

May 7, 2025

Cliff Nale  
Washington State Department of Ecology  
15700 Dayton Avenue North  
Shoreline, Washington 98133

Re: Holly Street Landfill Site (Ecology Facility ID 2925; Cleanup Site ID 253)  
Old Town Village Redevelopment - 707 and 711 Astor Street  
Contaminated Materials Management Plan

Dear Cliff,

This letter provides follow-up information supplemental to our pre-construction notice submitted to you back in January. This letter documents the Contaminated Materials Management Plan (Plan) being used by Dawson Construction, Capron LLC and Old Town Village LLC during planned redevelopment at 707 and 711 Astor Street (the Property) in Bellingham, Washington.

The Property is located within a portion of the Holly Street Landfill site (Washington Department of Ecology Facility ID 2925; Cleanup Site ID 253) and is subject to existing restrictive covenants. The Covenants contain certain restrictions on redevelopment and associated construction practices in accordance with the Model Toxics Control Act Consent Decree No. 03-2-02164-1 filed for the Site in 2003 after execution with Ecology. As noted in our January Pre-Construction Notice <sup>1</sup> the Property redevelopment will comply fully with the restrictive covenants. For reference, the restrictive covenants are attached to this letter report.

## Contaminated Soil Management

The planned project includes a net fill of the Property. However, some construction activities to be performed will generate up to 1,000 cubic yards of soil requiring appropriate characterization and management (Figure 1). These include the following:

- Limited excavation for installation of the building's footers and foundation elements
- Soil excavated from utility trenching
- Soil excavated from future landscape areas
- Potential excess soils from installation of stone column ground improvement

Most earthwork will be performed using an excavator or other standard earthwork equipment. The stone columns will be placed using a driven rotary-style rig and are not expected to generate

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<sup>1</sup> Anchor QEA, 2025. Letter to: Clifford Nale (Washington State Department of Ecology). Regarding: Notice of Proposed Construction – 707 & 711 Astor Street. January 23, 2025.

significant excess soil. Soil excavations will not extend below the groundwater table; therefore, excavation dewatering will not be required.

Prior environmental testing as performed by Anchor QEA did not identify the presence of any potential hazardous or dangerous wastes. Contaminants identified in soil included heavy metals, low-level petroleum contamination and polynuclear aromatic hydrocarbon (PAH) compounds, consistent with the known contaminants present at the Holly Street Landfill site. Additional testing will be conducted as part of final soil profiling activities as needed to support final soil profiling and disposal planning.

Soils to be exported will be placed in covered stockpiles, placed in roll-off boxes or will be direct loaded into trucks for off-site transport and disposal. The soils will be transported either to the Heidelberg Materials facility in Everett, Washington or to a permitted Subtitle D disposal facility depending on the characterization of the soils. No soils will be disposed of within any other portions of the Holly Street Landfill site.

Some asphalt and concrete pavements will require removal as part of construction activities. These materials, when separated from potential contaminated soils, are not considered contaminated media and will be transported off site for recycling or disposal at appropriately-permitted commercial recycling or disposal facilities.

### **Site Backfill and Capping**

After excavation is complete and prior to backfill, existing Site soils will be covered with a geotextile separation fabric in accordance with the methods described in our January pre-construction notice. Only clean imported soils will be placed above the geotextile separation fabric. These actions are intended to provide a clean working surface for building construction and to isolate any remaining subsurface contaminated soils beneath an easily identifiable separation fabric in the event of future excavation on this Site.

### **Stormwater Management – Application of Zero Discharge Methods**

Construction stormwater management for ground disturbing activities during the redevelopment will utilize zero discharge methods to prevent potential discharge of site pollutants to surface water. Run-on and run-off controls will be installed to isolate the areas of ground disturbance where contact with potentially contaminated soil could occur.

Stormwater generated from soil disturbance areas with potentially-contaminated soils will be collected and stored on-site and will be infiltrated to the extent practicable. Any excess stormwater will be collected for off-site treatment and disposal using an appropriately-permitted commercial hauler such as Mar-Vac.

Zero discharge stormwater management practices will be continued until potentially contaminated soil areas have been capped and excavated contaminated soils have been removed from the Property. Construction stormwater management practices throughout the remaining phases of construction will comply with applicable City of Bellingham and applicable Ecology requirements.

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If you have any questions regarding the elements of this Plan, please reach out to me directly.

