



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Public Participation Plan**

### **Harris Avenue Shipyard Cleanup Site Bellingham, WA**

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*Facility Site ID: 2922*

*Cleanup Site ID: 193*

March 2019

## Publication and Contact Information

This document is available on the Department of Ecology's Harris Avenue Shipyard website at: <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=193>

For more information contact:

Ian Fawley  
Public Involvement Coordinator  
Ecology – Bellingham Field Office  
913 Squalicum Way, Unit 101  
Bellingham, WA 98225  
360-255-4382

John Guenther, LHG  
Site Manager  
Ecology – Bellingham Field Office  
913 Squalicum Way, Unit 101  
Bellingham, WA 98225  
360-255-4381

Washington State Department of Ecology – [www.ecology.wa.gov](http://www.ecology.wa.gov)

- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
- Southwest Regional Office, Olympia 360-407-6300
- Central Regional Office, Union Gap 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

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**Public Participation Plan  
Harris Avenue Shipyard Cleanup Site  
Bellingham, WA**

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

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## **Introduction**

The Port of Bellingham (Port) is addressing soil, groundwater, and sediment contamination at the Harris Avenue Shipyard Cleanup Site (Site) under a legal agreement with the Washington State Department of Ecology (Ecology). The contamination is the result of ship building and other industrial activities conducted at the Site 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 Confirmed and Suspected Contaminated Sites List for further assessment. The cleanup process can begin at any time after a release of a hazardous substance to the environment has been discovered.

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>




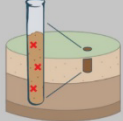






<sup>2</sup> <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-204>

<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 Harris Avenue Shipyard cleanup site is located at 201 Harris Avenue in Bellingham's Fairhaven Neighborhood. The Site consists of approximately 5 acres of contaminated marine sediment (in-water) and 5 acres of contaminated soil and groundwater (upland).

Shipbuilding activities began in the early 1900's, and in 1966 the Port began leasing to other industrial operations.

The State of Washington and the Port own the property within the Site. The Port and the Washington State Department of Natural Resources have a management agreement for the harbor-area parcels, including the aquatic and historical infill lands.

In 1998, the Port began voluntarily investigating sediment at the Site. Based on this work, Ecology and the Port entered into a legal agreement (agreed order) in 2003 to complete a comprehensive sediment investigation. In 2010, Ecology and the Port entered into a second agreed order to investigate upland soil and groundwater.



**Figure 2: Harris Avenue Shipyard cleanup site location**



**Figure 3: Harris Avenue Shipyard facing north, January 1967; Washington State Archives**

## Early cleanup action

In 2018, the Port, with Ecology oversight, completed an early cleanup action for a portion of the Site (see figures on page 3 and 4).

The early cleanup action, called an interim action:

- Removed wooden and creosote structures.
- Dredged and disposed of contaminated subtidal sediment.
- Excavated and backfilled intertidal areas with clean sediment.
- Excavated and disposed of contaminated soil, and capped with gravel.
- Replaced creosote-treated wooden pier with concrete and steel pier.



**Figure 4: Harris Avenue Pier before/after Interim Action**

## Contamination

Investigations conducted by the Port found contamination from former ship building and other industrial operations.

Contaminants were found at concentrations above state standards established to protect human health and the environment.

### **Soil and groundwater:**

- petroleum hydrocarbon compounds
- metals

### **Sediment:**

- polychlorinated biphenyls
- polycyclic aromatic hydrocarbons
- semivolatile organic compounds
- metals

## **Status of cleanup**

The Port is currently completing a remedial investigation and feasibility study report that summarizes investigation results, evaluates a range of cleanup alternatives, and identifies a preferred cleanup alternative. Ecology expects to issue the report for public review and comment in 2019.

Based on the information in the final remedial investigation and feasibility study report, Ecology will select a cleanup action to address contamination at the Site. We will describe our selected cleanup action in a draft Cleanup Action Plan. The plan will be part of a legal agreement that requires the Port and possibly others, to design and implement the cleanup action described in the plan. Ecology expects to issue the legal agreement and cleanup action plan for public review in 2020.

## **Area land use and community**

The Site is within Bellingham's Fairhaven Neighborhood and Fairhaven Urban Village and is zoned for industrial uses (see Figure 5). "Industrial areas are intended to provide for a range of potential uses from "light" industrial uses like research and development to water related industrial uses to "heavy" industrial uses such as intensive warehousing, manufacturing, fabrication, assembly and distribution of goods. Some commercial uses are allowed in certain areas to allow more flexibility." The areas to the south of the Site are zoned for public use (see Figure 5). ([City of Bellingham municipal code](#)<sup>4</sup>)

The Fairhaven was one of the "three pioneer settlements on Bellingham Bay that merged to become the City of Bellingham in 1904." Fairhaven residents live in a mix of "single-family homes, apartment buildings, and condominium complexes." Many amenities are within walking distances and Fairhaven neighborhood's commercial center is the Fairhaven National Register Historic District. (City of Bellingham, [Fairhaven Neighborhood](#)<sup>5</sup>) The Amtrak Station, Greyhound Bus depot, and the Alaska Marine Ferry are located at the Fairhaven Transportation Center which is next to the Harris Avenue Shipyard – a cleanup site and an active industrial shipyard.

