



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Public Participation Plan**

### **I & J Waterway Cleanup Site Bellingham, WA**

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*Facility Site ID: 3145643*

*Cleanup Site ID: 2012*

February 2019

## Publication and Contact Information

This document is available on the Department of Ecology's I & J Waterway website at:  
<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2012>

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**Public Participation Plan  
I & J Waterway Cleanup Site  
Bellingham, WA**

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Cleanup Site ID: 2012*

Washington State Department of Ecology  
Northwest Regional Office  
Toxics Cleanup Program  
Bellevue, Washington

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## **Introduction**

The Port of Bellingham (Port) and Bornstein Seafoods (Bornstein) are addressing sediment contamination at the I & J Waterway Cleanup Site (Site) under a legal agreement with the Washington State Department of Ecology (Ecology). The contamination is due to historic industrial operations and is present at potentially harmful levels. In order to protect human health and the environment, the contamination must be addressed in accordance with Washington's cleanup law, the Model Toxics Control Act.

Ecology developed this public participation plan (plan) as required under the MTCA, to promote meaningful community involvement in the Site cleanup process. The plan first discusses the MTCA and the cleanup process, then provides information about the Site. Next it describes planned public involvement activities and then addresses plan updates and amendments.

## **Washington's Cleanup Law**

Ecology derives its authority to require cleanup of contamination from the state Model Toxics Control Act (MTCA; [Chapter 70.105D Revised Code of Washington \(RCW\)](#)<sup>1</sup>). The MTCA provides requirements for contaminated site cleanup in Washington State and sets standards to ensure the cleanup protects human health and the environment. Standards for sediment cleanup are established in the state Sediment Management Standards, [Chapter 173-204 Washington Administrative Code \(WAC\)](#)<sup>2</sup>.

The MTCA began as a grassroots citizen's initiative in 1988, and started the process of systematically cleaning up contaminated sites in Washington. Under the MTCA, anyone with a current or past relationship with a contaminated site may be held responsible for cleaning it up to standards established to protect human health and the environment.

Ecology enacts the MTCA and oversees cleanups in the state and issues regulations and guidance governing those cleanups. The regulations are found in [Chapter 173-340 WAC](#)<sup>3</sup>. Ecology investigates reports of contamination, and if it poses a significant threat to human health or the environment, the site is placed on the Hazardous Sites List. The cleanup process begins once Ecology selects a site from the Hazardous Sites List.

Public participation is an important part of cleanup under the MTCA. Participation needs are assessed at each cleanup site according to the level of public interest and the degree of risk posed by the contamination. Individuals who live near the site, community groups, businesses,

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<sup>1</sup> <https://fortress.wa.gov/ecy/publications/publications/9406.pdf>




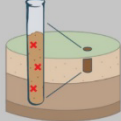






<sup>2</sup> <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

<sup>3</sup> <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-340>

government, other organizations, and interested parties have the opportunity to get involved by commenting during the cleanup process.

Under the MTCA, the cleanup process generally includes four steps, with opportunities for the public to review and comment on cleanup documents. In addition, a partial cleanup (called an interim action) can occur at any time during the cleanup process. The public is provided an opportunity to review and comment on planned interim action work as well.

### Steps in Washington's Cleanup Process

 <p><b>Interim Action</b></p>		<p>Cleanup action that partially addresses contamination at a site. Can occur anytime during the cleanup process. Typically performed to address contamination that poses an immediate threat to human health and the environment, or to take advantage of an opportunity to reduce overall cleanup costs.</p>
 <p><b>Remedial Investigation (RI)</b></p>		<p>Determines the nature, extent and magnitude of contamination at a site, and how people, plants and animals may be exposed to the contamination.</p>
 <p><b>Feasibility Study (FS)</b></p>		<p>Identifies various methods to eliminate exposure to the contamination found by the RI. Assembles methods into a range of cleanup alternatives. Evaluates alternatives through an environmental benefit versus cost analysis. This process identifies a preferred alternative.</p>
 <p><b>Cleanup Action Plan (CAP)</b></p>		<p>Describes Ecology's selected cleanup action for the site. Developed based on information in the RI/FS. Includes cleanup standards, a schedule for design and construction work, and requirements for monitoring, operation and maintenance of the cleanup action.</p>
 <p><b>Cleanup, Monitoring, and Use Restrictions</b></p>		<p>Construction of the cleanup action described in the CAP. Post-construction monitoring, operation and maintenance activities. Restricting or prohibiting certain activities that could expose any remaining contamination or adversely impact the cleanup action, without prior Ecology approval.</p>

