



DEPARTMENT OF
ECOLOGY
State of Washington

Response to Comments

Cleanup Action Plan, Agreed Order Amendment, and State Environmental Policy Act – Determination of Non- Significance

Central Waterfront Site Bellingham, WA

Facility Site ID: 2864

Cleanup Site ID: 3418

January 2020

Publication and Contact Information

This document is available on the Department of Ecology's Central Waterfront website at: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3418>

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Response to Comments

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Central Waterfront Site Bellingham, WA

Facility Site ID: 2864

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Washington State Department of Ecology

Northwest Regional Office

Toxics Cleanup Program

Bellevue, Washington

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Public Outreach

From July 8 – August 6, 2019, the Department of Ecology (Ecology) invited public review and comments on a draft cleanup action plan and associated documents for the Central Waterfront cleanup site in Bellingham. The plan calls for a combination of removing and capping contaminated soil, monitoring conditions, and restricting uses.

The plan is part of an amendment to an existing Agreed Order (legal agreement) between Ecology, The Port of Bellingham (Port), and the City of Bellingham (City).

During the first 30-day comment period (July 8 – August 6, 2019), Ecology received several requests for a public meeting. We held a public meeting on September 18, 2019 and held a second 30-day comment period from September 16 – October 15, 2019.

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 2,550 people including neighboring businesses and other interested parties.
 - Email distribution of the fact sheet to approximately 210 people, including interested individuals, local/county/state/federal agencies, and interested community groups.
- **Postcard**
 - US mail distribution of a postcard providing information about the requested public meeting the second public comment period to approximately 2,580 people including neighboring businesses and other interested parties.
 - Email distribution of the postcard to approximately 230 people, including interested individuals, local/county/state/federal agencies, and interested community groups.
- **Legal Notices:**
 - Publication of one paid display ad in *The Bellingham Herald*, dated Wednesday, July 3, 2019.
 - Publication of one paid display ad in *The Bellingham Herald*, dated Friday, September 13, 2019.
- **Site Tour:**
 - Ecology staff along with Port and City staff joined a site tour hosted by RE Sources for Sustainable Communities on Wednesday, July 10, 2019 from Noon – 2 p.m. This tour was funded through a Public Participation Grant from Ecology.
- **Public Meeting:**
 - Ecology held a public meeting on September 18, 2019 from 6 – 8 p.m. at the Technology Development Center in Bellingham, WA.
 - Ecology along with the Port and their engineering consultants presented about the draft Cleanup Action Plan. City staff joined Ecology and Port staff to answer questions.
- **Site Register:**
 - Publication of 7 notices in Ecology's Toxics Cleanup Site Register:
 - First 30-day Comment Period Notice:
 - July 3, 2019
 - July 18, 2019
 - August 1, 2019

- Second 30-day Comment Period Notice
 - September 12, 2019
 - September 26, 2019
 - October 10, 2019
 - Response Summary Notice:
 - January 16, 2020
 - Visit [Ecology's Site Register website](#)¹ to download PDFs.
- **Website:**
 - Announcement of the public comment period and posting of the fact sheet, postcard, and associated documents for review on Ecology's [Central Waterfront website](#)²
- **Document Repositories:**
 - Provided copies of the documents for public review through three information repositories:
 - Bellingham Public Library – Central Library
 - Ecology's Bellingham Field Office in Bellingham
 - Ecology's Northwest Regional Office in Bellevue

Comment Summary

Ecology received 26 comments during the first 30-day comment period (July 8 – August 6, 2019).

Table 1: List of commenters during first 30-day comment period

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Jacob	Fry		Individual
2	Larry	Horowitz		Individual
3	Michael	Petryni		Individual
4	Tip	Johnson		Individual
5	Cheryl	Crooks		Individual
6	Warren	Sheay		Individual
7	Cothenia (Tina)	England Colwell		Individual
8	Paul	James		Individual
9	Vince	Biciunas		Individual
10	Hilary	Cole		Individual
11	Lynn	Billington		Individual

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

²<https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=3418>

Response to Comments: Central Waterfront Site

	First Name	Last Name	Agency/Organization/Business	Submitted By
12	Richard	Conoboy		Individual
13	Alexandra	Wiley		Individual
14	Elizabeth	Gross		Individual
15	Judith	Akins		Individual
16	Michael	Sennett		Individual
17	Todd	Lagestee		Individual
18	Ryan	Gilbert		Individual
19	Cory	Anderson		Individual
20	Lisa	Anderson		Individual
21	Wendy	Harris		Individual
22	Anne	Mackie		Individual
23	Dan	Raas		Individual
24	Rick	Eggerth		Individual
25	Alex	McLean		Individual
26	Kirsten	McDade	RE Sources for Sustainable Communities	Organization

Ecology received seven comments during the second 30-day comment period (September 16 – October 15, 2019).

Table 2: List of Commenters during second 30-day Comment Period

	First Name	Last Name	Agency/Organization/Business	Submitted By
1	Johnny	Dean		Individual
2	Wendy	Harris		Individual
3	Tip	Johnson		Individual
4	Todd	Lagestee		Individual
5	Warren	Sheay		Individual
6	Liz	Marshall		Individual
7	Rick	Eggerth	Mt. Baker Group, Sierra Club	Organization

Next Steps

Design and permitting for the cleanup action is expected to take about two years. Implementation of the cleanup action plan will occur in the future under a separate legal agreement, which will be issued for public review and comment.

Comments and Responses

Ecology has reviewed and considered all comments received on the draft Cleanup Action Plan and associated documents. Based on Ecology's evaluation of the comments, we will revise the following documents before they become final:

→ Cleanup Action Plan Revisions

- **Sections of the Draft Cleanup Action Plan that describe where and how monitored natural attenuation (MNA) will be applied will be revised for clarification.**
- **Section 3.3.1 of the Draft Cleanup Action Plan will be updated to more clearly describe what the groundwater points of compliance are and where their location.**

The comments are presented below, along with Ecology's responses. Appendix A, on page 43 contains the comments in their original format.

Comments from first 30-day comment period (July 8 – August 6, 2019)

Comment from: Jacob Fry

I think a cleanup plan like this has good intentions but can be harmful if not executed properly to avoid wasting resources. Given that the land was formerly owned by Native Americans it seems proper to treat with extreme care and mindfulness. Paul Stamets who is an accomplished and published Mycologist has shown his work showing the potential of oyster mushrooms to combat hydrocarbon-based contaminants in soil. I think it is worth looking into the situation because of all of the contamination cleanup is already costing Millions if we can have a more organic and cheaper alternative that would be the best use of resources. Inoculating contaminated soil with oyster mushroom spawn the results could be not only beneficial but environmentally the best option

Response

The cleanup technologies evaluated in the Feasibility Study and described in the Draft Cleanup Action Plan are selected based on current and best available science.

Comment from: Larry Horowitz

I support the request made by Wendy Harris for a public meeting that is later followed up by a public hearing on the Bellingham Central Waterfront site. Time is needed between meeting to allow the public the time needed to consider information presented at the public meeting. Thank you for your consideration. Sincerely, Larry Horowitz 212 Sea Pines Rd Bellingham, WA 98229 360.746.7154

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Michael Petryni

I would like the Department to have a public meeting and hearing on the above plan. As a resident of Bellingham I have scant information on how the cleanup is to proceed and what its effects will be on the Central Port area. More information as well as the opportunity to respond to the information presented would be appreciated. Thank you.

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Tip Johnson

Please schedule a public hearing on this proposed plan. Thank you.

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Cheryl Crooks

Am requesting a public meeting and a public hearing regarding the Central waterfront cleanup and SEPA review. I understand that the cleanup it is expected to take 20 to 25 years for the groundwater to meet human health and environmental standards and because considerable landfill material will be left in place toxic material will continue to contaminate the groundwater. I would appreciate the opportunity for public comment on this issue. Thank you in advance for your consideration. Cheryl Crooks

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Sections of the Draft Cleanup Action Plan that describe where and how monitored natural attenuation (MNA) will be applied will be revised for clarification. There are currently no complete groundwater exposure pathways (i.e., contaminated groundwater leaving the site). Conditional points of compliance have been specified at the landfill perimeter since landfill refuse will remain in place. A groundwater evaluation study conducted for the C Street Properties Subarea in 2017 concluded that natural bio- and chemical-degradation is occurring and will continue to occur at reasonable rates in groundwater beneath the C Street Properties Subarea. Groundwater beneath the C Street Properties Subarea is expected to meet groundwater cleanup levels throughout this area within a 20 to 25 year restoration timeframe. Groundwater compliance monitoring will be conducted to ensure that groundwater cleanup levels are achieved and maintained across the site.

Comment from: Warren Sheay

Can we please have a public hearing on the Central Waterfront Clean-up and SEPA review? Thank you.

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Cothenia (Tina) England Colwell

I am asking for a public meeting and a public hearing regarding the Central waterfront cleanup and SEPA review.

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Paul James

Please hold a public hearing to review the SEPA DNS determination. The proposal as it is needs further attention. Specifically the capping approach to contaminants needs to consider sea level rise and its impacts on fill stability. Thanks

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Climate change, sea level rise, seismic events and potential tsunami impacts are all considered throughout the cleanup process and will be evaluated more closely during engineering design for the cleanup. Specific engineering plans to address these potential impacts will be presented to Ecology in an engineering design report. There is always a question of acceptable risk when addressing the statistical probability of natural phenomenon and disasters. Ecology will require that the Port and City use current and best available science when engineering the final cleanup action.

Comment from: Vince Biciunas

Please open a Public Hearing on the Bellingham waterfront cleanup. I am concerned for the health of future generations.

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Hilary Cole

I am asking for a public meeting and a public hearing regarding the Central waterfront cleanup and SEPA review.

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Lynn Billington

RE: Draft Cleanup Action Plan for the Central Waterfront Cleanup site

Dear Ms. McInerney,

Thank you for taking the time to consider my comments on the Draft Cleanup Action Plan (CAP) for the Central Waterfront Cleanup site located in Bellingham Bay. I have worked in the environmental field for over 30 years as a Professional Engineer with a Master degree. I would like to request a public meeting to discuss the on the Draft Cleanup Action Plan (CAP) for the Central Waterfront Cleanup. In addition, after time to digest the information from the meeting, I believe a public hearing would be useful.

We have made progress on the cleanup efforts on the Bellingham Bay toxic sites, however I believe the plan proposed, which seems to have been selected due mostly to cost considerations leaves much risk to both human health and the environment.

I have concerns that proposed CAP, upon completion of the cleanup, it is expected to take an additional 20 to 25 years for the groundwater to meet human health and environmental standards. The CAP document states that because considerable landfill material will be left in place there will be a continued supply of toxic material that will continue to contaminate the groundwater. This time frame is too long. The Department of Ecology (Ecology) could change the CAP, incorporating a barrier around the area and removing more contaminated material as associated with some of the other alternatives. In addition, a better view of the overall site and the level contaminants found at each site, whether those are metals, petroleum, hydrocarbons, VOC, other contaminants.

The treatment of stormwater to avoid recontamination was not addressed in this document. It should be included in the CAP. This also goes for an assessment of how the effects of seismic activity and sea level rise, including storm surges, could impact cleanup efforts at the site.

Lastly, the fate of the Aerated Stabilization Basin (ASB) has not been determined at this time. It is currently functioning as a settling pond for stormwater which is important as the central waterfront will remain an industrial area with industrial related stormwater runoff. We would like to see the

ASB retain this function in addition to providing habitat.

There is very little consideration for providing habitat for wildlife either on land or in the water. I believe that was one of the goals previously expressed by the many citizens who took part in shaping the plans for this area.

Sincerely, Lynn Billington, PE, MS

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

The cleanup alternatives evaluation and selection process does take cost into consideration but every cleanup alternative considered must also be protective of human and the environmental as required under MTCA.

