



DEPARTMENT OF
ECOLOGY
State of Washington

**South State Street Manufactured Gas Plant
Bellingham, Washington**

Responses to comments on agreed order documents

April 15, 2010

ISSUED BY:

WASHINGTON STATE DEPARTMENT OF ECOLOGY

TOXICS CLEANUP PROGRAM

The Department of Ecology released a draft legal agreement (called an agreed order) and draft public participation plan for public review and comment from Feb. 5 to March 8, 2010, for the South State Street Manufactured Gas Plant environmental cleanup site in Bellingham.

Ecology received 10 comments by e-mail about the draft agreed order. Copies of the comments are below, followed by Ecology's responses.

Public involvement activities related to this public comment period were:

- Distributing a fact sheet describing the site and the documents through a mailing to 1,291 postal addresses and 70 e-mail addresses, including neighboring residents and businesses and other interested parties.
- Publishing a paid display advertisement in The Bellingham Herald on Feb. 5, 2010.
- Publishing a notice in the Washington State Site Register on Jan. 28, 2010.
- Posting the documents on the Ecology Web site at www.ecy.wa.gov/programs/tcp/sites/blhm_bay/sites/S_State_St_MGP/s_state_st_mgp.htm.
- Providing copies of the documents at Ecology's Bellingham Field Office and Northwest Regional Office, and at the Bellingham Public Library downtown branch.

Background

The South State Street Manufactured Gas Plant site is about 6 acres (4 acres of land and 2 acres of sediment in the water) at the north end of Boulevard Park on the Bellingham waterfront.

Portions of properties at South State Street near Bay View Drive are contaminated where a manufactured gas plant operated from the 1890s to the 1950s. The plant made gas from coal for home heating and cooking. In-depth investigation may reveal additional contamination sources. These contaminated areas make up the site.

State law considers past and present property owners and tenants that operated businesses that may have caused site contamination potentially liable parties. For this site, they include Puget Sound Energy, the city of Bellingham, the state and BNSF Railway Co. Additional liable parties may be identified later.

Past sampling and analysis have confirmed the presence of hazardous substances at the site in concentrations that exceed standards of the state's cleanup law, the Model Toxics Control Act (MTCA). Those substances include:

- petroleum hydrocarbons
- polycyclic aromatic hydrocarbons (PAHs)
- benzene, toluene and xylene (BTX)

As a result, the site is subject to the investigation and cleanup requirements of MTCA.

After negotiating with Ecology, the city and PSE have agreed to sign an agreed order. When final, the agreed order will require the city and PSE to complete an environmental study of the site (called a remedial investigation) and analyze cleanup options (called a feasibility study).

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 2012.

Comments received and Ecology responses

Comment # 1 – David Caulfield (e-mail)

From: David Caulfield [mailto:caulfield32@comcast.net]
Sent: Friday, February 05, 2010 11:21 AM
To: O'Herron, Mary (ECY)
Subject: Re: Gas plant cleanup site

Mary,
This is a resubmission of my e-mail.

Mary O'Herron
Site Manager
WA Department of Ecology

Dear Mary,

I live in a condo at Spinnaker Reach. I have a few comments and some questions about the planned cleanup. We have had many residents of Spinnaker who have lived here over thirty years. Most of our residents live healthy lives right up into their late eighties or nineties. They are healthy hale and hearty with no mental decline. Within the boundaries of the cleanup site I have seen rabbits, crows, seagulls, raccoons. I am not a wildlife expert, but they all look healthy to me. The flora and fauna are thriving and I have eaten blackberries from there for ten years with no ill effects. I have never seen children playing in that area and seldom have seen adults sit on the grass. Most people just walk on by. I have dug the dirt in that area and even the worms, who live in soil, look healthy.

