DEPARTMENT OF ECOLOGY
State of Washington

Response to Comments

Agreed Order, Cleanup Action Plan, SEPA Determination of Non-Significance

I & J Waterway Site
Bellingham, WA

Facility Site ID: 3145643
Cleanup Site ID: 2012

April 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

For more information contact:

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- Eastern Regional Office, Spokane 509-329-3400

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Washington State Department of Ecology

Northwest Regional Office

Toxics Cleanup Program

Bellevue, Washington

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Public Outreach

From February 19 to March 20, 2019, the Department of Ecology (Ecology) solicited public comments on an agreed order (legal agreement), cleanup action plan, and a State Environmental Policy Act Determination of Non-Significance (SEPA DNS) for the I & J Waterway cleanup site (Site) on the Bellingham waterfront.

Our public involvement activities related to this 30-day comment period included:

- **Fact Sheet:**
  - US mail distribution of a fact sheet providing information about the cleanup documents, the public comment period, and a tour hosted by RE Sources for Sustainable Communities to approximately 975 people including neighboring businesses and other interested parties.
  - Email distribution of the fact sheet to approximately 200 people, including interested individuals, local/county/state/federal agencies, and interested community groups.
- **Legal Notice:**
  - Publication of one paid display ad in *The Bellingham Herald,* dated Friday, February 15, 2019
- **Site Register:**
  - Publication of five notices in Ecology's Toxics Cleanup Site Register:
    - Comment Period Notice:
      - February 14, 2019
      - February 28, 2019
      - March 14, 2019
    - Response Summary Notice:
      - May 9, 2019
    - Visit Ecology's Site Register website[1] to download PDFs.
- **Website**:
  - Announcement of the public comment period and posting of the Fact Sheet and associated documents for review on Ecology's I & J Waterway website[2]
- **Document Repositories:**
  - Provided copies of the document for public review through three information repositories:
    - Bellingham Public Library in Bellingham
    - Ecology's Bellingham Field Office in Bellingham
    - Ecology's Northwest Regional Office in Bellevue
- **Site Tour:**
  - Ecology's site manager and outreach specialist presented and answered questions at the Saturday, February 23, 2019 walking tour hosted by RE Sources for Sustainable Communities.
  - Port of Bellingham and Bornstein Seafoods site managers also presented and answered questions.
  - Approximately 40 attended.

[1]https://fortress.wa.gov/ecy/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter

[2] https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2012

Comment Summary

Ecology received three comments during the 30-day comment period.

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Timothy	Goodman	Department of Natural Resources	Agency
2	Amy	Kraham	City of Bellingham	Agency
3	Kirsten	McDade	RE Sources for Sustainable Communities	Organization

Next Steps

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 cleanup action plan will occur under separate legal agreements.

Future legal agreements, and the work they require, will be issued for public review and comment.

Comments and Responses

Ecology has reviewed and considered all comments received on the legal agreement, cleanup action plan, and SEPA DNS. Based on Ecology's evaluation of the comments, no changes were made to the documents, and they are being finalized.

The comments are presented below, along with Ecology's responses. Appendix A, page 13, contains the comments in their original format.

Comment from: Department of Natural Resources (Timothy Goodman)

The Washington State Department of Natural Resources (DNR) appreciates the opportunity to submit the following comments on the I & J Waterway MTCA Cleanup Site April 2018 Draft Cleanup Action Plan. DNR manages State owned aquatic land (SOAL) in accordance with RCW 79.105 through 79.140 and WAC 332-30, which are not exempt under MTCA. DNR is responsible for authorizing uses of SOAL and is the agency of recordation for institutional controls that encumber SOAL. The I & J Waterway cleanup is likely to require both an use authorization and institutional controls from DNR. Since use authorizations and institutional controls affect cost, public benefit, and logistical feasibility, DNR asks that relevant information be documented as early as possible in the cleanup process and not be deferred entirely to ancillary documents such as the institutional control plan.

