



DEPARTMENT OF
ECOLOGY
State of Washington

**Harris Avenue Shipyard
Bellingham, Washington**

Responses to comments on agreed order documents

March 2010

ISSUED BY:

WASHINGTON STATE DEPARTMENT OF ECOLOGY

TOXICS CLEANUP PROGRAM

Introduction

On October 30, 2009, the draft agreed order documents (draft agreed order and draft public participation plan) for the Harris Avenue Shipyard site in Bellingham were issued for a 30-day public comment period. Public involvement activities related to this public comment period were:

- Distribution of a fact sheet describing the site and the documents through a mailing to 1,568 people, including neighboring businesses and other interested parties;
- Publication of a paid display advertisement in The Bellingham Herald on October 30, 2009;
- Publication of notice in the Washington State Site Register on October 22, 2009;
- Posting of the documents on the Ecology Web site; and
- Providing copies of the documents through information repositories at Ecology's Bellingham Field Office and Northwest Regional Office, and at the Bellingham Public Library downtown branch.

A total of two comments were received by e-mail regarding the draft agreed order documents.

Copies of the comments are attached, followed by Ecology's responses.

Background

The site at 201 Harris Avenue is used as an active shipyard with no public access. Operators at the site include Port of Bellingham tenants Puglia Engineering, Inc. and All American Marine, Inc.

The site is composed of port-owned uplands and the adjacent state-owned harbor areas, including submerged and inter-tidal aquatic lands, as well as former aquatic lands that were filled. The port manages the harbor areas under a port management agreement signed with the Washington Department of Natural Resources.

The Harris Avenue Shipyard site is in the Fairhaven area of Bellingham on the tip of Post Point. A shipyard has operated on the site since 1915. Companies that have historically owned or operated the shipyard include Pacific American Fisheries, Northwest Shipbuilding Co., Post Point Marine, Post Point Industries, Associated Venture Capital, Fairhaven Shipyard, Weldit Corporation, Maritime Contractors Inc. and Bellingham Bay Shipyard. Puglia Engineering and All American Marine are the current operators under leases with the port.

The shipyard site is bounded on the south by Marine Park, which was developed by the port for public access and recreation during the 1970s. The shipyard site is bounded on the east by seafood processing companies and the Bellingham Cruise Terminal.

Environmental investigations of the surface water, groundwater, soil and sediments at the Harris Avenue Shipyard site have confirmed the presence of hazardous substances, including:

- In sedimentation, polychlorinated biphenyls (PCBs), phthalates, polycyclic aromatic hydrocarbons (PAHs), and semivolatile organic compounds (SVOCs).
- In soil, metals and petroleum hydrocarbons.
- In groundwater, petroleum hydrocarbons.

As a result, the site is subject to the investigation and cleanup requirements of the state environmental cleanup law, the Model Toxics Control Act (MTCA).

The draft agreed order requires the port to complete an environmental study of the site (called a remedial investigation), analyze cleanup options (called a feasibility study) and prepare a draft cleanup action plan (DCAP).

The remedial investigation and feasibility study (RI/FS) will be released in one report that will summarize existing environmental conditions at the site, present and evaluate a range of cleanup alternatives, and identify a preferred cleanup approach. It will build on previous site investigations and will provide the information necessary for Ecology to select a cleanup action for the site. We expect to issue the RI/FS for public review and comment in 2011.

The DCAP will describe Ecology's selected site cleanup action. We expect to issue the DCAP for public review and comment in 2012 as part of a separate legal agreement called a consent decree.

Comments received and Ecology responses

Comment # 1 – John Dean (e-mail)

From: Jay Dee [jay.dee66@yahoo.com]
To: O'Herron, Mary (ECY)
Subject: Comment (Toxics Cleanup Program mailout)

Hello,

I remember back in year 1999, I was between jobs at work and I decided to walk over to the industrial port part of town. On a whim I took a swim and waded by a wooden post. When I got out, I saw a suspicious person walking by and smelled petroleum products. I couldn't decide if the man dumped it in the water. I realized it might be morally crazy around here so I never did this again.