Sections of the Draft Cleanup Action Plan that describe where and how monitored natural attenuation (MNA) will be applied will be revised for clarification. There are currently no complete groundwater exposure pathways (i.e., contaminated groundwater leaving the site). Conditional points of compliance have been specified at the landfill perimeter since landfill refuse will remain in place. A groundwater evaluation study conducted for the C Street Properties Subarea in 2017 concluded that natural bio- and chemical-degradation is occurring and will continue to occur at reasonable rates in groundwater beneath the C Street Properties Subarea. Groundwater beneath the C Street Properties Subarea is expected to meet groundwater cleanup levels throughout this area within a 20 to 25 year restoration timeframe. Groundwater compliance monitoring will be conducted to ensure that groundwater cleanup levels are achieved and maintained across the site. Ecology considers a restoration timeframe of 20 – 25 years to be reasonable since the property use is not anticipated to change during this timeframe and because the groundwater to surface water and sediment pathway is not complete.

The Central Waterfront site is an entirely upland cleanup site. Stormwater management infrastructure on the Central Waterfront site was investigated and documented during the development of both the Roeder Avenue Landfill Remedial Investigation in 1997 (prior to incorporating the Roeder Avenue Landfill into the Central Waterfront site) and the Central Waterfront Remedial Investigation in 2013. Stormwater is not a source of contamination anywhere on the site.

The Aerated Stabilization Basin (ASB) is part of the Whatcom Waterway cleanup site and beyond the scope of this cleanup action. For information on the proposed cleanup of the ASB, please follow this link: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=219>.

Comment from: Richard Conoboy

From: Richard Conoboy
Sent: Saturday, August 3, 2019 4:14 PM
To: McInerney, Lucy (ECY)
Subject: Clean up of Bellingham's Central Waterfront Site

To Washington State Department of Ecology;

As a concerned citizen and I am commenting on the cleanup of Bellingham's Central Waterfront Site. The current Cleanup Action Plan is not appropriate and there should be more in-depth cleanup of more sites; especially the smaller, non-contiguous spots to the North and South of the already asphalted area.

Your department should hold at least one, if not two ,open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, request your office hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Sincerely,

Richard Conoboy

"What is this you call property? It cannot be the earth. For the land is our mother, nourishing all her children, beasts, birds, fish, and all men. The woods, the streams, everything on it belongs to everybody and is for the use of all. How can one man say it belongs to him only?" Massasoit

Response

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Alexandra Wiley

From: Alexandra Wiley
Sent: Saturday, August 3, 2019 5:06 PM
To: McInerney, Lucy (ECY)
Subject: Bellingham Central Waterfront clean up

To Washington State Department of Ecology;

I'm a concerned citizen and I am commenting on the clean up of Bellingham's Central Waterfront Site. I believe that the Cleanup Action Plan is not appropriate. I believe there should be more in-depth cleanup of more sites; especially the smaller, non-continuous spots to the North and South of the already asphalted area.

I also believe that you should hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Sincerely,

Alexandra Wiley
Bellingham WA

Response

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Elizabeth Gross

From: ELIZABETH GROSS
Sent: Saturday, August 3, 2019 9:56 PM
To: McInerney, Lucy (ECY)
Subject: Bellingham's Waterfront Cleanup Action Plan

To Washington State Department of Ecology;

I'm a concerned citizen and I am commenting on the clean up of Bellingham's Central Waterfront Site. I believe that the Cleanup Action Plan is not appropriate. I believe there should be more in-depth cleanup of more sites; especially the smaller, non-continuous spots to the North and South of the already asphalted area.

I also believe that you should hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Sincerely,

Betsy Gross

Response

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

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Comment from: Judith Akins

From: Judith Akins
Sent: Sunday, August 4, 2019 10:45 AM
To: McInerney, Lucy (ECY)
Subject: Central Waterfront Cleanup

I recently attended the walking tour of the Central Waterfront cleanup site with Re-Sources. I am concerned that there should be more in depth cleanup including the spots North and South of the asphalted area .

I am requesting that a public hearing be scheduled to allow for more citizen input and discussion of the plan. I do realize that we can comment online etc. but I think we should consider that the summer vacations and the current political activity around Bellingham might deter people from commenting in the time allocated. Please extend this comment period and hold a public meeting.

Sincerely,

Judith Akins

Response

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Michael Sennett

From: Michael Sennett
Sent: Sunday, August 4, 2019 11:02 AM
To: McInerney, Lucy (ECY)
Subject: Bellingham Waterfront To the Washington State Dept. of Ecology

I am writing to request a public meeting be held concerning the pollution remediation and restoration of the Central Waterfront Site. The cleanup's options of capping vs. removal need more discussion and public input.

Also, the public comment period should be extended so that the postprimary political candidates can

be questioned on their positions regarding the waterfront's Cleanup Action Plan. Thank you for taking my request for a public meeting. Mike Sennett.

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Todd Lagestee

From: Todd Lagestee
Sent: Sunday, August 4, 2019 10:44 PM
To: McInerney, Lucy (ECY)
Subject: Bellingham Central Waterfront Cleanup

To the Washington State Dept. of Ecology

My name is Gregory Todd Lagestee. I go by Todd Lagestee. I reached out to a bunch of people I know to have them comment on the Bellingham Central Waterfront Cleanup and to request an extended comment period and to ask for an open public meeting. I wrote a basic template that they may cut and paste from or write their own comments.

I attended the July 10, 2019 walking tour of the Bellingham Central Waterfront Cleanup. It was a very, very basic overview and not technical in any capacity. At some points, the subject matter wandered to the ASB lagoon, to the I & J Waterway, to the Whatcom Waterway and to the GP site. It was on a rainy day and because of the long walking, not all on concrete paths, may have deterred those with handicaps. In short, it was a feel good measure in my opinion.

It was clear in the walking tour that the amount of clean up was minimal and that much of the site contamination was being capped instead of cleaned. That is truly a miscarriage of responsibility on the part of the City of Bellingham, the Port of Bellingham and the Washington State Department of Ecology. There are a multitude of reasons to clean this up (water runoff quality, groundwater quality, Orca habitat, Salmon enhancement) and only one reason to cap it over, money. That we as a community can consider short sighted and cost limited measures to not clean up and continue to externalize the cost of pollution on to the future is unacceptable.

The small sites to be capped to the North and the South of the large asphalted area of the Central Waterfront Cleanup should be actually remediated. The contamination should be removed and clean fill installed so that the area is as clean as possible. This area is so close to the water that runoff and groundwater are difficult to control. Furthermore, capping an area on fill, that is subject to liquefaction and tsunami impacts is not a surefire method of containment, in an area that could be impacted by the eventual Cascadia Subduction Zone megathrust 9.0 or greater earthquake.

Response to Comments: Central Waterfront Site

We, as Citizens of Bellingham have an opportunity to ensure that we don't pass on a future shrouded in contamination and future work to the generations that will come. It is time for us to pay it forward and do the right thing, right now. Clean up the non-continuous sites in the Central Waterfront instead of just capping them.

Please hold a meeting to discuss this important issues. The WA State DOE website on public comments states that you will hold an open public meeting if you get 10 requests to do so: <https://ecology.wa.gov/Events/TCP/SiteCommentPeriod/CentralWaterfront>

Respectfully,

Todd Lagestee

The Washington State Dept. of Ecology should hold an open public meeting to allow for more public comment

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

Climate change, sea level rise, seismic events and potential tsunami impacts are all considered throughout the cleanup process and will be evaluated more closely during engineering design for the cleanup. Specific engineering plans to address these potential impacts will be presented to Ecology in an engineering design report. There is always a question of acceptable risk when addressing the statistical probability of natural phenomenon and disasters. Ecology will require that the Port and City use current and best available science when engineering the final cleanup action.

Comment from: Ryan Gilbert

From: ryan gilbert
Sent: Monday, August 5, 2019 6:04 AM
To: McInerney, Lucy (ECY)
Subject: Waterfront cleanup.

To Washington State Department of Ecology;

I'm a concerned citizen and I am commenting on the clean up of Bellingham's Central Waterfront Site. I believe that the Cleanup Action Plan is not appropriate. I believe there should be more in-depth cleanup of more sites; especially the smaller, non-continuous spots to the North and South of the already asphalted area.

I also believe that you should hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Sincerely,

-Ryan Gilbert

Response

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Cory Anderson

From: Cory Anderson
Sent: Monday, August 5, 2019 7:45 AM
To: McInerney, Lucy (ECY)
Subject: Bellingham waterfront

To Washington State Department of Ecology;

I live in Bellingham and the health of our waterways are very important to me. I am contact you regarding the clean up plans for Bellingham's Central Waterfront Site. I have concerns that the Cleanup Action Plan is not adequate. I believe the clean-up plans need to be expanded to more sites; I

Response to Comments: Central Waterfront Site

feel there are smaller non-continuous spots to the North and South of the already asphalted area that should be addressed. These sites are no less important for dealing with contamination.

I also believe that you should hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests. Add my name to the list for this request.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Thank you,

Cory A. Anderson

Response

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Lisa Anderson

From: Lisa Anderson
Sent: Monday, August 5, 2019 8:06 AM
To: McInerney, Lucy (ECY)
Subject: Re: Bellingham waterfront

To Washington State Department of Ecology;

I am contact you regarding the clean up plans for Bellingham's Central Waterfront Site. I just became informed that the clean up plans do not include all of the contamination sites and would like for you to hold a public meeting in Bellingham regarding this issue. The health of our waterways and shoreline is very important, and I feel anything less than a full clean up of contamination is counterproductive and shortsighted. I have concerns that the Cleanup Action Plan is not adequate. The smaller non-continuous spots to the North and South of the already asphalted area are no less

important to ensure we improve the health of our environment.

I request you hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests. Add my name to the list for this request.

I am a community member who stays engaged and generally is well informed on what is happening in Bellingham. As someone running for office, my focus on those efforts meant that this would have been missed if it was not pointed out by a friend. I am not contacting you as a candidate, but as a long time Bellingham resident who has spent a lot of time working for the health and well-being of our community. I know of many community members who are equally engaged and this has not been a topic of discussion. Our local elections have been a bit consuming and I feel that in its wake, our community will realize this very important issue got past them based on just a written announcement. I know a public meeting is needed to ensure we engage our community fully.

As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham. Once you have ten written requests for a public meeting, please keep the comment open until you are able to arrange a public meeting in Bellingham.

Thank you,

Lisa A. Anderson

Response

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Wendy Harris

From: WENDY HARRIS

Sent: Monday, August 5, 2019 9:04 AM

To: McInerney, Lucy (ECY)

Cc: Yunge, Chad (ECY) ; Wendy Harris

Subject: Request For Public Hearing re Bellingham Central Waterfront site

Hello Lucy,

It has been some time since we have communicated. I writing today to request a public meeting that is later followed by a public hearing on the Bellingham Central Waterfront site. Holding both events on the same day does not allow the public the time needed to go home and reflect on relevant facts in order to submit an informed comment or testimony.

Moreover, the 30-day timing of this proposal fails to afford the public its full due process rights. Those of us who are most active in civic matters are likely to be extremely busy right now, working on a multitude of other projects, such as election campaigns, the county comprehensive amendments to Cherry Point, the update to the county SMP, watershed restoration for WRIA 1 or the revisions to the new jail. It certainly does seem that important proposals are brought forward at the same time every year, either during summer vacation or Christmas break. Under these facts, a 30 day review period is inadequate, and you have the authority to extend this period. I am asking that you do so for at least another 30 days, in order to schedule the public meeting and subsequent public hearing. There is no looming deadline that would counterbalance public rights, particularly with the extensive cleanup period proposed.

First, I remain concerned that DOE and the port continue to plan waterfront clean-up actions without the cooperation and agreement of the tribes. I recall the great indignity they felt, rightly so, during a previous Bellingham Bay clean-up proposal when the cost/benefit analysis started only from the beginning of the history of the white man in Whatcom County. This greatly undervalued the economic loss suffered by the tribes because this was not reflected in the true value of the resources that were available in and near the bay before the settler's arrived. I would like to have a public discussion of this matter and I believe this is an issue of strong public interest. I am interested in seeing the tribes respected as the co-managers of local waters and this continued pattern of action by local and state government fails to show the proper respect and could violate the tribe's treaty rights.