 Opportunities for public review and comment

Figure 1: Steps in Washington's Cleanup Process



MTCA cleanups also require evaluation under the State Environmental Policy Act (SEPA; Chapter 197-11 WAC). Under SEPA, the potential for significant adverse environmental impacts from a project or action must be evaluated by state and local agencies when making decisions. This evaluation is subject to public review and comment in parallel with cleanup documents.

## Site Information

### Location, ownership, and history

The Site consists of contaminated marine sediment and is located between Hilton Avenue and Bellwether Way on the Bellingham waterfront (see Figure 2). The Port owns the berth areas along the south shoreline of the Site and the uplands adjacent to the south and east shorelines of the Site. The state of Washington owns most of the remaining aquatic land within the Site. The U.S. owns upland property adjacent to the north shoreline of the Site. The I & J Waterway federal navigation channel is located within the Site, which was authorized in 1965 and constructed in 1966.

Between the early 1900's and 1940, Whatcom Falls Mill Company owned and operated a lumber mill adjacent to the Site. After the Port acquired ownership in 1944, they began leasing to a variety of industrial tenants. Bayshore Lumber operated a lumber mill at the head of the waterway from 1947 to 1962, and H&H Products managed the same mill from 1963 to 1972. From 1963 to 1992, Olivine Corporation operated a rock crushing plant for the mineral olivine which periodically released dust and wastewater into the waterway. North



**Figure 2: I & J Waterway cleanup site location**



**Figure 3: I & J Waterway facing northwest, April 1980; Washington State Archive**

## *Site Information*

Pacific Frozen Products managed a frozen foods processing plant between 1946 and 1959, and between 1959 and the present, Bornstein Seafoods has operated a seafood processing facility. The Bornstein building was destroyed by a fire in 1985 and rebuilt in the same location.

## **Contamination**

The Site includes marine sediment with contaminant levels above state cleanup standards established to protect human health and the environment. Contaminants include polycyclic aromatic hydrocarbons (PAHs), phthalates, phenols, and nickel. The contaminants are related to the historic industrial activities described above.

Along with these contaminants, other contaminants such as dioxins/furans, polychlorinated biphenyls (PCBs), and mercury are also present above state standards. Dioxins/furans are from multiple bay-wide sources including former pulp and paper mills and wood treating operations, and on-going burning activities. Mercury is related to past discharges from the Georgia-Pacific Pulp Mill. The source of PCBs is unknown.

## **Status of cleanup**

The Site is in the Cleanup Action Plan step of the state cleanup process shown in Figure 1 on Page 2.

In 2019, Ecology will issue a Cleanup Action Plan (CAP) for public review that describes our selected cleanup action to address contamination at the Site.

The CAP will be part of a legal agreement, called an agreed order, between Ecology, the Port, and Bornstein and will require them to design the sediment removal work described in the CAP. They will:

- Sample to refine the area requiring removal.
- Conduct engineering evaluations for dredging activities and a new dock and bulkhead.
- Prepare a design report that incorporates the results of the sampling and engineering evaluations.
- Prepare construction plans and specifications.

Design of the removal work is expected to take about two years. Performance of the removal work will occur in the future under a separate legal agreement. After the removal work is complete, design and performance of the remainder of the work described in the CAP will occur under separate legal agreements. All future legal agreements will be issued for public review and comment.