Now for the questions: When will testing start? If the area is contaminated, when will cleanup start? How far down will they replace the contaminated soil? Will they test the soil on the Spinnaker Reach Site? How far down do you anticipate the soil to be contaminated? Who pays for the cleanup? In the testing that has been done, how far down was the soil contaminated? Thank you for any information you can give me Mary. PS the people I have Cc'd are our board president and board members of the Spinnaker Reach Condominium Association If you would send your answers to them also, that would be great.

David Caulfield
caulfield32@comcast.net

Response:

Thank you for your observations.

Information from local residents is welcome and will be used to provide a more complete picture of the site. A section of the remedial investigation and feasibility study (RI/FS) report will present all available information – documented and anecdotal – in a comprehensive site history.

From past limited sampling and testing, we know that portions of the property at South State Street near Bay View Drive are contaminated. However, this information is old and insufficient for defining the extent of contamination. With Ecology oversight, the city of Bellingham and Puget Sound Energy (PSE) will perform comprehensive sampling in July and August 2010, to define the area of contamination. We won't know the exact sampling locations until we complete a sampling work plan, which we will make available to the public when it's complete. The work plan will include all existing testing information, such as what is known about the depth of soil contamination.

We will release the results of the sampling and testing and an analysis of cleanup options for public review in the RI/FS report. The RI/FS report will describe and evaluate a range of cleanup options that may include soil removal, replacement or a combination. Ecology expects to release the RI/FS report in 2012.

Using information in the RI/FS report, Ecology will select a cleanup option for the site, which will be issued for public review in a draft cleanup action plan. The cleanup action plan will be part of a separate legal agreement called a consent decree. Ecology expects to release the consent decree and cleanup action plan in late 2012, and begin construction in 2013.

For cleanup costs, Ecology has determined that the city and PSE are among the parties that are potentially liable for contamination at the site. Under the terms of the agreed order with Ecology, they will be required to conduct an in-depth investigation of the site and evaluate cleanup options. Because the site is in public ownership, once the agreed order is signed, the city is eligible to receive up to 50 percent reimbursement for its costs from the state. The reimbursement is paid with grants that are funded by a tax on manufacturers and distributors of hazardous substances.

If the city and PSE also are the parties that sign the consent decree to implement the cleanup action plan, the city will be eligible for reimbursement from the state for up to half its costs.

Comment # 2 – Ray (e-mail)

From: Almost Ray [mailto:almostray@gmail.com]

Sent: Friday, February 05, 2010 1:49 PM

To: O'Herron, Mary (ECY)

Subject: "South State Street Manufactured Gas Plant."

mary.oherron@ecy.wa.gov

Subject; "South State Street Manufactured Gas Plant."

Mary Oherron,

DOE should research for :

Medical waste including radioactive waste.

and

Cesium and Tritium found near this site by a 1996 Port of Bellingham Study.

See: <http://www.98225questions.blogspot.com> for Port Study on rad waste.

Thank you.

Ray

Response:

As part of the remedial investigation work, we will research historical uses and activities to ensure that sampling and testing programs are properly designed. To date, there is no evidence of releases or the presence of medical waste or radioactive material at or near the South State Street Manufactured Gas Plant site.

The 1996 Port of Bellingham study pertains to the investigation of refuse, including medical waste, and wood debris at the Cornwall Avenue Landfill site about a half mile north of the gas plant site. The study included laboratory control samples and matrix spike/spike duplicate quality assurance samples. The sample results found no indication that radioactivity levels were elevated. Spike recovery results were within control limits, indicating that the data quality was acceptable. The laboratory control samples are not taken from the site. They are separate control samples used by the laboratory to check instrument performance. Other samples tested as part of the study contained gross beta

levels consistent with the potassium-40 activity that occurs naturally in seawater.

Cesium-137 is known to be present globally in marine sediments due to historical atmospheric nuclear testing performed between the 1950s and the 1970s. Cesium-137 profiles are used in natural recovery studies as dating tracers to estimate the time of sediment deposition. This isotope is used for these types of studies specifically because of its global distribution. The data are not indicative of a local release of radioactive materials.