I incorporate the questions and concerns contained in the Resources letter dated July 23, 2019, particularly with regard to the time period that is proposed. I am not aware of any legal authority that allows an extended cleanup period for in situ clean-up. Rather, the normal standard is to revisit the site every 7 years to see if updated technology has provided a permanent solution, but during such time the assumption is that the pollution has ceased. It appears there are more questions than answers in this matter.

As you must be aware, a number of years ago, Bellingham Bay was determined to be the fastest degrading bay in the entirety of Puget Sound. Thus, there is some urgency in this matter as well as a need for better public transparency and accountability by DOE and the port. This suggests that the

usual method of throwing a plastic sheet down over the hazardous waste and then throwing sand over the plastic, in an area rated as a high risk for seismic activity, needs to be reevaluated.

Questions have been raised from the very beginning regarding public safety regarding the trail around the ASB, which has only a metal fence to keep the public out. Are there safety issues regarding the contents of the ASB, including possible offgassing of HAPs? Every new study come out almost every week, including those by the UN, that indicate sea level rise is happening much faster than was ever projected, the ice shelf is collapsing and ocean acidification and nutrient loading are increasing problems. What sea level rise and stormwater run-off mitigation is included in the port's plans and how current are they with the constantly changing science? They have not been adequately addressed in the waterfront masterplan so this falls on your shoulders as you review the cleanup portion of the waterfront restoration.

From the ASB trail, the city snuck in cement stairs down to a pocket beach so that people could bring their dogs down to chase the geese. That is a problem when there are two kinds of forage fish that are believed to spawning in that location. This pocket beach was relied upon by small salmon acclimating to seawater, a key to the survival of our dying Orca pods J, K and L, which are of particular interest to the governor. This was also a resting spot for marine mammals and refuge for other small species. The conservation value of this rare pocket beach has been severally degraded without any mitigation of the harmful impacts to wildlife and habitat. What does DOE intend to do about this? The city lacked authority to put cement stairways to a pocket beach based only on a permit for an ASB trail and no one knew it was happening until it was done. This needs to be straightened out before it creates problems and complexity further down the line.

Quite frankly, this is a problem throughout the entirety of the waterfront. The city has misled the public, asserting that public access to water and water restoration are compatible activities and has sited every shoreline restoration spot on the same land as public access, including for nonmotorized watercraft, without any compensatory mitigation. This does not meet the no net loss standard and will put more wear and tear on the cap that the port intends to leave in place, particularly with large dogs, children, kayaks, canoes, and paddleboards being dragged in and out. Has the port and DOE accounted for this intensity of use impact in their clean up solution?

Accordingly, I request a public meeting for question and answers regarding the central waterfront site and the additional time thereafter to submit a comment or provide testimony during a subsequent public hearing. Please ensure that the tribes are invited to this event. Please accept this also as a comment on the cleanup plan.

Sincerely,

Wendy Harris

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Both the Lummi Nation and Nooksack Tribe are members of the Bellingham Bay Action Team. As co-managers and stakeholders, Ecology consults with and considers the Tribes expressed interests and concerns.

Sections of the Draft Cleanup Action Plan that describe where and how monitored natural attenuation (MNA) will be applied will be revised for clarification. There are currently no complete groundwater exposure pathways (i.e., contaminated groundwater leaving the site). Conditional points of compliance have been specified at the landfill perimeter since landfill refuse will remain in place. A groundwater evaluation study conducted for the C Street Properties Subarea in 2017 concluded that natural bio- and chemical-degradation is occurring and will continue to occur at reasonable rates in groundwater beneath the C Street Properties Subarea. Groundwater beneath the C Street Properties Subarea is expected to meet groundwater cleanup levels throughout this area within a 20 to 25 year restoration timeframe. Groundwater compliance monitoring will be conducted to ensure that groundwater cleanup levels are achieved and maintained across the site.

Climate change, sea level rise, seismic events and potential tsunami impacts are all considered throughout the cleanup process and will be evaluated more closely during engineering design for the cleanup. Specific engineering plans to address these potential impacts will be presented to Ecology in an engineering design report. There is always a question of acceptable risk when addressing the statistical probability of natural phenomenon and disasters. Ecology will require that the Port and City use current and best available science when engineering the final cleanup action.

The Aerated Stabilization Basin (ASB) is part of the Whatcom Waterway cleanup site and beyond the scope of this cleanup action. For information on the proposed cleanup of the ASB, please follow this link: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=219>.

Aquatic habitat mitigation and enhancement is one component of The Bellingham Bay Comprehensive Strategy. Since the Central Waterfront cleanup site is an entirely "upland" cleanup site, there are no aquatic habitat impacts. Due to the current industrial use and character of the Central Waterfront upland cleanup site, there are few if any opportunities for terrestrial habitat improvement or restoration.

The public trail, stairs and pocket beach are managed by the City and are not part of this cleanup project.

Comment from: Anne Mackie

From: Anne Mackie
Sent: Monday, August 5, 2019 9:33 AM
To: McInerney, Lucy (ECY)
Subject: Request for Open Public Meeting in Bellingham

To Washington State Department of Ecology;

I'm a concerned citizen and I am commenting on the clean up of Bellingham's Central Waterfront Site. I believe that the Cleanup Action Plan is not appropriate. I believe there should be more indepth cleanup of more sites; especially the smaller, non-continuous spots to the North and South of the already asphalted area.

I also believe that you should hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests.

Currently, Bellingham has serious political races occuring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Sincerely,

Anne Mackie

Response

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Dan Raas

From: Dan Raas

Sent: Tuesday, August 6, 2019 12:13 PM

To: McInerney, Lucy (ECY)

Subject: Public hearings needed on Bellingham central waterfront

Ms. McInerney,

As a concerned citizen of Bellingham who has watched the evolution of the Bellingham waterfront since 1976, I urge DOE to hold at least two hearings on the plans for the Cleanup Action Plan for the Bellingham Central Waterfront. These hearings are needed to gather additional public input in a public forum regarding the effect of the Plan on adjacent areas affected by the plan, the need to explore the public's understanding of the decisions DOE made regarding the extent of the proposed cleanup and for candidates for municipal office who survive the Primary election to learn about more about these actions and their effect on the future of the waterfront.

Thank you for your consideration,

Daniel A. Raas

Response

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Rick Eggerth

From: Rick Eggerth

Sent: Monday, August 5, 2019 5:37 PM

To: McInerney, Lucy (ECY)

Subject: Bellingham Central Waterfront Cleanup

To Washington State Department of Ecology;

I'm a concerned citizen regarding the clean up of Bellingham's Central Waterfront Site. I believe that the Cleanup Action Plan may be inadequate, as it appears there could be, and should be, more in-depth cleanup within the sites. This applies especially to the smaller, non-continuous spots to the North and South of the already asphalted area.

In the interests of public transparency and due process, there should be a minimum of one or two open meetings for more public comment on this important and long lasting action plan. The current proposal leaves too much contaminated soil in the ground by capping instead of removal. Your website says DOE will hold such a meeting if you get 10 request, so please count this among the 10 needed.

Furthermore, due to Bellingham's current political races for City, County and State Representation (the primary is tomorrow), the limited 30-day window for public comment is not enough during this incredibly busy and important time. Something as important to the public health as hazardous waste cleanup should not be hurried through. As such, please hold an extended comment period and open public meetings on this critical issue.

Thank you.

Sincerely,
Rick Eggerth
Vice-Chair, Mt. Baker Group
Sierra Club

Response

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Comment from: Alex McLean

From: Alex McLean
Sent: Monday, August 5, 2019 11:45 PM
To: McInerney, Lucy (ECY)
Subject: Bellingham Central Waterfront: clean-up action plan

Hello Lucy and thank you for your time,

I'm writing to request a public meeting on the Central Waterfront clean-up plan in Bellingham.

Although I missed the July 10 walk-through, I did attend a walk-through earlier this year of the "I" and "J" Waterway that abuts this site.

Then and now I am unimpressed with the level of clean-up proposed and the overall lack of consideration for long-term habitat. While there was much focus on the polluted soils and monitoring, the solutions of capping or ignoring the creosote-based sea-wall seemed inadequate and

Response to Comments: Central Waterfront Site

poorly thought-out: Our Port of Bellingham and the City of Bellingham promised us a thorough and careful process that would deliver the cleanest redevelopment prospects possible on these former industrial sites. But they appear to be eager to hustle through with the bare minimum instead.

We need to have a public meeting on these topics, more input, more time, and more review.

The walk-throughs are great, but they are reaching a small number of people during a compressed time period and, with so many things going on in Bellingham nowadays, we really deserve to give the community a chance to understand what the options and consequences are -- especially considering how much of our local tax dollars are being used to support these redevelopment and re-investment schemes.

Thanks, in advance, for granting us at least one, if not two, open public meetings on these cleanup plans and opportunities for more public comment as they move forward.

Sincerely,

Alex McLean

Response

Hello Alex. The Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

Aquatic habitat mitigation and enhancement is one component of The Bellingham Bay Comprehensive Strategy. Since the Central Waterfront cleanup site is an entirely "upland" cleanup site, there are no aquatic habitat impacts. Due to the current industrial use and character of the Central Waterfront upland cleanup site, there are few if any opportunities for terrestrial habitat improvement or restoration.

The treated wood pilings currently present along the I&J Waterway shoreline are part of the I&J Waterway cleanup site. Treated wood infrastructure is generally not considered a contaminant under MTCA. Historically, the Washington State Departments of Natural Resources and Fish & Wildlife have removed a considerable amount of treated wood from Bellingham Bay. Treated wood infrastructure is sometimes replaced if necessary during MTCA cleanup activities. For example, treated wood piles were removed from the Site as part of the Chevron Area Interim Action cleanup.

Comment from: RE Sources for Sustainable Communities, Kirsten McDade

Please see comments in attached document.

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

Transmitted Via Online Portal: <http://cs.ecology.commentinput.com/?id=bRZ7W> 7/23/19

7/23/19

RE: Draft Cleanup Action Plan for the Central Waterfront Cleanup site

Dear Ms. McInerney,

Thank you for taking the time to consider our comment on the Draft Cleanup Action Plan (CAP) for the Central Waterfront Cleanup site located in Bellingham Bay. We are encouraged by the continued progress made by the cleanup efforts on the Bellingham Bay toxic sites that are legacies of our uninformed industrial past.

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.

Our biggest concern with the proposed CAP is that upon completion of the cleanup it is expected to take an additional 20 to 25 years for the groundwater to meet human health and environmental standards. The CAP document states that because considerable landfill material will be left in place there will be a continued supply of toxic material that will continue to contaminate the groundwater. We feel that this time frame is too long and request that the Department of Ecology (Ecology) modify the CAP, perhaps by incorporating a barrier, partial or complete around the landfill, or if possible, implementing in situ soil and groundwater treatment, to reduce this time frame.

In addition, when talking about the monitored natural attenuation (MNA) that is taking place on the

Response to Comments: Central Waterfront Site

site we would appreciate it if Ecology would define exactly what is occurring. Is there attenuation simply because of dilution over time? Or, are there microbial actions, chemical reactions, or soil interactions that are explaining the attenuation of contaminants? In our opinion, there is a big distinction between a contaminant being broken down or digested versus simply being diluted, particularly for persistent contaminants that are released into the marine environment.

