



RESPONSIVENESS SUMMARY

**HOLLY STREET LANDFILL
Bellingham, Washington**

REMEDIATION DESIGN DOCUMENTS

September, 2004

ISSUED BY:

WASHINGTON STATE DEPARTMENT OF ECOLOGY

TOXICS CLEANUP PROGRAM

Introduction

On March 1, 2004 the draft final remedial design documents (Design Analysis Report, Construction Quality Assurance Plan, and design plans and specifications) for the Holly Street Landfill site in Bellingham were issued for a 30-day public comment period. Public involvement activities related to this public comment period included:

- Distribution of a fact sheet describing the site and the documents through a mailing to over 700 people, including neighboring businesses and other interested parties;
- Publication of a paid display ad in *The Bellingham Herald* on February 29, 2004;
- Publication of notice in the Washington State Site Register, dated February 25, 2004;
- 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 the Bellingham Public Library – Downtown Branch.

A total of seven (7) comment forms, letters, or e-mails were received regarding the Draft Final Remedial Design documents, as follows:

1. **Douglas** (comment form)
2. **Carpenter** (comment form)
3. **Olsen** (e-mail)
4. **McClintock** (letter and attachment)
5. **Washington Department of Fish and Wildlife** (WDFW; Williams; letter)
6. **Lummi Nation Tribal Historic Preservation Office** (Blum; e-mail); and
7. **RE Sources** (Steffensen; e-mail)

Based upon the public comment, several minor revisions were made to the documents prior to finalization. Cleanup is targeted to begin in September 2004.

All comments received are summarized below along with Ecology's responses to each comment. Copies of the comment letters are attached.

Background

The Holly Street Landfill site is a 13-acre historic solid waste landfill located in the Old Town district of Bellingham. In the late 1800s, the site was part of the original Whatcom Creek estuary and mudflat. Around 1905, private property owners began filling portions of the site with dredge spoils and other materials to increase useable upland areas. From 1937 to 1953, municipal waste was used by owners to fill private tidelands within the former Whatcom Creek estuary. Wastes disposed at the site included debris and scrap materials, consistent with landfill disposal practices of the time.

The solid waste covers approximately 9.1 acres on the northwest side of Whatcom Creek and 3.8 acres on the southeast side (Maritime Heritage Park). The City of Bellingham (City) currently owns 8.3 acres of the 13-acre landfill site, including all landfill properties located along the Whatcom Creek shoreline. Various private property owners own the remainder of the site.

Cleanup

The Holly Street Landfill site is subject to the investigation and cleanup requirements of the Washington State Model Toxics Control Act (MTCA; Chapter 173-340 WAC), administered by the Washington State Department of Ecology (Ecology). Under legal agreement between Ecology, the City, and other property owners at the site the nature and extent of contamination has been defined, a range of feasible alternatives evaluated, and a cleanup alternative selected.

The cleanup alternative selected by Ecology, following public review, addresses the physical presence of solid waste, methane production, as well as impacts to Whatcom Creek. The cleanup includes excavation of refuse along the northern shoreline of Whatcom Creek coupled with construction of an engineered cap, and placement of material along the southern shoreline to stabilize the bank. The cleanup also includes long term protection through legal restrictions on property use and monitoring of the cleanup action. The northern shoreline excavation and cap system is expected to control current releases of copper and zinc to Whatcom Creek that occur when estuary water mixes with the solid waste in the bank.

Excavation for the project will remove approximately 12,400 tons of solid waste, primarily from the northern bank prior to constructing the cap with clean materials. The excavated materials will be transported and disposed of at a permitted, off-site landfill. Excavation activities will utilize techniques and equipment to minimize potential construction-related water quality impacts.

The cleanup is being conducted under a legal agreement (Consent Decree) between Ecology and all the property owners at the site. The City of Bellingham is implementing the construction and monitoring elements of the cleanup, and all property owners are placing deed restrictions on their property.

Habitat Restoration and Public Access

Consistent with the Bellingham Bay Comprehensive Strategy finalized in 2000, the cleanup also restores historically lost habitat at the mouth of Whatcom Creek. The project will convert approximately 0.3 acres from upland to intertidal elevations, create side channel habitat, provide placement of large woody debris, remove invasive vegetation and re-introduce native plants. In conjunction with cleanup activities the City is constructing a boardwalk and viewpoints/overlooks along the estuary to improve public access to the shoreline.

