



RESPONSE to COMMENTS

**RG Haley cleanup site
Bellingham, Washington**

Second Amendment to Agreed Order

August 2013

ISSUED BY:

WASHINGTON STATE DEPARTMENT OF ECOLOGY

TOXICS CLEANUP PROGRAM

1. Introduction

On May 17, 2013, the proposed Second Amendment to the Agreed Order (Amendment) for the RG Haley cleanup site (Site) in Bellingham was issued for a 30-day public comment period. The public comment period closed on June 15, 2013. Public involvement activities related to this public comment period included:

- Distribution of a fact sheet describing the Site and the documents through mailing and emailing to approximately 1,300 people, including neighboring businesses and other interested parties;
- Publication of one paid display ad in *The Bellingham Herald*; dated May 17;
- Publication of notice in the Washington State Site Register, dated May 16, May 30, and June 13;
- Announcement of the public comment period and posting of the documents on the Department of Ecology (Ecology) website.
- Providing copies of the documents through information repositories at Ecology’s Bellingham Field Office and Northwest Regional Office, and the Bellingham Public Library – Downtown Branch.

A total of five people and organizations submitted written comments. The commenters are listed in Table 1. Section 2 of this document provides background information on the Site and Site cleanup activities, and Section 3 presents anticipated next steps. Section 4 lists the comments as received and Ecology’s responses to those comments.

Table 1. Summary of Commenters

1	Wendy Steffensen
2	Kevin Cournoyer
3	Carole Slesnick
4	Wendy Harris
5	Joel Douglas

2. Background

The RG Haley site is about 6 acres on the Bellingham waterfront west of the intersection of Cornwall Avenue and Wharf Street. The site includes land owned by the city of Bellingham and state of Washington.

From the mid-1800s to the mid-1900s, the site was used for industries including lumber, coal and wharf operations. Various companies have treated wood on the property. RG Haley International Corp. was the last company to treat wood there, from 1955 to 1985.

Studies show the area is contaminated with wood treatment chemicals. Contaminants at the site include pentachlorophenol (PCP), hydrocarbons related to diesel fuel, dioxins, furans and polycyclic aromatic hydrocarbons (PAHs). These contaminants are present in concentrations that must be addressed under the state's cleanup law, the Model Toxics Control Act.

A petroleum fluid recently began to seep from the shoreline at the Site into the waters of Bellingham Bay. The seepage was first reported as a noticeable sheen on the water on December 12, 2013, and has been intermittently present since then. Ecology considered the petroleum seepage a situation requiring "immediate" action, rather than one that could wait for implementation of the final Site cleanup. The City of Bellingham therefore prepared plans for addressing the seepage as an interim action under MTCA. An outline of the proposed interim action was included in the proposed Amendment.

3. Next Steps

No changes were made to the Amendment as a result of public comment and it will now be signed by the Port and Ecology, and the interim action will move forward.

Construction for the interim cleanup work is expected to begin and finish in fall 2013. Site-wide cleanup is expected to begin in 2015.

4. Comments and Ecology Responses

Comment #1:

June 15, 2013

RE: RG Haley interim action

Dear Mr. Adams,

RE Sources mission is to promote sustainable communities through recycling, education, advocacy, and conservation of natural resources. The focus of North Sound Baykeeper, a part of RE Sources, is on promoting water quality and habitat in Skagit and Whatcom County. The Baykeeper has approximately 700 members, the majority of whom live and recreate in

Bellingham. It is on behalf of our members, that we submit this letter on the proposed interim action at RG Haley in Bellingham.

We acknowledge that an interim action is necessary to counter the ongoing pollution. Our questions and concerns relate to whether this is the right action and that this action will not be memorialized as the method for final cleanup or delay final cleanup.

Is this interim action the right action?

In 2001 sheet piling was installed after an oil seep was discovered at RG Haley. Additionally, as recounted on Ecology's website, oil recovery and monitoring wells were installed and some sediment was removed. The reasoning behind the placement of sheet piling instead of a limited cap as the best interim solution in 2001 is not discussed in the available documents. Presumably it was cheap and fast, and was not expected to be the solution for an extended time period a period which has now extended to 12 years. Similarly, the rationale for placing a reactive or amended cap is not provided for the public to judge whether this is the best interim method.