We are appreciative of the effort that Ecology, Port of Bellingham, and the City of Bellingham have made to help educate the public about the cleanup efforts and to encourage citizens to send in comments. One place that Ecology could improve upon is the readability of the CAP document. Some suggestions are:

- The current site conditions, section 2.5, should be expanded to provide a clearer overview of the site. We found that we had to read the entire document before we fully understood the current conditions. For example this section should include:
 - The types of metals found in all 3 subareas. It is only provided for Hilton Avenue Properties (arsenic and lead). Not until much later in the document are all the metals found on the site disclosed.
 - Definitions and differentiations between landfill-associated gas, soil gas, and vapor.
 - A table that includes the current levels of contaminants found at the site along with the cleanup level goals so that readers can easily see the magnitude of contamination.
- We find section 3.3.1, discussion on groundwater point of compliance, to be confusing and potentially misleading. We interpret this section to say that because the source of contaminants (the landfill) are being left in place the standard, more stringent, groundwater standards can not be met (deemed not practical); therefore, less stringent, conditional standards are allowed to be used. In a later section, the document explains that groundwater standards are not expected to be met for 20-25 years. Please explain this in language that people can easily understand. In this case we feel that more effort was spent justifying the issue through discussing the Washington Administrative Code than explaining what is actually occurring. We feel that this is an important aspect of the project that the public should fully understand.

The treatment of stormwater to avoid recontamination was not addressed in this document. Perhaps it was discussed in the Remedial Investigation/Feasibility Study (RI/FS) but it should be included in the CAP or at minimum the reader should be directed to the proper section in the RI/FS to find this information. This also goes for an assessment of how the effects of seismic activity and sea level rise, including storm surges, could impact cleanup efforts at the site. These are also concerns expressed by Bellingham residents who attended the walking tour of the site on July 10th.

Lastly, in conversation with the Port of Bellingham we learned that the fate of the Aerated Stabilization Basin (ASB) has not been determined. While it is likely to stay within the classification of Marine Trades it is not necessarily going to be a marina. It is currently functioning as a settling pond for stormwater which we feel is important as the central waterfront will remain an industrial area with industrial related stormwater runoff. We would like to see the ASB retain this function in

addition to providing habitat. While it can never function like the productive mudflat it was before it was filled in, there are still measures that can be done to increase habitat potential.

Thank-you for reading our comment letter and taking our recommendations into consideration. We appreciate the opportunity to play an active role in the toxic cleanup process in Bellingham Bay and feel this collaborative approach will result in a more comprehensive cleanup.

Sincerely,

Kirsten McDade, Pollution Prevention Specialist
Clean Water Team

Response

Cleanup standards consist of two parts: cleanup levels and where we measure to see if cleanup levels have been attained (points of compliance). The cleanup levels are not less stringent. However, the cleanup specifies conditional points of compliance (not standard).

Sections of the Draft Cleanup Action Plan that describe where and how monitored natural attenuation (MNA) will be applied will be revised for clarification. There are currently no complete groundwater exposure pathways (i.e., contaminated groundwater leaving the site). Conditional points of compliance have been specified at the landfill perimeter since landfill refuse will remain in place. A groundwater evaluation study conducted for the C Street Properties Subarea in 2017 concluded that natural bio- and chemical-degradation is occurring and will continue to occur at reasonable rates in groundwater beneath the C Street Properties Subarea. Groundwater beneath the C Street Properties Subarea is expected to meet groundwater cleanup levels throughout this area within a 20 to 25 year restoration timeframe. Groundwater compliance monitoring will be conducted to ensure that groundwater cleanup levels are achieved and maintained across the site.

The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

The purpose of the Cleanup Action Plan is to describe the preferred cleanup alternative selected from the Feasibility Study. The cleanup site, including the nature and extent of contamination, is characterized in the Remedial Investigation and Feasibility Study. Section 3.3.1 of the Draft Cleanup Action Plan will be updated to more clearly describe what the groundwater points of compliance are and where they are to be used on the site.

The Central Waterfront site is an entirely upland cleanup site. Stormwater management infrastructure on the Central Waterfront site was investigated and documented during the development of both the Roeder Avenue Landfill Remedial Investigation in 1997 (prior to incorporating the Roeder Avenue Landfill into the Central Waterfront site) and the Central Waterfront Remedial Investigation in 2013. Stormwater is not a source of contamination anywhere on the site.

The Aerated Stabilization Basin (ASB) is part of the Whatcom Waterway cleanup site and beyond the scope of this cleanup action. For information on the proposed cleanup of the ASB, please follow this link: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=219>.

Comments from second 30-day comment period (September 16 – October 15, 2019)

Comment from: Johnny Dean

With the new developments I notice and the clean up notice I think some things should relocate. To be humane to payers I believe the homeless service stuff can be painlessly relocated somewhere more private and rural in the city. I always thought it was a no-brainer that human suffering is the major pollution around there and the little walk up the hill to the bad soundtrack bar scene and stinky looking breweries that conflict. I think this basic thing could end some illogical trash can rummaging when I walk about. Thanks for the postcard and opportunity to comment. I wonder how thick traffic is going to be and if the next uniform pollution will settle around there. I almost wish the wild outskirts could be raked, swept, and shined up periodically instead of a lot of road base trails and empty recreational spots.

Response

Comment noted.

Comment from: Wendy Harris

From: WENDY HARRIS

Sent: Thursday, September 26, 2019 4:13 PM

To: McInerney, Lucy (ECY)

Subject: Comments and concerns regarding Central Waterfront Cleanup

Dear Lucy:

I have a number of concerns regarding the cleanup. This community has never supported cap and cover in such an unstable area and yet it continues to be forced upon us. Given that Bellingham Bay was determined to be the fastest degrading Bay in Puget Sound due to loss of its benthic biodiversity and contaminants, this needs to be reviewed and revised to ensure a higher level of protection as required under MTCA. Additional concerns:

- Will this cap and cover plan be strong enough to endure an earthquake and tsunami of the strength that we all only recently learned about from DNR and NOAA? The impacts, such as a 60 ft tall tsunami were more than anticipated, and therefore, more than the port would have planned for in this cleanup. Have you re-evaluated the proposal to see if it is still adequate in light of this new information? If you have not, it needs to be done.
- We were told there was a meeting with the Lummi. Have they agreed to this since this affects their treaty rights? They were pretty upset a few years ago when the cost-benefit analysis started when

white colonizers arrived, rather than considering the value of the natural assets that existed before this time for tribal use.

- There has never been an EIS analysis of the impacts of increased boat traffic. (Yes, it is true.) As you know, the EIS for the waterfront was done through a series of EIS reports and supplements and reflected changes in the plan, making it difficult to track. When the boat traffic issue was reviewed, the existing plan was to let industrial marine activities fade away over time. The consultant determined, based on nothing, at least nothing objective or quantitative, that the decrease in commercial boating and the increase from recreational yacht traffic would zero each other out and determined there would be no impact. That is no longer the case. When the last EIS was filed (through inappropriate use of the addendum process for which there was no public notice or process) the final waterfront plans involved both industrial and recreational boating but the issue of vessel traffic was never revisited. Thus, we have no environmental assessment of the impacts. It seems reasonable to assume that this will impact wear and tear on the cap and fill proposal, either through engine emissions. Will this unplanned increase in vessel traffic impact the integrity of the proposed Cleanup Action Plan, (CAP)? I would actually question how you could answer that question without definitive plans on how the ASB will be used or the size and nature of any future marina. This needs to be evaluated before cleanup plans proceed.

- WAC 173-340-702 is intended to promote expeditious cleanups. The proposed CAP would take 20-25 years, potentially more, to reach safe standards for human health based on U.S. standards. The CAP document states that because considerable landfill material will be left in place there will be a continuous supply of toxic material contaminating the groundwater. That is simply unacceptable and contrary to the intention of the MTCA. Given these timelines, the landfill material needs to be removed to an upland toxic waste site. Groundwater and surface water meet in places that are not fully explored yet and we do not know where these toxins will be released and if humans or wildlife will be exposed and suffer health impacts. In the meantime, this area is going to be subject to increased intensity of use, not the least of which is the ASB interim trail and the pocket beach.

- In reality, the amount of toxic material is going to increase, not remain the same. A glance at the map shows how close the cleanup site is to Squaticum Harbor, which must be regularly dredged and contains dioxin-contaminated sediment in quantities too high to qualify for underwater burial. It is going to impact the shoreline of the Central waterfront. Moreover, if the ASB is converted to a marina, those boats will provide an additional source of toxins contaminating fill and nearshore. How is that accounted for?

- I am confused by the use of "groundwater" in this context. We have surface water in the bay and at the bottom is sediment. Are you referring to water that is below that sediment or are you referring to water that is under the Central Waterfront fill, but which will freely mix with the open surface water in the waterways and bay? Could you please clear this up for the public? It is somewhat misleading to call this groundwater if it is mingling with surface waters. In fact, the whole situation with CAP is hazy and unclear.

- The CAP fails to account for air quality impacts yet they are the greatest environmental health risk faced by most Bellingham residents. The MTCA incorporates air quality. WAC 173-340-750. (Please

be aware that DOE is updating its TAP standards as they are not currently sufficiently protective. I hope that these new standards will be used in this cleanup.) This is along a busy arterial and near an urban population center. I lived downtown on F Street close the Central Waterfront and I have a respiratory disease and experienced problems breathing at times as work was being done on the waterfront or Encogen was running. Has DOE assessed all the toxic air pollutants (TAPs) in the fill and sediment and whether they are air soluble? At a minimum, there will be large amounts of dust containing gases and particulates that will be circulated from construction activities and the use of heavy equipment. How will the port protect air quality impacts? This is something that has been largely neglected in Whatcom County but with a growing population, many with asthma, allergies, COPD and worse, this is not protecting public health. I note that in a similar clean-up in New Jersey, the EPA covered the whole site in those white plastic sheets they love so much to prevent dust and fumes from leaving the site and they set up monitors.

Thank you very much for holding the meeting and comment period. I am sorry I was unable to attend due to health reasons. Please know that all Whatcom County residents care about the ecological health of our marine ecosystem and uplands

Sincerely,

Wendy Harris

Response

Climate change, sea level rise, seismic events and potential tsunami impacts are all considered throughout the cleanup process and will be evaluated more closely during engineering design for the cleanup. Specific engineering plans to address these potential impacts will be presented to Ecology in an engineering design report. There is always a question of acceptable risk when addressing the statistical probability of natural phenomenon and disasters. Ecology will require that the Port and City use current and best available science when engineering the final cleanup action.

Both the Lummi Nation and Nooksack Tribe are members of the Bellingham Bay Action Team. As co-managers and stakeholders, Ecology consults with and considers the Tribes expressed interests and concerns.

The Central Waterfront cleanup site is an entirely upland site and the cleanup should have no effect on boat traffic. However, the Central Waterfront site is part of the Port of Bellingham's working waterfront. Waterfront dependent businesses currently occupying portions of the cleanup site include Colony Wharf, BMI, Hilton Harbor, Bornstein Seafoods and All American Marine. Although these businesses are associated with some degree of boat traffic around the site, their business decisions and the site cleanup are unrelated.

The Aerated Stabilization Basin (ASB) is part of the Whatcom Waterway cleanup site and beyond the scope of this cleanup action. For information on the proposed cleanup of the ASB, please follow this link: <https://apps.ecology.wa.gov/gsp/Sitepage.aspx?csid=219>.

Sections of the Draft Cleanup Action Plan that describe where and how monitored natural attenuation (MNA) will be applied will be revised for clarification. There are currently no complete groundwater exposure pathways (i.e., contaminated groundwater leaving the site).

Conditional points of compliance have been specified at the landfill perimeter since landfill refuse will remain in place. A groundwater evaluation study conducted for the C Street Properties Subarea in 2017 concluded that natural bio- and chemical-degradation is occurring and will continue to occur at reasonable rates in groundwater beneath the C Street Properties Subarea. Groundwater beneath the C Street Properties Subarea is expected to meet groundwater cleanup levels throughout this area within a 20 to 25 year restoration timeframe. Groundwater compliance monitoring will be conducted to ensure that groundwater cleanup levels are achieved and maintained across the site.

