



RESPONSE to COMMENTS

**Amendment to 2010 Agreed Order,
Interim Action Work Plan
and
SEPA Determination of Non-Significance**

**Harris Avenue Shipyard Cleanup Site
Bellingham, Washington**

May, 2015

**WASHINGTON STATE DEPARTMENT OF ECOLOGY
TOXICS CLEANUP PROGRAM**

1. Introduction

On March 9, 2015, an amendment to a 2010 Agreed Order (AO), including an Interim Action Work Plan, and a State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) for the Harris Avenue Shipyard cleanup site were issued for a 30-day public comment period. The public comment period closed on April 7, 2015. Public involvement activities related to this public comment period included:

- Distributing a Fact Sheet through mailing and emailing to approximately 1,800 people, including neighboring businesses and other interested parties;
- Publishing notice of the availability of the review documents and 30-day public comment period in the Department of Ecology Site Register on March 5, 2015;
- Publishing notice of the availability of the review documents and 30-day public comment period in the *Bellingham Herald* on March 6, 2015;
- Announcing availability of the review documents and 30-day public comment period on the Department of Ecology’s Harris Avenue Shipyard Site website at: <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=193>;
- Providing copies of the review documents at the Department of Ecology’s Bellingham Field Office, Northwest Regional Office and the Bellingham Public Library-Downtown Branch.
- Providing advance notice of the public meeting via direct mailings, in the Department of Ecology’s Site Register on March 19, 2015 and in the *Bellingham Herald* on March 20, 2015.
- The Department of Ecology and the Port of Bellingham (Port) hosted a public meeting at the Port’s Technology Development Center from 6:00 to 8:00 PM on April 26, 2015.

Fifteen persons/organizations submitted written comments during the comment period. Comment submitters are listed in Table 1. Section 2 of this document provides background information on the Site, and Section 3 presents next steps for the cleanup. Section 4 lists the comments received and Ecology’s response. Appendix A provides the original comments as received.

Table 1. Comment Submitters

1	Terry Montonye
2	Steve Walker
3	Denis and Ruth Hayner
4	Susan and Don Kaun
5	Stuart Plotnick
6	Bob Burr
7	Vince Biciunas
8	Louann Chapman
9	Lynne Oulman
10	Lisa Heisey

11	Paul James
12	Paul Anderson
13	Carol Follett
14	Monte D. Hokanson
15	Russell Holter (DAHP)

2. Background

The Harris Avenue Shipyard site (Site) is located at 201 Harris Avenue in Fairhaven and consists of about 10 acres (5 acres of marine sediment and 5 acres on land) on Bellingham Bay. Portions of the property were contaminated by past shipbuilding and other industrial operations. The property has been used as a shipyard since the early 1900s. In 1966, the Port purchased the property and has leased it to several different companies. All American Marine and Fairhaven Shipyard's Puglia Engineering now lease the property, but they did not cause the contamination. The State of Washington owns a portion of the site which the Port manages.

In 2003, Ecology and the Port entered into a legal agreement called an agreed order (AO) to conduct a sediment investigation and evaluate cleanup alternatives at the Site. In 2010, they entered into a new AO to include soils and groundwater in the investigation.

These environmental investigations found contamination in soil, groundwater, and sediment that exceeds standards under the Model Toxics Control Act (MTCA), the state's cleanup law, and must be addressed. Contaminants include heavy metals, polychlorinated biphenyls (PCBs), phthalates, polycyclic aromatic hydrocarbons (PAHs), semivolatile organic compounds (SVOCs), and petroleum hydrocarbons.

In addition, several over-water structures at the Site were found to be failing and an ongoing source of sediment contamination.

As a result, an interim action was proposed as an amendment to the 2010 AO. The interim action called for removal of contaminated soil and sediment, and removal of treated wood structures from a portion of the Site.

3. Next Steps

Ecology has reviewed and considered all comments received during the public comment period on the Harris Avenue Shipyard cleanup documents. Comments are presented below in Section 4 along with Ecology's responses.

The comments did not result in any changes to the documents. Therefore, they are now considered final and the amendment to the 2010 AO is moving forward for signatures by Ecology and the Port.

After the amendment is signed, the Port will implement the Interim Action Work Plan, with Ecology oversight. Construction is expected to begin in August 2015 and be completed by December 2016.

Concurrent with this interim action, efforts to complete a comprehensive environmental report for the entire Site continue. A draft remedial investigation and feasibility (RI/FS) report describing contamination across the Site and evaluating a range of cleanup options is expected to be issued for public review in late 2015 or early 2016.

4. Comments and Ecology Responses

Comments submitted by Monte D. Hokanson:

According to the plan some industrial stormwater is sheeting off the pavement directly into the bay. Can this runoff be captured and discharged to the sewer treatment plant? Can this runoff be redirected to shore line rain gardens? There are small areas alongside the current dock that might work if the pavement was removed.

Ecology Response: The Harris Avenue Shipyard facility is currently covered under a National Pollution Discharge Elimination System (NPDES) Individual Shipyard Permit that is not associated with the proposed cleanup activities. Stormwater Best Management Practices (BMPs) will be evaluated both pre- and post-cleanup construction, including consideration of sheetflow over impervious surfaces, to determine how best to manage and treat stormwater at the facility. Updated stormwater permits and associated maintenance and cleanup schedules are likely to prevent recontamination of remediated sediment. This will be verified through post-cleanup sediment monitoring. Ecology's Toxics Cleanup Program and Water Quality Program will closely coordinate with each other and the Port to address potential recontamination issues.

Comments submitted by Carol Follet:

I am writing to request more time to review the Harris Avenue Shipyard Waterfront cleanup documents and an opportunity to ask Ecology and the Port questions about this proposed cleanup. I am very concerned about the amount, breadth and depth, and length of time, and kinds pollutants that have contaminated this critical area.

