DEPARTMENT OF ECOLOGY
State of Washington

Response to Comments

Remedial Investigation/Feasibility Study

Harris Avenue Shipyard Site
Bellingham, WA

Facility Site ID: 2922
Cleanup Site ID: 193

June 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:

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Site Manager
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- Headquarters, Olympia 360-407-6000
- Northwest Regional Office, Bellevue 425-649-7000
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Response to Comments

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Washington State Department of Ecology

Northwest Regional Office

Toxics Cleanup Program

Bellevue, Washington

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Table of Contents

List of Tables

Page

Tables

Public Outreach

From April 1 - 30, 2019, the Department of Ecology (Ecology) solicited public comments on an environmental report for the Harris Avenue Shipyard cleanup site in Bellingham. The report, called a remedial investigation/feasibility study (RI/FS):

- Describes contamination found at the Site.
- Evaluates cleanup alternatives.
- Identifies a preferred cleanup alternative.

The Port of Bellingham (Port) prepared this report with Ecology oversight. Investigations conducted by the Port found contamination from former shipbuilding and other historical operations.

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 and the public comment period to approximately 1,900 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, March 29, 2019.
- **Site Register:**
  - Publication of 4 notices in Ecology's Toxics Cleanup Site Register:
    - Comment Period Notice:
      - March 28, 2019
      - April 11, 2019
      - April 25, 2019
    - Response Summary Notice:
      - June 20, 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 Harris Avenue Shipyard website[2]
- **Document Repositories:**
  - Provided copies of the documents 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

[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=193

Comment Summary

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

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Janet	Migaki		Individual
2	Eleanor	Hines	RE Sources for Sustainable Communities	Organization
3	Cynthia	Flora		Individual
4	Amy	Kraham	City of Bellingham	Agency

Next Steps

Ecology will make a draft Cleanup Action Plan available for public review and comment (estimated in 2020). This draft Cleanup Action Plan for the Site is based on the information in the final Remedial Investigation and Feasibility Study report.

Comments and Responses

Ecology has reviewed and considered all comments received on the Remedial Investigation/ Feasibility Study. Based on Ecology's evaluation of the comments, no changes were made to the documents, and they are considered final.

The comments are presented below, along with Ecology's responses. Appendix A, on page 9, contains the comments in their original format.

Comment from: Janet Migaki

[Comment sent via email, April 16, 2019]

From: *Janet Migaki*
Sent: *Tuesday, April 16, 2019 1:47 PM*
To: *Guenther, John (ECY) <jque461@ECY.WA.GOV>*
Subject: *comments for harris ave shipyard cleanup*

John,

Thank you for providing a 'comment' pathway concerning the Harris Avenue shipyard site. I will be attending the public meeting tomorrow night, but wanted to pass along two of my questions:

1) What role do the contaminants coming from the WWTP outfalls have on the clean up plan ?

2) Where is the " upland landfill disposal of dredged materials" located.... what locations are being used to dispose of the dredged materials, and what are these locations? - ?landfills, other accumulating dredged material ? spread over uninhabited land ?

thank you for any answers you can provide,

Respectfully,

Janet Migaki

Response:

The Harris Avenue Shipyard cleanup site boundary was defined based on data collected during the remedial investigation conducted for the site. All of the contaminants identified are attributed to historic activities that occurred on the shipyard property. None of the contaminants are suspected of coming from the WWTP outfall.

The Port of Bellingham will solicit contractor bids for the eventual cleanup work. The contractor selected to conduct the work will choose which disposal facility to use for disposal of the contaminated materials. Ecology will require the Port and their contractor to dispose of the contaminated material at a permitted facility.

For the early removal work conducted in 2017 and 2018, contaminated soil and sediment was disposed of at Republic Services' landfill near Roosevelt, Washington.

[Ecology Site Manager, John Guenther, also replied via email on April 16, 2019.]

Hi Janet.

Thank you for your comments/questions. We can follow-up at tomorrow night's meeting.

1. I am not aware of any sediment contamination associated with the City's WWTP (i.e., Post Point) outfall. We have however determined the spatial extent of sediment contamination attributed to historic operations on the current Harris Shipyard property – this is part of how a cleanup site is characterized and defined.
2. The contractor that will be selected by the Port for the cleanup will determine which waste facility(s) the contaminated sediment and soil will go to. Ecology will require that the waste facility(s) meets all applicable requirements. For the Interim Action that we conducted at the shipyard a couple years ago, the contaminated sediment went to Waste Management's Columbia Ridge Landfill in Oregon and contaminated soil went to Rabanco's Roosevelt Landfill [near Roosevelt, Washington].