The description of each remedy type should clearly state the degree to which the integrity of the remedy relies upon institutional controls. Please expand the description of each remedy type to include the sediment depth and area on SOAL that must remain undisturbed, the length of time use restrictions are required, and the conditions under which they can be removed in the future. If institutional controls are not required for a particular remedy, describe the degree to which disturbance of the sediment is allowed. This will enable DNR to determine the prohibited public uses, the terms of authorization, and to evaluate whether the proposed land use and restrictions are in harmony with DNR regulatory mandates.

Response:

Ecology is working with DNR at the Whatcom Waterway cleanup site to develop an institutional control mechanism that includes specific prohibitions and restrictions for different remedy types on state-owned land. That effort will inform prohibitions and restrictions for state-owned land within the I & J Waterway site.

Once the Whatcom Waterway effort is completed, Ecology will provide you with the requested information for the I & J Waterway site.

Comment from: City of Bellingham (Amy Kraham)

March 20, 2019

Lucy Mcinerney, Site Manager
WA Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008-5452

Via e-mail: Lucy.Mclnerney@ecy.wa.gov

RE: ***l&J Waterway Cleanup Site - Facility Site ID: 3145643; Site Cleanup ID: 2012***

Dear Ms. Mcinerney:

On behalf of the City of Bellingham, I am writing in response to the Department of Ecology's request for comments on the Cleanup Action Plan for the I & J Waterway Site.

The City has the following comments:

- *The draft plan identifies that ongoing monitoring will occur at the nearshore stormwater outfall. The plan indicates the outfall as belonging to the City of Bellingham. It is the City's position that this outfall and the 36" pipe that connects the outfall to the City's drainage system belongs to the Port and not the City. The City's historic stormwater outfall was buried in the early 1980s as part of the Inner Squalicum Harbor Marina development where the Bellwether peninsula now exists. The Port built the existing nearshore stormwater outfall with the Inner Squalicum Harbor Marina development project and never granted easements or transferred ownership to the City. The City does not operate the outfall or pipe either. The Port contends that a 1984 Utilities Easement Agreement transferred operation to the City, but that agreement only applies to water and sewer facilities. The City has never maintained or repaired the pipe. Figures 2-4 and 2-6 incorrectly label the nearshore stormwater outfall as the City's and not the Port's.*

- *"Existing creosote piles and bulkhead structures are also a potential source" of PAHs (p. 7). The City suggests that all creosote-treated timbers in the Dock Units, South Bank Unit, Head of Waterway Unit, should be replaced as part of this project. If they are not removed during the cleanup action, removal would be challenging in the future due to interference with the cleanup action.*

- *As mentioned in the Draft Cleanup Action Plan, the I & J Waterway has documented surf smelt spawning and could potentially provide spawning habitat for both sand lance and surf smelt (p. 16). The Head of Waterway Unit should receive a top-dressing of beach mix suitable for surf smelt and sand lance spawning. In addition, if possible, the existing conifer tree along the MHHW line should be retained/protected. The final cap in "Head of Waterway Unit" should not preclude a future park from including installation of overhanging shrubs and trees.*

  Current best available science suggests a sea level rise of 50 inches. Regarding development projects, the City's Planning Department has been requiring this amount of rise to be included in building permits. Although it is not completely clear how a cleanup would be treated for sea level rise for permit purposes, the City encourages the Port and Ecology to consider using 50 inches for The Head of Waterway Unit and project boundaries, beach restoration, and site protection.

- *The CAP considers erosional forces and notes the high-energy nearshore "may have slower natural deposition of fine-grained sediments than other areas" and*

"recovery rates may be reduced by the resuspension of fine-grained sediments from propeller wash or wave activity" near the Bornstein Seafoods dock (p. 10). Exacerbating these concerns, current sedimentation and climate change models do not take into consideration sea-level rise with changes in erosion/deposition resulting from future storm surges and wave events. The City of Bellingham is currently exploring the potential for a local hydrodynamic model that simulates the combined physical interaction of changes in the magnitude, frequency and timing of sea-level rise, storm surge, wave and rainfall/runoff events. Until we have such modeling results, the Enhanced Natural Recovery Area and Monitored Natural Recovery Area boundaries, depths, and monitoring should be designed with sufficient caution to account for the current simplified climate change modeling.