## Area land use and community

The Site is within Bellingham’s City Center Neighborhood (see Figure 4), contains a designated federal navigation channel, and is currently used for navigation and commerce purposes.

Most upland property adjacent to the Site is owned by the Port and leased for a variety of uses. Leases are in place for seafood processing at the Bornstein Seafoods facility, boat storage and maintenance at Hilton Harbor, and commercial buildings on the northern upland area.

The United States Coast Guard operates a station supporting personnel and patrol boats on the north shoreline.

The upland areas to the north and west of the Site are zoned for commercial use (see Figure 4).<sup>4</sup> A portion of the Site is located within the City of Bellingham’s [Waterfront District](#)<sup>5</sup> Urban Village (see Figure 5), which “has been in a state of transition from its long history as an active industrial site to a new mixed-use neighborhood.”<sup>6</sup>

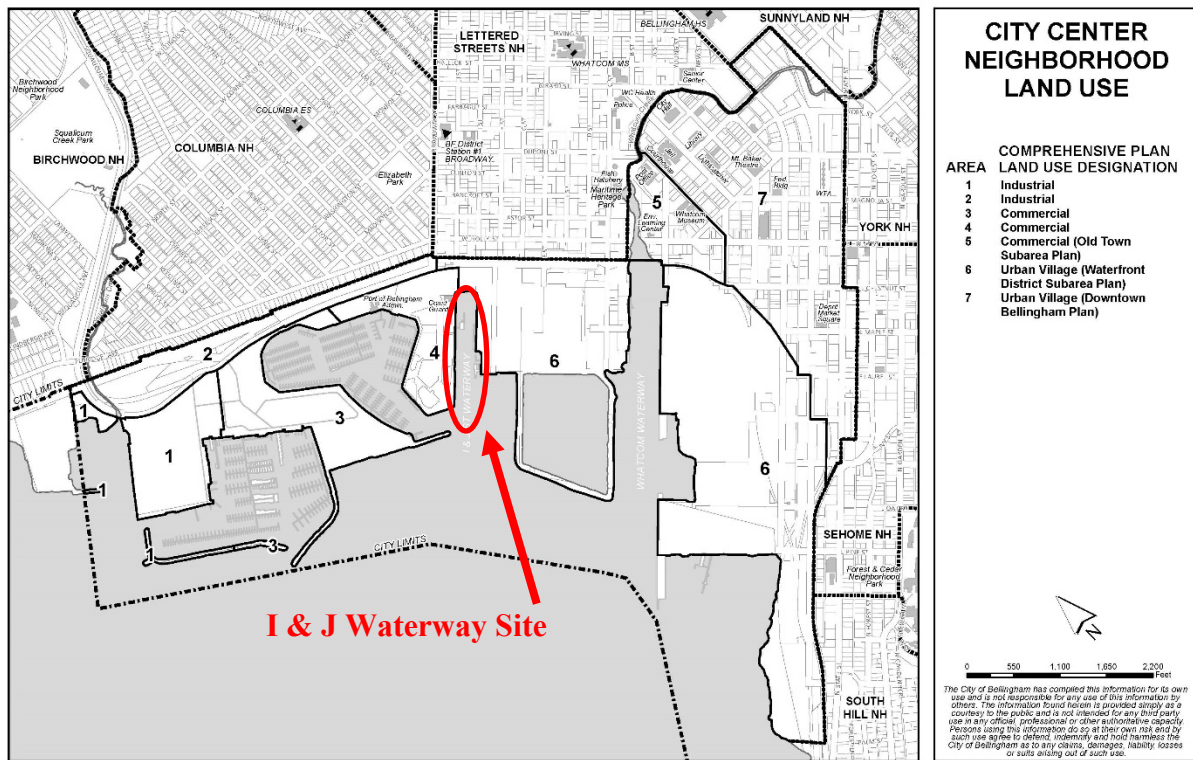


Figure 4: Cleanup site location in Bellingham’s City Center Neighborhood

<sup>4</sup> <https://www.cob.org/documents/gis/maps/land-use/CBD-bwLandUse.pdf>

<sup>5</sup> <https://www.cob.org/services/planning/urban-villages/waterfront>

Site Information

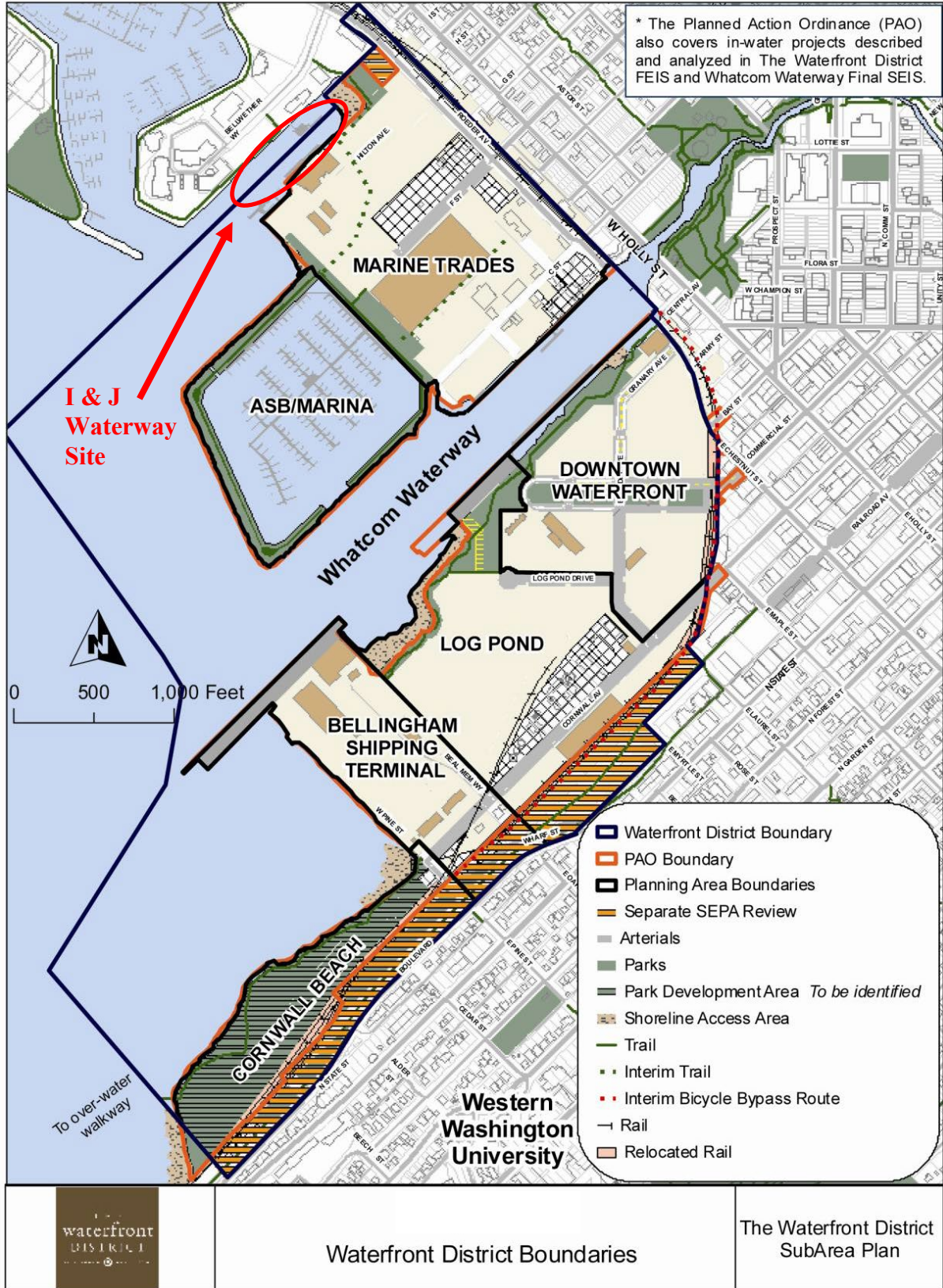


Figure 5: Waterfront District Boundaries and Site location; Sub-Area Plan 2013

Since 2002, approximately 750 new housing units have been constructed in the City Center Neighborhood and another 203 are in the permitting or construction phase. As a result, the total number of housing units in the City Center is now over 1,000.<sup>6</sup>

The [Environmental Protection Agency's Environmental Justice Screening and Mapping Tool](#)<sup>7</sup> reports a significant “low income population” in the area surrounding the Site.

The [United States Census Bureau's American Fact Finder](#)<sup>8</sup> census tract data reports no significant language populations speaking English less than “very well.”