In 2004, the state Department of Health inspected property at the Cornwall Avenue Landfill site and found no evidence of radiological contamination.

Comment # 3 – Tom Barrett (e-mail)

From: Tom Barrett [mailto:barretttom@comcast.net]

Sent: Thursday, February 18, 2010 11:57 AM

To: O'Herron, Mary (ECY)

Cc: Norm Nielsen; Mac Carter; gaustin@cob.org; Ed Alm; Gene Davis

Subject: Public Input: South State Street Manufactured Gas Plant Site

RE: Public Input For The South State Street Manufactured Gas Plant Site

I am writing about preserving or enhancing public shoreline access as it relates to the South State Street Manufactured Gas Plant site. The subject pollution study area includes the frequently used kayak launch beach at the northeast corner of Boulevard Park, west of the BNSF tracks. There are few places to safely launch kayaks on Bellingham Bay. This launch site is ideal since it is somewhat protected from prevailing winds. It has ample parking and restrooms that are open part of the year. I ask that you preserve or enhance this public shoreline access opportunity in the final restoration plan for this area. Please place me on your email list for notices on this project.

Thank you.

Tom Barrett
Bellingham, WA
barretttom@comcast.net

Response:

Thank you for this site-use information. A section of the remedial investigation and feasibility study (RI/FS) report will present available information, including public access and park use. This information will contribute to a comprehensive understanding of the site.

We recommend that you contact the city of Bellingham regarding your concerns about preserving or enhancing this use. Ecology's regulatory authority under state cleanup law does not include land use decisions. The city, as property owner, has land use authority. We have sent city staff a copy of your comments. Ecology's cleanup authority ensures that the cleanup protects human health and the environment given the land use decisions for the site.

Use of the park features you mention may be disrupted during sampling activities scheduled to occur in July and August 2010.

We have added your e-mail address to the distribution list for communications about this site. As part of our outreach commitment, you may receive communications by U.S. mail if you have a mailing address within a half mile of the site.

Comment # 4 – Kenni B. Merritt (e-mail)

From: Kenni B. Merritt [mailto:kenni.merritt@crowedunlevy.com]

Sent: Wednesday, February 24, 2010 8:50 AM

To: O'Herron, Mary (ECY)

Subject: Please keep beach access in Bellingham's Boulevard Park

Ms. O'Herron:

As you're working on the restoration plan for the South State Street Manufactured Gas Plant site in Bellingham, please preserve and protect the public's access to the beach at the northeast corner of Boulevard Park, just west of the railroad tracks. This beach is heavily used by families and kayakers. We don't have many points of access to the shoreline in Bellingham and this is a very important one to keep.

Thank you,

Kenni B. Merritt
1304 39th Street
Bellingham, WA 98229

Response:

See response to comment #3.

Comment # 5 – Tom Fawell (e-mail)

From: Tom Fawell [mailto:tfawell@yahoo.com]

Sent: Saturday, February 27, 2010 12:01 PM

To: O'Herron, Mary (ECY)

Subject: preserve kayak access at Blvd. Park

I would ask that the shoreline access for human powered watercraft (kayaks, surfskis, rowboats, ect) that currently exists at Boulevard Park be preserved and improved as the The South State Street Manufactured Gas Plant Site study/restoration project goes forward.

Thank you so much for your time.

Sincerely,

Tom Fawell
Bellingham, WA

Response:

See response to comment #3.

Comment # 6 – Roger Lamb (e-mail)

From: Roger Lamb [mailto:surfski@q.com]

Sent: Sunday, February 28, 2010 12:00 PM

To: O'Herron, Mary (ECY)

Subject: Beach at Boulevard Park

I regularly launch my kayak on the beach at the north end of Boulevard Park in Bellingham.