Thank you for giving the City of Bellingham this opportunity to provide comments on the I & J Waterway cleanup site.

Sincerely,

Amy Kraham
Environmental Project Manager and Senior
Assistant City Attorney
210 Lottie Street
Bellingham, WA 98225
(360) 778-8278

Response:

Head of waterway stormwater outfall:

Ecology referred your comment to the Port of Bellingham. We understand that they will contact you to work towards verifying ownership of this outfall.

Creosote-treated timber:

The cleanup action will remove and replace the timber dock and replace the timber bulkhead in the Dock Units.

Regarding the South Bank and Head of Waterway Units, the cleanup action does not call for replacing the existing timber bulkhead for the following reasons:

- In contrast to the timber bulkhead in the Dock Units, this bulkhead is in good condition and the adjacent cleanup work will not affect its structural integrity.

- This bulkhead is unlikely to result in post-construction exceedances of required cleanup levels in surface sediment. Post-construction compliance monitoring will determine the need for additional cleanup/source control measures.

- Removal of treated timber from the aquatic environment typically occurs when a structure is no longer in use, or is still in use, but has reached the end of its life and requires replacement.

When the South Bank and Head of Waterway bulkhead reaches the end of its life, permitting agencies will require the Port to replace it with environmentally friendly materials. Replacement will likely involve installing a new steel sheetpile wall with a vibratory hammer waterward of the existing bulkhead. This will minimize sediment disturbance. Ecology may require post-installation sediment monitoring to assess potential impacts to the cleanup action.

Note that the Port may elect to replace the South Bank and Head of Waterway bulkhead at the same time as the Dock Units bulkhead for cost efficiency.

Head of Waterway Unit:

This area of the site is within SCU-2, slated for design in 2023/2024. The current agreed order requires design of the cleanup action for SCU-1.

Future design of SCU-2 will consider habitat improvement elements within the constraints of the MTCA. In addition, natural resource permitting agencies will likely provide specific requirements for the composition of the cap surface.

With regard to retaining the existing tree, and installation of future shrubs and trees, the Port/Bornstein/Ecology will work with the City to coordinate the cap design and park design. However, installing and maintaining a cap that provides long-term protection of human health and the environment is the primary requirement of the cleanup action.

Sea level rise:

We appreciate this input and will work with the Port/Bornstein to evaluate the applicability of a 50-inch sea level rise estimate to the cleanup of the I & J Waterway site.

Local hydrodynamic model:

Ecology applauds your effort to perform such modeling. The enhanced natural recovery (ENR) and monitored natural recovery (MNR) areas of the site are within SCU-2, slated for design in 2023/2024. Perhaps the modeling results will be available for use at that time.

Comment from: RE Sources for Sustainable for Sustainable Communities (Kirsten McDade)

To: Lucy McInerney Site Manager
Department of Ecology, Northwest Regional Office 3190 160th Avenue SE

Bellevue, WA 98008

Transmitted Via Email to: http://cs.ecology.commentinput.com/?id=TuipA

19 March 2019

RE: I and J Waterway Cleanup Site - Cleanup Action Plan

Dear Lucy McInerney,

Thank you for taking the time to consider our comments on the I and J Waterway Cleanup Action Plan (CAP).

RE Sources for Sustainable Communities is a local organization in northwest Washington, founded in 1982. RE Sources works to build sustainable communities and protect the health of northwest Washington's people and ecosystems through the application of science, education, advocacy, and action. Our North Sound Baykeeper program is dedicated to protecting and enhancing the marine and nearshore habitats of northern Puget Sound and the Georgia Strait. Our chief focus is on preventing pollution from entering the North Sound and Strait, while helping our local citizenry better understand the complex connections between prosperity, society, environmental health, and individual wellbeing. Our North Sound Baykeeper is the 43rd member of the Waterkeeper Alliance, with over 300 organizations in 34 countries around the world that promote fishable, swimmable, drinkable water. RE Sources has over 20,000 members in Whatcom, Skagit, and San Juan counties, and we submit these comments on their behalf.