The point where groundwater comes in contact with surface water (fresh or salt water) is an exposure pathway that is evaluated under MTCA. The point where groundwater comes in contact with marine sediment, including the sediment pore water, is also evaluated as an exposure pathway. These exposure pathways are described in Section 4 and graphically presented in Figure 4.1 of the Remedial Investigation and Feasibility Study.

The evaluation of air quality, including soil vapor and landfill gas, is presented in Sections 4 and 6 of the Remedial Investigation and Feasibility Study. The proposed preferred cleanup action addresses potential landfill gas exposure by requiring mitigation through the use of engineered controls. This type of mitigation was successfully used when the All American facility was constructed on the Central waterfront site in 2016. Temporary construction related air quality impacts will be mitigated by using Best Management Standards (BMPs). Construction BMPs will be developed and presented in future engineering design documents prior to cleanup construction.

Comment from: Tip Johnson

Please see comments on the Central Waterfront Plan uploaded as a pdf.

To: Washington State Department of Ecology
From: Tip Johnson
Date: October 13, 2019
Subject: Bellingham Central Waterfront

Thank you for the opportunity to comment. A family occasion regrettably prevented my attendance at the public hearing.

I am concerned with DOE's chronic avoidance of any full accounting of the mercury G-P used, and the department's failure to address the issue of any missing mercury that could be a direct, lasting and increasing threat to human health and the environment in our community. Does DOE ever intend to do a mass balance analysis of mercury used at G-P? The EPA has a worksheet for that.

According to the draft CAP, "Between 1965 and 1974, the Roeder Avenue Landfill was operated as a disposal site for wood waste and other material from the GP mill..." All three subareas are noted as containing "metals". "COCs that currently exceed cleanup levels in groundwater are metals (including arsenic, cadmium, copper, chromium, lead, mercury, nickel, zinc, and manganese)...". The Data Validation Report also mentions a lot of metals, but it appears only a couple small samples (x1.4 grams) were tested for mercury. Figure 2-2 shows a lot of soil and groundwater testing in areas

Response to Comments: Central Waterfront Site

of project NE and SW, but much less testing over significant areas, notably under large buildings. Overall, there is very little mention of mercury. Why is there so little emphasis on what should be a priority COC?

G-P habitually loosely interpreted, avoided or ignored environmental regulations. DOE may recall correspondence of March 25, 1977, from Warren Mowry, G-P's Environmental Control Director, in which he "respectfully reject(s)" the departments directives for safe handling of solid wastes. G-P acknowledged in these writings that they operated under the "necessity of disposing of these wastes". A year earlier DOE caught G-P illegally dumping mercury contaminated sludge in two locations, including along Whatcom Creek, a state-designated juvenile fishing stream. DOE also caught G-P illegally dumping 12 tons of mercury in the Chemfix Slab, adjacent to the Bellingham Bay shoreline. DOE should recall the spate of problems Whatcom County residents experienced with so-called "wood waste" in various unregulated dumps used by G-P.

G-P's known use of this dump and pattern of reckless willingness to spread mercury-laden wastes around the community suggests that DOE should be taking a more active prospecting role in evaluating this and other sites.

On further review of files archived with the Mercury Victims of Whatcom County, I found the following disturbing correspondence sent on condition of anonymity from a high level technical resource within G-P.

BEGIN REFERENCED DOCUMENT

[See Appendix A for original PDF]

END REFERENCED DOCUMENT

The 'Victims' originally set this correspondence aside due to concerns it might be purposely exaggerated to lure them into making self-marginalizing statements. I submit it now because DOE should have the ability to gauge its accuracy. If true it should warrant reconsideration, review, and further investigation of this and other sites. The source points out that based on plant capacity and standards observed in Europe with more efficient equipment than was installed at G-P, the amount of mercury consumed should conservatively be around 29,000 tons. Since permitted releases to air and water were relatively small, the source concludes that at least 28,000 tons should still remain on site - unless illegally moved elsewhere. Is it possible these figures are accurate? If so, what will DOE do to discover the fate of any missing mercury?

Mercury quantities discussed in evaluation of the G_P site originally included only about 12 tons in the Chemfix slab and maybe 20 discharged to the bay. Total releases to air would need to be estimated including at least what escaped the cells and contributions from G-P's failed sludge "roaster" - some hundreds of tons in any case. This potentially leaves thousands of tons still unaccounted. Later remediation at the chlor-alkali site involved excavation and recovery of elemental mercury. I have not seen an accounting of those quantities. During the dredging of the waterway, an employee of one of the contractors reported pockets of elementary mercury again being encountered. I have not seen any official report of these observations nor any estimate of the quantity recovered.

How much mercury has been located or recovered?

We know some mercury was shipped as a contaminant in G-P's product. DOE should recall the correspondence of Oct./Nov. 1972 between DOE's James Behlke and the Alaska DOEC's Ronald Hansen regarding the 25,000 gallons of mercury contaminated caustic sludge that had accumulated in the Ketchikan mill when G-P was supplying their chemicals. Alaska found "...a level of mercury contamination...unacceptable for discharge in this location". Ketchikan had to ship it back to the Bellingham mill. DOE acknowledges G-P's receipt of the material, thanking Alaska for their vigilance toward "...this critical contaminant".

Please note G-P was using this disposal site when this occurred. What happened to the material? How do you know it is not in this dump? Can DOE adequately protect human health and the environment without knowing how much mercury is missing and where it might be?

Mercury vapor monitors can be driven in transects and the results correlated with weather data to indicate the location of mercury contaminated sites. Poking a few holes and testing small samples could easily miss large deposits of mercury contaminated material. Will DOE consider more sophisticated measures to help substantiate their analysis of this site?

Elsewhere, while DOE asserts the plan will "...be protective of human health and the environment", project documents suggest that it will take more than 20 years before groundwater complies with cleanup standards. "Natural attenuation" seems to mean continued gradual releases to the environment. DOE knows mercury is a dangerous metal with grievous public health consequences, that it forms dangerous bioaccumulative, neuro-toxic compounds, that it persists, migrates and fluxes in the environment. Has DOE estimated how much mercury will be released from this site over those years? What measures will be taken if future monitoring indicates higher mercury discharges than anticipated?

Project documents suggest that fences and warning signs, deed restrictions and covenants, long-term inspection, monitoring and maintenance restrictions will prevent disturbance of caps without Ecology approval. Sea level rise, storm surges and earthquakes causing liquefaction or tsunamis will not seek DOE approval. According to the USGS, a megathrust from the Cascadia subduction zone could be more than a thousand times more powerful than the earthquake that devastated Haiti in 2010. Recent NOAA models suggest that a tsunami may reach a height of 18 feet and churn around the area for hours. The effect of liquefaction can be easily seen in simple google image search (<https://bit.ly/2VADBfc>). Are the caps designed to withstand these forces? How will DOE protect human health and the environment in a catastrophic failure of the caps?

Finally, friends to whom I read excerpts of the project documents asked me to suggest DOE consider replacing inaccurate terms like "cleanup" and "natural attenuation". Using "cleanup for plans that don't clean things up sounds dishonest, as does using "natural attenuation" to continue polluting the environment. This tends to erode the public's trust in the DOE - especially as the agency usually writing the permits authorizing such pollution. Suggestions included using "coverup" instead of "cleanup" and maybe "trickle-down dispersal" or "pollution dilution" instead of "natural attenuation". We all appreciate DOE's efforts to be direct, honest and trustworthy.

Thank you.

Response

Mercury was originally included as a potential contaminant of concern but since it was not detected above soil or groundwater screening levels during the remedial investigation it was not retained as a contaminant of concern for the site.

Sections of the Draft Cleanup Action Plan that describe where and how monitored natural attenuation (MNA) will be applied will be revised for clarification. There are currently no complete groundwater exposure pathways (i.e., contaminated groundwater leaving the site). Conditional points of compliance have been specified at the landfill perimeter since landfill refuse will remain in place. A groundwater evaluation study conducted for the C Street Properties Subarea in 2017 concluded that natural bio- and chemical-degradation is occurring and will continue to occur at reasonable rates in groundwater beneath the C Street Properties Subarea. Groundwater beneath the C Street Properties Subarea is expected to meet groundwater cleanup levels throughout this area within a 20 to 25 year restoration timeframe. Groundwater compliance monitoring will be conducted to ensure that groundwater cleanup levels are achieved and maintained across the site.

Climate change, sea level rise, seismic events and potential tsunami impacts are all considered throughout the cleanup process and will be evaluated more closely during engineering design for the cleanup. Specific engineering plans to address these potential impacts will be presented to Ecology in an engineering design report. There is always a question of acceptable risk when addressing the statistical probability of natural phenomenon and disasters. Ecology will require that the Port and City use current and best available science when engineering the final cleanup action.

Comment from: Todd Lagestee

From: Todd Lagestee

Sent: Saturday, October 12, 2019 12:00 PM

To: McInerney, Lucy (ECY) ; Fawley, Ian (ECY)

Cc: ccmil@cob.org; bobbyb@portofbellingham.com; kenb@portofbellingham.com;

michaels@portofbellingham.com Subject: Central Waterfront Cleanup Comment

Dear Elected Officials of the City of Bellingham and the Port of Bellingham and to the Washington Department of Ecology;

Thank you for holding the open public meeting on Sept. 18. The presentations had some nice photos, but unfortunately the details on the actual pollutants found was a bit lacking. I would have thought any presentation of a Cleanup Action Plan (CAP) would be very comprehensive as to exactly what pollutants are where on the site and even in what concentrations. Average citizens shouldn't have to dig through the documents on the website to try to sort out the legalese of what contaminants are where and how much are there, especially if holding a public meeting. I also was expecting more specifics on how the capping would protect the public and the depth of work to be accomplished.

By not addressing the specifics of the cappings, the government agencies have not adequately shown appropriate mitigation of the hazards, especially those contaminated with Volatile Organic Compounds (VOCs). That the DOE identifies monitoring of ground water, without any specific data on depth of material nor of specific hydrologic pressure in the area indicates a lack of transparency to the public. If government truly wanted to protect the public and be open about hazards, government should have included not just general issues about groundwater, but actual hydrologic data for ground water. I had hoped for better data from the presentation, not just pretty pictures that were printed out on posterboards.

Additionally, the preparation and addressing of significant site hazards, in the CAP, is even more lacking. Not once in the presentation was any attention shown to seismic hazards at the site. It was only after audience questions did the subject come up. How can a clean up be planned without specifically addressing this known hazard? I believe it is almost impossible to live in Western Washington and not know of the hazards associated with our geologically precarious location. Sea level rise from climate change is an even more in your face threat, yet neither tsunami, nor sea level rise accommodation, nor liquefaction of the fill material, nor the actual seismic energy impact was ever spelled out in addressing the adequacy of the proposed capping solutions.

The Washington Department of Natural Resources has developed new maps showing just how significant the tsunami hazard in this area will be after the megathrust earthquake from the cascadia subduction zone. Yet the DOE and City and Port have been, what can only be assumed to be purposeful in their obvious neglect to not incorporate such important data into their public presentation, and what most in the public would rightly then assume is not incorporated into any planning. One need only look a short drive down I-5, to Oso, to understand the impact of negligent inaction. How will these caps hold up to a 10+ foot tsunami wave as predicted in the new data from DNR?

Never were the heights, above current sea level, of the planned caps shown in the presentations to the audience. A person need only spend a couple hours running around with a laser-level to have actual data of the impact of projected sea level rise on the proposed area. A basic presentation would incorporate the difference in elevation between current Ordinary High Water Mark (OHWM) and the areas to be capped. Then the data of projected sea level rise using real numbers would be provided to the community, that our government is supposed to serve. If extra credit was desired, then consideration of expected king tides and storm surge impacts could be addressed. A responsive and responsible government agency would then compile this data into an easy to understand table for the community-at-large. Unfortunately, neither the Port, nor the City, nor even the DOE appears to have spent the time to actually put the data into an accessible format, nor to present it to the public. It makes one wonder if they even have the data.

