



# **Response to Comments**

## **Draft Agreed Order and Draft Public Participation Plan**

### **Sea K Fish Cleanup Site Blaine, WA**

#### **Toxics Cleanup Program**

Washington State Department of Ecology  
Northwest Regional Office  
Bellevue, Washington

December 2020



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- Port of Bellingham, March 2019

### Related Information

- Clean-up site ID: 10583
- Facility site ID: 80387768

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**Website**<sup>1</sup>: [Washington State Department of Ecology](http://www.ecology.wa.gov)

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<sup>1</sup> [www.ecology.wa.gov/contact](http://www.ecology.wa.gov/contact)

# Department of Ecology's Regional Offices

## Map of Counties Served



<b>Southwest Region</b> 360-407-6300	<b>Northwest Region</b> 425-649-7000	<b>Central Region</b> 509-575-2490	<b>Eastern Region</b> 509-329-3400
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Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	3190 160th Ave SE Bellevue, WA 98008	425-649-7000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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Toxics Cleanup Program  
Washington State Department of Ecology  
Northwest Regional Office  
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DEPARTMENT OF  
**ECOLOGY**  
State of Washington

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# Public Outreach Summary

The Sea K Fish cleanup site (Site) located at the Blaine Harbor is beginning Washington State's [formal cleanup process](#)<sup>2</sup> as directed under the Model Toxics Control Act ([MTCA](#))<sup>3</sup>. The Port of Bellingham (Port) operates Blaine Harbor and manages the Sea K Fish property under an agreement with the Department of Natural Resources.

The Department of Ecology's public involvement activities related to this Site's 30-day comment period (October 12 – November 10, 2020) included:

- **Fact Sheet:**
  - US mail distribution of a fact sheet providing information about the cleanup documents and the public comment period to approximately 2,600 people including neighboring businesses and other interested parties.
  - Email distribution of the fact sheet to approximately 180 people, including interested individuals, local/county/state/federal agencies, neighborhood associations, and interested community groups.
- **Legal Notices:**
  - Publication of one paid display ad in *The Northern Light*, dated Thursday, October 8, 2020.
  - Publication of one paid display ad in *The Bellingham Herald*, dated Friday, October 9, 2020.
- **Site Register:**
  - Publication of 4 notices in Ecology's Toxics Cleanup Site Register:
    - Comment Period Notice:
      - October 8, 2020
      - October 22, 2020
      - November 5, 2020
    - Response Summary Notice:
      - December 17, 2020
    - Visit [Ecology's Site Register website](#)<sup>4</sup> to download PDFs.
- **Media Coverage:**
  - Ecology sent a media notice on Friday, October 9, 2020, to *The Bellingham Herald*, *The Northern Light*, *Cascadia Weekly*, *Bellingham Business Journal*, Western Washington University's *The Planet*, and the [Northwest Citizen news website](#)<sup>5</sup>, and KGMI 790 AM.

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<sup>2</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

<sup>3</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Rules-directing-our-cleanup-work/Model-Toxics-Control-Act>

<sup>4</sup> <https://fortress.wa.gov/ecy/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Toxics+Cleanup&DocumentTypeName=Newsletter>

<sup>5</sup> <https://nwcitizen.com/>

- KGMI 790 AM interviewed Ian Fawley, Outreach Specialist, on Wednesday, October 14, 2020 and posted the [recording online](#)<sup>6</sup>.
- *The Northern Light* ran a [story online](#)<sup>7</sup> Wednesday, October 21, 2020.
- **Social Media:**
  - **Twitter:** Ecology – Northwest Region @ecyseattle posted a [tweet on Friday, October 9, 2020](#)<sup>8</sup> connecting readers to the comment period including the cleanup site webpage, a virtual tour, and how to submit comments.
- **Virtual Tour**
  - Ecology collaborated with RE Sources, an Ecology Public Participation Grant recipient, on a [virtual tour](#)<sup>9</sup> hosted on RE Sources’ website. The virtual tour featured six 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 Sea K Fish webpage](#)<sup>10</sup> and Ecology’s [Public Inputs & Events webpage](#)<sup>11</sup>.
- **Document Repositories:**
  - In consideration of public health and safety, Ecology could offer only coordinated 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

From October 12 to November 10, 2020, Ecology solicited public comments on a draft Agreed Order (legal agreement) and draft Public Participation Plan for the Sea K Fish cleanup site.