As in most situation addressed by Model Toxic Control Act, the Remedial Investigation/Feasibility Study (RI/FS) is prepared for public review. We should have the same ability to review this fully characterized site contaminants and know all of the cleanup alternatives. We may not provide comment on a proposed cleanup without actually having the full range of documents and information we need to assess the quality of that cleanup.

Please allow more time and make more opportunities for the public to review and comment on this cleanup plan.

Ecology Response: Under the Washington State Model Toxics Control Act (MTCA), if ten or more persons request a public meeting, Ecology will provide notice and hold a public meeting. Since more than ten requests for a public meeting were received, a public meeting was held from 6:00 to 8:00 PM at the Technology Development Center in Bellingham on Thursday, March 26, 2015. Ecology and the Port participated in the meeting and responded to questions and comments.

Regarding the RI/FS for the entire Site, it is currently under development. The interim action is proposed in advance of completion of the RI/FS due to the unsafe condition of the existing creosote structures. The RI/FS will revisit the interim action and determine if additional measures are necessary to protect human health and the environment. The RI/FS is expected to be issued for public review and comment in late 2015 or early 2016.

Comments submitted by Paul K. Anderson:

I would appreciate a public meeting on the proposed cleanup of Fairhaven Marine and All American Marine.

I am concerned about the toxins that are in the dredging materials and any effects that may result during transportation and disposal.

I of course applaud all of you at Ecology for the commitment to improve our environment through the proposed cleanup efforts at so many sites now and over the past but feel in the interest of good governance that there should be a transparent and public meeting at a convenient time and location for those of us that work and unable to attend normal daytime meetings.

Ecology Response: Under the MTCA, if ten or more persons request a public meeting, Ecology will provide notice and hold a public meeting. Since more than ten requests for a public meeting were received, a public meeting was held from 6:00 to 8:00 PM at the Technology Development Center in Bellingham on Thursday, March 26, 2015.

Transport and disposal options for the dredged material will be left to the construction contractor, subject to strict performance criteria defined in the future project plans and specifications. Generally, contaminated dredge material will be required to be managed in a manner that protects human health and the environment.

Comments submitted by Paul James:

I would like to request a public meeting to discuss the cleanup plan put forward by Ecology and the Port of Bellingham for a portion of the Harris Avenue Shipyard Site in Bellingham, WA.

The planned cleanup will have a significant impact on the marine ecology near my home, removing creosote and 15 thousand cubic yds of contaminated sediment. The \$14 million cost is also significant and it is in all of our interests to make sure the cleanup is thorough.

However it is not clear whether the Jan 19, 2011 Remedial Investigation/Feasibility Study (RI/FS) Work Plan is the Final RI/FS, which would characterize the extent of contamination of the sediments proposed to be cleaned, as well as the costs and benefits of different cleanup alternatives.

Specifically section 5.4 references a Site-Wide RI/FS for cleanup criteria, and section 5.5 where it mentioned evaluating remedial alternatives. This is again unclear on page 9-1 where it states “Based on these considerations, the Port and Ecology agree that targeted dioxin/furan sediment sampling will be conducted following Ecology review of the Draft Site-Wide RI/FS, and before preparation of the Final RI/FS. Dioxin/furan sampling will be focused on those locations determined by the Port and Ecology to be most appropriate to assist in the final determination and refinement of a preferred remedial alternative for the Site.

(<https://fortress.wa.gov/ecy/gsp/DocViewer.ashx?did=3505>)

This is concerning as the Interim Action Work Plan Public Review Draft (February 2015) states that it will “constitute the final remedial actions” of the Final RI/FS.

Please let me know when the Final RI/FS will be released and when the public will have an opportunity to discuss this.

Ecology Response: Under the MTCA, if ten or more persons request a public meeting, Ecology will provide notice and hold a public meeting. Since more than ten requests for a public meeting were received, a public meeting was held from 6:00 to 8:00 PM at the Technology Development Center in Bellingham on Thursday, March 26, 2015.

The January 19, 2011 RI/FS Work Plan is not the Final RI/FS. It identifies the scope of work for development of the RI/FS for the entire Site. The RI/FS is anticipated to be issued for public review and comment in late 2015 or early 2016.

In terms of the relationship between the interim cleanup action and the RI/FS, the interim action is proposed in advance of completing the RI/FS because of the unsafe condition of the existing structures. The RI/FS will incorporate the interim action and determine if additional measures are necessary to protect human health and the environment. If additional measures are not found to be necessary, then, subject to additional public review, the interim action would constitute the final cleanup action for this portion of the Site.

Comments submitted by Lisa Heisey:

I was happy to hear that the Dept of Ecology and the Port of Bellingham plan to clean up the many decades of toxic contaminants at the Harris Avenue Shipyard site in Bellingham, Washington, however, I'm concerned that interim clean up (slated to begin in Aug 2015) will

be done without a full and final Remedial Investigation/Feasibility Study Work Plan which is not expected to be released until December 2015.

I am resident and taxpayer (definitely not a scientist), so a public meeting would be enormously helpful to explain what this very expensive clean up will entail and what the end goal really is in terms of contaminant removal. I'm also concerned about the sea and shore life when all these contaminants are stirred up, and also, what clean up alternatives are being explored?

Ecology Response: A Remedial Investigation/Feasibility Study (RI/FS) Work Plan was completed for the Site in 2011. It outlined the scope of work for completing RI/FS activities, including the development of an RI/FS report which is expected to be released for public review and comment in late 2015 or early 2016.

An interim cleanup action is proposed in advance of completing the RI/FS report because of the unsafe condition of the existing structures. Addressing the unsafe structures allows better access to remove contaminated sediment and soil. The RI/FS report will incorporate the interim cleanup action and determine if additional measures are necessary to protect human health and the environment.

Under the MTCA, if ten or more persons request a public meeting, Ecology will provide notice and hold a public meeting. Since more than ten requests for a public meeting were received, a public meeting was held from 6:00 to 8:00 PM at the Technology Development Center in Bellingham on Thursday, March 26, 2015.