Sincerely,

A handwritten signature in blue ink, appearing to read "Derek Ormerod".

Derek Ormerod, PE, P.Eng.  
Principal Engineer

cc: Natalie Smith and Pete Dawson, Dawson Construction  
Mark Larsen and Jane Gregg, Anchor QEA

## **Attachment**

Figure 1      Site Map

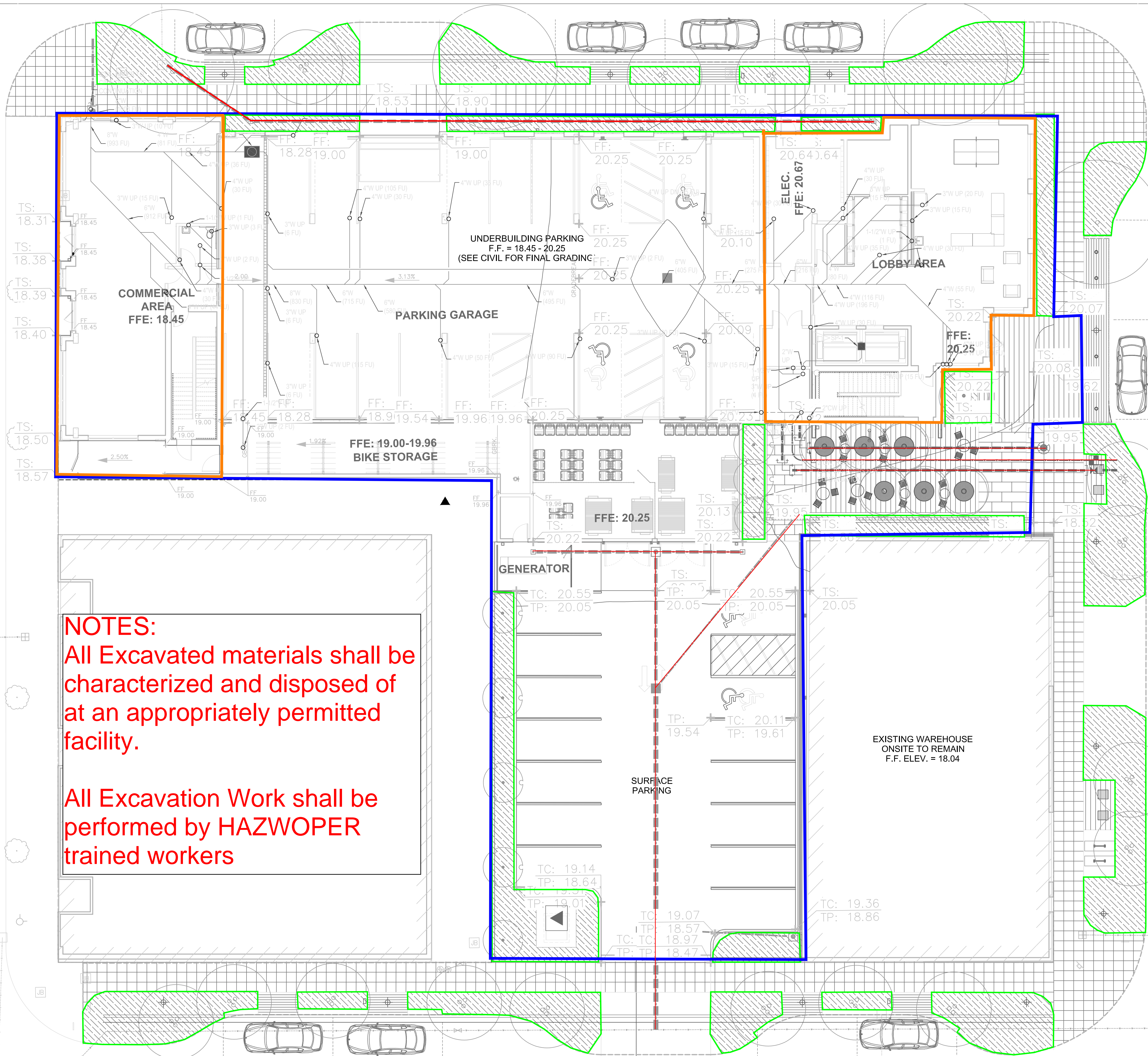
Attachment 1   Holly Street Landfill Restrictive Covenant