Comments Received and Ecology Responses

Comment #1 - Douglas (comment form)

Comment Summary: Leave the landfill alone – let it be and save government dollars.

Response: Contaminants found at the Holly Street Landfill site pose a potential threat to human health and the environment through two main exposure pathways: direct human contact with solid waste and soils, and exposure of aquatic life to zinc and copper leaching into Whatcom Creek. Under the Model Toxics Control Act Cleanup Regulation (WAC 173-340) these potential threats must be addressed.

The cleanup remedy selected by the Department of Ecology (Ecology), after public notice and opportunity to comment, considered cost-effectiveness of alternative actions. In addition, the City of Bellingham is receiving grants from various state and federal agencies to complete both the remedial and development aspects of the project.

Comment #2 - Carpenter (comment form)

Comment Summary: Information on the remediation should be posted graphically in an on-site public area during construction.

Response: Signs and other graphical information will be provided on-site before, during and following construction.

Comment #3 - Olsen (e-mail)

Comment Summary: Support project, including boardwalk connection with other trails and greenways.

Response: Comment noted. The City has developed a project approach that efficiently and effectively blends multiple objectives into a single project effort, consistent with the Bellingham Bay Comprehensive Strategy finalized in 2000.

Comment #4 - McClintock (letter and attachment)

Comment Summary: Support project, and urge that the current RE Store building be removed and the entire site be allocated to open space and riparian habitat.

Response: Removal of the Re Store building and conversion of this area to open space/riparian habitat is a zoning and property owner issue. As the owners of the Re Store property, the City could pursue this course of action as long as measures are taken to continue the protection of human health and the environment.

Note that, consistent with the Bellingham Bay Comprehensive Strategy finalized in 2000, the cleanup also restores historically lost habitat in the Re Store area. The cleanup will convert approximately 0.3 acres from upland to intertidal elevations, create side channel habitat, provide placement of large woody debris, remove invasive vegetation and re-introduce native plants.

Comment #5 - Washington Department of Fish and Wildlife (WDFW; Williams; letter)

Comment Summary: Support project, and recommended 33 standard and project-specific conditions for construction of the project.

Response: *The 33 standard and project-specific recommendations for construction of the Holly Street project have been generally incorporated into the final project plans and specifications, and have been provided to the contractor. Note that a separate Hydraulic Project Approval (HPA) has been issued by WDFW for the boardwalk portion of the Holly Street project.*

Comment #6 - Lummi Nation Tribal Historic Preservation Office (Blum; e-mail)

Comment Summary: The Lummi Nation Tribal Historic Preservation Office will review the project under Section 106 of the National Historic Preservation Act (NHPA) and other applicable historic preservation laws.

Response: *Lummi Nation review of the project has occurred under Section 106 of the NHPA. Moreover, the City and Ecology proactively sought Lummi Nation review and comment prior to initiation of the formal Corps of Engineers permitting/106 consultation process. As a result of these coordination/consultation efforts it has been determined that cultural resources exist in the project area. Therefore, the City has retained the services of a professional archaeologist for monitoring construction excavation activities as described in a monitoring plan developed by the City and approved by the Corps of Engineers during the Section 106 review process.*

Comment #7 - RE Sources (Steffensen; e-mail)

Comment Summary: Concerned that the habitat restoration element of the project may not be implemented. Habitat improvements should be prioritized over public access boardwalk components. Best Management Practices should be in place prior to initiation of construction monitoring. Question regarding fine-grained substrate. Concern expressed about proliferation of invasive plant species, especially Japanese knotweed.

Response: *The City is implementing the habitat restoration element of the project in conjunction with the cleanup and public access elements.*

Construction practices including limiting placement/removal of the north bank materials to low-tide “in the dry” conditions, coupled with the concern that installation and maintenance of silt curtains in a near-shore tidal area would cause more turbidity than the construction activities themselves, have led to an adaptive management approach to addressing potential turbidity issues. Also see Comment #5 above.

The north bank slope softening will facilitate incorporation and retention of naturally occurring fine-grained substrate.

The surface portions of invasive plant species, including Japanese knotweed, will be removed by hand and properly disposed of prior to earthwork activities. Subsurface portions impacted by excavation activities will be removed and properly disposed.