As the public participates in public comment, it is critical for the relevant information to be made available to the public. While we greatly appreciate that documents are available on the web and that they are presented in an organized fashion, much important historic and other documentation has either been removed or is not available on the web site.

In this specific instance we note the omission of the following documents:

- Interim Cleanup Action Plan, Former R. G. Haley International Wood Treating/DNR Property Site, Bellingham, Washington, Dated July 6, 2000 by Geo Engineers
- Interim Cleanup Action Report, Former R. G. Haley International Wood Treating/DNR Property Site, Bellingham, Washington, and May 20, 2002, by Geo Engineers
- Current rationale to place reactive cap at the site as an interim action

We respectfully ask for the following:

- 1) To post the aforementioned documents on the web, and
- 2) Prior to comment periods, the site manager assesses the relevant information about the site and make sure it is up on the web. This second request is not unique to RG Haley; it is a global request for all sites.

Returning to the question, is this interim action the right action? The available documentation makes this very difficult, if not impossible to evaluate.

Permanence of interim action and delay of final action

As can be seen from our earlier comments, interim actions need to be as permanent as needed to prevent further pollution. From past experience, however, interim solutions often turn into final cleanups.

As stated in the Agreed Order, "The interim action shall be designed in a manner that will not preclude reasonable alternatives for any future cleanup action that may be required." RE Sources

supports and agrees with this directive whole-heartedly. We trust that Ecology will ensure that this is the case.

As well, we do not want a further delay in cleanup. We expect that a remedial investigation and feasibility report will be issued shortly, proceeding to full cleanup. Given the elapsed time and number of investigations that have occurred at the RG Haley site, we believe this can be done given the commitment and resources of Ecology and the City of Bellingham.

Thank you for accepting these comments and taking these concerns into consideration. I look forward to seeing swift interim cleanup measures and subsequent full cleanup of the site.

Sincerely,

Wendy Steffensen
Lead Scientist, North Sound Baykeeper Team

Response #1:

Is this interim action the right action?

The 2001 wall installation was a “voluntary” action undertaken by Douglas Management, the former owner of a portion of the site, not an interim action required by Ecology under a MTCA legal agreement. As a result the work was not subject to public review. The wall installation was an emergency action taken in response to U.S. Coast Guard involvement.

The documents pertaining to the 2001 wall installation are not available electronically, as you correctly point out. However they are available in hard copy by submitting a public disclosure request to Ecology. Please note that the site web pages are not intended to include all public records related to a site. They are intended to provide summary site information and facilitate access to milestone MTCA site documents (RI, FS, CAP, etc) . As a result, non-milestone documents are not typically posted. Having said this, we commit to assessing the documents mentioned in your comment for possible posting, and to more broadly considering documents for posting in the future that may facilitate review of MTCA public review documents.

Concerning the rationale for the proposed 2013 interim action and whether it is the best or right action, this is addressed by adhering to the requirements of WAC 173-340-430. The AO amendment and attachments describe the purpose of the interim action (-430(1)), how the interim action meets general requirements (-430(2)), and the interim actions’ relationship to a final cleanup (-430(3)).

Permanence of interim action and delay of final action

Interim actions must comply with WAC 173-340-430. In accordance with this section of the MTCA cleanup regulation, interim actions can become permanent (part of a final cleanup action) if compliance with cleanup standards is confirmed.

Regarding delay of the final action. The RG Haley site is a high priority for the City and Ecology and we are moving forward as quickly as possible towards cleanup. The draft RI/FS is

expected to be issued for public review in the spring of 2014, followed by issuance of the draft cleanup action plan later in 2014. Construction is slated to begin in 2015.

Comment #2:

From: Kevin Cournoyer
Sent: Friday, June 07, 2013 4:28 PM
To: Adams, Mark (ECY)
Cc: Terpening, Dustin (ECY); Frances Badgett
Subject: Detailed list of TOCs at RG Haley
Hi Mr. Adams,

I have a detailed list of TOCs at at RG Haley---it dates back a few years. I've read some recent summary documents about the interim cleanup work planned for RG Haley. In these documents, I'm not seeing certain TOCs previously stated to be present in the uplands of RG Haley. But these are summary documents (e.g., a fact sheet), and DOE may have simply overlooked their inclusion.