Because of the parking, lawns and restrooms, Blvd. Park and Marine Park are the two perfect places in town for hand-carried boats.

Please maintain, or improve, this jewel in the crown of the Bellingham Bay park system.
Thank you,

Roger Lamb
1504 4th St
Bellingham
WA 98225

Response:

See response to comment #3.

Comment # 7 – Roger Lamb (e-mail)

From: Roger Lamb [mailto:surfski@q.com]

Sent: Sunday, February 28, 2010 1:09 PM

To: O'Herron, Mary (ECY)

Subject: North end of Boulevard Park

Dear Ms. O'Herron,

RE: Public Input For The South State Street Manufactured Gas Plant Site

I am writing about preserving or enhancing public shoreline access as it relates to the South State Street Manufactured Gas Plant site. The subject pollution study area includes the frequently used kayak launch beach at the northeast corner of Boulevard Park, west of the BNSF tracks. There are few places to safely launch kayaks on Bellingham Bay. This launch site is ideal since it is somewhat protected from prevailing winds. It has ample parking and restrooms that are open part of the year. I ask that you preserve or enhance this public shoreline access opportunity in the final restoration plan for this area. Please place me on your email list for notices on this project.

Thank you,
Roger Lamb

1503 4th St
Bellingham
WA 98225

Response:

See response to comment #3.

We have added your e-mail address to the distribution list for communications about this site. As part of our outreach commitment, you may receive communications by U.S. mail if you have a mailing address within a half mile of the site.

Comment #8 – Pat Rowe (e-mail)

(Note: Ecology also received a copy of this letter via U.S Mail on March 8, 2010.)

From: Pat Rowe [mailto:prowe@clearwire.net]

Sent: Saturday, March 06, 2010 7:26 PM

To: O'Herron, Mary (ECY)

Subject: Facility Site ID #:2865

Mary O'Herron

Site Manager

WA Dept of Ecology

1440 10th St. Ste.102

Bellingham, WA 98225-7028

Dear Ms. O'Herron:

Re: facility Site ID#:2865

S. State St. Manufactured Gas Plant

I live directly across the street from this site. I am writing to recommend that if any vegetation need be removed during the DOE clean up that the vegetation be replaced by trees (etc) that do not grow above the trees height under the power lines. Puget power trims these trees yearly. This would allow us to enjoy the views afforded us. There are many varieties of trees that do not grow tall that will take care of shade, birds, butterflies and all other gods creatures while affording a view as well. There is a vegetation view plan already in place at the City of Bellingham that runs the length of the entire upper Boulevard Park area.

The brick structure adds to the history of this site and should remain. The overlook on top of one of the containers is also a great part of this park area and hopefully can remain after the clean up.

Thank you for your consideration.

Pat Rowe (Ronald Patrick Rowe)

407 South State Street

Bellingham, WA 98225

360.676.9984 (H)

prowe@clearwire.net

Response:

Thank you for your interest in the cleanup of the South State Street Manufactured Gas Plant site. We won't know how landscaping, brick structures or other park features will be affected by the cleanup until the remedial investigation and feasibility study are completed, which we expect in 2012.

For your concerns about new landscaping, we recommend you contact the city of Bellingham. Ecology's regulatory authority under state cleanup law does not include landscaping decisions. The city has this authority, and we have sent the city a copy of your comments.

Comment # 9 – Edward Wang (e-mail)

(Note: Ecology also received a copy of this letter via U.S. Mail on March 9, 2010.)

From: Edward Wang [mailto:tedwang@comcast.net]

Sent: Monday, March 08, 2010 9:14 AM

To: O'Herron, Mary (ECY)

Subject: S State St. cleanup comment

Ms O'Herron:

Attached is comment from the Whatcom Assn. of Kayak Enthusiasts (WAKE) regarding the South State Street Manufactured Gas Plant Site clean-up. WAKE would appreciate being kept advised on this project, and you can reach me through ted@wakekayak.org.