PUBLIC COMMENTS

Holly Street Landfill Comment Form

Send

This is an invitation for comments on the following draft final 100% remedial design documents: **Design Analysis Report, Construction Quality Assurance Plan, and design plans and specifications** for the Holly Street Landfill. Please send your comments by March 30, 2004 to:

Lucy McInerney
Department of Ecology
3190 160th Ave S.E.
Bellevue, WA 98008-5452



Name and address optional

Name..... *J. Duvall*

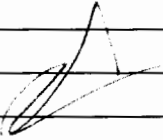
Address..... *PO Box 4082*

City..... *Bellevue, WA* Zip Code *98227*

E-mail Address.....

1. Do you have any comments about the remedial design described in the documents listed above? If so, please describe.

*According to the business at City Hall this
is a fine waste of Government money. No trouble
leaking has occurred in 90 years. Its time to just
leave it alone - leave it Be.
Do not disturb!*



RECEIVED
MAR 03 2004
DEPT OF ECOLOGY

Holly Street Landfill Comment Form

This is an invitation for comments on the following draft final 100% remedial design documents: **Design Analysis Report, Construction Quality Assurance Plan, and design plans and specifications** for the Holly Street Landfill. Please send your comments by March 30, 2004 to:

Lucy McInerney
Department of Ecology
3190 160th Ave S.E.
Bellevue, WA 98008-5452

Name and address optional

Name..... Julie Carpenter
Address..... ~~913 Lakeland Drive~~ 101 Soundview Rd (home)
City..... Bellingham WA Zip Code..... 98229
E-mail Address..... julie.carpenter@remax.net

1. Do you have any comments about the remedial design described in the documents listed above? If so, please describe.

Design should include posting of large, graphic public notice - including final layout & grading plan, in a public access area during remediation. Thanks!

RECEIVED

MAR 12 2004

DEPT OF ECOLOGY

98008-5452.

More information:

www.ecy.wa.gov/programs/tcp/sites/sites.html.

Reach Ericka Pizzillo at

*ericka.pizzillo@bellinghamherald.com or call
715-2266.*

[<< story index | top](#)



bellinghamherald.com

[home](#) [news](#) [classifieds](#) [entertainment](#) [real estate](#) [cars](#) [jobs](#) [personals](#) [herald services](#)

Copyright © 2002, The Bellingham Herald. 1155 N. State. St., Bellingham, WA 98225, Phone (360) 676-2600.

Use of this site signifies your agreement to the [Terms of Service](#) (updated 12/20/2002).

2024 Falcon Court
Bellingham, WA 98227

Dear Ms. McInerney:

My wife and I will move into our new Bellingham home at the above address in the first part of May, so this comment is from an about-to-be Bellingham resident.

We're strongly in favor of the overall cleanup of Bellingham Bay and its feeder streams. The article above makes a good case for working on Whatcom Creek.

Adding the boardwalk is a very nice touch ... especially if it connects to other trails and greenways. The more ordinary citizens we can entice down to the water, the more sensitivity will result in water quality issues.

Sincerely,

Thomas F. Olsen

March 29, 2004

State Dept of Ecology
3190 160th Ave SE
Bellevue, WA 98008-5452
Attn: Lucy McInerney

Ms. McInerney:

CC Bellingham City Planning Commission

Comment on the Holly Street boardwalk project, Bellingham, WA.

Thank you, and all others, involved with the conceptualization and development of this project. It is a very positive turn in an unfortunate history of pollution for this location.

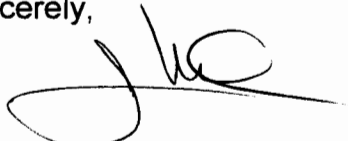
As for the design, my only comment is that this project should also include all the land currently occupied by the city owned Re Store building to the immediate north of the proposed boardwalk. I urge that the building be removed and the entire site be allocated to openspace/ riparian zone for Whatcom Creek.

My reasons:

- This would improve the overall aesthetics and balance of the space around the mouth of Whatcom Creek. Making this area more beautiful and people friendly also makes it more tourist friendly.
- This would allow more contaminated fill to be removed and result in a more complete cleanup of this site.

See attached letter to the Bellingham Planning Commission for some additional thoughts on the meaning of Whatcom Creek and the cleanup zone to Bellingham.