The same scientific approach, using real data, not speculation or generalizations, should also be used to present the impacts of liquefaction on this area and the chance of damage to the capping material. It was almost laughable that an audience member wearing a geologic company logo claimed that this fill, at the Central Waterfront, on which the actual meeting was held, wouldn't be subject to liquefaction, when I brought up the subject. It was even more obscure, when after the meeting, that a person who claimed to be a geologist with DOE, approached me to counter that premise of no

Response to Comments: Central Waterfront Site

liquefaction. While I am no geologist, I am sure that there are measurements that can be conducted on the soil. X-ray fluorescence (XRF) is used, even by poorly funded archaeology programs, which makes it inconceivable that the Port and City and DOE have not determined actual numbers to either disprove liquefaction concerns or to actually put a number on how dangerous it may be to even build on the property to begin with.

I would expect that any planned capping of toxic materials would have a seismic limit associated with it. However, that data was not provided. How can the public make an informed decision if actual data, corresponding to knowable hazards is not provided? The Boulder Creek fault lies less than 30 miles from the Central Waterfront and may provide a seismic jolt up to 6.8, yet never was mentioned. Neither was the South Whidbey fault, nor the expected impact from a full rip of the cascadia subduction zone. It is more than just lacking in details to not provide this to the public, I would think it becomes negligence to ignore known hazards. It has become an expected response when I have asked government representatives about seismic hazards or sea level rise, that they point their fingers at the other agency and say "It's their responsibility." What our community needs is bold leadership that takes responsibility for the community at large and advocates for the most good, for the most people, not corporations, or a bottom line that ignores the long term hazards.

I realize that everything is a cost benefit analysis, but in this case, as one looks at the City of Bellingham's Comprehensive Annual Financial Reports (CAFR), it is obvious that the City has the resources to do a better job cleaning this up and ensure that the toxic hazards are removed before subjected to sea level rise that may very well be higher than expected or a tsunami wave that breaks higher than expected. Just look to Japan to see if tsunami waves can be higher than the walls built for them. In their CAFRs, the City and the Port both actually admit that they claim the entire cost of cleanup as a liability, while expecting up to 50% restitution by the State. Since 2012, the City's CAFRs show a positive cumulative change in City-wide net position of \$193 million dollars. This is data from the financial highlights in the front of the CAFRs. In considering the Port of Bellingham, their CAFRs report a net cumulative surplus of \$29.5+ million since 2015. If money isn't the issue here then providing a less than thorough clean up option becomes questionable actions on the part of our government agencies. There is a quote from Benjamin Franklin that seems to apply to the approach of this CAP from our government agencies: "The bitterness of poor quality remains long after the sweetness of low price is forgotten."

These are just the issues that stick out to me, as a member of the community, on first consideration. I think that the lack of specific details is a real concern. I hope that in the future your government agencies will approach the community as expecting hard numbers and data. While it was very nice of you all to complement the audience and tell us how well informed we were and that you had never seen such a well informed audience, I think in the end, that that is a poor reflection on your respective government agencies. Maybe government agencies should plan for informed, involved public participation and be disappointed if people only want to look at the pretty colored photos you provide.

With all due respect,

Todd Lagestee
A private citizen on matters of public concern

Response

Climate change, sea level rise, seismic events and potential tsunami impacts are all considered throughout the cleanup process and will be evaluated more closely during engineering design for the cleanup. Specific engineering plans to address these potential impacts will be presented to Ecology in an engineering design report. There is always a question of acceptable risk when addressing the statistical probability of natural phenomenon and disasters. Ecology will require that the Port and City use current and best available science when engineering the final cleanup action.

Comment from: Warren Sheay

Good afternoon, I have the following concerns about the waterfront cleanup: 1. The wood and creosote seawall at the I and J waterway beach. It is not being removed and yet we know creosote pollutes the water and poses carcinogenic risks. Also expected sea level rise will cause stronger tides and waves that will smother the biodiversity in front of the seawall. Moreover, the vast majority of seawalls erode waterfront property and cause significantly negative ecological responses. 2. Speaking of sea level rise--As the waterfront is in a tsunami zone, what mitigation/emergency plans are in place to address this problem? 3. Volatile Organic Compounds--The present plan simply caps VOCs that are in the waterfront soil. However we know that groundwater can still impact these VOCs and as a result can kill wildlife, aquatic and non-aquatic. 4. Wildlife habitat: Specific plans are needed to protect it. Overall environmental concerns have largely been ignored. Much more work needs to be done. Sincerely, Warren Sheay

Response

The treated wood pilings currently present along the I&J Waterway shoreline are part of the I&J Waterway cleanup site. Treated wood infrastructure is generally not considered a contaminant under MTCA. Historically, the Washington State Departments of Natural Resources and Fish & Wildlife have removed a considerable amount of treated wood from Bellingham Bay. Treated wood infrastructure is sometimes replaced if necessary during MTCA cleanup activities.

Climate change, sea level rise, seismic events and potential tsunami impacts are all considered throughout the cleanup process and will be evaluated more closely during engineering design for the cleanup. Specific engineering plans to address these potential impacts will be presented to Ecology in an engineering design report. There is always a question of acceptable risk when addressing the statistical probability of natural phenomenon and disasters. Ecology will require that the Port and City use current and best available science when engineering the final cleanup action.

Comment from: Liz Marshall

Hello:

I am attaching a public comment for your kind consideration.

Thank you.

Liz Marshall
98225 Liz Marshall

Abundant wildlife and vegetation could thrive in the area if it were cleaned and protected in a trustworthy manner. Sometimes cheap is more expensive. I support the astute comments contributed by other members of the public in this round, and applaud those constructive efforts of government staff and contractors to date.

I believe Ecology should not deflect comments about land use saying it is not its job to decide on such matters, often suggesting the citizen contact in this case the Port or City. As is pointed out on their page, Ecology is the leader (reference below) in a legal agreement with those two entities and about 10 or 12 other organizations. I apparently am missing something, but do not understand why the terms "demonstration" or "pilot" (or "lead") are used if the cleanup is not 100% cleaning/removal and in fact led by Ecology in deed not just in word. If the model or example is to be hereby set for a new, global approach, then removal of mercury and all other toxicants ought to be as timely as possible and "comprehensive" (Ecology's term per below). Not partial, not waiting 20-25 years, and not just a coverup. If I were a global follower, I would follow something else as a model or example.

Ecology might respond that the Port and City partners are aware of comments received however we will immediately forward your comment to them requesting their response be added on this document - something like that or better of course. It is irksome when one agency or one staffer tosses input to other employees as if they wash their hands of the concern. True reliable public service - as in private customer service - entails taking responsibility for satisfying an inquiry. I believe Ecology certainly has the prerogative to speak up about land use especially since current land use decisions are contrary to its goals as written: "To use a new cooperative approach to expedite source control, sediment cleanup, and associated habitat restoration in Bellingham Bay." Ecology is said to be the project lead. Even if land use decisions were beyond its authority, cleanup requirements resulting from those decisions at a later date will not be.

My wish was that the City and the Port had aspired to restore the shoreline to be more similar to Oregon's life-supporting coast instead of restoring it to its former "glory" of industry industry and more industry. The timber should have stayed standing (preferable) or gone to Grays Harbor, the boulders should have stayed on the mountains (preferable) or gone to Everett, and the creeks should have stayed estuarine. The vision should have been to situate future apartment/condo dwellers and businesspeople in non-toxic, bedrock sorts of sites where they won't be exposed to air pollution and won't need to be rescued during the one or more foreseeable crises such as 60' tsunamis, train wrecks, earthquakes, or sea level rise. Hopefully nothing will shake up the people and the containments with their toxic contents. In those emergency scenarios, lower cost options cannot be adhered to as they

are now. The costs will be astronomical.

To be responsible stewards, in line with the pilot project purpose, we should remediate the illegal insults of those who went before, not replace them with new wrong practices and cosmetic approaches "to expedite source control, sediment cleanup, and associated habitat restoration in Bellingham Bay."

REFERENCES

Please see the Department of Ecology's statement re the Bellingham Bay Demonstration Pilot:

"The Bellingham Bay Demonstration Pilot is a team effort of 12 government entities, led by us, to clean up contamination, prevent pollution, and restore habitat in and around Bellingham Bay. We formed the Pilot Team in 1996 to develop a new, global approach to cleaning up sites. The team put this approach into a comprehensive strategy document that now governs how it approaches cleanup work. The Pilot Team is co-managed by Ecology and Port of Bellingham, with Ecology as the lead."

<https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Toxic-cleanup-sites/Puget-Sound/Bellingham-Bay/Bellingham-Bay-demonstration-pilot>

And which purpose is stated on the Port of Bellingham website as follows:

Purpose

Since 1996, the Port of Bellingham has been a co-manager of the Bellingham Bay Demonstration Pilot, a partnership of 14 different federal, state, local, and tribal agencies working cooperatively together to improve the environmental health of Bellingham Bay. This partnership is working to:

- Clean up historic contamination in Bellingham Bay
- Restore habitats for fish, birds, and other aquatic resources
- Revitalize land uses
- Stop ongoing sources of pollution

<https://www.portofbellingham.com/146/Bellingham-Bay-Demonstration-Pilot>

Response

Comments noted.

The Draft Cleanup Action Plan is an Ecology cleanup document.

Comment from: Mt. Baker Group, Sierra Club, Rick Eggerth

On behalf of the Mt. Baker Group of the Washington State Chapter of Sierra Club, of which I am the vice-chair, I write to comment with regard to the proposed Central Waterfront Site toxic waste cleanup in Bellingham, and in particular the Final RI/FS Report submitted March, 2018 by Anchor QEA, LLC to the Port of Bellingham ("RI/FS") (including all later documents and plans based on it). Several clean up areas of significant and urgent interest are not adequately addressed in the RI/FS, so that the preferred Alternative A clean up approach is inadequate to assure the health and safety of the citizens of Bellingham.

Specifically, I refer to section 6 of the RI/FS, entitled "Conceptual Site Model," beginning at p. 73 of the RI/FS. Problems become apparent in section 6.3, "Hilton Avenue Properties Subarea," beginning at p. 96. (These same problems appear to apply to the C Street Properties as well – see Figure 6-10, p. 430 of the RI/FS – but for ease of discussion, I refer only to the Hilton Avenue Properties.) Section 6.3.1 describes the Contaminants of Concern ("COC") as "TPH's" (Total Petroleum Hydrocarbons), specifically "TPH-G" (gasoline) and "TPH-D" (diesel), and "PAH's" (Polycyclic Aromatic Hydrocarbons) from fuel tank operations and creosote-treated piles.

Section 6.3.2.1, addressing "Soil Nature and Extent" (starting p. 97), indicates the presence of TPH-G and "TPH-Dx" (diesel extended range) in certain parts of the Subarea, as well as "BTEX" (benzene-toluene-ethylbenzene-xylene) in another part of the Subarea. I think we can all agree that gasoline, diesel, benzene, toluene, ethylbenzene and xylene are extremely toxic and/or carcinogenic whether their fumes are breathed in or they contaminate water (fresh water for humans, land animals and plants, or seawater for sea animals and plants). The presence of PAH's was also indicated on the site (from the former olivine plant, p. 98).

In Section 6.3.3, "Contaminant Fate and Transport," p. 100, it is stated that "[TPH] and PAH impacts at depths to 15 feet bgs [below ground surface] are present and have the potential to enter stormwater drainage, . . ." This same paragraph goes on to indicate that groundwater monitoring indicates that these substances are not a threat to groundwater, but nowhere in this paragraph or section 6.3 is potential floodwater contamination addressed.