Ecology will reach out to cultural community organizations as part of our public involvement efforts and provide information in other languages as appropriate following federal guidance.<sup>9</sup> The non-English language most widely spoken in the Site area is Spanish. As a result, Fact Sheets will provide contact information for Spanish speakers to request translation services. We strive to involve the whole community in our public participation efforts and welcome your input on additional measures we can take to reach the nearby community.

The Lummi Nation and Nooksack Tribe are federally recognized tribes that may harvest seafood from the Site. Ecology will reach out to these tribes throughout the cleanup process.

## **Public Involvement Activities**

This section describes how Ecology will share information with the community and how you can share information with us. In addition, this section provides information about state grants that are available to help the community understand and participate in the cleanup process.

### **How we share information with the community**

During specific steps of the cleanup process, Ecology will mail notices about upcoming public comment periods to residences and businesses near the Site. The mailing list area may vary depending on the type of contamination and where it is located, but at a minimum it will include addresses within a quarter-mile radius of the Site, and other interested organizations and individuals. The notices will provide general information about the Site, contact information for submitting comments, and times and locations of public meetings or hearings, or how to request one if one is not yet scheduled.

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<sup>6</sup> <https://www.cob.org/documents/planning/neighborhoods/city-center.pdf>

<sup>7</sup> <https://ejscreen.epa.gov/mapper/index.html?wherestr=47.505875%2C+-122.290814>

<sup>8</sup> <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

<sup>9</sup> Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 69 Fed. Reg. § 35602 (June 15, 2004).

Ecology may also develop documents outside of comment periods to keep the community updated on the Site's status. We will make these informational documents available online and, if warranted, by US mail.

Comment period notices and other Site announcements may also be posted in various locations throughout the community (for example, local businesses, schools, libraries).

## **Notification lists**

Ecology maintains an email list and a mailing list that includes: postal addresses within a quarter-mile radius of the Site; relevant local, state, federal, and tribal government contacts; and, other interested parties.

We will use these lists to send notices when cleanup documents are available for public review and comment or for other Site communications.

If you would like to be added to the email or mailing lists for this Site, please contact Ian Fawley at 360-255-4382 or [ian.fawley@ecy.wa.gov](mailto:ian.fawley@ecy.wa.gov).

## **Site Register**

Public comment periods, events, and other cleanup notices are published in Ecology's [Site Register](#).<sup>10</sup> To receive the Site Register by email, please contact Sarah Kellington at 360-407-7466 or [sarah.kellington@ecy.wa.gov](mailto:sarah.kellington@ecy.wa.gov)

## **Newspaper display ads or legal notices**

We announce public comment periods and events in ads or notices published in the Bellingham Herald. We will also publish notice on our [Public Input & Events Listing](#).<sup>11</sup>

## **Ecology's website and social media platforms**

We maintain a [website for the I & J Waterway](#) site.<sup>12</sup> The website provides Site information, including current status, public comment period information and documents, and other Site documents.

