



Response to Comments

Consent Decree

RG Haley International Cleanup Site Bellingham, WA

Toxics Cleanup Program

Washington State Department of Ecology

Northwest Regional Office

Shoreline, Washington

March 2024



Publication Information

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

<https://apps.ecology.wa.gov/cleanupsearch/site/3928>

Cover photo credit

- RG Haley International 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
Senior Outreach Planner
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

Consent Decree

RG Haley International Cleanup Site Bellingham, WA

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

March 2024



DEPARTMENT OF
ECOLOGY
State of Washington

Table of Contents

- List of Figures and Tables 5**
 - Figures..... 5
 - Tables..... 5
- Public Outreach Summary 6**
- Comment Summary 8**
- Next Steps 9**
- Comments and Responses..... 9**
 - Comment from: Edward Wolf..... 9
 - Comment from: Andrew Young 10
 - Comment from: Janet Higbee-Robinson..... 10
 - Comment from: Lisa Adam 11
 - Comment from: Tyler Irwin..... 11
 - Comment from: Todd Nelson 12
 - Comment from: Liz Marshall..... 12
 - Comment from: Thomas Neuman 12
- Appendices 13**

List of Figures and Tables

Figures

Figure 1: Washington's formal cleanup process.....9

Tables

Table 1: List of Commenters.....8

Public Outreach Summary

The RG Haley International 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) and the Port of Bellingham (Port) are 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 (February 12 – March 12, 2024) 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 over 3,100 addresses including neighboring businesses and other interested parties.
 - Email distribution of the postcard and a fact sheet to over 290 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 Wednesday, February 7, 2024.
- **Site Register:**
 - Publication of 4 notices in Ecology's Toxics Cleanup Site Register:
 - Comment Period Notice:
 - February 8, 2024
 - February 22, 2024
 - March 7, 2024
 - Response Summary Notice:
 - April 4, 2024
 - Visit [Ecology's Site Register website](#)⁵ to download PDFs.

² <https://ecology.wa.gov/MTCA-process>

³ <https://ecology.wa.gov/mtca>

⁴ <https://apps.ecology.wa.gov/cleanupsearch/site/3928>

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

- **Media Notification:**
 - Ecology sent a media notice on Thursday, February 8, 2024, to *The Bellingham Herald*, *The Cascadia Daily News*, Western Washington University's *The Planet*, [Northwest Citizen news website](#)⁶, [Whatcom News website](#)⁷, [My Bellingham Now website](#)⁸, [Whatcom Watch website](#)⁹, and KGMI 790 AM radio station.
- **Media Coverage:**
 - *The Bellingham Herald* ran a story [online](#)¹⁰ and in print on March 6, 2024 about the RG Haley public outreach and future city park after attending RE Sources' walking tour.
- **Social Media:**
 - Ecology posted a [blog](#)¹¹ on Tuesday, February 13, 2024 connecting readers to the comment period including the cleanup site webpage, the walking tour, site details, and how to submit comments.
- **Walking Tour and Virtual Tour Video**
 - Ecology collaborated with RE Sources, an Ecology [Public Participation Grant](#)¹² recipient, on an [on-site walking tour](#)¹³ on Tuesday, February 27, 2024 including an informational [online tour video](#)¹⁴ hosted on RE Sources' website. The online tour video featured footage from the tour and interviews with Ecology, City, and Fish & Wildlife staff conducted by RE Sources.
- **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](#)¹⁵ and Ecology's [Public Inputs & Events webpage](#)¹⁶.
- **Document Repositories:**
 - Copies of the review documents and fact sheets (including translations) were available for review at the Bellingham Public Library's Central Branch.
 - Outreach materials also directed the public to contact Ian Fawley, Outreach Planner, for document review assistance.