Comments submitted by Lynne Oulman:

"The Interim Action Work Plan Public Review Draft (February 2015) states "it is anticipated that the actions performed under this Work Plan will constitute the final remedial actions in these areas and will be consistent with the final cleanup standards that will be presented in the Final RI/FS." This is concerning because we're expected to provide comment on a proposed cleanup without actually having the full range of documents we need to assess the quality of that cleanup.

Because this is an expensive cleanup of a site that's been contaminated for many years, the RI/FS is not available, and the final cleanup standards are preliminary, we would all benefit if we had more time to review the cleanup documents and had an opportunity to ask Ecology and the Port questions about this proposed cleanup." Please hold a public meeting.

Ecology Response: A Remedial Investigation/Feasibility Study (RI/FS) Work Plan was completed for the Site in 2011. It outlined the scope of work for completing RI/FS activities, including the development of an RI/FS report which is expected to be released for public review and comment in late 2015 or early 2016.

An interim cleanup action is proposed in advance of completing the RI/FS report because of the unsafe condition of the existing structures. Addressing the unsafe structures allows better access to remove contaminated sediment and soil. The RI/FS

report will incorporate the interim cleanup action and determine if additional measures are necessary to protect human health and the environment.

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Comments submitted by Louann Chapman:

I am requesting a public meeting on the proposed cleanup plan for the Harris Ave shipyard. This is an extremely expensive cleanup of a site that's been contaminated for many years and the RI/FS is not available. Since the final cleanup standards are preliminary, we would all benefit if we had more time to review the cleanup documents and had an opportunity to ask Ecology and the Port questions about this proposed cleanup.

Ecology Response: Under the MTCA, if ten or more persons request a public meeting, Ecology will provide notice and hold a public meeting. Since more than ten requests for a public meeting were received, a public meeting was held from 6:00 to 8:00 PM at the Technology Development Center in Bellingham on Thursday, March 26, 2015.

Comments submitted by Vincute Biciunas:

I would like to request a public meeting to discuss the cleanup plan put forward by Ecology and the Port of Bellingham for a portion of the Harris Avenue Shipyard Site in Bellingham, WA. I live very close to this area and am concerned that the planned clean up be consistent with the best available science, and with the goals and intentions of the Fairhaven Neighborhood and Urban Village Plan, adopted August 12, 2012. This clean-up area is designated Maritime Influence or I-1 in the neighborhood and urban village plan. Area I-1 is designated for water-related and dependent uses and for Public and Semi-Public Assembly, in addition to Manufacturing and others.

The planned cleanup will have a significant impact on the marine ecology near my home, removing creosote and 15 thousand cubic yds of contaminated sediment. The \$14 million cost is also significant and it is in all of our interests to make sure the cleanup is thorough.

However it is not clear whether the Jan 19, 2011 Remedial Investigation/Feasibility Study (RI/FS) Work Plan is the Final RI/FS, which would characterize the extent of contamination of the sediments proposed to be cleaned, as well as the costs and benefits of different cleanup alternatives.

Specifically section 5.4 references a Site-Wide RI/FS for cleanup criteria, and section 5.5 where it mentioned evaluating remedial alternatives. This is again unclear on page 9-1 where it states "Based on these considerations, the Port and Ecology agree that targeted dioxin/furan sediment sampling will be conducted following Ecology review of the Draft Site-Wide RI/FS, and before preparation of the Final RI/FS. Dioxin/furan sampling will be focused on those locations determined by the Port and Ecology to be most appropriate to assist in the final

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Regarding land use, the interim action and the ultimate final cleanup of the entire Site, will be consistent with the City of Bellingham’s Maritime Influence land use designation for the property.

A Remedial Investigation/Feasibility Study (RI/FS) Work Plan was completed for the Site in 2011. It outlined the scope of work for completing RI/FS activities, including the development of an RI/FS report which is expected to be released for public review and comment in late 2015 or early 2016.

An interim cleanup action is proposed in advance of completing the RI/FS report because of the unsafe condition of the existing structures. Addressing the unsafe structures allows better access to remove contaminated sediment and soil. The RI/FS report will incorporate the interim cleanup action and determine if additional measures are necessary to protect human health and the environment.

The January 19, 2011 RI/FS Work Plan was a document developed under the 2010 Agreed Order for the Site that identified the scope of work and necessary elements for development of the RI/FS for the entire Site. The RI/FS for the entire Site that will include the basis for selecting the contaminants of concern and a disproportionate cost analysis for various cleanup alternatives is anticipated to be completed late 2015 or early 2016. The RI/FS for the entire Site will be made available for public review and comment. It was determined by Ecology that the RI/FS for the entire Site could not be completed in time to construct the scope of work as described in the Interim Action Work Plan and still meet the proposed interim action cleanup schedule. Therefore Ecology agreed that this scope of work could be constructed as an interim action, while the RI/FS continues to be developed for the entire Site. Additional data collected as part of the interim action will be used to support the RI/FS for the cleanup of the entire Site.

Comment submitted by Stuart Plotnick:

Support effort to establish date for public hearing. ...to discuss cleanup plan

Ecology Response: Under the MTCA, if ten or more persons request a public meeting, Ecology will provide notice and hold a public meeting. Since more than ten requests for a public meeting were received, a public meeting was held from 6:00 to 8:00 PM at the Technology Development Center in Bellingham on Thursday, March 26, 2015.

Comments submitted by Bob Burr:

I am requesting a public meeting to discuss the cleanup plan put forward by Ecology and the Port of Bellingham for a portion of the Harris Avenue Shipyard Site in Bellingham, WA.

The planned cleanup will have a significant impact on the marine ecology near my home, removing creosote and 15 thousand cubic yds of contaminated sediment. The \$14 million cost is also significant and it is in all of our interests to make sure the cleanup is thorough.