Sincerely,



Jim McClintock
1507 I Street
Bellingham, WA 98225
Hm/ Message: 360-671-6362

RECEIVED
MAR 30 2004
DEPT OF ECOLOGY

February 4, 2004

To: City of Bellingham Planning Commission

Re: Amendments to area 10 and I OA

Sirs:

I would first like to voice my support for the position taken by the Lettered Streets Neighborhood Association. I urge you to retain view a special condition and keep height limitations to 3 stories/ 35'. The reasons supporting this are many. I would like to comment on two of these. 1. Area 10/ 10A as a waterfront with potential for being a gateway to views, open space and public access of shoreline and bay. 2. Area 10/ 10A as the setting for Whatcom Creek and Maritime Heritage Park. In addition, I ask that the Sash and Door site be incorporated into an expanded creek-side/ waterfront park with a vision that ties it to the waterfront futures planning.

The history of Bellingham's waterfront is one dominated by industry. The future should be one of gradual reclamation by the public. We need a common vision that incorporates both Area 10/ 10A and lands west of Roeder. Nothing has been more long denied to the public than open space and view along our waterfront. The city must work together with the Port to balance exclusive uses of waterfront, (such as the Bellwether), with simple open space and public view. Large industrial buildings have helped us lose sight, literally, of the natural treasure of Bellingham Bay and the San Juans. A high-rise version of Area 10/ 10A will help make that permanent. Think of view as not only Bellingham's view of the bay, but of Bellingham from the bay. Nothing since the first encroachment of houses on the Chuckanut skyline would change the historical view of Bellingham from the bay more than a row of high-rise buildings in this oldest core of our city shoreline.

Area 10/ 10A is also the setting for the mouth of Whatcom Creek. Bellingham's early beginnings center around Whatcom Creek and the water serving its people and industry flow from it. This watercourse ties Bellingham to Lake Whatcom and via a diversion channel, to the Middle Fork of the Nooksack whose headwaters flow from the Demming glacier of Mt Baker. Whatcom Creek deserves a vision greater than one of an open sewer running behind buildings and a narrow buffer zone bordering the Sash and Door site.

A long-range plan for Whatcom Creek should include a gradual restoration of a wide (riparian) zone with pathways throughout its entire length to include both sides of its mouth. The entire Sash and Door site should be dedicated to open space that balances and completes a park/ green space around the mouth of Whatcom Creek. This "Whatcom Waterfront Park" would tie in nicely with a renewed citizens dock for day mooring and a gradual reclamation of the waterfront to public and tourist access.

Please protect the historical and tranquil character of Old Town and the view enjoyed by the surrounding neighborhoods and city. Help combine a vision of a Whatcom Creek park with the future of Bellingham's waterfront.

Sincerely,

Jim McClintock

1507 I Street, Bellingham, WA 98225;

Hm/ Message: 360-671-6362



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Region 4 Office: 16018 Mill Creek Boulevard - Mill Creek, Washington 98012 - (425) 775-1311

March 29, 2004

Washington Department of Ecology
Northwest Regional Office
Attention: Lucy McInerney
3190 160th Avenue S.E.
Bellevue, Washington 98008-5452

**Subject: Washington Department of Fish and Wildlife Comments - Holly Street
Landfill Cleanup - Whactom Creek Estuary, Tributary to Bellingham Bay,
WRIA 01.9700**

Dear Mrs. McInerney,

The Washington Department of Fish and Wildlife (WDFW) has reviewed the plans and supporting documentation for the proposed Holly Street Landfill Cleanup project and offer the following comments for your consideration:

1. WDFW supports the proposed Holly Street Landfill Cleanup project as illustrated in your project plans dated February 2004.
2. WDFW would like to see the following provisions required as a condition of the MTCA Agreed Order administered by the Department of Ecology:
 1. The proposed Holly Street Landfill Cleanup project should be constructed as illustrated in your project plans dated February 2004. Changes to the proposed cleanup project should be subject to prior WDFW consultation and approval.
 2. Construction activity below the ordinary high water line should not occur from March 15 through July 15 of any year for the protection of migrating juvenile salmon. In addition, construction activity below the ordinary high water line should not occur when the construction area is tidally inundated from July 16 through August 31 of any year for the protection of migrating juvenile salmon.
 3. Fill and refuse materials removed from the site should be disposed at an appropriate landfill site or recycled where possible.
 4. The release of waste materials during construction activities should be controlled per the terms and conditions specified in the Construction Quality Assurance Project Plan.