⁶ <https://nwcitizen.com/>

⁷ <https://whatcom-news.com/>

⁸ <https://mybellinghamnow.com/>

⁹ <https://whatcomwatch.org/>

¹⁰ <https://www.bellinghamherald.com/news/local/article284887437.html>

¹¹ <https://ecology.wa.gov/blog/february-2024/cleaning-up-the-rg-haley-site-on-the-bellingham-waterfront-moves-closer-to-cleanup>

¹² <https://ecology.wa.gov/About-us/Payments-contracts-grants/Grants-loans/Find-a-grant-or-loan/Public-participation-grants>

¹³ <https://www.re-sources.org/2024/02/tour-a-bellingham-waterfront-cleanup-site-and-a-future-salish-landing-park-space/>

¹⁴ <https://www.youtube.com/watch?v=uvQZNY7yfBE>

¹⁵ <https://apps.ecology.wa.gov/cleanupsearch/site/3928>

¹⁶ <https://ecology.wa.gov/Events/Search/Listing>

Comment Summary

From February 12 – March 12, 2024, Ecology solicited public comments on a legal agreement for the RG Haley International cleanup site. The legal agreement, called a Consent Decree, is between Ecology, the City of Bellingham (City) and the Port of Bellingham (Port), and it requires the City and Port to implement the cleanup action plan for the Site. It included an updated version of a cleanup action plan finalized by Ecology in 2018.

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

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Edward	Wolf		Individual
2	Andrew	Young		Individual
3	Janet	Higbee- Robinson		Individual
4	Lisa	Adam		Individual
5	Tyler	Irwin		Individual
6	Todd	Nelson		Individual
7	Liz	Marshall		Individual
8	Thomas	Neumann		Individual

Next Steps

Ecology has reviewed and considered the public comments received on the legal agreement. Based on Ecology’s evaluation of the comments, no changes to the document were necessary, and it is being finalized.

During 2024, the City will obtain permits for construction of the cleanup action.

Construction is anticipated to begin in early 2025 and take about three years.

See graphic below and visit Ecology’s [cleanup process webpage](#)¹⁷ to learn more about Washington’s formal cleanup process.

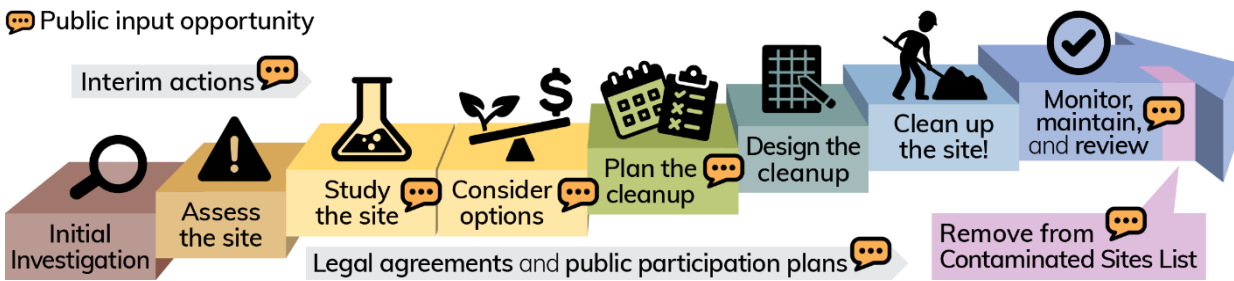


Figure 1: Washington's formal cleanup process

Comments and Responses

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

Comment from: Edward Wolf

After participating in the walking tour of the RG Haley site on 2/27/24, I appreciate that this highly collaborative work - involving public agencies and community partners like RE Sources -- is on track and the Consent Decree will keep the cleanup work on schedule. It's clear that many specialties are being deployed by all parties toward the end of a stable, restored environment and a public space that will serve the community for generations going forward. It's an exciting story, difficult to convey in a soundbite, but as a citizen of Bellingham I am very appreciative of this complex effort. I support the Consent Decree and look forward to news of progress on the next steps.

Response:

Comment noted.

¹⁷ <https://ecology.wa.gov/MTCA-process>

Comment from: Andrew Young

Unfortunately I missed the walking tour but have been paying attention to the site for years. The city has been claiming that they were going to clean up the site turn the whole area for a decade or so now and I have seen no progress made on this whatsoever. If the consent decree will cause something to change about the site, if not to make it usable to at least make it less dangerous then I support this.

Response:

The consent decree includes a schedule for delivering various cleanup documents, and construction is slated to begin early next year.

Comment from: Janet Higbee-Robinson

Please preserve area for biodiversity above all. Keep current stand of trees; fungi along their roots help them to clean the soil around them. They sequester more carbon than will new plantings. Do not indiscriminately excavate and cap. Use raingardens with Willows, Ninebark, Red Ocher Dogwood, Mock Orange, Nootka Rose, Currants , etc...to recharge polluted soils and waters. Yes, plant natives (will Camas grow there?) and reestablish Eelgrass if 3 acres of toxic Eelgrass must be removed. Create a refuge for shore birds, not a parking lot or concession stand. Recreate beach front with foraging fish in mind, mimicking nature.