We are pleased about the extensive amount of soil monitoring that took place at this site to determine the types, quantities, and locations of the contaminants of concern. The Draft Cleanup Action Plan answered many of our questions about the proposed cleanup activities but there are a few places where we have concerns or places where were we would like additional information and/or clarification.

Treated wood:

We strongly feel that all treated wood should be removed from the cleanup site. This includes the pilings that are in the Head of Waterway Unit (the pocket beach) along with the treated wood that is a part of the bulk head in the South Beach Unit. Since 2004, there has been a state-wide effort lead by the Department of Natural Resources to get these toxic materials out of our waterways as they continue to leach chemical compounds into beach and marine sediments[1]. Creosote is known to be toxic to native fish development[2] and is likely one of the sources of the polycyclic aromatic hydrocarbons that are found in exceedance at the cleanup site. In fact, Figure 2-5 shows that the area adjacent to the creosote wood bulkhead has some of the highest cPAH levels in the site. The CAP has written that the I and J Waterway will be used as habitat for juvenile salmonids as well as

provide people a place for beach play and clamming opportunities. To ensure this site is clean enough and remains clean enough to meet these objectives, it is necessary to remove this treated wood alongside the other planned cleanup efforts.

Dredging in a naturally forming cap:

The proposed cleanup action plan states that the Navigational Channel East Unit and both Coast Guard units will not be dredged or capped but rather will be monitored for a naturally-forming cap. We wonder how a cap can form if the sediment is being periodically removed to maintain the navigation channel at -18 feet MLLW? Or if the dredging could potentially become an exposure route for contaminated sediments to the environment, especially benthic organisms? The last dredging event occurred almost 30 years ago, which leads us to believe it will need to be dredged in the near future. Alternatively, if the natural accumulation of sediment is expected to not be enough to need dredging, will there be enough natural accumulation to form an adequate cap over the contaminated sediment? Please clarify.

Contaminant removal:

Based on the maps in the CAP document the Berthing, Dock, Floating Dock, South Bank, and Head of Waterway units all have the highest level of contaminants, especially cPAHs. We feel that all of these units should be dredged to sufficiently remove the worst contamination. Allowing a naturally-forming cap does not technically mean that the area is recovering; the contaminated sediment is just being buried under cleaner sediment. In addition, if another dock is going to be placed here, it will be subjected to propeller action which will disturb the naturally forming cap. We feel the safest method, therefore, is to remove more of the contaminated sediment than the proposed cleanup action plan recommends.

Need for clearer, more transparent language:

There are a few places in the document where we felt the language could be clearer. For example, in the following quotes from the CAP: "The proposed cleanup action considers current and future community land-use, navigation, maintenance dredging infrastructure, and habitat enhancement" and "The proposed cleanup action considers erosional forces." In both phrases the term "considers" does not imply that any action will actually take place to address these important issues. It would be helpful to provide some examples so that the public (and our organization) fully understands what measures will be taken.

Because recontamination of the site is an important concern, we would also like to have more details on how stormwater will be managed and what upgrades are in the works. The CAP states that Ecology will "Continue to administer stormwater upgrades, maintenance, and best management

practices under NPDES permits to identify and reduce contaminants into the site." Like above, it would be really helpful to describe what these upgrades will look like and what BMPs will be administered to minimize the input of dioxins and other contaminants.

We would also like to be assured that climate change and sea level rise have been taken into consideration when designing the cleanup plan, specifically the cap height on the Head of Waterway Unit. Higher tides, bigger storm surges, and larger rain events could all impact these cleanup efforts.

Thank-you for reading our letter and giving our concerns consideration. We value this public comment process and believe that it strengthens community engagement and involvement in the cleanup of Bellingham Bay.