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<sup>4</sup> <https://bellingham.municipal.codes/BMC/20.37.310>

<sup>5</sup> <https://www.cob.org/services/planning/neighborhoods/Pages/fairhaven.aspx>

Site Information

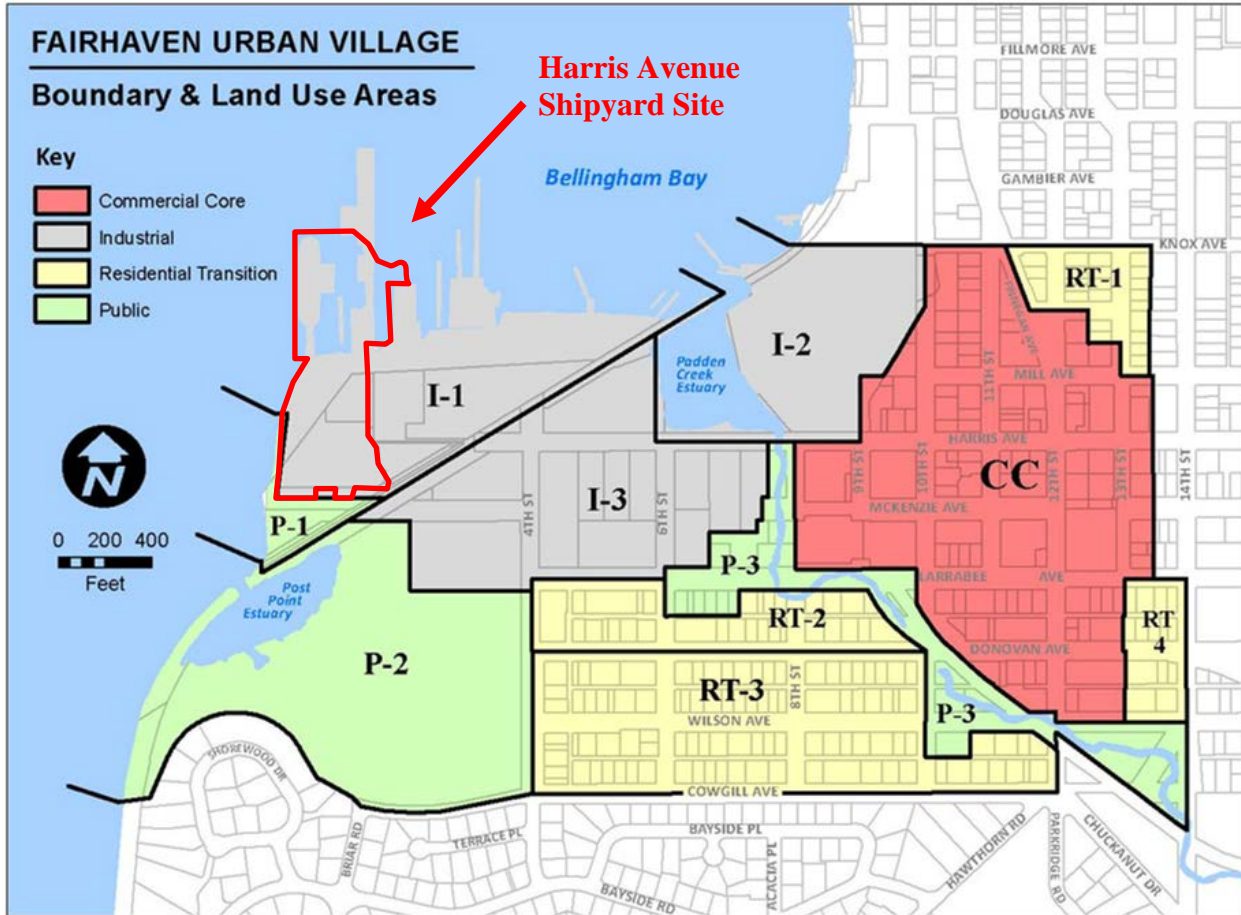


Figure 5: Fairhaven Urban Village and Area Boundaries Map

The [Environmental Protection Agency’s Environmental Justice Screening and Mapping Tool](#)<sup>6</sup> reports a significant “population over 64 years of age” in the area surrounding the Site. Ecology will plan our public outreach to consider this population’s needs.

The [United States Census Bureau’s American Fact Finder](#)<sup>7</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>8</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

<sup>6</sup> <https://ejscreen.epa.gov/mapper/index.html?wherestr=47.505875%2C+-122.290814>

<sup>7</sup> <https://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

<sup>8</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).

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.

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>9</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), or [subscribe online](#).<sup>10</sup>

## **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 Harris Avenue Shipyard](#) 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:

### **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

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<sup>9</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>10</sup> <http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?SUBED1=SITEREGISTER&A=1>

<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=193>

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

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 MTCRA 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)