The current parking at Glass Beach and along Cornwall is adequate. Connect park to Bayview Trail for pedestrians, wheelchairs and bikes. By keeping area as natural and clean as possible you will truly be helping future humans as well as Salish flora and fauna. Encourage WTA to provide bus and shuttle service for folks to get to the park.

Consider the impacts of rising waters and King Tides. Remember Boulevard Park last December? Likewise, King Tides at Deception Pass State Park, West Beach Parking Lot, created rubble of the parking lot misplaced there. In Harper Estuary at Southworth, Kitsap County, huge logs (\$500 each) held down with metal cables are still going out to sea. Such is the power of nature. Thus this shoreline, too, will require planning for dynamic storms and waters.

Response:

The planned park is a City of Bellingham project that is not subject to Ecology's cleanup authority under the Model Toxics Control Act. Contact Gina Austin with the City of Bellingham, Park Development Division at gaustin@cob.org or (360) 778-7014 with park-related comments.

Regarding eel grass impacts, the project will mitigate for these impacts as required by local, state, and federal natural resource agencies.

Lastly, the design of the cleanup action considers coastal engineering concerns including predicted sea level rise. See the 2022 Engineering Design Report at:

<https://apps.ecology.wa.gov/cleanupsearch/document/112783>.

Comment from: Lisa Adam

Great tour and I sincerely applaud the efforts of everyone regarding this needed environmental remediation. It is nice to have a new waterfront park for the community but it is imperative we restore salmon habitat if we are to have any chance for their survival, including orca populations and the Lummi rights to harvest salmon. Unfortunately the port has signed an agreement with a heavy polluting industry ABC metal which is polluting the waterfront the taxpayers are paying to recover. The port needs to kick this egregious polluter out now (these are the DOEs words) when evaluating the abc site...EGReGious! Why do they get to ruin what you all are working to clean up? A broken promise of a clean waterfront. What happened to the BOLDT act?

Response:

The cleanup will provide clean habitat for sediment-dwelling organisms to live and thrive, which in turn will benefit salmon, which in turn will benefit orca populations and Lummi harvesting. In addition, the first phase of Salish Landing Park, to be constructed at the same time as the RG Haley and Cornwall Avenue Landfill cleanups, includes a habitat restoration component to regain historically lost habitat in this area of Bellingham Bay.

Regarding ABC Recycling:

- The facility is not associated with the RG Haley contaminated site which Ecology is addressing under the Model Toxics Control Act.
- The Port's land use decisions are not subject to Ecology's cleanup authority under the Model Toxics Control Act.
- Any on-going discharges to surface waters are subject to Ecology's authority under the Clean Water Act and State Water Pollution Control Act. Accordingly, ABC Recycling has applied for coverage under an Industrial Stormwater General Permit and Ecology's Water Quality Program is currently reviewing the public comments received on the application.

Comment from: Tyler Irwin

Please consider the addition of a restroom facility close to the Glass Beach location. Also, Marine Park has installed a very nice paddle craft wash down station and something similar in this new park would be very appreciated. This would help cater to the growing SUP and outrigger paddling population in this area. Thanks!!

Response:

The planned park is a City of Bellingham project and is not subject to Ecology's cleanup authority under the Model Toxics Control Act. Contact Gina Austin with the City of Bellingham, Park Development Division at gaustin@cob.org or (360) 778-7014 with park-related comments.

Comment from: Todd Nelson

The RG Haley site tour was professional and well done. Project information is abundant and readily available. I found the Clean up action plan starting on page 36 of the consent decree, but could not find exhibit B. The work looks well planned, but really hard when you consider removing and capping contaminants in soil, water and sediments without further spreading pollution. Thanks for the good work.

Questions: At the end of the project how will you test soil and water to be sure you have met the project goals? And how frequently and to what extent will monitoring happen after completion.

Response:

Apologies, we neglected to include a title page. The Cleanup Action Plan is Exhibit B.

Regarding monitoring, a plan will be developed for Ecology review and approval that includes the location, type, frequency, and duration of monitoring to assess compliance with cleanup requirements. The final plan will be posted on the site webpage following cleanup construction. Beyond the duration of the required monitoring, Ecology will periodically review the cleanup action to ensure it continues to protect human health and the environment.