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Work Plan and still meet the proposed interim action cleanup schedule. Therefore Ecology agreed that this scope of work could be constructed as an interim action, while the RI/FS continues to be developed for the entire Site. Additional data collected as part of the interim action will be used to support the RI/FS for the cleanup of the entire Site.

Comments submitted by Susan and Don Kaun:

We are residents who live near the proposed Fairhaven Shipyard clean-up site, and grandparents of four adorable grandchildren who often play in the park adjacent to the Fairhaven Shipyard. We are concerned about the proposed clean-up of toxics in and around the shipyard, and its potential effect on nearby properties, such as Marine Park. We are also concerned about how the project might affect air quality in the area, during the clean-up process.

Before the Department of Ecology moves forward on the project, we would greatly appreciate having an opportunity to attend a public meeting to learn more about Ecology's proposed work on this issue.

Ecology Response: Under the MTCA, if ten or more persons request a public meeting, Ecology will provide notice and hold a public meeting. Since more than ten requests for a public meeting were received, a public meeting was held from 6:00 to 8:00 PM on Thursday, March 26, 2015 at the Technology Development Center in Bellingham..

Comments submitted by Ruth Hayner:

We are Fairhaven residents who are interested in the Fairhaven waterfront, and especially Marine Park. We have received the Ecology notice about interim cleanup of a part of the Harris Avenue Shipyard. Since this shipyard is immediately adjacent to the park, and because the actions to follow the Interim Action are not clear, we ask that you hold a public meeting on the complete cleanup project. Notice should be provided to all who are close enough to the project to be legally entitled.

Ecology Response: Under the MTCA, if ten or more persons request a public meeting, Ecology will provide notice and hold a public meeting. Since more than ten requests for a public meeting were received, a public meeting was held from 6:00 to 8:00 PM at the Port's Technology Development Center in Bellingham on Thursday, March 26, 2015.

Comments submitted by Steve Walker, Executive Director, Community Boating Center:

Please schedule a public meeting regarding the Interim Action planned for the Harris Avenue Shipyard.

In reading the Harris Avenue Shipyard clean-up flyer that came to my postal address, I was struck by the last sentence on page 1. The author (is that you?) wrote "The State of Washington owns a portion of the site." As I look at the PMA parcel maps, it appears to me that the State owns the majority of the site, whether in reference to the entire boundary or just the Interim Action area. My understand is that the bulk of the property is State Aquatic Land,

albeit significantly filled.

Could you send me a map with the property line delineated? The guys at Floyd Snider, who I assume created the map on page 4 of the flyer, likely have one.

Ecology Response: Under the MTCA, if ten or more persons request a public meeting, Ecology will provide notice and hold a public meeting. Since more than ten requests for a public meeting were received, a public meeting was held from 6:00 to 8:00 PM at the Technology Development Center in Bellingham on Thursday, March 26, 2015.

The State Department of Natural Resources owns a portion of the Harris Avenue Shipyard cleanup site property. The Port leases this public land for Port operations. A figure showing land ownership and land use will be included in the public review draft RI/FS. Ecology has emailed a copy of this draft figure to the commenter.

Comments submitted by Terry Montonye:

Absolutely! PCBs, PAHs and all those other chemicals and metals are killing our bottom feeders! How about the other \$7M out of our governor's \$700M conservation fund?

Also, between you and me and the lamppost, try this on for size:

"Do accurate assessments exist anywhere on salmon habitats at varied locations throughout Whatcom County? Does The Washington Department of Fish and Wildlife or DOE have them? How about Puget Sound Partnership's 27-member Salmon Recovery Council or contractors handling NOAA's **Coastal and Estuarine Land Conservation Program**? How about the state Recreation and Conservation Office or the "State of Salmon in Watersheds" in our governor's Salmon Recovery Office? Or, how about Whatcom County's six Watershed Improvement Districts, its watersheds information network (ECONet), its Salmon Recovery Board's Lower Nooksack Strategy or its Public Works Natural Resources Department?"

Is there any kind of book, for instance, on volumetric flow increases forced by irrigation pumps through formerly slow-water, high-production, plankton-producing salmon habitats? As, conservation spending spirals up and up, is anyone really watching out for our kings and silvers in the upper Nooksack, sockeyes in lower lakes, and chums and pinks near the mouths of all our rivers and streams?

David R. Montgomery of the University of Washington in "King of Fish" says "riverkeepers" are the only way to collect, consolidate and assess such dope and he confirms that salmon in the Northwest, too, now, are in extreme peril due to saturation fishing, industry-driven hatcheries, shoreline armoring and time wasting by "overlapping conservation authorities across conflicted jurisdictions".

Bottom line: Riverkeepers, one to three each, for the Lower Nooksack, Upper Nooksack, Lummi/Drayton and Squalicum/Samish regions "now" or salmon again will be history because of right decisions that didn't get made in time to save them! "

Bay pollution affects our salmon but, again, it's our bay's bottom feeders that really get hit. This is the reason crabbing's been so good for the last few years, e.g., PAHs found in the livers of English Sole. Bottom feeders basically aren't feeding on the young crabs like they used too and all the pollutants from all those spots on our waterfront have to be major contributors to bottom feeder decline -- and to the decline of salmon, as well!

My point: all kinds of state and federal bucks are financing all kinds of ineffectual studies and talk which will continue on and on as long as the real culprits continue to exist. The time is now to convert monies being wasted across conflicted jurisdictions into financing of bulk extractions at all our waterfront sites via otherwise empty BNSF hopper cars into the Roosevelt Toxic Landfill in Eastern Washington.

I don't know what you can do about it, but perhaps, if you pass this around, someone with influence will be able to designate all the funding you all need to completely cleanup Bellingham Bay within the next couple of years -- perhaps in close couple with Pacific Gateway Terminal? Just half of the governor's conservation fund this year plus free hopper cars from BNSF just might be able to do the whole deal, don't you think?

