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# Whatcom Waterway Site Bellingham



## Cleanup Document Available for Public Review

The Washington State Department of Ecology (Ecology) is proposing to enter into a legal agreement called a consent decree with the Port of Bellingham (Port), the Washington Department of Natural Resources, the City of Bellingham, and Meridian-Pacific, LLC to implement the cleanup of the Whatcom Waterway site (see Figure 2 for a site map) and to settle their liability. The draft Consent Decree includes the following exhibits:

- **Exhibit A, Site Diagram:** shows the site location and vicinity.
- **Exhibit B, Draft Cleanup Action Plan:** describes Ecology's proposed cleanup action for the Site.
- **Exhibit C, Schedule of Work and Deliverables:** lists specific reports and actions required under the Consent Decree, along with the schedule for performance.
- **Exhibit D, List of Required Permits:** describes permits that will likely be required for implementation of the cleanup.
- **Exhibit E, Applicable Substantive Requirements:** lists regulatory requirements that Ecology will coordinate as part of implementation of the cleanup.
- **Exhibit F, Draft Public Participation Plan:** describes opportunities for public involvement.

The draft Consent Decree is available for public review and comment until **August 13, 2007**.

The box to the right contains information about where to view the document, and how to submit written comments. Ecology will review all comments received and may make changes to the document as a result of them. If these changes are significant, a revised document will be made available for public review.

## Mark Your Calendar for a Public Hearing!

Ecology invites you to a public hearing on **August 8, 2007, 6:30-9:00 p.m.**, at the **Bellingham Cruise Terminal, 355 Harris Avenue, Bellingham, WA**. This hearing is an opportunity for you to learn more

**July 2007**

### Draft Consent Decree Public Comment Period:

*7/12/07 – 8/13/07*

### Questions, written comments, or to be added to the site mailing list:

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### Documents can be reviewed at the following locations:

Department of Ecology  
Bellingham Field Office  
1440- 10<sup>th</sup> Street, Ste 102  
(360) 715-5200

Bellingham Public Library  
210 Central Avenue, Bellingham  
(360) 676-6860

Department of Ecology  
Northwest Regional Office  
3190 160<sup>th</sup> Avenue SE  
Bellevue, WA 98008-5452  
(425) 649-7190

Ecology's Website:  
[http://www.ecy.wa.gov/programs/tcp/sites/blhm\\_bay/sites/bel\\_bay\\_sites.html](http://www.ecy.wa.gov/programs/tcp/sites/blhm_bay/sites/bel_bay_sites.html)

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If you have special accommodation needs or require this document in an alternative format, please contact Lucille McInerney at (425) 649-7272 (Voice) or 711 or 1-800-833-6388 (TTY).

about Ecology's proposed cleanup action, to ask questions, and to provide Ecology with your comments.

### **Public Hearing Agenda**

**6:30 – 7:00 – *Overview***

**7:00 – 7:30 – *Questions and Answers***

**7:30 – 9:00 – *Public Testimony***

## **Responsiveness Summary**

On October 10, 2006 Ecology issued the following documents for a 69-day public review period:

- Draft Supplemental Remedial Investigation/Feasibility Study for the Whatcom Waterway site (RI/FS)
- Draft Supplemental Environmental Impact Statement for the Whatcom Waterway site (DSEIS)

162 oral and written comments received during the public comment period have been summarized and responded to by Ecology in a Responsiveness Summary. The Responsiveness Summary is available at the locations listed in the box on the first page of this fact sheet.

A number of the comments received on the RI/FS influenced Ecology's development of a draft Cleanup Action Plan (DCAP) for the Whatcom Waterway site (Site) as well as future remedial design considerations. However, the comments do not significantly change the RI/FS and it is now considered final.

The final RI/FS and DSEIS, and public comments received on these documents have been used by Ecology to develop a DCAP which describes Ecology's proposed cleanup action for the Site. The DCAP is one of several exhibits to the draft Consent Decree.