I hope you find this information helpful.

Regards,

John

John Guenther, LHG
Cleanup Project Manager
Toxics Cleanup Program
(360) 255-4381

Washington State Department of Ecology
913 Squalicum Way, Unit 101
Bellingham, WA 98225

Comment from: RE Sources for Sustainable Communities (Eleanor Hines)

To: John Guenther
Site Manager
Department of Ecology
913 Squalicum Way, Unit 101
Bellingham, WA 98225
Transmitted Online: bit.ly/Ecology-HarrisAveShipyard-Comments

April 30, 2019

RE: Harris Avenue Shipyard Remedial Investigation/Feasibility Study Public Comment

Dear John Guenther,

Thank you for taking the time to consider our comment on the Harris Avenue Shipyard Remedial Investigation/Feasibility Study (RI/FS).

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.

In the upland area preferred alternative 2, for AOC 2A and AOC 2B, the RI/FS mentions that where arsenic, copper, and zinc concentrations in unpaved areas exceed the CULs, one of two remedies may take place, depending on future intended uses. We recommend the first option of removing the first 2 feet of soil, adding a geotextile indicator fabric, and adding a cap to be more protective of the site, or otherwise the option that would remove the most contamination from the site and allow for the most diversity in future uses of the site. With Puglia's Fairhaven Shipyard off the site, the future use of this site is somewhat unknown. We also wonder if dredging will be needed in the future at this site, and if so, what will institutional controls look like?

We would also like to be assured that climate change and sea level rise have been taken into consideration when designing the alternative cleanup plans. Higher tides, bigger storm surges, and larger rain events could all impact these cleanup efforts. The caps proposed in the preferred alternative will need to be able to withstand the expected increase of storm events and sea level rise. This is also why removal of contaminants, whenever possible, should be done. Other cleanup sites have had contaminant breaches, such as Burlington Industries Superfund site in the City of Cheraw, South Carolina from Hurricane Florence, as well as at Port Gamble and Sinclair Inlet here in Washington where storm events have compromised sediment sites. Additionally, Marine Park, the park adjacent to this property, has experienced some serious erosional events during storm surges in the last 5 years, exposing utility lines and requiring maintenance.

As the site is in Usual and Accustomed Fishing Grounds for the Lummi and Nooksack Tribes, we urge Washington Department of Ecology to ensure that the cleanup levels are truly safe for fish consumption, especially for more sensitive populations with compromised immune systems and/or those who eat fish more regularly than the current Washington state regulations are set to, such as these tribal populations. Consultation with these tribes is recommended if not already done.

We would like to additionally note that there has been forage fish spawning documented on the Harris Avenue Shipyard pocket beach. Sand lance have been found in December and January in the Fairbanks and Pantilla 2016 Bellingham Bay study[1]. Surf smelt eggs have also been found on occasion at Marine Park during Whatcom Marine Resources Committee/WDFW surveys (per personal experience on surveys). These fish should be taken into consideration for construction windows in the future, as well as ensure that cleanup levels will be protective of them, particularly sand lance which burrow into the sand to spawn.

We appreciate that the public meeting presentation was made available online and that the disproportionate cost analysis (DCA) was further explained in more transparent detail. We also appreciate separating out the uplands and sediment portions for the DCA and alternatives for ease of comprehension and to ensure that one area of cleanup didn't sway the outcome of the other in the DCA. We look forward to the next step in this process, the Cleanup Action Plan.

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,

Eleanor Hines, North Sound BayKeeper,
Lead Scientist Kirsten McDade, Pollution Prevention Specialist

RE Sources for Sustainable Communities

References:

[1]Fairbanks, Chris and Daniel Panttila. 2016. Bellingham Bay Forage Fish Spawning Assessment. Prepared for Port of Bellingham, Bellingham Bay Habitat Action Team.
https://www.cob.org/Documents/pw/environment/restoration/Bellingham%20Bay%20Forage%20Fish%2 0Spawning%20Assessment%20-%20Final%20Report%20DRAFT%2003252016.pdf

Response:

The specific options and details for meeting the upland cleanup requirements will be determined during cleanup based on site conditions, sampling data and observations.