RECEIVED

MAR 30 2004

DEPT OF ECOLOGY

5. In-water excavation and capping should be held to an absolute minimum and should only be permitted at those limited sites where excavation and capping in the dry is not feasible.
6. Excavated surfaces subject to tidal inundation should be graded and rolled smooth prior to tidal inundation to reduce the potential for erosion.
7. Water quality in Whatcom Creek should be monitored per the terms and conditions specified in the Construction Quality Assurance Project Plan.
8. Based on the results of water quality monitoring in Whatcom Creek, turbidity best management practices (BMPs) should be required as determined necessary by either the City of Bellingham or the Department of Ecology.
9. Turbidity BMPs should be subject to the City of Bellingham and the Department of Ecology approval.
10. The caps should be designed and constructed as illustrated in your project plans to effectively isolate the landfill refuse from oxygenated water infiltrating from Whatcom Creek during high tide cycles.
11. The slope of the north shoreline of Whatcom Creek should not exceed a maximum slope of 3H:1V.
12. The slope of the south shoreline of Whatcom Creek should not exceed a maximum slope of 2H:1V.
13. The designed caps along the north and south shorelines of Whatcom Creek should be armored with the smallest rock material necessary to protect the caps from erosion.
14. Rock materials used to armor the cap along the north shoreline of Whatcom Creek should be top dressed with a top soil layer.
15. Rock materials used to armor the cap along the south shoreline of Whatcom Creek should be top dressed with a gravel layer.
16. Wherever possible, rounded rock and gravel should be used to armor and/or top dress the designed shoreline caps.
17. The upper shoreline areas along the north and south sides of Whatcom Creek that will have slopes of 4H:1V or steeper should be immediately covered with a biodegradable erosion control fabric.
18. Non native invasive vegetation should be removed from the upper shoreline areas along the north and south sides of Whatcom
19. The upper shoreline areas along the north and south sides of Whatcom Creek should be planted with native trees and shrubs as illustrated in the cleanup project plans.

20. The augmentation of the upland cap areas should not result in a net loss of aquatic habitat.
21. The grading and construction of the upland trail/boardwalk elements should not result in a net loss of aquatic habitat.
22. The upland boardwalk element that extends waterward of the ordinary high water line is not integral to the proposed MTCA clean up action and therefore will require a separate Hydraulic Project Approval (HPA).
23. The Holly Street Landfill Cleanup project should result in a net gain of intertidal estuarine habitat. Under no circumstances shall the cleanup project result in a net loss of intertidal estuarine habitat.
24. The proposed emergent marsh habitat bench should be created between the +10.0 and +6.0 tide elevations (MLLW = 0.00) and at a maximum 6H:1V slope as illustrated in the clean up project plans.
25. The proposed emergent marsh habitat bench between the +8.5 and +6.0 tide elevations (MLLW = 0.00) should be planted with native low marsh vegetation.
26. Large wood materials placed on the emergent marsh habitat bench should be installed without concrete anchors, located landward of the +8.5 tide elevation and sized to be stable during high tide cycles and stream flood flows..
27. Large wood materials placed waterward of the +8.5 tide elevation should be installed with anchors and configured and sized to be stable during high tide cycles and stream flood flows.
28. Under no circumstances shall pilings treated with creosote or other wood preservative be used for project construction waterward of the ordinary high water line.
29. The top elevation for the gravel berm associated with the proposed side channel element should not exceed the +8.0 tide elevation (MLLW = 0.00) as illustrated in the cleanup project plans.
30. The side slopes of the gravel berm associated with the proposed side channel element should not exceed a maximum slope of 2H:1V.
31. The gravel berm associated with the proposed side channel element should be constructed with quarried or native substrate materials. Under no circumstances should the gravel berm be constructed with construction debris or landfill materials.
32. Habitat performance monitoring should be implemented per the terms and conditions specified in the Project's Compliance Monitoring and Contingency Response Plan authored by Anchor Environmental 2002.