Sincerely,

Kirsten McDade, Pollution Prevention Specialist Eleanor Hines, North Sound BayKeeper, Lead Scientist RE Sources for Sustainable Communities

References:

[1] *DNR. Creosote Removal Project. https://www.dnr.wa.gov/programs-and-services/aquatics/restoration/creosote- removal*

[2] *Vines, C.A., Robbins T., Griffin, F.J. and Cherr, G.N. 2000. The effects of diffusible creosote-derived compounds on development in Pacific herring (Clupea pallasi). Aquatic Toxicology. Vol 51, Issue 2, pp 225-239.*

Response:

Treated wood:

The future cleanup of SCU-2 will remove the timber pilings at the head of the waterway.

Regarding the South Bank and Head of Waterway Units, the cleanup action does not call for replacing the existing timber bulkhead for the following reasons:

- In contrast to the timber bulkhead in the Dock Units, this bulkhead is in good condition and the adjacent cleanup work will not affect its structural integrity.

- This bulkhead is unlikely to result in post-construction exceedances of required cleanup levels in surface sediment. Post-construction compliance monitoring will determine the need for additional cleanup/source control measures.

- Removal of treated timber from the aquatic environment typically occurs when a structure is no longer in use, or is still in use, but has reached the end of its life and requires replacement.

When the South Bank and Head of Waterway bulkhead reaches the end of its life, permitting agencies will require the Port to replace it with environmentally friendly materials. Replacement will likely involve installing a new steel sheetpile wall with a vibratory hammer waterward of the existing bulkhead. This will minimize sediment disturbance. Ecology may require post-installation sediment monitoring to assess potential impacts to the cleanup action.

Note that the Port may elect to replace the South Bank and Head of Waterway bulkhead at the same time as the Dock Units bulkhead for cost efficiency.

Dredging in a naturally forming cap:

The water depth need for the Coast Guard is about one meter, and the Coast Guard dock is within the federal channel. As a result, the Port does not plan to request Corps maintenance dredging of the federal channel. However, Ecology will explore administrative mechanisms to ensure the long-term integrity of MNR areas within the federal channel.

Contaminant removal:

We understand the preference for more removal of contaminated sediment. State cleanup regulations also prefer permanent remedies like removal and treatment. However, cost is also a consideration.

The 2015 remedial investigation and feasibility study report for the I & J Waterway site evaluated a range of cleanup options through the MTCA-required disproportionate cost analysis. Many of the options had more sediment removal. The evaluation found the remedy described in the dCAP to be "permanent to the maximum extent practicable". See page 27 of the dCAP[3]. Ecology only has authority to compel the Port and Bornstein to implement the remedy found to be "permanent to the maximum extent practicable".

With regard to MNR as a cleanup method at the site, the zone of concern is where benthic organisms live (bioactive zone). In Bellingham Bay, this zone is the top 12cm. Natural capping or burial of contaminated sediment that results in a bioactive zone that meets cleanup levels is an appropriate cleanup method. Post-construction compliance monitoring will assess the rate of natural burial and determine the need for additional cleanup measures.

For long-term protection of MNR areas, environmental covenants and other potential administrative mechanisms will contain prohibitions and restrictions to protect the MNR areas

[3] https://fortress.wa.gov/ecy/gsp/DocViewer.ashx?did=80372

and other areas that leave contamination in-place. Activities that could jeopardize the integrity of the cleanup action will be prohibited without prior approval from Ecology.

Need for clearer, more transparent language:

There are a few places in the document where we felt the language could be clearer. For example, in the following quotes from the CAP: "The proposed cleanup action considers current and future community land-use, navigation, maintenance dredging infrastructure, and habitat enhancement" and "The proposed cleanup action considers erosional forces." In both phrases the term "considers" does not imply that any action will actually take place to address these important issues. It would be helpful to provide some examples so that the public (and our organization) fully understands what measures will be taken.

