



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Response to Comments**

### **Draft Cleanup Action Plan and State Environmental Policy Act (SEPA) Checklist and Determination**

#### **South State Street Manufactured Gas Plant Site Bellingham, WA**

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*Facility Site ID: 2865*  
*Cleanup Site ID: 4606*

August 2020

## Publication and Contact Information

This document is available on the Department of Ecology's South State Street  
Manufactured Gas Plant website at:

<https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4606>

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Washington State Department of Ecology

Northwest Regional Office

Toxics Cleanup Program

Bellevue, Washington

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## Public Outreach Summary

From June 22 to July 21, 2020, the Department of Ecology (Ecology) solicited public comments on a draft Cleanup Action Plan and State Environmental Policy Act (SEPA) checklist and determination of non-significance for the South State Street Manufactured Gas Plant cleanup site (Site) on the Bellingham waterfront. The plan calls for a combination of removing structures, capping contaminated soil and sediment, enhancing the natural breakdown of groundwater contamination, protecting the shoreline, monitoring conditions, and restricting activities that could disturb capped areas.

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 2,160 people including neighboring businesses and other interested parties.
  - Email distribution of the fact sheet to approximately 230 people, including interested individuals, local/county/state/federal agencies, neighborhood associations, and interested community groups.
- **Legal Notice:**
  - Publication of one paid legal ad in *The Bellingham Herald*, dated Friday, June 19, 2020.
- **Site Register:**
  - Publication of 4 notices in Ecology's Toxics Cleanup Site Register:
    - Comment Period Notice:
      - June 18, 2020
      - July 1, 2020
      - July 16, 2020
    - Response Summary Notice:
      - August 27, 2020
    - Visit [Ecology's Site Register website](#)<sup>1</sup> to download PDFs.
- **State Environmental Policy Act (SEPA) Notification:**
  - Ecology sent a notice to 19 state, county, city, port, and clean air agencies regarding the comment period for the SEPA Checklist and Determination and associated documents.
  - Ecology posted this information on the SEPA Register [SEPA # 202003160](#)<sup>2</sup>.
- **Media Coverage:**
  - Ecology sent a media notice on Thursday, June 18, 2020, to *The Bellingham Herald*, *Cascadia Weekly*, *Bellingham Business Journal*, Western Washington University's *The Planet*, and the [Northwest Citizen news website](#)<sup>3</sup>, and KGMI 790 AM.
  - *The Bellingham Herald* ran a [story online](#)<sup>4</sup> Thursday, June 18, 2020, and in print Friday, June 19, 2020.

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

<sup>2</sup> <https://apps.ecology.wa.gov/separ/Main/SEPA/Record.aspx?SEPANumber=202003160>

<sup>3</sup> <https://nwcitizen.com/>

<sup>4</sup> <https://www.bellinghamherald.com/news/local/article243630797.html>

- **Social Media:**
  - **Twitter:** Ecology – Northwest Region @ecyseattle posted a [tweet on Friday, June 12, 2020](#)<sup>5</sup> connecting readers to the comment period including the cleanup site webpage, a virtual tour, the online public meeting, and how to submit comments.
- **Virtual Tour**
  - Ecology collaborated with RE Sources, an Ecology Public Participation Grant recipient, on a [virtual tour](#)<sup>6</sup> hosted on RE Sources website. The virtual tour featured nine informational YouTube videos linked to a Google Map centered on the cleanup site.
- **Websites:**
  - Announcement of the public comment period and posting of the fact sheet and associated documents for review on [Ecology’s South State Street Manufactured Gas Plant website](#)<sup>7</sup> and Ecology’s [Public Inputs & Events webpage](#)<sup>8</sup>.
- **Online Public Meeting:**
  - In consideration of public health and safety, Ecology held an [online public meeting](#)<sup>9</sup> on Thursday, June 25, 2020 at 6 p.m. Approximately nine public attendees joined online along with the presentation team.
  - Ecology, City of Bellingham and Puget Sound Energy (and their consultants, GeoEngineers), presented about the Site’s draft Cleanup Action Plan and SEPA Determination and answered questions throughout the presentation.
- **Document Repositories:**
  - In consideration of public health and safety, Ecology could not offer in-person review options during the 30-day comment period. Outreach materials and websites directed the public to contact Ian Fawley, Outreach Specialist, for document review assistance.