Figure

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FIGURE 1- SITE PLAN



**NOTES:**  
All Excavated materials shall be characterized and disposed of at an appropriately permitted facility.  
  
All Excavation Work shall be performed by HAZWOPER trained workers

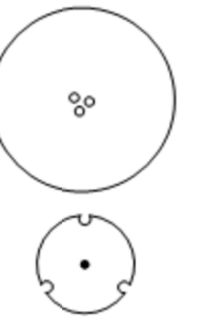
PLANTS SCHEDULE

MEDIUM TREE



- ACER CAMPESTRE / HEDGE MAPLE
- ACER TRUNCATUM X PLATANOIDES 'KEITHSFORM' / NORWEGIAN SUNSET® MAPLE
- ACER TRUNCATUM X PLATANOIDES 'WARRENRED' / PACIFIC SUNSET® MAPLE
- QUERCUS ROBUR X A 'CRIMSON SPIRE' / CRIMSON SPIRE OAK
- ACER CIRCINATUM / VINE MAPLE
- ACER PALMATUM / JAPANESE MAPLE

SMALL TREE



- ACER CIRCINATUM / VINE MAPLE
- AMELANCHIER X G. 'AUTUMN BRILLIANCE' / 'AUTUMN BRILLIANCE' SERVICEBERRY
- AMELANCHIER X G. 'AUTUMN BRILLIANCE' / 'AUTUMN BRILLIANCE' SERVICEBERRY
- COTINUS COGGYGRIA / SMOKE TREE

SHRUBS AND GROUNDCOVER

- SHRUB**
- BERBERIS X GLADYNNESIS 'WILLIAM PENN' / WILLIAM PENN BARBERRY
- BOUTELOUA GRACILIS 'BLONDE AMBITION' / BLONDE AMBITION BLUE GRAMA
- CISTUS X HYBRIDUS / WHITE ROCKROSE
- CORNUS SERICEA 'KELSEY' / KELSEY'S DWARF RED TWIG DOGWOOD
- DAPHNE X BURKWOODII / BURKWOOD DAPHNE
- GAURA LINDHEIMERI / GAURA
- HELICTOTRICHON SEMPERVIRENS / BLUE OAT GRASS
- LONICERA PILEATA / PRIVET HONEYSUCKLE
- MAHONIA AQUIFOLIUM / OREGON GRAPE
- POLYSTICHUM MUNITUM / WESTERN SWOARD FERN
- PRUNUS LAUROCERASUS 'MOUNT VERNON' / MOUNT VERNON ENGLISH LAUF
- SARCOCOCCA HOOKERIANA VAR. HUMILIS / DWARF SWEETBOX
- VIBURNUM DAVIDII / DAVID VIBURNUM
- GROUNDCOVER**
- ARCTOSTAPHYLOS X 'EMERALD CARPET' / EMERALD CARPET MANZANITA
- BERBERIS BUXIFOLIA 'NANA' / DWARF BOXLEAF BARBERRY
- CAREX MORROWII 'ICE DANCE' / ICE DANCE JAPANESE SEDGE
- COTONEASTER ADPRESSUS 'LITTLE GEM' / LITTLE GEM COTONEASTER
- COTONEASTER DAMMERI / BEARBERRY COTONEASTER
- GERANIUM MACULATUM / SPOTTED GERANIUM
- JUNIPERUS COMMUNIS 'ALPINE CARPET' / ALPINE CARPET JUNIPER
- LIRIOPE SPECIES / LILYTURF
- LONICERA CRASSIFOLIA / CREEPING HONEYSUCKLE
- MAHONIA REPENS / CREEPING MAHONIA
- NEPETA TUBEROSA / CATMINT
- PACHYSANDRA TERMINALIS / JAPANESE PACHYSANDRA
- RUBUS CALYCAINOIDES / CREEPING TAIWAN BRAMBLE
- SYMPHORICARPOS X C. 'HANCOCK' / HANCOCK CHENAUET CORALBERRY