33. Cleanup compliance monitoring should be implemented per the terms and conditions specified in the Project's Compliance Monitoring and Contingency Response Plan authored by Anchor Environmental 2002.

WDFW appreciates the opportunity to provide the above comments regarding the proposed Holly Street Landfill Cleanup project. If you have any questions, please contact me at (360) 466-4345 extension 250.

Sincerely,

A handwritten signature in cursive script that reads "Brian Williams".

Brian Williams
Area Habitat Biologist

From: Wendy Steffensen [waters@re-sources.org]

Sent: Tuesday, March 30, 2004 4:57 PM

To: McInerney, Lucy

Subject: Holly St.

Wendy Steffensen

North Sound Baykeeper

RE Sources

1155 N. State St., suite 623

Bellingham, WA 98225

Lucy McInerney

Department of Ecology

3190 160th Ave. S.E.

Bellevue, WA 98008-5452

March 30, 2004

Dear Ms. McInerney:

Please accept these comments on the Design Analysis Report, February 2004, for Holly Street, on behalf of RE Sources and the North Sound Baykeeper.

I have a great deal of concern that the City has not obtained sufficient habitat restoration funding, as of the writing of the DAR (p.8). Much of the DAR is predicated on the assumption and very real hope that habitat restoration will be part and parcel of this clean-up. In the absence of habitat restoration, the clean-up may do very little good in terms of recovery of the area and the species which should be using it. Habitat restoration should be required to be part of the clean-up, as damage from the municipal landfill stems at least equally, if not more from the loss of physical habitat, than it does from the leaching of copper and zinc.

It is noted that the Technical Specification for the Holly Street Landfill Cleanup consists of excavation, backfilling, enhancement of an existing cap, and incorporation of a public access boardwalk, and a habitat restoration component. It is stated that the habitat restoration component is not necessary to achieve clean-up goals. I respectfully submit that the boardwalk is also not necessary to meet clean-up goals. In the interest of clean-up, habitat restoration trumps the incorporation of a boardwalk, and should be prioritized.

Improving park amenities and installing a boardwalk will help meet the goal of education and stewardship, but they will do nothing to actually improve on-the-ground habitat. The RE Store may be forced to relocate in order that the park amenities be developed. While moving the RE Store may, at some point, be inevitable and practical, forcing its move and putting in amenities, absolutely should not be done before available monies are used for habitat enhancement.

Table 8-1 lists the probable cost of construction. These costs should be broken out in terms of "necessary" remediation, habitat enhancement, and park/boardwalk amenities. It is not clear from the Table, what portion of money is needed for each specific goal.

Other Comments:

1) Use of Best Management Practices should not rely on monitoring results (p. 14). These should be in place prior to potential water quality excursions.

2) Will there be a need for ongoing maintenance to add/ incorporate fine-grained substrate? (p. 25)

3) Japanese knotweed is one of the invasive species that will be removed. If this has not already been done, please consult with Laurel Shiner at Whatcom County Noxious Weed Board on the removal of this invasive. Improper removal can actually lead to much worse infestations than currently exists. (p. 25, 27) If this plant takes hold it could destroy the riparian area we are trying to restore and be much more costly to eradicate.

Thank you for this opportunity to comment. I look forward to hearing your responses.

Sincerely,
Wendy S. Steffensen
North Sound Baykeeper

--

Wendy Steffensen
North Sound BayKeeper
RE Sources
1155 North State Street #623
Bellingham, WA 98225
(360) 733-8307
www.re-sources.org

From: Isaac Blum [IsaacB@lummi-nsn.gov]
Sent: Tuesday, March 30, 2004 2:28 PM
To: McInerney, Lucy
Subject: RE: Holly Street Landfill

Dear Ms. McInerney,

Thank you very much for providing the newsletter describing the status of the Holly Street Landfill Draft Final 100% Remedial Design Documents. The Lummi Nation Tribal Historic Preservation Office is reviewing all of the materials provided on Ecology's website. We look forward to reviewing this project under Section 106 of the National Historic Preservation Act (NHPA) and other applicable historic preservation laws in the future.

Thanks again,

~~~~~

Isaac Blum, Inter-Agency Liaison  
Lummi Nation Tribal Historic Preservation Office  
2616 Kwina Road, Bellingham, WA 98226  
360-384-2280 (p)/ 360-380-1850 (f)