## **Draft Cleanup Action Plan**

The DCAP is designed to implement a cleanup for the Site that protects human health and the environment given the planned land and navigation uses of the Site. The following provides an overview of the contents of the DCAP:

- **Sections 1 and 2:** provide detailed background information on the Site, including a concise summary of information developed as part of the RI/FS.
- **Section 3:** documents the Model Toxics Control Act (MTCA) and the Sediment Management Standards (SMS) cleanup requirements as well as permits and other regulatory reviews that are required as part of cleanup implementation.
- **Section 4:** provides a summary description of each of the eight alternatives (Remedial Alternatives 1 – 8) described and evaluated in the RI/FS that could be used to conduct the cleanup of the Site.
- **Section 5:** contains a revised evaluation of Remedial Alternatives 5-8 against the MTCA and SMS remedy selection criteria that refines the evaluation performed in the RI/FS. Alternatives 1 – 4 are not evaluated by Ecology as possible cleanup actions because they cannot be executed given the Port's marina plans for the ASB area of the Site. Furthermore, the Port has proposed removal of contaminated sludges and sediments from the ASB which represents the most permanent cleanup alternative for this portion of the Site. Given that a permanent cleanup alternative has been proposed by the property owner for this one area of the Site, only those cleanup alternatives that incorporate this approach to the ASB (Alternatives 5-8) are considered in Ecology's revised evaluation. Section 5 concludes that Remedial Alternative 6 is the cleanup alternative that is permanent to the maximum extent practicable under MTCA and is identified as the preferred cleanup alternative for the Site.

- **Section 6:** describes Ecology’s proposed cleanup action for the Site. See summary description below.
- **Section 7:** describes how the cleanup action will be implemented, and presents the anticipated cleanup schedule.

## Ecology’s Proposed Cleanup Action

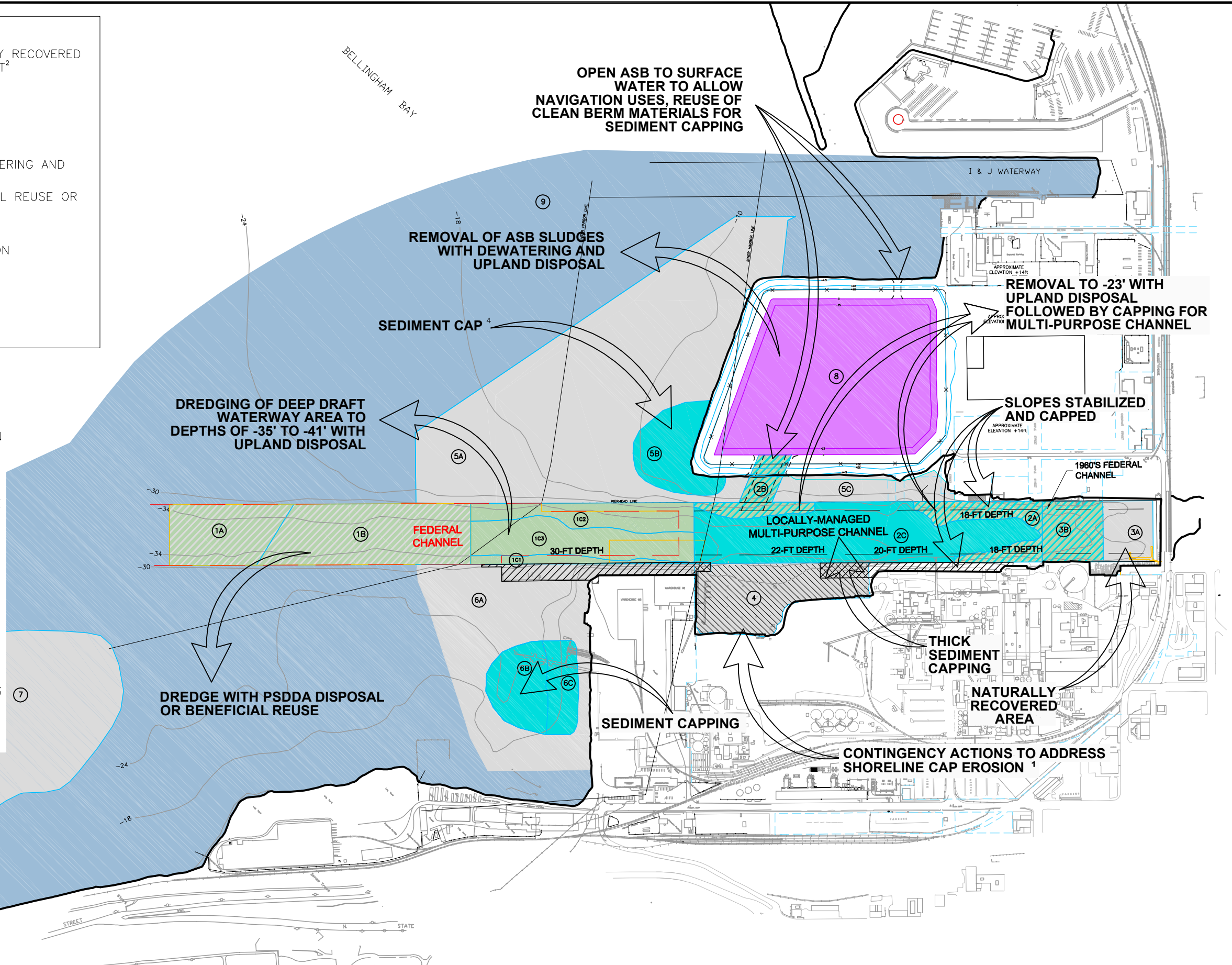
Ecology’s proposed cleanup action for this Site is described in detail in Section 6 of the DCAP. The proposed cleanup is depicted in Figure 1 and includes the following:

- **Outer Waterway:** Buried contaminated sediments in the Outer Whatcom Waterway next to the Bellingham Shipping Terminal will be removed by dredging. These sediments will be removed because they are likely to be disturbed by future deep-draft uses of this area. Contaminated dredged materials will be disposed of at a permitted upland facility.
- **Inner Waterway:** Buried contaminated sediments in the Inner Whatcom Waterway will be partially removed by dredging. The dredging will remove those sediments that may be disturbed by planned multi-purpose use of this Site area. Removed sediments will be disposed of at a permitted upland facility. Remaining contaminated sediments (principally those that are buried deepest within the waterway) will be contained in-place (capping). The sides of the waterway will be capped, with waterway sideslopes engineered to enhance slope stability and preserve nearshore aquatic habitat. An area of nearshore habitat located at the head of the waterway will be preserved.
- **Other Cap Areas:** Capping of contaminated surface sediments will be performed in two locations outside of the Inner Waterway. These include the “Aerated Stabilization Basin (ASB) Shoulder” and the “Barge Dock” Site areas shown in Figure 1.
- **Log Pond:** As part of the final cleanup action, contingency actions will be performed to contain contaminated surface sediments and to prevent cap erosion in the previously remediated Log Pond area of the Site.
- **ASB:** Contaminated sludges and sediments will be removed from the ASB and disposed of in a permitted upland facility. These materials will be removed because they would be disturbed by planned aquatic use of this area of the Site. Following the removal action, the ASB will be opened to connect the interior of the ASB to the waters of Bellingham Bay. Clean sand and stone materials from reshaping the ASB berm will be reused as part of other Site cleanup activities.
- **Remaining Site Areas:** Other areas of the Site include clean surface sediments that have deposited naturally over other more deeply-buried contaminated sediments. These areas are to be monitored to ensure that these sediments continue to comply with Site cleanup levels. This combination of natural sediment capping and monitoring is known as “monitored natural recovery”.
- **Institutional Controls, Monitoring and Contingencies:** The cleanup action includes institutional controls, monitoring and contingencies. These actions are described in Section 6 of the DCAP. Institutional controls are use controls that will be implemented in areas where contaminated sediments have been capped. Monitoring and contingencies apply to all Site areas and will be further developed as part of remedy design and permitting. Section 6 of the DCAP describes the framework for monitoring and contingencies to be applied at the Site. Long-term monitoring is anticipated to continue for 30 years following completion of the cleanup action.

**LEGEND**

- UNIT 9 SEDIMENT AREAS NATURALLY RECOVERED PRIOR TO 1996 RI SAMPLING EVENT<sup>2</sup>
- MONITORED NATURAL RECOVERY<sup>3</sup>
- SEDIMENT CAPPING<sup>4</sup>
- SEDIMENT REMOVAL WITH UPLAND DISPOSAL
- ASB SLUDGE REMOVAL WITH DEWATERING AND UPLAND DISPOSAL
- SEDIMENT REMOVAL WITH BENEFICIAL REUSE OR PSSDA DISPOSAL
- SEDIMENT REMOVAL WITH CAPPING
- LOG POND INTERIM REMEDIAL ACTION
- 5A SEDIMENT SITE UNIT
- PROPERTY LINE
- 1997 BATHYMETRY (MLLW)