Ecology received 12 comments during the 30-day comment period.

Table 1: List of Commenters

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Trevor	Smith	Laborers Local 292	Organization
2	Chip	Burgess		Individual
3	Molly	Greeley		Individual

<sup>6</sup> <https://kgmi.com/podcasts/sea-k-fish-site-cleanup/>

<sup>7</sup> <https://www.thenorthernlight.com/stories/public-comment-needed-on-harbor-cleanup,11743>

<sup>8</sup> <https://twitter.com/ecyseattle/status/1314592216946360320>

<sup>9</sup> [www.re-sources.org/SeaKFish](http://www.re-sources.org/SeaKFish)

<sup>10</sup> <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=10583>

<sup>11</sup> <https://10ecology.wa.gov/Events/Search/Listing>



	First Name	Last Name	Agency/Organization/Business	Submitted By
4	Adam	Lambe		Individual
5	Herbert	Pearse		Individual
6	David	DiGiandomenico		Individual
7	Theresa	Smith		Individual
8	Ian	Coates		Individual
9	Hayley	Femling		Individual
10	Stacy	Martin		Individual
11	Mike	Lemmon		Individual
12	Eleanor	Hines	RE Sources	Organization

## Next Steps

Ecology has reviewed and considered all public comments received on the Agreed Order and Public Participation Plan. Based on Ecology’s evaluation of the comments, no changes were necessary in the documents, and they are being finalized.

Work will begin on the Remedial Investigation and Feasibility Study. See graphic below and visit Ecology’s [cleanup process webpage](#)<sup>12</sup> to learn more about Washington’s formal cleanup process.

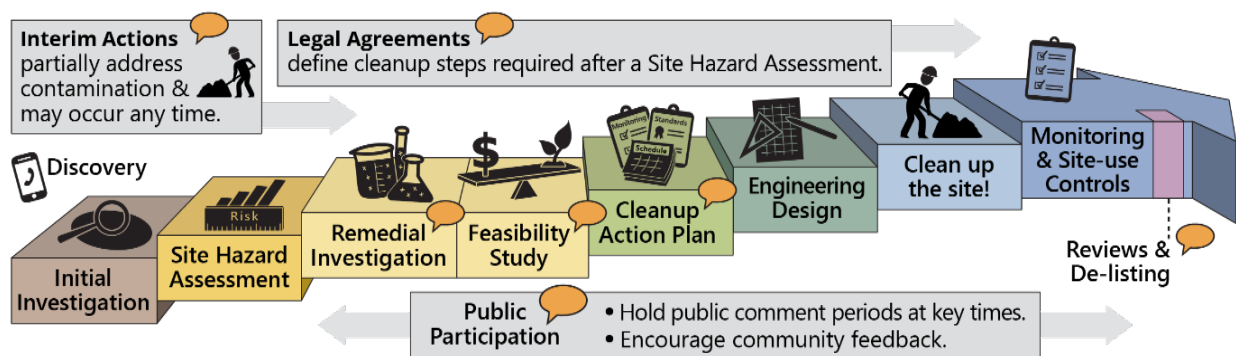


Figure 1: Washington's formal cleanup process

<sup>12</sup> <https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-process>

Ecology will schedule a public meeting during the next public comment to provide more information on future environmental investigations and answer questions about the cleanup process going forward. See graphic on previous page for highlighted public comments periods.

Ecology will provide public meeting details during future public outreach and will notify all commenters who have provided contact information.

## Comments and Responses

The public comments are presented below, along with Ecology's responses. Appendix A, page 14, contains the comment in its original format.

### Ecology response to public meeting requests

During the 30-day comment period, Ecology received several requests for a "community engagement meeting" or "public meeting" in context with comments associated with the Local Laborers 292 Union. On Monday, November 23, 2020, Ecology (Cris Matthews - Site Manager; Ian Fawley - Outreach Specialist) reached out to the Local Laborers 292 Union (Trevor Smith – Political Director; Adam Lambe – President) to answer questions about Ecology's regulatory roles in the formal cleanup process and discuss any next steps.