The proposed in-water cleanup actions are intended to be permanent to the maximum extent practicable. Site-specific engineering and institutional controls will be required if contamination is left in place. These controls may include the placement of marker materials, recorded deed restrictions, administrative controls and formal notification requirements. Any future activity that could affect the integrity of the cleanup action would be prohibited without prior Ecology approval.

Both sedimentation rates and climate change (e.g., sea level rise) were considered in the evaluation of all the cleanup alternatives presented in the feasibility study. Long term compliance monitoring of the cleanup will be adaptive and take new information into account as it becomes available.

The proposed risk-based cleanup screening level for cPAHs was developed based on Tribal seafood consumption rates. Because the Lummi Nation and Nooksack Tribes do not have their own Tribe-specific seafood consumption rate data, a Tulalip Tribes' study was used.

Proposed screening levels for other bioaccumulative contaminants include regional background, natural background, or the practical quantitation limit (PQL). See page G.1-23 of Appendix G of the RI/FS.

The cleanup of the pocket beach was conducted as part of the interim action in 2017–2018. Site-specific habitat-suitable substrate material was specified for the pocket beach by WDFW as part of project permitting and all in-water construction activities were and will be conducted only during the in-water work times authorized by state law (or the Washington Administrative Code, Section 220-660-330) for protection of fish during sensitive life stages.

Comment from: Cynthia Flora

As a citizen living a short walk from the Harris Ave Shipyard and dealing with numerous chronic, progressive lung diseases, I am very concerned about air quality when clean up occurs. Please describe how you will accommodate air quality as it impacts people whose health profile would qualify them as at high risk.

Imagine me as the canary in the mine. Up until three years ago I rarely gave any note to fire season here in Bellingham. Now that wildland smoke is an annual summer event I have had to pay close daily attention to AQI readings. Unlike most people I cannot enjoy the outdoors when the rating is "moderate"...in the yellow zone. I fall into the category of a "very small number of people who are unusually sensitive to air pollution for whom there might be a moderate health concern". Most people don't give it a second thought until quality is in the orange zone.

I have bronchiectasis which resulted in destruction of my large bronchi. Recently my small airways have begun to close as well, a condition known as bronchiolitis. These debilitating conditions make me very susceptible to bacterial and/or fungal infections, of which I have several that are multi-drug resistant. So for me, even the moderate air quality means not just moderate health concerns but possibly serious repercussions.

Ironically, my lung problems most likely were the result of working fifteen years as the business manager of a small shipyard in southeast Alaska. I was exposed daily to aerosolized mist from power washers that very likely contained non-tuberculous mycobacterium which now persist in my damaged lungs. My work environment exposed me daily to small but constant airborne volatile organic compounds and has left me with multiple chemical sensitivities.

Because there is an obvious limit to costs to reduce air borne contaminants, I realize such an unusual health fragility could not be addressed BUT surely notification of actions that might affect damaged lungs could be. It would enable me to protect my own health by leaving the area or staying indoors as needed. I assume email lists would be a relatively inexpensive way of communicating with citizens at variable levels of risk from airborne contaminants.

Anything less would not be acceptable. Thank you for your consideration.

Cynthia C Flora

Response:

We will notify citizens on our mailing list of the planned construction schedule prior to the start of construction activities.

Temporary construction related dust will be generated during the cleanup construction activities, but the contractor will be required to control fugitive dust. Air quality concerns are addressed through permitting and the use of best management practices and air quality monitoring during construction. These best management practices will be implemented throughout the cleanup construction activity.

Comment from: City of Bellingham (Amy Kraham)

1. Please show eelgrass bed(s) on Figure 2.3
2. 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, we suggest designing the Enhanced Natural Recovery Area with these other factors in mind.

Response:

Information from the *Eelgrass (Zostera marina L.) Abundance and Depth Distribution along the City of Bellingham Waterfront Whatcom County, Washington, May 2009* report by the Washington Department of Natural Resources was used for development of the RI/FS. Although there is no known eelgrass currently mapped in the project area, WDFW or DNR may require additional information, or actions to address eelgrass, as part of the project permitting process.

Perhaps the local hydrodynamic model will be available for use during the future design of the cleanup action ultimately selected by Ecology.

Note that sedimentation rates and climate change (e.g., sea level rise) were considered in the evaluation of all the cleanup alternatives presented in the feasibility study.

Appendices

Appendix A. Public Comments in Original Format

From: Janet Migaki
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RESOURCES FOR SUSTAINABLE COMMUNITIES
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2309 Meridian Street
Bellingham, WA 98225
(360) 733-8307 • re-sources.org

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