- NOTE:**
1. CONTINGENCY ACTIONS TO ADDRESS SHORELINE CAP EROSION INCLUDE ADDITIONAL MATERIAL PLACED ALONG THE SHORELINE AND CONSTRUCTION OF ENERGY DISSIPATING GROINS. SEE APPENDIX A, FIGURE A-2 FOR A COMPLETE DESCRIPTION OF PLANNED CONTINGENCY ACTIONS FOR LOG POND.
  2. THE UNIT 9 AREA CONTAINS LOW-LEVEL MERCURY CONCENTRATIONS IN SUBSURFACE SEDIMENTS. THE OUTER BOUNDARY OF UNIT 9 IS ESTIMATED BASED ON AVAILABLE DATA. AS DISCUSSED IN SECTION 2.3, NO EXCEEDANCES OF SEDIMENT CLEANUP STANDARDS WERE NOTED DURING EITHER THE 1996 OR 2002 SAMPLING EVENTS.
  3. SURFACE SEDIMENTS WITHIN PORTIONS OF UNITS 5, 6 AND 7 CURRENTLY COMPLY WITH CLEANUP STANDARDS. HOWEVER, EXCEEDANCES WERE NOTED DURING THE 1996 SAMPLING EVENT.
  4. SOME DREDGING IN SHALLOW-WATER AREAS OF UNIT 5B WILL BE PERFORMED PRIOR TO CAP PLACEMENT TO ACHIEVE A CAP SURFACE ELEVATION THAT MINIMIZES WAVE ENERGIES AFFECTING THE CAP.