As a result of that phone meeting, Local Laborers 292 Union leadership communicated that Ecology addressed their request for a public meeting. Ecology also provided additional educational materials on the formal cleanup process to the Local Laborers 292 Union to share with their members.

Ecology will schedule a future public meeting during the next public comment period and provide meeting details during future public outreach.

### Comment from: Laborers Local 292 (Trevor Smith)

Good Afternoon,

My name is Trevor Smith, I'm the Political Director for Laborers Local 292, We represent 1400 working men and woman.

We would like to respectfully request a Community Engagement meeting, Where we hope to hear more about the project, and discuss including Apprenticeship Utilization language in these kinds of Public Projects.

#### **Response:**

Thank you for your comment and for the phone meeting with Ecology on November 23, 2020. Ecology hopes our phone conversation with you and Adam Lambe and the educational materials provided for your Union members help further your understanding of the formal cleanup process and where the Sea K Fish cleanup site is in that process.

## Comment from: Chip Burgess

Hello, My name is Chip Burgess. I'm writing you today asking for a Community Engagement Meeting to learn more about the SeaKFish project and express the need for apprenticeship utilization language in all Port cleanups. thank you

### Response:

Thank you for your comment. Ecology hopes our phone conversation with your Laborers Local 292 Union leadership (see "Ecology response to public meeting requests" above) and the educational materials provided for your fellow Union members help further your understanding of the formal cleanup process and where the Sea K Fish cleanup site is in that process.

## Comment from: Molly Greeley

Community Engagement Meeting" be allowed for the Sea-K-Fish cleanup project.

### Response:

Thank you for your comment. See "Next Steps" and "Ecology response to public meeting requests" above for more information about Ecology's future public outreach.

## Comment from: Adam Lambe

Good morning I would like to request a public comment Meeting for this project. I was very interested when I got the flyer in the mail and can't wait to hear more about it. thank you!

### Response:

Thank you for your comment and for the phone meeting with Ecology on November 23, 2020. Ecology hopes our phone conversation with you and Trevor Smith and the educational materials provided for your Union members help further your understanding of the formal cleanup process and where the Sea K Fish cleanup site is in that process.

## Comment from: Herbert Pearse

Regarding the oil contamination cleanup at the Port of Bellingham, I thought I would remind you of the ADSorb-it Products we manufacture locally for the truly effective removal of oils and particulates from water. The Washington State Department of Ecology has been using our ADSorb-it technology / products for several years and they could be effectively applied on this Port of Bellingham project. There is more product information available on our recently updated website at [www.eco-tec-inc.com](http://www.eco-tec-inc.com). Please contact me directly if any additional information is needed.

### Response:

Thank you for your comment and information. Ecology will share your comment with the Port of Bellingham.

## Comment from: David DiGiandomenico

I am writing today to ask the department to schedule a public meeting on the Sea K cleanup project, and to add Apprenticeship requirements to the solicitation of bids for this and future projects. Thank you Sincerely David DiGiandomenico

### Response:

Thank you for your comment. Ecology hopes our phone conversation with your Laborers Local 292 Union leadership (see “Ecology response to public meeting requests” above) and the educational materials provided for your fellow Union members help further your understanding of the formal cleanup process and where the Sea K Fish cleanup site is in that process.

## Comment from: Theresa Smith

Please hold a public meeting about the cleanup project, and include apprenticeship standards in the bid language.

### Response:

Thank you for your comment. Ecology hopes our phone conversation with your Laborers Local 292 Union leadership (see “Ecology response to public meeting requests” above) and the educational materials provided for your fellow Union members help further your understanding of the formal cleanup process and where the Sea K Fish cleanup site is in that process.

## Comment from: Ian Coates

I would like to respectfully request a Community Engagement meeting, Where we hope to hear more about the project, and discuss including Apprenticeship Utilization language in these kinds of Public Projects.