Comment from: Liz Marshall

I second the comment by Janet Higbee-Robinson.

Response:

Please see response to Janet Higbee-Robinson.

Comment from: Thomas Neuman

I am against the use of the Port of Bellingham by ABC Recycling (25 year contract) which is further contaminating our bay. How can we spend money cleaning up the RG Haley International site just to repollute it. I do not want to see our city backslide to the days of heavy pollution.

Response:

Please see response to Lisa Adam.

Appendices

Appendix A. Public comments in original format

Edward Wolf

After participating in the walking tour of the RG Haley site on 2/27/24, I appreciate that this highly collaborative work - involving public agencies and community partners like RE Sources -- is on track and the Consent Decree will keep the cleanup work on schedule. It's clear that many specialties are being deployed by all parties toward the end of a stable, restored environment and a public space that will serve the community for generations going forward. It's an exciting story, difficult to convey in a soundbite, but as a citizen of Bellingham I am very appreciative of this complex effort. I support the Consent Decree and look forward to news of progress on the next steps.

Andrew Young

Unfortunately I missed the walking tour but have been paying attention to the site for years. The city has been claiming that they were going to clean up the site turn the whole area for a decade or so now and I have seen no progress made on this whatsoever. If the consent decree will cause something to change about the site, if not to make it usable to at least make it less dangerous then I support this.

Janet Higbee-Robinson

Please preserve area for biodiversity above all. Keep current stand of trees; fungi along their roots help them to clean the soil around them. They sequester more carbon than will new plantings. Do not indiscriminately excavate and cap. Use raingardens with Willows, Ninebark, Red Ocher Dogwood, Mock Orange, Nootka Rose, Currants , etc...to recharge polluted soils and waters. Yes, plant natives (will Camas grow there?) and reestablish Eelgrass if 3 acres of toxic Eelgrass must be removed. Create a refuge for shore birds, not a parking lot or concession stand. Recreate beach front with foraging fish in mind, mimicking nature.

The current parking at Glass Beach and along Cornwall is adequate. Connect park to Bayview Trail for pedestrians, wheelchairs and bikes. By keeping area as natural and clean as possible you will truly be helping future humans as well as Salish flora and fauna. Encourage WTA to provide bus and shuttle service for folks to get to the park.

Consider the impacts of rising waters and King Tides. Remember Boulevard Park last December? Likewise, King Tides at Deception Pass State Park, West Beach Parking Lot, created rubble of the parking lot misplaced there. In Harper Estuary at Southworth, Kitsap County, huge logs (\$500 each) held down with metal cables are still going out to sea. Such is the power of nature. Thus this shoreline, too, will require planning for dynamic storms and waters.

Lisa Adam

Great tour and I sincerely applaud the efforts of everyone regarding this needed environmental remediation. It is nice to have a new waterfront park for the community but it is imperative we restore salmon habitat if we are to have any chance for their survival, including orca populations and the Lummi rights to harvest salmon. Unfortunately the port has signed an agreement with a heavy polluting industry ABC metal which is polluting the waterfront the taxpayers are paying to recover. The port needs to kick this egregious polluter out now (these are the DOEs words) when evaluating the abc site...EGReGious! Why do they get to ruin what you all are working to clean up? A broken promise of a clean waterfront. What happened to the BOLDT act?

Tyler Irwin

Please consider the addition of a restroom facility close to the Glass Beach location. Also, Marine Park has installed a very nice paddle craft wash down station and something similar in this new park would be very appreciated. This would help cater to the growing SUP and outrigger paddling population in this area. Thanks!!

Todd Nelson

The RG Haley site tour was professional and well done. Project information is abundant and readily available. I found the Clean up action plan starting on page 36 of the consent decree, but could not find exhibit B. The work looks well planned, but really hard when you consider removing and capping contaminants in soil, water and sediments without further spreading pollution. Thanks for the good work.

Questions: At the end of the project how will you test soil and water to be sure you have met the project goals? And how frequently and to what extent will monitoring happen after completion.

Liz Marshall

I second the comment by Janet Higbee-Robinson.

Thomas Neumann

I am against the use of the Port of Bellingham by ABC Recycling (25 year contract) which is further contaminating our bay. How can we spend money cleaning up the RG Haley International site just to repollute it. I do not want to see our city backslide to the days of heavy pollution.