Ecology Response: Ecology's mandate under the state cleanup law, the Model Toxics Control Act (MTCA), Chapter 70.105D RCW, is to prevent exposure to harmful levels of contamination under current and future exposure scenarios. Marine sediment cleanup levels for PCBs and PAHs at this Site are being developed that are protective of people, plants and animals. This information will be provided for public review and comment in a RI/FS report expected to be issued in late 2015 or early 2016.

With regard to habitat benefit and function, creating an environment that does not expose plants and animals to harmful levels of contamination is the most fundamental component of improving habitat. In addition, the interim cleanup action will replace an existing degraded shoreline with a shoreline more suitable for fisheries habitat by reducing shade cover and enhancing the near-shore substrate. There is no question these measures will improve the existing habitat.

Also note that the City of Bellingham has assessed habitat connectivity along the marine near-shore area of Bellingham Bay within City jurisdiction (see <http://www.cob.org/services/environment/restoration/nearshore-connectivity-study.aspx>). In addition, the City is completing a second year of sampling to assess juvenile salmonid use of Bellingham Bay estuarine and marine near-shore areas.

This assessment work was funded by Ecology through the Bellingham Bay Demonstration Pilot, a federal, state, local, and tribal initiative coordinating sediment cleanup, habitat restoration, pollution source control, and land use efforts. Through this initiative, Ecology also funded recently completed habitat restoration projects within the Squalicum Creek and Padden Creek estuaries.

Pertaining to the timing of cleanup efforts in Bellingham Bay, depending on state funding, most of the contaminated sites in Bellingham Bay are expected to be cleaned

up by 2018.

Comments submitted by Russell Holter, Project Compliance Reviewer, DAHP:

Thank you for contacting our office regarding the Determination of Nonsignificance for the Harris Avenue Shipyard MTCA Clean-up. As the state agency with environmental expertise in Cultural Resources, we cannot concur with this SEPA finding. The Scope of Work for the clean-up involves the removal of historic-era structures from a National Register Listed Historic District.

This action is subject to further review by the Department of Archaeology and Historic Preservation (DAHP) and the Federal Lead Agency as required under Section 106 of the National Historic Preservation Act of 1966 (36CFR800). Under this law, these issues will be addressed through consultation and a determination of effect will be made by the permitting agency: the US Army Corps of Engineers.

I would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4) and the survey report when it is available. These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer (SHPO). Please contact me should you have any questions about our request and we look forward to receiving this material.

Ecology Response: The Port is communicating and working directly with DAHP to address and mitigate the potential issues identified by DAHP. Regarding potential impacts to cultural or archaeological resources, the Port is preparing an Inadvertent Discovery Plan that will provide a process for notification and managing cultural and archaeological resources should they be encountered during site work. Regarding potential impacts to historic resources, the Port is assessing the historic significance of facility structures and appropriate historic documentation as necessary.

Appendix A

**Comments Received for:
Draft Amendment to 2010
Agreed Order,
Draft Interim Action Work Plan
And
SEPA Determination of Non-Significance**

**30-Day Public Comment Period
March 9 - April 7, 2015**

Guenther, John (ECY)

From: Terry Montonye [terrymontonye@msn.com]
Sent: Friday, March 13, 2015 10:17 AM
To: Guenther, John (ECY)
Subject: Harris Ave Cleanup

Mr. Guenther,

Absolutely! PCBs, PAHs and all those other chemicals and metals are killing our bottom feeders! How about the other \$7M out of our governor's \$700M conservation fund?

Also, between you and me and the lamppost, try this on for size:

"Do accurate assessments exist anywhere on salmon habitats at varied locations throughout Whatcom County? Does The Washington Department of Fish and Wildlife or DOE have them? How about Puget Sound Partnership's 27-member Salmon Recovery Council or contractors handling NOAA's Coastal and Estuarine Land Conservation Program? How about the state Recreation and Conservation Office or the "State of Salmon in Watersheds" in our governor's Salmon Recovery Office? Or, how about Whatcom County's six Watershed Improvement Districts, its watersheds information network (ECONet), its Salmon Recovery Board's Lower Nooksack Strategy or its Public Works Natural Resources Department?

Is there any kind of book, for instance, on volumetric flow increases forced by irrigation pumps through formerly slow-water, high-production, plankton-producing salmon habitats? As, conservation spending spirals up and up, is anyone really watching out for our kings and silvers in the upper Nooksack, sockeyes in lower lakes, and chums and pinks near the mouths of all our rivers and streams?

David R. Montgomery of the University of Washington in "King of Fish" says "riverkeepers" are the only way to collect, consolidate and assess such dope and he confirms that salmon in the Northwest, too, now, are in extreme peril due to saturation fishing, industry-driven hatcheries, shoreline armoring and time wasting by "overlapping conservation authorities across conflicted jurisdictions".

Bottom line: Riverkeepers, one to three each, for the Lower Nooksack, Upper Nooksack, Lummi/Drayton and Squalicum/Samish regions "now" or salmon again will be history because of right decisions that didn't get made in time to save them! "

POSTSCRIPT:

John,

Bay pollution affects our salmon but, again, it's our bay's bottom feeders that really get hit. This is the reason crabbing's been so good for the last few years, e.g., PAHs found in the livers of English Sole. Bottom feeders basically aren't feeding on the young crabs like they used too and all the pollutants from all those spots on our waterfront have to be major contributors to bottom feeder decline -- and to the decline of salmon, as well

My point: all kinds of state and federal bucks are financing all kinds of ineffectual studies and talk which will continue on and on as long as the real culprits continue to exist. The time is now to convert monies being wasted across conflicted jurisdictions into financing of bulk extractions at all our waterfront sites via otherwise empty BNSF hopper cars into the Roosevelt Toxic Landfill in Eastern Washington.