## 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	Anonymous			Individual
2	Kirsten	McDade	RE Sources	Organization
3	Timothy	Goodman	Washington State Department of Natural Resources	Organization

<sup>5</sup> <https://twitter.com/ecyseattle/status/1271593521330388992?s=20>

<sup>6</sup> [www.re-sources.org/BoulevardPark](http://www.re-sources.org/BoulevardPark)

<sup>7</sup> <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=4606>

<sup>8</sup> <https://ecology.wa.gov/Events/Search/Listing>

<sup>9</sup> <https://apps.ecology.wa.gov/gsp/DocViewer.ashx?did=93048>



## Next Steps

Later in 2020, Ecology will finalize the Cleanup Action Plan informed by these public comments. Work will then begin on the pre-remedial design investigation, followed by design and permitting for the cleanup action.

## Comments and Responses

Ecology has reviewed and considered all comments received on the draft Cleanup Action Plan and SEPA Checklist and Determination of Non-Significance. Based on Ecology's evaluation of the comments, the following change will be made to the documents, and they are being finalized.

- Figure 3 of the Cleanup Action Plan will be revised to change "DNR" to "SOAL".

The comments are presented below, along with Ecology's responses. Appendix A, on page 8, contains the comments in their original format.

### Comment from: Anonymous

Thank you for creating the video tour. I found it very informational and appreciate the effort it took to find new ways of reaching the public with this information during the pandemic.

#### Response:

Thank you for your comment regarding the virtual site tour and its effectiveness. Ecology will share your appreciation with RE Sources.

### Comment from: RE Sources (Kirsten McDade)

[Comment was uploaded as an attached letter. See Appendix A to see comment in its original format.]

To: John Guenther  
Site Manager  
WA Department of Ecology  
913 Squalicum Way  
Unit 101 Bellingham, WA  
98225

Transmitted Via Online Public Comment Form: <http://tcp.ecology.commentinput.com/?id=9fZWc>  
**20 July 2020**

**RE: South State Street Manufactured Gas Plant Cleanup Action Plan and SEPA Determination**

Dear John Guenther,

Thank you for taking the time to consider our comments on the draft Cleanup Action Plan

(CAP) addressing legacy contamination largely originating from a historic gas manufacturing plant on the northern part of the popular Boulevard Park.

RE Sources is a non-profit organization located in northwest Washington and founded in 1982. We work to protect the health of northwest Washington's people and ecosystems through the application of science, education, advocacy, and action. Our priority programs include Protecting the Salish Sea, Freshwater Restoration, Climate Action, and Fighting Pollution—all critical issues affecting our region. Our North Sound Baykeeper is also a member of the Waterkeeper Alliance, with over 300 organizations in 34 countries around the world that promote fishable, swimmable, drinkable water. RE Sources has thousands of supporters in Whatcom, Skagit, and San Juan counties, and we submit these comments on their behalf.

We are pleased that this popular park has entered the cleanup phase of the Model Toxics Cleanup Act (MTCA) and with all the hard work that was involved to get to this point. While we agree with most of the actions outlined in the draft CAP we have a few comments and concerns that we would like to mention.

On page 7 of the draft CAP, it states that the biologically active zone in the marine sediments is considered to be the upper 12 cm in regards to the point of compliance for the protection of human health when gathering and eating seafood. Most of the clams people harvest in this area, however, are found deeper than 12 cm<sup>1</sup>. Likewise, the point of compliance for protection of human health with respect to direct contact is the upper 45 cm of marine sediment in the intertidal areas. Being a parent, I have personally witnessed sandplay that results in children digging far deeper than 45 cm. If the sediments can not be guaranteed to be safe beyond these depths, we recommend that signage be placed to warn people of the potential exposure to contaminated seafood and sediments.