So to both check your work and to assure the public that your current understanding of the site comports with our past understanding of the site, please provide me with a detailed and comprehensive list of all TOCs (toxins of concern) at the RG Haley cleanup site. Please do not use general terms or vague nomenclature. Please be very specific and comprehensive in listing these TOCs.

I appreciate your work. I look forward to receiving this information about the TOCs soon.

Thank you,
Kevin Cournoyer
Bellingham, WA

Response #2:

The contaminants (“toxins of concern”) mentioned in the fact sheet for the proposed interim action are generally representative of what is likely to be present in the oil seeping into the bay. A much more comprehensive and specific list of contaminants will be presented and discussed in the next deliverable for the site – a draft remedial investigation and feasibility study report expected to be issued for public review in the Spring of 2014. In the meantime, the February 23, 2012 Final Work Plan for Supplemental Investigation of the Haley site contains a summary of existing environmental data including contaminants in soil, sediment, and ground water. The work plan is available on Ecology’s webpage at <https://fortress.wa.gov/ecy/gsp/CleanupSiteDocuments.aspx?csid=3928>.

Comment #3:

From: Carole Slesnick
To: Terpening, Dustin (ECY)
Subject: RG Haley site

Hello Dustin, and thank you for sending the information about the Haley site, Publication # 13-09-122

We are at 500 N. State St. and are wondering if the level of contamination at the site is a health concern, with the wind blowing it our way. Thanks for your input, Carole Slesnick

Response #3:

If any contaminants are being released into the air at the oil seep, they are unlikely to be found immediately above the seep location, let alone blocks away at your home. The reason is that most of the contaminants associated with the oil seep are not very volatile, and don't readily get carried by the wind. Also, the area of oil seepage is quite small, so the amount of oil being exposed to air is limited relative to the vast volume of wind that moves through the area.

We are acting as quickly as possible to install a protective mat over the oil seep. The mat's primary purpose is to capture oil seeping out, but it will also have the added benefit of reducing the small amount of volatilization that might be occurring.

Comment #4:

From: Wendy Harris
Sent: Saturday, May 18, 2013 8:57 PM
To: Adams, Mark (ECY)
Subject: Question regarding interim RG Haley cleanup site - Bellingham

Hi Mark: I just want to be clear. What is the source of contamination from the December 2012 oil seep necessitating the interim action? It is part of the petroleum plume that we have known about for many years, or is it from a new source of contamination? It looks like it is located near the border of RG Haley and Cornwall, where the petroleum plume is located.

Also, there are large barrels on the Cornwall property. Do you know what these are for?

Thank you. Wendy Harris

Response #4:

The source of the seep is the upgradient petroleum contamination that we have known about for many years, and it is located near the northern edge of the Cornwall Avenue landfill. A comprehensive discussion of the character and distribution of the contamination will be presented and discussed in the next deliverable for the site – a draft remedial investigation and feasibility study report expected to be issued for public review in the Spring of 2014.

Regarding the barrels at the Cornwall Avenue landfill site, they contained water and soil generated during environmental investigations at that site (e.g., excess soil from drilling monitoring wells, water from decontaminating sampling equipment, etc). It is standard practice in the industry to barrel these types of materials, and store them temporarily onsite until they can be transported offsite for disposal. The barrels are now gone; Burlington Environmental LLC managed the transport, treatment and disposal of the wastes at their Kent, Washington facility.

Comment #5

May 14, 2013

Washington State Department of Ecology

1440 10th Street Suite 102

Bellingham, Washington 98225

Re: Bellingham Waterfront Cleanup

This effort stirs up waste that should be left where it is. It is a waste of our financial resources to attempt clean up.

Thank you,

Joel Douglas

Response #5

The state Model Toxics Control Act (chapter 70.105D RCW) was passed by citizen initiative in 1989. Under the law, hazardous substances that pose a threat to human health and the environment must be addressed.