like what type of vegetation may be planted. Just like Ecology saw the need to keep the public updated on the progress of the RG Haley site's cleanup, we hope there will be periodic public updates on the progress of the park development.

We have some general concerns over how much contamination is remaining on site. This leaves the site much more vulnerable for contamination issues to arise in the event of an earthquake, storm surges combined with sea level rise, or other combinations of natural disturbance events. As the cleanup plans become further refined, we urge Ecology to incorporate information from the Coastal Storm Modeling System (CoSMoS) when it becomes available for the Bellingham waterfront to ensure the cleanup plans will withstand predicted sea level rise and storm surges.

We are pleased to see some habitat elements included in the dEDR, although habitat enhancement is not required under the Model Toxics Control Act (MTCA). Because there are extensive and well established eelgrass beds and forage fish habitat within the cleanup site boundaries, adequately addressing this priority habitat in the cleanup will help protect this crucial habitat into the future. We encourage Ecology to protect and maintain this critical habitat to the best of their ability and mitigate when necessary.

As stated in our dCAP, we stress the importance of continued monitoring and contingency plans, especially where natural recovery methods are used, to make sure that the caps are continuing to contain the contaminants. Events like if a ship were to strike ground could occur in this area, and any dredging activities should be done with care. Offshore recreational mooring is also a concern in the marine unit here, as it is for the Cornwall Avenue Landfill site. We encourage Ecology to continue to take this into consideration to avoid cap disturbances from anchoring.

Lastly, we are pleased to see institutional controls accounted for in the plan. As full removal of contaminated materials is not the plan, institutional controls are a key to permanence at this site.

Thank you for your time and consideration. We appreciate this opportunity for public comment and efforts to protect both human and environmental health.

Sincerely,

Eleanor Hines
North Sound Baykeeper, Lead Scientist
RE Sources
eleanorh@re-sources.org