We may also share information about cleanup sites through [news releases, our ECOconnect blog, and social media](#).<sup>13</sup>

## **Document repositories**

During public comment periods, you can find print documents at the following locations:

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<sup>10</sup> [ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data](http://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Site-Register-lists-and-data)

<sup>11</sup> [ecology.wa.gov/Events/Search/Listing](http://ecology.wa.gov/Events/Search/Listing)

<sup>12</sup> <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2012>

<sup>13</sup> [ecology.wa.gov/About-us/Get-to-know-us/News](http://ecology.wa.gov/About-us/Get-to-know-us/News)

**Bellingham Public Library**

210 Central Avenue  
Bellingham, WA 98225  
Phone: 360-778-7323

**Washington Department of Ecology**

Bellingham Field Office  
913 Squalicum Way, Unit 101  
Bellingham, WA 98225

To schedule an appointment, please contact the Bellingham Field Office Administration Staff at 360-255-4400 or [ECYDLBFOADMINISUPPORT@ecy.wa.gov](mailto:ECYDLBFOADMINISUPPORT@ecy.wa.gov).

**Washington Department of Ecology**

Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452

To schedule an appointment, please contact the Northwest Region Office Central Records staff at 425-649-7190 or [sally.perkins@ecy.wa.gov](mailto:sally.perkins@ecy.wa.gov).

**Signs at the Site**

We may also install signs displaying information about cleanup status, traffic impacts, and health risks at the Site.

**How to share information with us**

Interested persons may ask questions, submit informal comments, or share Site information with Ecology at any time. However, to be included in the formal Site record, comments must be submitted in writing during designated comment periods. These written comments can be submitted via:

- Ecology's online comment form
- Email or mail to the Ecology Site Manager

We may also meet with interested community members and organizations to gather information and identify public concerns. To collaborate with us about this Site, please contact Ian Fawley at 360-255-4382 or [ian.fawley@ecy.wa.gov](mailto:ian.fawley@ecy.wa.gov).

**Public comment periods**

At minimum, the MTCA requires 30-day public comment periods for cleanup documents. Ecology may hold longer public comment periods based upon the complexity of the documents, level of public interest, or other compelling factors.

For related SEPA documents, these are typically issued for public review with the cleanup documents and follow their public comment period.

After a public comment period ends, we respond in writing to all comments received in a Response to Comments document. This document is provided to each commenter, and placed on the Site webpage. If the comments received result in significant changes to the cleanup documents, then we will revise and re-issue the documents for public review. If the comments do not result in significant changes, then the documents are considered final.

## **Public events**

We hold public meetings, workshops, open houses, and public hearings based on community interest. If we have not scheduled a meeting, we will hold one if we receive 10 or more written requests.

Events are held at locations close to the Site that meet Americans with Disabilities Act standards. Public meetings, workshops, open houses, and hearings are always announced in advance using a variety of methods.

## **Public participation grants**

Qualified individuals and not-for-profit public interest organizations are eligible to apply for a Public Participation Grant (PPG) from Ecology. For contaminated sites, these funds may be used to:

- Contract with an expert to help interpret technical jargon and information.
- Conduct activities that enhance the public's understanding of, and participation in, the site cleanup process.

For more information about PPGs, please contact Lynn Gooding at 360-407-6062 or [lynn.gooding@ecy.wa.gov](mailto:lynn.gooding@ecy.wa.gov). You may also visit Ecology's [Public Participation Grant website](#).<sup>14</sup>

## **Plan Amendments/Updates**

Ecology will review this plan as the cleanup progresses and amend/update it as necessary.

The public involvement activities presented herein describe Ecology's current plans for keeping the public informed and for receiving information and comments from the public.

If you feel the public involvement activities described in this plan are insufficient, or need modification, please contact Ian Fawley at 360-255-4382 or [ian.fawley@ecy.wa.gov](mailto:ian.fawley@ecy.wa.gov).

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<sup>14</sup> [ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants](http://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Public-participation-grants)