I don't know what you can do about it, but perhaps, if you pass this around, someone with influence will be able to designate all the funding you all need to completely cleanup Bellingham Bay within the next couple of years -- perhaps in close couple with Pacific Gateway Terminal? Just half of the governor's conservation fund this year plus free hopper cars from BNSF just might be able to do the whole deal, don't you think?

Terry Montonye
Bellingham

Guenther, John (ECY)

From: Steve Walker [steve@boatingcenter.org]
Sent: Friday, March 13, 2015 10:04 AM
To: Guenther, John (ECY)
Subject: Inquiry

John,

In reading the Harris Avenue Shipyard clean-up flyer that came to my postal address, I was struck by the last sentence on page 1. The author (is that you?) wrote "The State of Washington owns a portion of the site." As I look at the PMA parcel maps, it appears to me that the State owns the majority of the site, whether in reference to the entire boundary or just the Interim Action area. My understand is that the bulk of the property is State Aquatic Land, albeit significantly filled.

Could you send me a map with the property line delineated? The guys at Floyd Snider, who I assume created the map on page 4 of the flyer, likely have one.

Thanks so much.

Regards,
Steve

Steve Walker, Executive Director
Community Boating Center
555 Harris Avenue
Bellingham, WA 98225
360-714-8891

www.boatingcenter.org

Fostering small watercraft education & access on Bellingham Bay

Guenther, John (ECY)

From: Steve Walker [steve@boatingcenter.org]
Sent: Friday, March 13, 2015 9:11 AM
To: Guenther, John (ECY)
Subject: Request for public meeting

John,

Please schedule a public meeting regarding the Interim Action planned for the Harris Avenue Shipyard.

Thank you.

Steve

Steve Walker, Executive Director
Community Boating Center
555 Harris Avenue
Bellingham, WA 98225
360-714-8891

www.boatingcenter.org

Fostering small watercraft education & access on Bellingham Bay

Guenther, John (ECY)

From: Denis Hayner 2 [dhayner2@comcast.net]
Sent: Wednesday, March 11, 2015 2:28 PM
To: Guenther, John (ECY)
Subject: Cleanup At Fairhaven Shipyard

John Guenther,

We are Fairhaven residents who are interested in the Fairhaven waterfront, and especially Marine Park. We have received the Ecology notice about interim cleanup of a part of the Harris Avenue Shipyard. Since this shipyard is immediately adjacent to the park, and because the actions to follow the Interim Action are not clear, we ask that you hold a public meeting on the complete cleanup project. Notice should be provided to all who are close enough to the project to be legally entitled.

Thank you,

Denis and Ruth Hayner
dhayner2@comcast.net

Guenther, John (ECY)

From: Susan Kaun [kauns49@msn.com]
Sent: Wednesday, March 11, 2015 7:28 AM
To: Guenther, John (ECY)
Subject: Concern About Fairhaven Shipyard Clean-up Proposal

Dear John Guenther:

We are residents who live near the proposed Fairhaven Shipyard clean-up site, and grandparents of four adorable grandchildren who often play in the park adjacent to the Fairhaven Shipyard. We are concerned about the proposed clean-up of toxics in and around the shipyard, and its potential effect on nearby properties, such as Marine Park. We are also concerned about how the project might affect air quality in the area, during the clean-up process.

Before the Department of Ecology moves forward on the project, we would greatly appreciate having an opportunity to attend a public meeting to learn more about Ecology's proposed work on this issue.

Thank you for your kind attention to our request.

Yours truly,

Susan and Don Kaun
613 Donovan Avenue
Bellingham WA 98225

Guenther, John (ECY)

From: bobburr@comcast.net
Sent: Wednesday, March 11, 2015 12:42 AM
To: Guenther, John (ECY)
Subject: Clean-up--More Info Needed

I am requesting a public meeting to discuss the cleanup plan put forward by Ecology and the Port of Bellingham for a portion of the Harris Avenue Shipyard Site in Bellingham, WA.

The planned cleanup will have a significant impact on the marine ecology near my home, removing creosote and 15 thousand cubic yds of contaminated sediment. The \$14 million cost is also significant and it is in all of our interests to make sure the cleanup is thorough.

However it is not clear whether the Jan 19, 2011 Remedial Investigation/Feasibility Study (RI/FS) Work Plan is the Final RI/FS, which would characterize the extent of contamination of the sediments proposed to be cleaned, as well as the costs and benefits of different cleanup alternatives.

Specifically section 5.4 references a Site-Wide RI/FS for cleanup criteria, and section 5.5 where it mentioned evaluating remedial alternatives. This is again unclear on page 9-1 where it states "Based on these considerations, the Port and Ecology agree that targeted dioxin/furan sediment sampling will be conducted following Ecology review of the Draft Site-Wide RI/FS, and before preparation of the Final RI/FS. Dioxin/furan sampling will be focused on those locations determined by the Port and Ecology to be most appropriate to assist in the final determination and refinement of a preferred remedial alternative for the Site. (<https://fortress.wa.gov/ecy/gsp/DocViewer.ashx?dId=3505>)

This is concerning as the Interim Action Work Plan Public Review Draft (February 2015) states that it will "constitute the final remedial actions" of the Final RI/FS.

Please let me know when the Final RI/FS will be released and when the public will have an opportunity to discuss this.

Thank you.

Bob Burr

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Guenther, John (ECY)

From: Stuart Plotnick [stuart.medfly@gmail.com]
Sent: Tuesday, March 10, 2015 10:34 PM
To: Guenther, John (ECY); Brooks Anderson
Cc: Vince Biciunas
Subject: Public meeting

Support effort to establish date for public hearing. ...to discuss cleanup plan

Stuart Plotnick
902 Donovan Ave
Bellingham, WA

Guenther, John (ECY)

From: Biciunas Vince [vbiciunas@comcast.net]
Sent: Tuesday, March 10, 2015 9:26 PM
To: Guenther, John (ECY)
Cc: Anderson Brooks; Kaun Sue
Subject: Harris Ave Shipyard Clean-up

Hello John Guenther,

I would like to request a public meeting to discuss the cleanup plan put forward by Ecology and the Port of Bellingham for a portion of the Harris Avenue Shipyard Site in Bellingham, WA. I live very close to this area and am concerned that the planned clean up be consistent with the best available science, and with the goals and intentions of the Fairhaven Neighborhood and Urban Village Plan, adopted August 12, 2012. This clean-up area is designated Maritime Influence or I-1 in the neighborhood and urban village plan. Area I-1 is designated for water-related and dependent uses and for Public and Semi-Public Assembly, in addition to Manufacturing and others.