Section 6.3.4 addresses "Exposure Pathways and Receptors" (p. 101), and states that the exposure concerns are personal contact with the TPH's and PAH's (and presumably BTEX, though that is inexplicably not discussed in this section), either from the soil or by inhaling, or "[r]unoff from surface soil to sediments from erosion of surface soils to the stormwater drainage system." Section 6.3.5, "Remedial Investigation Conclusions for the Hilton Avenue Properties Subarea" (also p. 101), concludes that an evaluation of remedial alternatives . . . is developed in the FS, [which] will focus on eliminating the potential for direct contact exposure and contaminated soil to enter the stormwater drainage and runoff to adjacent sediments.

No other exposure concerns are addressed regarding the TPH's, PAH's, and BTEX in the Hilton Avenue Properties Subarea.

The RI/FS goes on to decide that the appropriate manner of dealing with these areas of contamination is to cap them, as illustrated in Figure 6-10, p. 430, and Figure 9-1, p. 431 (Alternative A).

The concerns we have are that the contaminants in both of these subareas, the Hilton Avenue Properties and the C Street Properties, being liquid in nature, could be spread widely in the event of flooding, either from rising sea level, a tsunami or stormwater. Yet the RI/FS indicates that mere capping is a sufficient remedy. Unless "capping" means complete 360 degree impermeable encapsulization of the contaminants, which does not appear to be the case (see Section 8.3, beginning p. 111), then floodwaters could conceivably push these highly toxic and/or carcinogenic substances into other areas where humans, animals, and plants could be exposed to them, with devastating and possibly deadly results. No one wishes to risk that kind of exposure, especially the people of Bellingham Bay.

To the extent that it could be argued that cleanup Alternative A meets all legal requirements, it seems obvious that merely meeting legal requirements is not enough when dealing with contaminants of this level of toxicity and/or carcinogenicity. The people of Bellingham deserve to know they are safe from such dangerous substances. Period.

The better approach to these contaminants would be to completely excavate them, and then remove them to an appropriate toxic waste land fill, where they could be properly contained. Therefore, on the specific behalf of the members of the Mt. Baker Group/Sierra Club, as well as the general behalf of the people of Bellingham and those who live around Bellingham Bay, we urgently and respectfully demand that the cleanup alternative include this cleanup methodology for the Hilton Avenue Properties and C Street subareas (and anywhere else in the Central Waterfront Site where such substances might be found). Thank you.

Response

The Draft Remedial Investigation and Feasibility Study underwent a 45-day public review and comment period from September 18 to November 1, 2017. For the Draft Cleanup Action Plan, the Department of Ecology scheduled a public meeting in response to requests received during the July 8 to August 6, 2019 public comment period. The public meeting was held on September 18, 2019, at the Bellingham Technical College's Technology Development Center. The public comment period was also extended for an additional 30 days from September 16 to October 15, providing a total of 60 days for public comment.

The purpose of the Cleanup Action Plan is to describe the preferred cleanup alternative selected from the Feasibility Study in more detail. The cleanup site, including the nature and extent of contamination, is characterized in the Remedial Investigation and Feasibility Study. The nature and extent of soil and groundwater contamination is not homogenous across the site. Due to the different locations and types of historic operations that caused the contamination, each location was evaluated based on the nature and extent of contamination and exposure pathway(s) present at that location. The Draft Cleanup Action Plan presents location-specific cleanup actions that were evaluated in the Feasibility Study and determined to be protective of human health and the environment under MTCA.

Appendices

Appendix A. Public Comments in Original Format

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

Transmitted Via Online Portal: <http://cs.ecology.commentinput.com/?id=bRZ7W>

7/23/19

RE: Draft Cleanup Action Plan for the Central Waterfront Cleanup site

Dear Ms. McInerney,

Thank you for taking the time to consider our comment on the Draft Cleanup Action Plan (CAP) for the Central Waterfront Cleanup site located in Bellingham Bay. We are encouraged by the continued progress made by the cleanup efforts on the Bellingham Bay toxic sites that are legacies of our uninformed industrial past.

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.

Our biggest concern with the proposed CAP is that upon completion of the cleanup it is expected to take an additional 20 to 25 years for the groundwater to meet human health and environmental standards. The CAP document states that because considerable landfill material will be left in place there will be a continued supply of toxic material that will continue to contaminate the groundwater. We feel that this time frame is too long and request that the Department of Ecology (Ecology) modify the CAP, perhaps by incorporating a barrier, partial or complete around the landfill, or if possible, implementing in situ soil and groundwater treatment, to reduce this time frame.



In addition, when talking about the monitored natural attenuation (MNA) that is taking place on the site we would appreciate it if Ecology would define exactly what is occurring. Is there attenuation simply because of dilution over time? Or, are there microbial actions, chemical reactions, or soil interactions that are explaining the attenuation of contaminants? In our opinion, there is a big distinction between a contaminant being broken down or digested versus simply being diluted, particularly for persistent contaminants that are released into the marine environment.

We are appreciative of the effort that Ecology, Port of Bellingham, and the City of Bellingham have made to help educate the public about the cleanup efforts and to encourage citizens to send in comments. One place that Ecology could improve upon is the readability of the CAP document. Some suggestions are:

- The current site conditions, section 2.5, should be expanded to provide a clearer overview of the site. We found that we had to read the entire document before we fully understood the current conditions. For example this section should include:
 - The types of metals found in all 3 subareas. It is only provided for Hilton Avenue Properties (arsenic and lead). Not until much later in the document are all the metals found on the site disclosed.
 - Definitions and differentiations between landfill-associated gas, soil gas, and vapor.
 - A table that includes the current levels of contaminants found at the site along with the cleanup level goals so that readers can easily see the magnitude of contamination.
- We find section 3.3.1, discussion on groundwater point of compliance, to be confusing and potentially misleading. We interpret this section to say that because the source of contaminants (the landfill) are being left in place the standard, more stringent, groundwater standards can not be met (deemed not practical); therefore, less stringent, conditional standards are allowed to be used. In a later section, the document explains that groundwater standards are not expected to be met for 20-25 years. Please explain this in language that people can easily understand. In this case we feel that more effort was spent justifying the issue through discussing the Washington Administrative Code than explaining what is actually occurring. We feel that this is an important aspect of the project that the public should fully understand.

The treatment of stormwater to avoid recontamination was not addressed in this document. Perhaps it was discussed in the Remedial Investigation/Feasibility Study (RI/FS) but it should be included in the CAP or at minimum the reader should be directed to the proper section in the RI/FS to find this information. This also goes for an assessment of how the effects of seismic activity and sea level rise, including storm surges, could impact cleanup efforts at the site. These are also concerns expressed by Bellingham residents who attended the walking tour of the site on July 10th.

Lastly, in conversation with the Port of Bellingham we learned that the fate of the Aerated Stabilization Basin (ASB) has not been determined. While it is likely to stay within the classification of Marine Trades it is not necessarily going to be a marina. It is currently functioning as a settling pond for stormwater which we feel is important as the central waterfront will remain an industrial area with industrial related stormwater runoff. We would like to see the ASB retain this function in addition to providing habitat. While it can never function like the productive mudflat it was before it was filled in, there are still measures that can be done to increase habitat potential.

Thank-you for reading our comment letter and taking our recommendations into consideration. We appreciate the opportunity to play an active role in the toxic cleanup process in Bellingham Bay and feel this collaborative approach will result in a more comprehensive cleanup.

Sincerely,
Kirsten McDade, Pollution Prevention Specialist
Clean Water Team

Jacob Fry

I think a cleanup plan like this has good intentions but can be harmful if not executed properly to avoid wasting resources. Given that the land was formerly owned by Native Americans it seems proper to treat with extreme care and mindfulness. Paul Stamets who is an accomplished and published Mycologist has work showing the potential of oyster mushrooms to combat hydrocarbon-based contaminants in soil. I think it is worth looking into the situation because of all of the contamination cleanup is already costing Millions if we can have a more organic and cheaper alternative that would be the best use of resources. By inoculating contaminated soil with oyster mushroom spawn the results could be not only beneficial but environmentally the best option

From: Richard Conoboy
Sent: Saturday, August 3, 2019 4:14 PM
To: McNerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Clean up of Bellingham's Central Waterfront Site

To Washington State Department of Ecology;

As a concerned citizen and I am commenting on the cleanup of Bellingham's Central Waterfront Site. The current Cleanup Action Plan is not appropriate and there should be more in-depth cleanup of more sites; especially the smaller, non-contiguous spots to the North and South of the already asphalted area.

Your department should hold at least one, if not two ,open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, request your office hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Sincerely,

Richard Conoboy

“What is this you call property? It cannot be the earth. For the land is our mother, nourishing all her children, beasts, birds, fish, and all men. The woods, the streams, everything on it belongs to everybody and is for the use of all. How can one man say it belongs to him only?” Massasoit

From: Alexandra Wiley
Sent: Saturday, August 3, 2019 5:06 PM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Bellingham Central Waterfront clean up

To Washington State Department of Ecology;

I'm a concerned citizen and I am commenting on the clean up of Bellingham's Central Waterfront Site. I believe that the Cleanup Action Plan is not appropriate. I believe there should be more in-depth cleanup of more sites; especially the smaller, non-continuous spots to the North and South of the already asphalted area.

I also believe that you should hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Sincerely,

Alexandra Wiley
Bellingham WA

From: ELIZABETH GROSS
Sent: Saturday, August 3, 2019 9:56 PM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Bellingham's Waterfront Cleanup Action Plan

To Washington State Department of Ecology;

I'm a concerned citizen and I am commenting on the clean up of Bellingham's Central Waterfront Site. I believe that the Cleanup Action Plan is not appropriate. I believe there should be more in-depth cleanup of more sites; especially the smaller, non-continuous spots to the North and South of the already asphalted area.

I also believe that you should hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Sincerely,

Betsy Gross

From: Judith Akins
Sent: Sunday, August 4, 2019 10:45 AM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Central Waterfront Cleanup

I recently attended the walking tour of the Central Waterfront cleanup site with Re-Sources. I am concerned that there should be more in depth cleanup including the spots North and South of the asphalted area .

I am requesting that a public hearing be scheduled to allow for more citizen input and discussion of the plan. I do realize that we can comment online etc. but I think we should consider that the summer vacations and the current political activity around Bellingham might deter people from commenting in the time allocated. Please extend this comment period and hold a public meeting.

Sincerely,

Judith Akins

From: Michael Sennett
Sent: Sunday, August 4, 2019 11:02 AM
To: McNerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Bellingham Waterfront

To the Washington State Dept. of Ecology-

I am writing to request a public meeting be held concerning the pollution remediation and restoration of the Central Waterfront Site. The cleanup's options of capping vs. removal need more discussion and public input.

Also, the public comment period should be extended so that the post-primary political candidates can be questioned on their positions regarding the waterfront's Cleanup Action Plan. Thank you for taking my request for a public meeting. Mike Sennett.

From: Todd Lagestee
Sent: Sunday, August 4, 2019 10:44 PM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Bellingham Central Waterfront Cleanup

To the Washington State Dept. of Ecology-

My name is Gregory Todd Lagestee. I go by Todd Lagestee. I reached out to a bunch of people I know to have them comment on the Bellingham Central Waterfront Cleanup and to request an extended comment period and to ask for an open public meeting. I wrote a basic template that they may cut and paste from or write their own comments.

I attended the July 10, 2019 walking tour of the Bellingham Central Waterfront Cleanup. It was a very, very basic overview and not technical in any capacity. At some points, the subject matter wandered to the ASB lagoon, to the I & J Waterway, to the Whatcom Waterway and to the GP site. It was on a rainy day and because of the long walking, not all on concrete paths, may have deterred those with handicaps. In short, it was a feel good measure in my opinion.

It was clear in the walking tour that the amount of clean up was minimal and that much of the site contamination was being capped instead of cleaned. That is truly a miscarriage of responsibility on the part of the City of Bellingham, the Port of Bellingham and the Washington State Department of Ecology. There are a multitude of reasons to clean this up (water runoff quality, groundwater quality, Orca habitat, Salmon enhancement) and only one reason to cap it over, money. That we as a community can consider short sighted and cost limited measures to not clean up and continue to externalize the cost of pollution on to the future is unacceptable.