CIVIL LEGEND

- G** = PROPOSED GAS LINE
- W** = EXISTING WATER LINE
- FIRE** = EXISTING FIRE MAIN
- W** = PROPOSED WATER LINE
- IRG** = PROPOSED IRRIGATION LINE
- S** = EXISTING SANITARY SEWER LINE
- SFM** = EXISTING SEWER FORCE MAIN
- SS** = PROPOSED SANITARY SEWER LINE
- SFM** = PROPOSED SANITARY SEWER FORCE LINE
- D** = EXISTING FLOW LINE & DIRECTION
- SD** = EXISTING STORM DRAIN LINE
- SD** = PROPOSED STORM DRAIN LINE (SOLID WALL)
- SD** = PROPOSED STORM DRAIN LINE (PERFORATED)
- SD** = PROPOSED FOUNDATION DRAIN
- SD** = PROPOSED ROOF DRAIN

- ⊕** = PROPOSED RAINLEADER/DOWNSPOUT
- ⊕** = PROPOSED AREA DRAIN
- ⊕** = PROPOSED STORM DRAIN SERVICE
- ⊕** = PROPOSED STORM DRAIN CLEANOUT
- ⊕** = PROPOSED STORM DRAIN CATCH BASIN
- ⊕** = PROPOSED STORM DRAIN MANHOLE (TYPE 2)
- ⊕** = EXISTING SANITARY SEWER MANHOLE
- ⊕** = EXISTING SANITARY SEWER CLEANOUT
- ⊕** = EXISTING SANITARY SEWER SERVICE
- ⊕** = PROPOSED SANITARY SEWER SERVICE
- ⊕** = PROPOSED SEWER CLEANOUT
- ⊕** = PROPOSED SEWER MANHOLE
- ⊕** = EXISTING WATER SERVICE CONNECT
- ⊕** = EXISTING FIRE STAND PIPE
- ⊕** = EXISTING WATER BLOW-OFF VALVE
- ⊕** = EXISTING WATER METER BOX
- ⊕** = EXISTING FIRE HYDRANT
- ⊕** = EXISTING WATER VALVE
- ⊕** = EXISTING WATER VALVE BOXES
- ⊕** = PROPOSED WATER SERVICE CONNECT
- ⊕** = PROPOSED WATER METER BOX
- ⊕** = PROPOSED WATER VALVE
- ⊕** = PROPOSED WATER BLOW-OFF
- ⊕** = PROPOSED FIRE HYDRANT
- ⊕** = PROPOSED FIRE DEPARTMENT CONNECTION
- ⊕** = PROPOSED POST INDICATOR VALVE
- ⊕** = PROPOSED WATER BEND
- ⊕** = PROPOSED THRUST BLOCK
- ⊕** = PROPOSED TEE OR CROSS

Legend

- Overexcavate minimum of 2'**
- Line excavation with Geotextile Fabric Backfill with clean topsoil**
- Line excavation with Geotextile Fabric Backfill with clean Structural Fill**
- Vapor barrier under slab**
- Install active venting system**
- Line bottom & sides of excavation with Geotextile Fabric Backfill with clean Structural Fill**



## Attachment 1

### Holly Street Landfill Restrictive Covenant

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# EXHIBIT D

## RESTRICTIVE COVENANT

### HOLLY STREET LANDFILL

500 – 600 West Holly Street

Bellingham, WA 98225

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by \_\_\_\_\_ [NAME of property owner] and its successors and assigns (“\_\_\_\_\_”) [NAME], in favor of the State of Washington Department of Ecology and its successors and assigns (“Ecology”).

The property that is the subject of this Restrictive Covenant is the subject of remedial action under the Washington State Model Toxics Control Act (“MTCA”), Chapter 70.105D RCW, (“Remedial Action”) pursuant to a Consent Decree in the matter State of Washington, Department of Ecology v. City of Bellingham, et al., Cause No. \_\_\_\_\_ which was entered by the Whatcom County Superior Court on \_\_\_\_\_, 2003 (“Consent Decree”). The property is part of the larger Holly Street Landfill Site (the Site). The Site is defined in Exhibit B to the Consent Decree. The Remedial Action to be conducted pursuant to the Consent Decree at the property is described in the *Holly Street Landfill Final Cleanup Action Plan*, dated April, 2003, (“Cleanup Action Plan”), which is Exhibit A to the Consent Decree and is located at Ecology’s Northwest Regional Office (NWRO) in Bellevue, Washington.