I'm so glad this cleanup is taking place. This is the first intelligent piece of mail I have seen since I started paying attention to the issues. I have faith that the coming rains will be less dirty. Good luck to the cleanup team. I hope they are paid well.

John Dean

Response:

Comment noted. Ecology appreciates your interest in the cleanup of the Harris Avenue Shipyard site.

Additional information from local residents is welcome and will be used to provide a more complete picture of the site. A section of the RI/FS report will synthesize all available information – documented and anecdotal – into a comprehensive site history.

Comment # 2 – Gary E Sharp (e-mail, link to newspaper article and comment)

From: Gary E Sharp [Sharpgarry12@AOL.com]
To: O'Herron, Mary (ECY)
Subject: An article from www.bellinghamherald.com

Gary E Sharp has sent you the following story:
I think you have failed to clear up a whole lot of obvious questions. Please note my response to your article!

Public invited to comment on cleanup plans for shipyard pollution on Harris Avenue

By HANNAH BOSTWICK

BELLINGHAM - The public has until Nov. 30 to comment on a draft agreement outlining the steps needed to manage old shipyard contamination on Harris Avenue, the state Department of Ecology said.
The existing draft, agreed to in 2003 by the department and the Port of Bellingham, addressed contaminated sediment at the site, but a new plan was needed after recent sampling revealed contamination in the soil and groundwater, too, said Katie Skipper, department spokeswoman. Once a final agreement is reached, the port will have to conduct an in-depth environmental study of the site, analyze cleanup options, and develop a cleanup plan with department oversight, she said.

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(Ecology followed a link provided to The Bellingham Herald's Web site and copied the comment below.)

Sharpgarry12 wrote on 11/05/2009 10:23:01 PM:

Is this mismanagement of Port land? Why wasn't the property inspected when the contaminators of the property were in the process of vacating? What is the rental agreement on the property, now and during the contamination? I believe that the names of the principals should be made public and not those that the Port admittedly says are not responsible for the problem. Certainly, the Dept of Ecology knows who the responsible principals are. I am guessing that the "responsible principals" are public

agencies or individuals that have some political power. OK, So who is that? Further, what, specifically, was done to the property that is unacceptable? I see no history of ownership with the Assessor's Office. I, therefore, must ask, Was the Dept of Ecology responsible for the ecology problem at this site? If so, who was responsible for the management of the Dept. of Ecology? Come on folks, lets have some answers and definately some accountability!

Response:

Contamination may be the result of past practices that pre-dated environmental regulations, or may be the result of more recent accidental spills and non-compliance with regulations. The location of contamination defines cleanup site boundaries. The state's environmental cleanup law, the Model Toxics Control Act, holds owners of contaminated properties and those who released the contamination liable for cleanup.

Ecology determined in 2002 that the Port of Bellingham and the Washington Department of Natural Resources (DNR) are potentially liable for cleanup because the port owns property and DNR manages state-owned property within the Harris Avenue Shipyard site. In June 2009, Ecology also identified Univar USA, Inc. (formerly called Pacific American Corporation, a previous tenant and shipyard operator that may have released contaminants), as potentially liable for cleanup. The port has informed us that it has coordinated with DNR and Univar and has elected to be the sole signatory to a legal agreement (called an agreed order). That means it has accepted all responsibility for the terms of that agreement with Ecology to evaluate site contamination.

The agreed order requires the port to conduct an environmental study of the site (called a remedial investigation), analyze cleanup options (called a feasibility study), and develop a cleanup action plan with Ecology oversight.

The agreed order also contains information regarding property ownership and use (see Section V).

A copy of the agreed order is on Ecology's Web site at: www.ecy.wa.gov/programs/tcp/sites/blhm_bay/sites/harris_ave_shipyard/harris_ave_shipyard.htm. To navigate there, go to www.ecy.wa.gov, click on "Cleanup," "Site list by county," scroll to "Whatcom County," then click "Harris Avenue Shipyard."

Information about the port's contractual requirements with current or past tenants and the terms of the port's land acquisitions are not subject to Ecology's regulations or cleanup oversight. We recommend that you contact the port directly for answers to questions about those topics. Section VIII(D) of the agreed order lists contact information.