In Section 5.4.4 Remove Remnant Gas Holder it mentions that the 1 gas holder still standing will be assessed for the presence of non-aqueous phase liquid (NAPL) and will be mostly if not totally removed. Is there any possibility that there are contaminants such as NAPL at the location of the other 2 gas holders? Will there be an investigation of this and if contaminants are found what will be the course of action?

For the sloped area of the cleanup site, we would like to see all of the invasive plants, especially the Himalaya blackberries, removed and replaced with native plants. We think it is unwise to have an edible plant growing in contaminated soils and replacing them with native plants (without edible berries) not only reduces this risk but will also provide more habitat opportunities for wildlife.

We strongly encourage Ecology to pursue a living or softshore stabilization project over a hardshore one. Over a quarter of Washington's shorelines have already been destroyed with hardshore armoring and we feel that this is an excellent opportunity to create a more aesthetic and ecologically functioning shoreline.<sup>2</sup> Restoring our native shorelines is an important step to recovering our native forage fish, salmon, and orca populations.

While we can understand the reasoning behind leaving hazardous substances that exceed cleanup levels on the site, we are not in favor of this practice. Leaving this contamination provides an avenue for exposure when there are unforeseen circumstances such as an earthquake or large windstorm that could shift land and uproot trees.

Boulevard park is an iconic, urban park in Bellingham that attracts thousands of visitors every year. Unfortunately, MTCA does not have a metric that recognizes the extreme usage of this park to specialize these cleanup efforts. If there ever was a case to go above and beyond basic standards this it it. We encourage Ecology to take every step possible to make this park the cleanest and safest it possibly can be.

Thank you for your time in reading our comments and all the hard work that has gone into making this public park a much cleaner and safer place for people and wildlife.

Sincerely,

Kirsten McDade  
Pollution Prevention Specialist

References:

<sup>1</sup> Bivalve Shellfish Identification. Washington State Department of Health. <https://www.doh.wa.gov/CommunityandEnvironment/Shellfish/RecreationalShellfish/IllnessPrevention/Identification>

<sup>2</sup> Shore Friendly. Washington Department of Natural Resources, Washington Department of Fish and Wildlife, and Environmental Protection Agency. <http://www.shorefriendly.org/>

**Response:**

Current best available science indicates that 10 centimeters is a typical depth for the biologically active zone in Puget Sound. However, based on empirical data collected specifically for the Bellingham Bay cleanup sites (see [Whatcom Waterway RI/FS<sup>10</sup>](#)), Ecology uses a conservative 12 centimeters for the biologically active zone for the Bellingham Bay cleanup sites. This depth has been determined protective of the benthic community in Bellingham Bay.

The 45 centimeter depth used as the point of compliance for protection of human health is based on dermal contact and a surface weighted average concentration of contamination. This standard of protection also considers the period length of exposure. The 45 centimeter point of compliance depth has been determined protective of human health based on these considerations.

As described in the Cleanup Action Plan, the intertidal sediment cap to be constructed as part of the remedial action will include a 2 foot thick sand cap for chemical isolation and an erosion protection layer that will be placed on top of the 2 foot thick sand cap. The cap components, including the erosion protection materials, will be further evaluated during remedial design. In addition, the remedial action in the intertidal area will inhibit penetration of the sediment cap and exposure to underlying contaminated media.

The locations of the two former gas holders have been characterized and it is not anticipated that NAPL is present at those locations. Due to the physical characteristics of NAPL, the

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<sup>10</sup> <https://apps.ecology.wa.gov/gsp/CleanupSiteDocuments.aspx?csid=219>

cleanup action will include a contingency for addressing NAPL at any location should it be encountered,

Post cleanup plantings and landscaping will be evaluated and ultimately selected by the City Parks Department. Signs will be prepared and strategically placed around the park to inform park users of any potential risks or threat of exposure. Fencing may also be used.