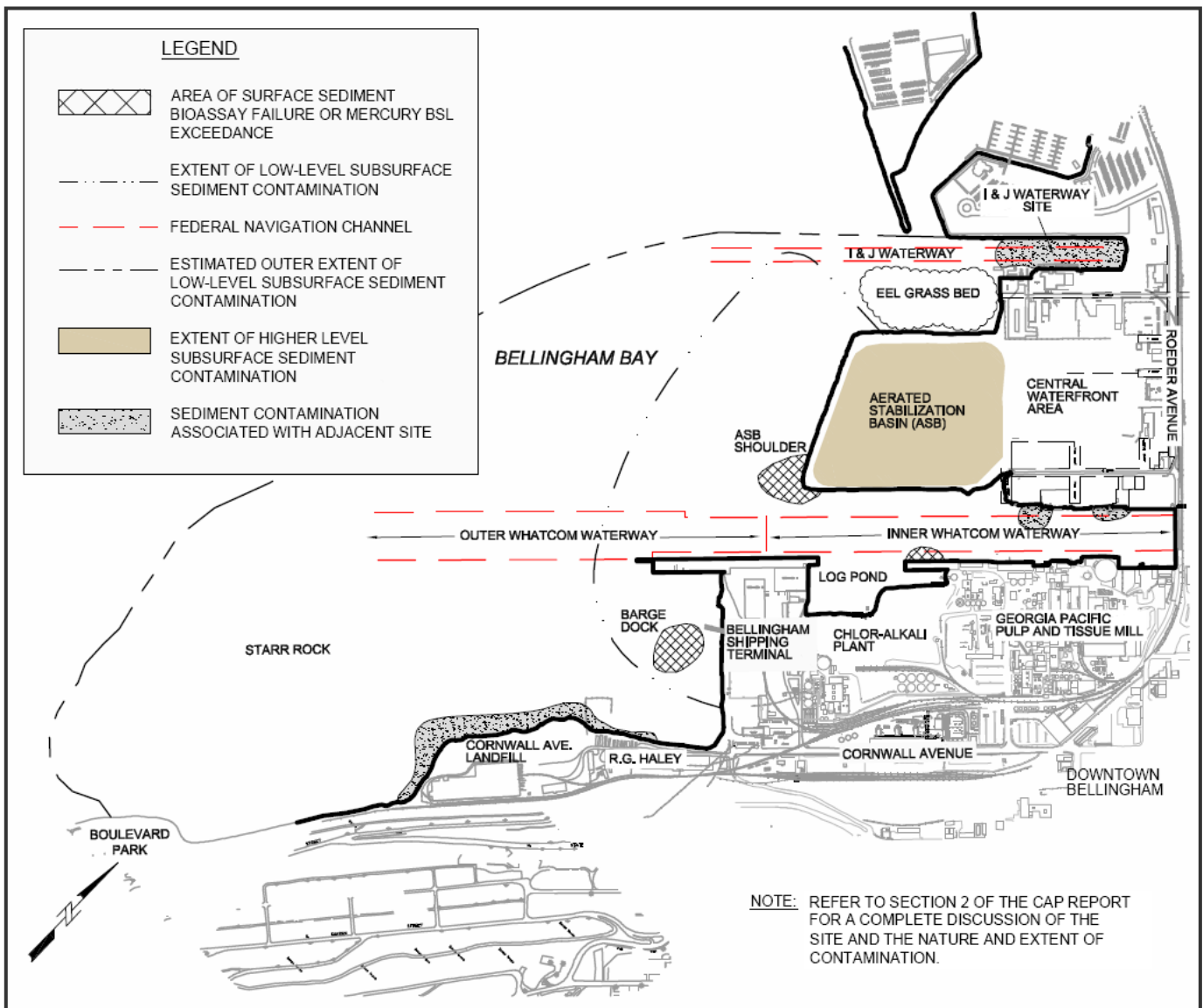


File: H:\18876\DCAP\18876DCAP008(E).dwg Layout: FIGURE 2 User: emarshall Plotted: Jul 06, 2007 - 11:39am Xref's:

## Site Location and Background

This Site is located within Bellingham Bay and includes land within and adjacent to the Whatcom Waterway (Figure 2). This Site includes mercury-impacted property as a result of discharges from Georgia Pacific's (GP) former chlor-alkali plant. Mercury was used at the chlor-alkali plant from 1965-1979 as part of a process to bleach and pulp wood fiber. Wastewater containing mercury was discharged into Bellingham Bay between 1965 and 1971. Between 1971 and 1979 pretreatment measures were installed to reduce mercury discharges. Direct wastewater discharges from the chlor-alkali plant wastewater discharges were discontinued in 1979 following construction of the Aerated Stabilization Basin (ASB). The ASB was built by GP to provide secondary treatment of pulp and tissue mill wastewaters in compliance with the Clean Water Act. In 2001, GP closed its pulp mill, eliminating the use of mercury. Also in 2001, GP, under Ecology oversight, completed a combined sediment cleanup and habitat restoration action in the Log Pond portion of the Site as an interim cleanup action.

**Figure 2**



In 2005, the Port acquired 137 acres of waterfront property from GP including property within the Site. As part of the transfer agreements, the Port agreed to be the lead entity working under Ecology direction to clean up the Site. The Port plans to open the ASB area of the Site to Bellingham Bay and develop a Clean Ocean Marina, and convert the Inner Whatcom Waterway area of the Site from an industrial waterway to a multi-purpose waterway.

In 2006 Ecology issued, for public review, a RI/FS and a DSEIS for the Whatcom Waterway Site. The RI/FS summarizes over ten years of environmental investigations performed under Ecology direction to characterize the nature and extent of contamination at the Site. The RI/FS also screens cleanup technologies and evaluates different potential cleanup alternatives under current and anticipated land and navigation uses. The DSEIS evaluates environmental impacts associated with the Site cleanup, and potential mitigation measures that could be used to address these impacts. The RI/FS was approved by Ecology on June 29, 2007.

## **What Happens Next?**

After the public comment period on the draft Consent Decree, Ecology will prepare a Responsiveness Summary which summarizes and responds to the comments received. If significant changes are made as a result of public comment, the Consent Decree will be issued again for public review. If no significant changes are made, Ecology will issue a final CAP, final PPP, and final SEIS, and enter the Consent Decree in Whatcom County Superior Court. The cleanup will then move forward into design and permitting.

As part of the design and permitting phase of the cleanup, a draft Engineering Design Report (EDR) will be developed and issued for public review. The draft EDR is expected to be released for public review in 2009 or early 2010. The draft EDR will contain design details on the proposed caps and other cleanup elements, as well as a Construction Quality Assurance Project Plan and a Compliance Monitoring and Contingency Response Plan. The objective of the plans is to confirm that cleanup standards have been achieved, and also to confirm the long-term effectiveness of cleanup actions at the Site. The plans will contain discussions on duration and frequency of monitoring and the trigger for contingency response actions. Following Ecology approval of the EDR, detailed construction plans and specifications will be developed, and construction of the cleanup action will be implemented.

Design and permitting of the cleanup is expected to take approximately two years, and construction of the cleanup is expected to take approximately four years.



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