### Response:

Thank you for your comment. Ecology hopes our phone conversation with your Laborers Local 292 Union leadership (see “Ecology response to public meeting requests” above) and the educational materials provided for your fellow Union members help further your understanding of the formal cleanup process and where the Sea K Fish cleanup site is in that process.

## Comment from: Hayley Femling

My name is Hayley Femling and I'm writing today to ask the department to schedule a public meeting on the Sea K cleanup project and to add apprenticeship requirements for this and other projects like this.

### Response:

Thank you for your comment. Ecology hopes our phone conversation with your Laborers Local 292 Union leadership (see “Ecology response to public meeting requests” above) and the educational materials provided for your fellow Union members help further your understanding of the formal cleanup process and where the Sea K Fish cleanup site is in that process.

## Comment from: Stacy Martin

My name is Stacy Martin and I am Business Manager-Secretary-Treasurer of LiUNA Local 292 and our jurisdiction covers Snohomish, Skagit, Island, Whatcom and San Juan Counties. We have members that live in Whatcom County both Journeyperson and Apprentices. I'm writing today to ask the department to schedule a public meeting on the Sea K clean up project, and to add Apprenticeship requirements to the solicitation of bids for the this, and these kind of projects. Thank you for your time.

### Response:

Thank you for your comment. Ecology hopes our phone conversation with your Laborers Local 292 Union leadership (see "Ecology response to public meeting requests" above) and the educational materials provided for your fellow Union members help further your understanding of the formal cleanup process and where the Sea K Fish cleanup site is in that process.

## Comment from: Mike Lemmon

I would like a Community Engagement Meeting, thank you

### Response:

Thank you for your comment. See "Next Steps" and "Ecology response to public meeting requests" above for more information about Ecology's future public outreach.

## Comment from: RE Sources (Eleanor Hines)

Dear Cris Matthews,

Thank you for taking the time to consider our comment on the Agreed Order and Public Participation Plan for the Sea K Fish Site.

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 appreciate this opportunity to comment on this Model Toxics Control Act (MTCA) cleanup site. As we observed from a site visit in September 2020, this site certainly needs to be addressed in a timely manner and we appreciate your efforts to keep this site moving along quickly while following due process. We generally support a full removal cleanup if that's what the Remedial Investigation supports and encourage on-going monitoring of the site to ensure that the oil leak is kept under control in the meantime.

Having a Public Participation Plan in place early in the process is always important as public participation is a key component of the MTCA process. We encourage Ecology to post public meeting materials online as soon as possible, so that more public can see these materials even if they are unable to attend any scheduled public meetings. We also feel it is important to ensure that the employees on the impacted site(s) are properly informed. They are entitled to know what contaminants and associated hazards are present in their work area. During a previous MTCA site tour in the area we found out that employees were not aware of the public comment period or cleanup plans. Signage around the area could help inform more of the public, including employees at the site. Properly informed employees might also be another set of eyes at the site to notify the Port of Bellingham and/or Ecology whenever the boom is not containing the oil seepage.

Thank you so much for your time and consideration.

Sincerely,

Eleanor Hines, Lead Scientist/North Sound Baykeeper  
Kirsten McDade, Pollution Prevention Specialist  
RE Sources

**Response:**

Thank you for your comment. Ecology appreciates your on-site observations and continued communication with Ecology.

Ecology will post any public meeting materials as soon as possible. If anyone needs assistance with any digital or physical outreach materials, please contact Ian Fawley, Outreach Specialist, at 425-324-5901 or [ian.fawley@ecy.wa.gov](mailto:ian.fawley@ecy.wa.gov).

Ecology will continue to mail all public outreach notices to addresses within at least a quarter-mile radius of the Sea K Fish cleanup site, including all neighboring businesses, organizations, and residences. Ecology will continue to provide public outreach materials to the Port of Bellingham (Port) for any additional tenant notifications, and Ecology will coordinate with the Port when posting any public outreach signage.

# Appendices

Appendix A. Public comments in original format

## Laborers Local 292

Good Afternoon,

My name is Trevor Smith, I'm the Political Director for Laborers Local 292, We represent 1400 working men and woman.

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molly greeley

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mike lemmon

I would like a Community Engagement Meeting, thank you

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