The shoreline stabilization and restoration work will be developed as part of the engineering design for the final cleanup. The design and implementation will utilize Puget Sound-specific best management practices for shoreline restoration.

Although some contaminated media will remain in place following the cleanup action, Ecology has determined that the final cleanup action meets MTCA cleanup standards and is protective of human health and the environment.

The significance of this property as an iconic urban park was considered in the Cost Benefit Analysis ranking used during the evaluation of the cleanup alternatives during the Feasibility Study phase of the project.

## **Comment from: Timothy Goodman (Washington State Department of Natural Resources)**

The Washington State Department of Natural Resources appreciates the opportunity to provide the following comments on the Public Review Draft of the South State Street MGP Site Cleanup Action Plan.

1. Section 5.4.5 Sediment Capping. The CAP recognizes that sediment capping will affect eelgrass beds on SOAL. DNR strongly supports capping methods that minimize impacts to eelgrass. Please coordinate with DNR eelgrass experts on design.

2. Section 5.5 Institutional Controls. Add a description of the degree to which ICs will allow public uses to disturb sediment during and after recovery for each remedial type. If there is uncertainty at this phase of design, describe the most restrictive case. Do not defer this discussion to post-remedial design ancillary documents. How the public can utilize the land weighs upon the implementability of remedial options. DNR has management authority over how SOAL is used. That authority is not exempt under MTCA rules. In accordance with aquatic land management laws, DNR may have a preference for, allow with qualification, or adjust fees for certain remedial methods based on remedial specific land use restrictions. Use restrictions are particularly salient to the large areas of natural and enhanced recovery required by the CAP.

3. Section 6.3 Permits. As briefly mentioned in paragraph 2 of Section 6.3, DNR may require one or more use authorizations to construct and maintain the remedy on SOAL. The type of authorization will depend on the permanence of the remedial encumbrance. DNR appreciates recognition of our management role and looks forward to continued coordination with project proponents.

4. Section 6.5 Compliance Monitoring, Operations, and Maintenance. Use of SOAL will require monitoring reports be copied to DNR.

5. Figure 3. Change parcel label "DNR" to "State Owned" or "SOAL" (State Owned Aquatic Land). The title of Figure 3 indicates that its purpose is to show land ownership. Section 1.3 correctly identifies the State as owner and DNR as manager. Figure 3 is inconsistent with Section 1.3 and inaccurate.

**Response:**

Ecology recognizes DNR's management authority over state owned aquatic lands (SOALs). The project technical team will consult and work with DNR early on and throughout the design of the shoreline and sediment cap design, especially those areas where eelgrass will be impacted.

A description of allowable and prohibited public uses, and necessary protective measures for SOAL, will be included in the Institutional Controls. Ecology recognizes that in accordance with aquatic land management laws, DNR may have a preference for, allow with qualification, or adjust fees for certain remedial methods based on remedial specific land use restrictions.

Ecology recognizes that DNR may require one or more use authorizations to construct and maintain the remedy on SOAL and that the type of authorization will depend on the permanence of the remedial encumbrance.

As part of compliance monitoring, Ecology will provide compliance monitoring reports to DNR for review and comment. This requirement will be detailed in the Consent Decree.

Ecology understands that DNR manages State owned aquatic lands. On Figure 3, "DNR" will be changed to "State Owned" or "SOAL".

## **Appendices**

Appendix A. Public Comments in Original Format

# **Anonymous Anonymous**

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Pollution Prevention Specialist



2309 Meridian St  
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(360) 733-8307  
[re-sources.org](http://re-sources.org)

References:

<sup>1</sup>Bivalve Shellfish Identification. Washington State Department of Health.  
<https://www.doh.wa.gov/CommunityandEnvironment/Shellfish/RecreationalShellfish/IllnessPrevention/Identification>

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