A hard copy of the letter will be mailed to your offices.

Thank you for the opportunity to provide comment into the process.

Sincerely:

Ted Wang
WAKE President



WAKE

Whatcom Association of Kayak Enthusiasts • www.wakekayak.org
P.O. Box 1952, Bellingham WA 98227-1952

March 7, 2010

Mary O'Herron, Site Manager
Washington Dept. of Ecology
1440 10th St., Suite 102
Bellingham, WA 98225

RE: S. State Street Manufactured Gas Plant Site

Dear Ms. O'Herron:

On behalf of the membership of the Whatcom Association of Kayak Enthusiasts (WAKE), the Board of Directors and I wish to comment on the clean-up of the referenced site at and near Boulevard Park in Bellingham. WAKE is a non-profit organization of nearly 150 members who regularly sea kayak and emphasize safe kayaking practices through community outreach and educational programming.

WAKE is glad to hear that remedial action is planned to remove toxic materials from the site and thus prevent them from continuing to enter the bay. At the NE corner of Boulevard Park, there exists a small beach, which is used as a sea kayak launching point. Bellingham Bay can become windswept and hazardous for kayakers, and this location provides a comparatively sheltered place for access and egress. With proximity to restrooms and a parking lot, not to mention hot coffee, this site is a valuable amenity and deserves to be preserved.

Our organization hopes that consideration will be given to maintaining and/or improving this launch site, as the clean-up process is accomplished. We, of course, understand that there could be disruptions during the remediation and ask that, should disruptions occur, communication to the public of that be given in advance.

Thank you for your attention, and please put WAKE on your list for updates on the project.

Sincerely:

Edward "Ted" Wang
President

Response:

See response to comment #3.

We have added your e-mail address to the distribution list for communications about this site. As part of our outreach commitment, you may receive communications by U.S. mail if you have a mailing address within a half mile of the site.

Comment # 10 – Joel Breems (e-mail)

From: BREEMS, JOEL (DNR)
Sent: Monday, March 08, 2010 2:36 PM
To: O'Herron, Mary (ECY)
Subject: South State Street Manufactured Gas Plant comments

Good Afternoon Mary,

First I would like to thank you for the opportunity to comment on the Draft Agreed Order for the Former South State Street Manufactured Gas Plant. While the nature of our comments at this time do not necessitate formal comment we did want to take this opportunity to respond to your request for comments. DNR's comments are based on principles of stewardship and proprietary management derived from our legislatively defined goals to protect State-Owned Aquatic Lands (SOAL) and preserve them for the public's benefit. As such we are supportive of the effort to pursue a the development of an RIFS for this site.

The Preliminary site boundary provided in Exhibit A include aquatic areas which may on SOAL. Should sampling be required on SOAL as part of the RI the appropriate authorization must be secured from DNR. In order to assist in determining if SOAL will be included in this RI DNR would like to request an opportunity to review the proposed sampling locations and SAP as they are developed.

If you would like to discuss these brief comments further please feel free to contact me at Joel.Breems@dnr.wa.gov.

Thank you,

Joel Breems
Sediment Quality Unit
Aquatic Resources
Washington State Department of Natural Resources (DNR)
Phone: 360-902-1086
joel.breems@dnr.wa.gov

www.dnr.wa.gov

Response:

Ecology is aware of the SOAL lease parcels within and adjacent to the South State Street Manufactured Gas Plant site. We understand that the city of Bellingham's project engineer, Gina Austin, has been working closely with Terry Carten of DNR's Sedro-Woolley office to address lease and use-authorization issues.

Ecology expects to receive a draft work plan, sampling and analysis plan and quality assurance protection plan from the city in May, followed by field work in July and August 2010.

Ecology will provide government members of the Bellingham Bay Demonstration Pilot Team with an opportunity to review the draft plans. Terry Carten and David Roberts represent DNR on the Pilot Team.