The planned cleanup will have a significant impact on the marine ecology near my home, removing creosote and 15 thousand cubic yds of contaminated sediment. The \$14 million cost is also significant and it is in all of our interests to make sure the cleanup is thorough.

However it is not clear whether the Jan 19, 2011 Remedial Investigation/Feasibility Study (RI/FS) Work Plan is the Final RI/FS, which would characterize the extent of contamination of the sediments proposed to be cleaned, as well as the costs and benefits of different cleanup alternatives.

Specifically section 5.4 references a Site-Wide RI/FS for cleanup criteria, and section 5.5 where it mentioned evaluating remedial alternatives.

This is again unclear on page 9-1 where it states "Based on these considerations, the Port and Ecology agree that targeted dioxin/furan sediment sampling will be conducted following Ecology review of the Draft Site-Wide RI/FS, and before preparation of the Final RI/FS. Dioxin/furan sampling will be focused on those locations determined by the Port and Ecology to be most appropriate to assist in the final determination and refinement of a preferred remedial alternative for the Site.

(<https://fortress.wa.gov/ecy/gsp/DocViewer.ashx?did=3505>)

This is concerning as the Interim Action Work Plan Public Review Draft (February 2015) states that it will "constitute the final remedial actions" of the Final RI/FS.

Please let me know when the Final RI/FS will be released and when the public will have an opportunity to discuss this.

Thank you for your attention to this,

Vincute (Vince) Biciunas
911 Wilson Ave
Bellingham, WA 98225
vbiciunas@comcast.net

Guenther, John (ECY)

From: Louann Chapman [loumura@gmail.com]
Sent: Tuesday, March 10, 2015 6:18 PM
To: Guenther, John (ECY)
Subject: Fairhaven Shipyard Cleanup

I am requesting a public meeting on the proposed cleanup plan for the Harris Ave shipyard. This is an extremely expensive cleanup of a site that's been contaminated for many years and the RI/FS is not available. Since the final cleanup standards are preliminary, we would all benefit if we had more time to review the cleanup documents and had an opportunity to ask Ecology and the Port questions about this proposed cleanup. Thank you, Louann Chapman

Guenther, John (ECY)

From: Lynne Oulman [lynne.oulman@gmail.com]
Sent: Tuesday, March 10, 2015 5:28 PM
To: Guenther, John (ECY)
Subject: Request for a public meeting

"The Interim Action Work Plan Public Review Draft (February 2015) states "it is anticipated that the actions performed under this Work Plan will constitute the final remedial actions in these areas and will be consistent with the final cleanup standards that will be presented in the Final RI/FS." This is concerning because we're expected to provide comment on a proposed cleanup without actually having the full range of documents we need to assess the quality of that cleanup.

Because this is an expensive cleanup of a site that's been contaminated for many years, the RI/FS is not available, and the final cleanup standards are preliminary, we would all benefit if we had more time to review the cleanup documents and had an opportunity to ask Ecology and the Port questions about this proposed cleanup." Please hold a public meeting. Thank you,
Lynne Oulman

Guenther, John (ECY)

From: Lisa Heisey [lisakheisey@gmail.com]
Sent: Tuesday, March 10, 2015 4:23 PM
To: Guenther, John (ECY)
Subject: Public meeting request for Bellingham, WA shipyard clean up

Dear Mr. Guenther,

I was happy to hear that the Dept of Ecology and the Port of Bellingham plan to clean up the many decades of toxic contaminants at the Harris Avenue Shipyard site in Bellingham, Washington, however, I'm concerned that interim clean up (stated to begin in Aug 2015) will be done without a full and final Remedial Investigation/Feasibility Study Work Plan which is not expected to be released until December 2015.

I am resident and taxpayer (definitely not a scientist), so a public meeting would be enormously helpful to explain what this very expensive clean up will entail and what the end goal really is in terms of contaminant removal. I'm also concerned about the sea and shore life when all these contaminants are stirred up, and also, what clean up alternatives are being explored?

Sincerely,

Lisa Heisey

912 Wilson Ave

Bellingham, WA 98225

Guenther, John (ECY)

From: Paul James [Paul.James@wwu.edu]
Sent: Tuesday, March 10, 2015 3:23 PM
To: Guenther, John (ECY)
Subject: Harris Avenue Shipyard Site Cleanup plan

Hi John,

I would like to request a public meeting to discuss the cleanup plan put forward by Ecology and the Port of Bellingham for a portion of the Harris Avenue Shipyard Site in Bellingham, WA.

The planned cleanup will have a significant impact on the marine ecology near my home, removing creosote and 15 thousand cubic yds of contaminated sediment. The \$14 million cost is also significant and it is in all of our interests to make sure the cleanup is thorough.

However it is not clear whether the Jan 19, 2011 Remedial Investigation/Feasibility Study (RI/FS) Work Plan is the Final RI/FS, which would characterize the extent of contamination of the sediments proposed to be cleaned, as well as the costs and benefits of different cleanup alternatives.

Specifically section 5.4 references a Site-Wide RI/FS for cleanup criteria, and section 5.5 where it mentioned evaluating remedial alternatives.