The term "considers" means that these issues are taken into account by the cleanup action. The specific design details will come next, as the Port and Bornstein perform the design work required by the agreed order.

Stormwater management:

Because recontamination of the site is an important concern, we would also like to have more details on how stormwater will be managed and what upgrades are in the works. The CAP states that Ecology will "Continue to administer stormwater upgrades, maintenance, and best management practices under NPDES permits to identify and reduce contaminants into the site." Like above, it would be really helpful to describe what these upgrades will look like and what BMPs will be administered to minimize the input of dioxins and other contaminants.

The referenced sentence from the dCAP reads, "The Port, City, and Bornstein Seafoods will continue to administer stormwater upgrades, maintenance, and best management practices under current National Pollutant Discharge Elimination System (NPDES) permits to identify and reduce contaminants into the Site." In simpler terms, this sentence is conveying that the Port, City of Bellingham and Bornstein will continue to comply with NPDES permit requirements, including any changes to stormwater management practices. Specific upgrades or new BMPs that may be required in the future are unknown at this time.

With regard to dioxins and furans, this is a bay-wide contaminant of concern, not associated with the releases that created the I & J Waterway site. Nonetheless, Ecology is working to determine how to address this ubiquitous contaminant.

Sea level rise:

We would also like to be assured that climate change and sea level rise have been taken into consideration when designing the cleanup plan, specifically the cap height on the Head of Waterway Unit. Higher tides, bigger storm surges, and larger rain events could all impact these cleanup efforts.

Sea level rise will factor into the design of the cleanup action. Upon distributing this response to comments, Ecology will sign the agreed order to which the dCAP is an exhibit. This will

trigger deadlines for design documents per Exhibit C of the agreed order. We will place final design documents on the site web page as they are completed.

Appendices

Appendix A. Public Comments in Original Format

Department of Natural Resources

The Washington State Department of Natural Resources (DNR) appreciates the opportunity to submit the following comments on the I & J Waterway MTCA Cleanup Site April 2018 Draft Cleanup Action Plan. DNR manages State owned aquatic land (SOAL) in accordance with RCW 79.105 through 79.140 and WAC 332-30, which are not exempt under MTCA. DNR is responsible for authorizing uses of SOAL and is the agency of recordation for institutional controls that encumber SOAL. The I&J Waterway cleanup is likely to require both an use authorization and institutional controls from DNR. Since use authorizations and institutional controls affect cost, public benefit, and logistical feasibility, DNR asks that relevant information be documented as early as possible in the cleanup process and not be deferred entirely to ancillary documents such as the institutional control plan.

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OFFICE OF THE CITY ATTORNEY
210 Lottie Street, Bellingham,WA 98225
Telephone: (360) 778-8270
Fax: (360) 778-8271

March 20, 2019

Lucy McInerney, Site Manager
WA Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008-5452

Via e-mail: Lucy.McInerney@ecy.wa.gov

RE: **I&J Waterway Cleanup Site – Facility Site ID: 3145643; Site Cleanup ID: 2012**

Dear Ms. McInerney:

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The City has the following comments:

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mix suitable for surf smelt and sand lance spawning. In addition, if possible, the existing conifer tree along the MHHW line should be retained/protected. The final cap in "Head of Waterway Unit" should not preclude a future park from including installation of overhanging shrubs and trees.

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Thank you for giving the City of Bellingham this opportunity to provide comments on the I & J Waterway cleanup site.

Sincerely,

Amy Kraham
Environmental Project Manager and
Senior Assistant City Attorney
210 Lottie Street
Bellingham, WA 98225
(360) 778-8278

RESOURCES FOR SUSTAINABLE COMMUNITIES
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Bellingham, WA 98225
(360) 733-8307 • re-sources.org

To: Lucy McInerney
Site Manager
Department of Ecology, Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008

Transmitted Via Email to: http://cs.ecology.commentinput.com/?id=TuipA

19 March 2019

RE: I and J WAterway Cleanup Site - Cleanup Action Plan

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Treated wood:

We strongly feel that all treated wood should be removed from the cleanup site. This includes the pilings that are in the Head of Waterway Unit (the pocket beach) along with the treated wood that is a part of the bulk head in the South Beach Unit. Since 2004, there has been a state-wide effort lead by the Department of Natural Resources to get these toxic materials out of our waterways as they continue to leach chemical compounds into beach and marine sediments[1]. Creosote is known to be toxic to native fish development[2] and is likely one of the sources of the polycyclic aromatic hydrocarbons that are found in exceedance at the cleanup site. In fact, Figure 2-5 shows that the area adjacent to the

creosote wood bulkhead has some of the highest cPAH levels in the site. The CAP has written that the I and J Waterway will be used as habitat for juvenile salmonids as well as provide people a place for beach play and clamming opportunities. To ensure this site is clean enough and remains clean enough to meet these objectives, it is necessary to remove this treated wood alongside the other planned cleanup efforts.

Dredging in a naturally forming cap:

The proposed cleanup action plan states that the Navigational Channel East Unit and both Coast Guard units will not be dredged or capped but rather will be monitored for a naturally-forming cap. We wonder how a cap can form if the sediment is being periodically removed to maintain the navigation channel at -18 feet MLLW? Or if the dredging could potentially become an exposure route for contaminated sediments to the environment, especially benthic organisms? The last dredging event occurred almost 30 years ago, which leads us to believe it will need to be dredged in the near future. Alternatively, if the natural accumulation of sediment is expected to not be enough to need dredging, will there be enough natural accumulation to form an adequate cap over the contaminated sediment? Please clarify.

Contaminant removal:

Based on the maps in the CAP document the Berthing, Dock, Floating Dock, South Bank, and Head of Waterway units all have the highest level of contaminants, especially cPAHs. We feel that all of these units should be dredged to sufficiently remove the worst contamination. Allowing a naturally-forming cap does not technically mean that the area is recovering; the contaminated sediment is just being buried under cleaner sediment. In addition, if another dock is going to be placed here, it will be subjected to propeller action which will disturb the naturally forming cap. We feel the safest method, therefore, is to remove more of the contaminated sediment than the proposed cleanup action plan recommends.

Need for clearer, more transparent language:

There are a few places in the document where we felt the language could be clearer. For example, in the following quotes from the CAP: “The proposed cleanup action considers current and future community land-use, navigation, maintenance dredging infrastructure, and habitat enhancement” and “The proposed cleanup action considers erosional forces.” In both phrases the term “considers” does not imply that any action will actually take place to address these important issues. It would be helpful to provide some examples so that the public (and our organization) fully understands what measures will be taken.

Because recontamination of the site is an important concern, we would also like to have more details on how stormwater will be managed and what upgrades are in the works. The CAP states that Ecology will “Continue to administer stormwater upgrades, maintenance, and best management practices under NPDES permits to identify and reduce contaminants into the site.” Like above, it would be really helpful to describe what these upgrades will look like and what BMPs will be administered to minimize the input of dioxins and other contaminants.

We would also like to be assured that climate change and sea level rise have been taken into consideration when designing the cleanup plan, specifically the cap height on the Head of Waterway Unit. Higher tides, bigger storm surges, and larger rain events could all impact these cleanup efforts.

Thank-you for reading our letter and giving our concerns consideration. We value this public comment process and believe that it strengthens community engagement and involvement in the cleanup of Bellingham Bay.

Sincerely,

Kirsten McDade, Pollution Prevention Specialist
Eleanor Hines, North Sound BayKeeper, Lead Scientist
RE Sources for Sustainable Communities

References:

[1] DNR. Creosote Removal Project. https://www.dnr.wa.gov/programs-and-services/aquatics/restoration/creosote-removal

[2]Vines, C.A., Robbins T., Griffin, F.J. and Cherr, G.N. 2000. The effects of diffusible creosote-derived compounds on development in Pacific herring (*Clupea pallasi)*. Aquatic Toxicology. Vol 51, Issue 2, pp 225-239.