This Restrictive Covenant is required because the Remedial Action will result in the

containment of municipal type waste with residual concentrations of hazardous substances at the Site which exceed the MTCA unrestricted land use (e.g., residential) cleanup level for soil established under WAC 173-340-740. Further, certain geochemical oxidation processes acting within the immediate shoreline zones result in exceedances of surface water cleanup standards established under WAC 173-340-730 at the points of groundwater discharge into surface water. The extent of contamination and the Remedial Action to be conducted at the site are contained in the following Reports:

1. *Remedial Investigation/Feasibility Study, Holly Street Landfill Development Project Final Report – City of Bellingham*, by Anchor Environmental, LLC, April, 2003
2. *Holly Street Landfill Final Cleanup Action Plan* (Exhibit A to the Consent Decree).

These documents are on file at Ecology's NWRO.

The undersigned, \_\_\_\_\_ *[NAME of property owner]*, is the fee owner of real property (hereafter "Property") in the City of Bellingham, State of Washington, which is subject to this Restrictive Covenant. The Property is part of the former Holly Street Landfill situated in the City of Bellingham, State of Washington, and is legally described in Attachment A, 'LEGAL DESCRIPTION' and identified in Attachment B, Site Diagram.

*[NAME of property owner]* makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. Future use of the Property shall be limited to those uses defined in and allowed under the City of Bellingham zoning and Shoreline Management regulations codified in



the City of Bellingham Municipal Code as of the date of this Restrictive Covenant and as they may be amended from time to time. No groundwater may be withdrawn from the property for any use that is inconsistent with the remedial action implementation. The Property shall not be used for ground floor residential or day care center uses.

Section 2. Pursuant to the Cleanup Action Plan, Owner must maintain the integrity of the Remedial Action. Specifically, Owner must maintain two feet of soil cap or equivalent structural cover (e.g., building or two inch paving layer overlying ballast) over the Property. *[[Following language to be included only in covenants applicable to property within the Maritime Heritage Park portion of the Site -- For building structures within the Maritime Heritage Park portion of the Site, Owner must conduct supplemental soil gas monitoring and/or use engineered passive gas venting systems as required under the Cleanup Action Plan and described in the Compliance Monitoring and Contingency Response Plan, which is Exhibit E to the Consent Decree.]]* Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited. These activities include those that may result in the release or exposure to the environment of the municipal type waste or contaminated soil, soil-gas and shoreline seepage that was contained as part of the Remedial Action, or that create an exposure pathway, unless such activities are authorized by the Cleanup Action Plan or this Restrictive Covenant. Where utility or other work at the Property requires excavation, Owner must comply with state and City standards, and must provide one foot of overexcavation or use geofabric lining to provide a clean perimeter around the excavation. All refuse materials excavated from the Property must be disposed off-site at a permitted solid waste disposal facility or contained on-site below an engineered cap meeting the specifications outlined in the Cleanup Action Plan or subsequent Remedial Design (RD) documents (i.e., two feet of soil

cap or equivalent structural cover). Personnel performing excavation at the Property should be familiar with the applicable health and safety training requirements, and should take the necessary precautions to minimize direct contact with municipal type waste and contaminated soils that are above state standards and are contained at the Site as part of the Remedial Action. Excavations conducted in accordance with the above conditions shall not constitute activities that interfere with the Remedial Action or continued protection of human health and the environment.

Section 3. Any activity on the Property that may interfere with the integrity of the Remedial Action, operation and maintenance, or monitoring and continued protection of human health and the environment is prohibited without prior written approval from Ecology, which approval shall not be unreasonably withheld. Details about the compliance monitoring requirements to ensure continued protection of human health and the environment are contained in EXHIBIT E of the Consent Decree.

Section 4. The Owner of the Property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any title or easement interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter

the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, and to inspect records that are related to the Remedial Action. Ecology will provide Owner advance notice of its entry onto the Property when feasible.

Section 8. The Owner reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity to comment, concurs.

**DATED** this \_\_\_\_\_ day of \_\_\_\_\_, 20033.

**BY:** \_\_\_\_\_

\_\_\_\_\_  
(Printed Name)

STATE OF WASHINGTON )  
 )ss.  
COUNTY OF WHATCOM )

On this \_\_\_\_ day of \_\_\_\_\_, 2002, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_, to me known to be the person who signed as \_\_\_\_\_ of \_\_\_\_\_, the corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said corporation for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and action as said officer of the corporation, that he was authorized to execute said instrument and that the seal affixed, if any, is the corporate seal of said corporation.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first  
above written.

Print Name: \_\_\_\_\_

Notary Public in and for the State of Washington,

Residing at \_\_\_\_\_

My commission expires: \_\_\_\_\_