This is again unclear on page 9-1 where it states "Based on these considerations, the Port and Ecology agree that targeted dioxin/furan sediment sampling will be conducted following Ecology review of the Draft Site-Wide RI/FS, and before preparation of the Final RI/FS. Dioxin/furan sampling will be focused on those locations determined by the Port and Ecology to be most appropriate to assist in the final determination and refinement of a preferred remedial alternative for the Site. (<https://fortress.wa.gov/ecy/gsp/DocViewer.ashx?did=3505>)

This is concerning as the Interim Action Work Plan Public Review Draft (February 2015) states that it will "constitute the final remedial actions" of the Final RI/FS.

Please let me know when the Final RI/FS will be released and when the public will have an opportunity to discuss this.

Thank you for your attention to this,

Paul James

Guenther, John (ECY)

From: Paul Anderson [paulinbham@gmail.com]
Sent: Tuesday, March 10, 2015 3:20 PM
To: Guenther, John (ECY)
Subject: Public Hearing please
Attachments: image2.jpeg; ATT00002.txt

Hi John, I would appreciate a public meeting on the proposed cleanup of Fairhaven Marine and All American Marine.

I am concerned about the toxins that are in the dredging materials and any effects that may result during transportation and disposal.

I of course applaud all of you at Ecology for the commitment to improve our environment through the proposed cleanup efforts at so many sites now and over the past but feel in the interest of good governance that there should be a transparent and public meeting at a convenient time and location for those of us that work and unable to attend normal daytime meetings.

Respectfully,

Paul K Anderson
1011 40th St.
Bellingham, Wa 98229
360.920.4299

www.paulkanderson.com

Guenther, John (ECY)

From: carol follett [cafollett@gmail.com]
Sent: Tuesday, March 10, 2015 12:30 PM
To: Guenther, John (ECY)
Subject: Harris Avenue Shipyard Waterfront cleanup action and public meeting

Dear Mr. Guenther,

I am writing to request more time to review the Harris Avenue Shipyard Waterfront cleanup documents and an opportunity to ask Ecology and the Port questions about this proposed cleanup. I am very concerned about the amount, breadth and depth, and length of time, and kinds pollutants that have contaminated this critical area.

As in most situation addressed by Model Toxic Control Act, the Remedial Investigation/Feasibility Study (RI/FS) is prepared for public review. We should have the same ability to review the this fully characterized site contaminants and know all of the cleanup alternatives. We may not provide comment on a proposed cleanup without actually having the full range of documents and information we need to assess the quality of that cleanup.

Please allow more time and make more opportunities for the public to review and comment on this clean up plan.

Thank You,
Carol Follett

Guenther, John (ECY)

From: Petrovich, Brad (ECY)
Sent: Monday, March 09, 2015 4:58 PM
To: Guenther, John (ECY)
Subject: FW: Dept. of Ecology - Public Comment Period - Harris Avenue Shipyard Cleanup Site - Bellingham

Hi John -

Forwarding to you for reply. You can either reply to him right now if you have time, or you can tell him you will reply when the public comment period is over. I think this does count as an official comment though...so it should be part of the official response either way.

I will keep it on record also as part of the replies we get.

Thanks.

brad.petrovich
department of ecology / skykomish & bellingsham bay cleanup teams
3190 160th avenue se / bellevue, wa / 98008
phone: 425.533.5537
email: brad.petrovich@ecy.wa.gov

From: Monte D Hokanson [<mailto:monte.hokanson@hotmail.com>]
Sent: Monday, March 09, 2015 4:31 PM
To: Petrovich, Brad (ECY)
Subject: Re: Dept. of Ecology - Public Comment Period - Harris Avenue Shipyard Cleanup Site - Bellingham

Brad,

According to the plan some industrial stormwater is sheeting off the pavement directly into the bay.

Can this runoff be captured and discharged to the sewer treatment plant?

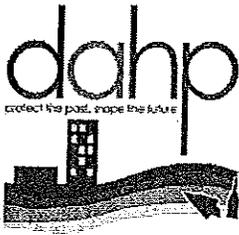
Can this runoff be redirected to shore line rain gardens? There are small areas alongside the current dock that might work if the pavement was removed.

Respectfully,
Monte

On Mar 6, 2015, at 2:47 PM, Petrovich, Brad (ECY) <bp461@ecy.wa.gov> wrote:

All -

Attached is a fact sheet regarding the cleanup at the Harris Avenue Shipyard site in Bellingham. Ecology is conducting a public comment period for this site from March 9 - April 7, 2015. You are receiving this



Allyson Brooks Ph.D., Director
State Historic Preservation Officer

March 11, 2015

Mr. John Guenther
Department of Ecology
1440 10th St., Suite 102
Bellingham, Washington 98225

In future correspondence please refer to:

Log: 031115-02-COE-S

Property: Harris Avenue Shipyard MTCA Clean-up (NWS 2014-1157)

Re: More Information Needed

Dear Mr. Guenther:

Thank you for contacting our office regarding the Determination of Nonsignificance for the Harris Avenue Shipyard MTCA Clean-up. As the state agency with environmental expertise in Cultural Resources, we cannot concur with this SEPA finding. The Scope of Work for the clean-up involves the removal of historic-era structures from a National Register Listed Historic District.

This action is subject to further review by the Department of Archaeology and Historic Preservation (DAHP) and the Federal Lead Agency as required under Section 106 of the National Historic Preservation Act of 1966 (36CFR800). Under this law, these issues will be addressed through consultation and a determination of effect will be made by the permitting agency: the US Army Corps of Engineers.

I would appreciate receiving any correspondence or comments from concerned tribes or other parties that you receive as you consult under the requirements of 36CFR800.4(a)(4) and the survey report when it is available. These comments are based on the information available at the time of this review and on behalf of the State Historic Preservation Officer (SHPO). Please contact me should you have any questions about our request and we look forward to receiving this material.

Thank you for the opportunity to review and comment.

Sincerely,

Russell Holter
Project Compliance Reviewer
(360) 586-3533
russell.holter@dahp.wa.gov

Cc: Chris Jenkins (USACE)