The small sites to be capped to the North and the South of the large asphalted area of the Central Waterfront Cleanup should be actually remediated. The contamination should be removed and clean fill installed so that the area is as clean as possible. This area is so close to the water that runoff and groundwater are difficult to control. Furthermore, capping an area on fill, that is subject to liquefaction and tsunami impacts is not a surefire method of containment, in an area that could be impacted by the eventual Cascadia Subduction Zone megathrust 9.0 or greater earthquake.

We, as Citizens of Bellingham have an opportunity to ensure that we don't pass on a future shrouded in contamination and future work to the generations that will come. It is time for us to pay it forward and do the right thing, right now. Clean up the non-continuous sites in the Central Waterfront instead of just capping them.

Please hold a meeting to discuss this important issues. The WA State DOE website on public comments states that you will hold an open public meeting if you get 10 requests to do so: <https://ecology.wa.gov/Events/TCP/SiteCommentPeriod/CentralWaterfront>

Respectfully,

Todd Lagestee

The Washington State Dept. of Ecology should hold an open public meeting to allow for more public comment

From: ryan gilbert
Sent: Monday, August 5, 2019 6:04 AM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Waterfront cleanup.

To Washington State Department of Ecology;

I'm a concerned citizen and I am commenting on the clean up of Bellingham's Central Waterfront Site. I believe that the Cleanup Action Plan is not appropriate. I believe there should be more in-depth cleanup of more sites; especially the smaller, non-continuous spots to the North and South of the already asphalted area.

I also believe that you should hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Sincerely,

-Ryan Gilbert

From: Cory Anderson
Sent: Monday, August 5, 2019 7:45 AM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Bellingham waterfront

To Washington State Department of Ecology;

I live in Bellingham and the health of our waterways are very important to me. I am contact you regarding the clean up plans for Bellingham's Central Waterfront Site. I have concerns that the Cleanup Action Plan is not adequate. I believe the clean-up plans need to be expanded to more sites; I feel there are smaller non-continuous spots to the North and South of the already asphalted area that should be addressed. These sites are no less important for dealing with contamination.

I also believe that you should hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests. Add my name to the list for this request.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Thank you,

Cory A. Anderson

From: Lisa Anderson
Sent: Monday, August 5, 2019 8:06 AM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Re: Bellingham waterfront

To Washington State Department of Ecology;

I am contact you regarding the clean up plans for Bellingham's Central Waterfront Site. I just became informed that the clean up plans do not include all of the contamination sites and would like for you to hold a public meeting in Bellingham regarding this issue. The health of our waterways and shoreline is very important, and I feel anything less than a full clean up of contamination is counterproductive and shortsighted. I have concerns that the Cleanup Action Plan is not adequate. The smaller non-continuous spots to the North and South of the already asphalted area are no less important to ensure we improve the health of our environment.

I request you hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests. Add my name to the list for this request.

I am a community member who stays engaged and generally is well informed on what is happening in Bellingham. As someone running for office, my focus on those efforts meant that this would have been missed if it was not pointed out by a friend. I am not contacting you as a candidate, but as a long time Bellingham resident who has spent a lot of time working for the health and well-being of our community. I know of many community members who are equally engaged and this has not been a topic of discussion. Our local elections have been a bit consuming and I feel that in its wake, our community will realize this very important issue got past them based on just a written announcement. I know a public meeting is needed to ensure we engage our community fully.

As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham. Once you have ten written requests for a public meeting, please keep the comment open until you are able to arrange a public meeting in Bellingham.

Thank you,

Lisa A. Anderson

From: WENDY HARRIS
Sent: Monday, August 5, 2019 9:04 AM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Cc: Yunge, Chad (ECY) <CYUN461@ECY.WA.GOV>; Wendy Harris
Subject: Request For Public Hearing re Bellingham Central Waterfront site

Hello Lucy,

It has been some time since we have communicated. **I writing today to request a public meeting that is later followed by a public hearing on the Bellingham Central Waterfront site.** Holding both events on the same day does not allow the public the time needed to go home and reflect on relevant facts in order to submit an informed comment or testimony.

Moreover, the 30-day timing of this proposal fails to afford the public its full due process rights. Those of us who are most active in civic matters are likely to be extremely busy right now, working on a multitude of other projects, such as election campaigns, the county comprehensive amendments to Cherry Point, the update to the county SMP, watershed restoration for WRIA 1 or the revisions to the new jail. It certainly does seem that important proposals are brought forward at the same time every year, either during summer vacation or Christmas break. Under these facts, a 30 day review period is inadequate, and you have the authority to extend this period. I am asking that you do so for at least another 30 days, in order to schedule the public meeting and subsequent public hearing. There is no looming deadline that would counterbalance public rights, particularly with the extensive cleanup period proposed.

First, I remain concerned that DOE and the port continue to plan waterfront clean-up actions without the

cooperation and agreement of the tribes. I recall the great indignity they felt, rightly so, during a previous Bellingham Bay clean-up proposal when the cost/benefit analysis started only from the beginning of the history of the white man in Whatcom County. This greatly undervalued the economic loss suffered by the tribes because this was not reflected in the true value of the resources that were available in and near the bay before the settler's arrived. I would like to have a public discussion of this matter and I believe this is an issue of strong public interest. I am interested in seeing the tribes respected as the co-managers of local waters and this continued pattern of action by local and state government fails to show the proper respect and could violate the tribe's treaty rights.

I incorporate the questions and concerns contained in the Resources letter dated July 23, 2019, particularly with regard to the time period that is proposed. **I am not aware of any legal authority that allows an extended cleanup period for in situ clean-up.** Rather, the normal standard is to revisit the site every 7 years to see if updated technology has provided a permanent solution, but during such time the assumption is that the pollution has ceased. It appears there are more questions than answers in this matter.

As you must be aware, a number of years ago, Bellingham Bay was determined to be the fastest degrading bay in the entirety of Puget Sound. **Thus, there is some urgency in this matter as well as a need for better public transparency and accountability by DOE and the port.** This suggests that the usual method of throwing a plastic sheet down over the hazardous waste and then throwing sand over the plastic, in an area rated as a high risk for seismic activity, needs to be reevaluated.

Questions have been raised from the very beginning regarding public safety regarding the trail around the ASB, which has only a metal fence to keep the public out. **Are there safety issues regarding the contents of the ASB, including possible off-gassing of HAPs?** Every new study come out almost every week, including those by the UN, that indicate sea level rise is happening much faster than was ever projected, the ice shelf is collapsing and ocean acidification and nutrient loading are increasing problems. What sea level rise and stormwater run-off mitigation is included in the port's plans and how current are they with the constantly changing science? They have not been adequately addressed in the waterfront masterplan so this falls on your shoulders as you review the cleanup portion of the waterfront restoration.

From the ASB trail, the city snuck in cement stairs down to a pocket beach so that people could bring their dogs down to chase the geese. That is a problem when there are two kinds of forage fish that are believed to spawning in that location. **This pocket beach was relied upon by small salmon acclimating to seawater, a key to the survival of our dying Orca pods J, K and L, which are of particular interest to the governor.** This was also a resting spot for marine mammals and refuge for other small species. The conservation value of this rare pocket beach has been severally degraded without any mitigation of the harmful impacts to wildlife and habitat. What does DOE intend to do about this? The city lacked authority to put cement stairways to a pocket beach based only on a permit for an ASB trail and no one knew it was happening until it was done. This needs to be straightened out before it creates problems and complexity further down the line.

Quite frankly, this is a problem throughout the entirety of the waterfront. The city has misled the public, asserting that public access to water and water restoration are compatible activities and has sited every shoreline restoration spot on the same land as public access, including for nonmotorized watercraft, without any compensatory mitigation. This does not meet the no net loss standard and will put more wear and tear on the cap that the port intends to leave in place, particularly with large dogs, children, kayaks, canoes, and paddleboards being dragged in and out. Has the port and DOE accounted for this intensity of use impact in their clean up solution?

Accordingly, I request a public meeting for question and answers regarding the central waterfront site and the additional time thereafter to submit a comment or provide testimony during a subsequent public hearing. Please ensure that the tribes are invited to this event. Please accept this also as a comment on the cleanup plan.

Sincerely,
Wendy Harris

From: Anne Mackie
Sent: Monday, August 5, 2019 9:33 AM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Request for Open Public Meeting in Bellingham

To Washington State Department of Ecology;

I'm a concerned citizen and I am commenting on the clean up of Bellingham's Central Waterfront Site. I believe that the Cleanup Action Plan is not appropriate. I believe there should be more in-depth cleanup of more sites; especially the smaller, non-continuous spots to the North and South of the already asphalted area.

I also believe that you should hold at least 1 if not 2 open public meetings for more public comment on this important and long lasting action plan that leaves too much contaminated soil in the ground by capping instead of removal. Your website says the DOE will hold such a meeting if you get 10 requests.

Currently, Bellingham has serious political races occurring for City, County and State Representation. The limited 30 day window for public comment is not enough during this incredibly busy and important time. As such, please hold an extended comment period and an open public meeting on this issue essential to the future of Bellingham.

Sincerely,

Anne Mackie

Larry Horowitz

I support the request made by Wendy Harris for a public meeting that is later followed up by a public hearing on the Bellingham Central Waterfront site. Time is needed between meeting to allow the public the time needed to consider information presented at the public meeting.

Thank you for your consideration.

Sincerely,
Larry Horowitz
212 Sea Pines Rd
Bellingham, WA 98229
360.746.7154

Michael Petryni

I would like the Department to have a public meeting and hearing on the above plan. As a resident of Bellingham I have scant information on how the cleanup is to proceed and what its effects will be on the Central Port area.

More information as well as the opportunity to respond to the information presented would be appreciated.

Thank you.

Tip Johnson

Please schedule a public hearing on this proposed plan. Thank you.

Cheryl Crooks

Am requesting a public meeting and a public hearing regarding the Central waterfront cleanup and SEPA review. I understand that the cleanup it is expected to take 20 to 25 years for the groundwater to meet human health and environmental standards and because considerable landfill material will be left in place toxic material will continue to contaminate the groundwater. I would appreciate the opportunity for public comment on this issue.

Thank you in advance for your consideration.

Cheryl Crooks

Warren Sheay

Can we please have a public hearing on the Central Waterfront Clean-up and SEPA review? Thank you.

From: Rick Eggerth
Sent: Monday, August 5, 2019 5:37 PM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Bellingham Central Waterfront Cleanup

To Washington State Department of Ecology;

I'm a concerned citizen regarding the clean up of Bellingham's Central Waterfront Site. I believe that the Cleanup Action Plan may be inadequate, as it appears there could be, and should be, more in-depth cleanup within the sites. This applies especially to the smaller, non-continuous spots to the North and South of the already asphalted area.

In the interests of public transparency and due process, there should be *a minimum* of one or two open meetings for more public comment on this important and long lasting action plan. The current proposal leaves too much contaminated soil in the ground by capping instead of removal. Your website says DOE will hold such a meeting if you get 10 request, so please count this among the 10 needed.

Furthermore, due to Bellingham's current political races for City, County and State Representation (the primary is tomorrow), the limited 30-day window for public comment is not enough during this incredibly busy and important time. Something as important to the public health as hazardous waste cleanup should not be hurried through. As such, please hold an extended comment period and open public meetings on this critical issue.

Thank you.

Sincerely,

Rick Eggerth
Vice-Chair, Mt. Baker Group
Sierra Club

Cothenia (Tina) England Colwell

I am asking for a public meeting and a public hearing regarding the Central waterfront cleanup and SEPA review.

Paul James

Please hold a public hearing to review the SEPA DNS determination.
The proposal as it is needs further attention. Specifically the capping approach to contaminants needs to consider sea level rise and its impacts on fill stability.

Thanks

Vince Biciunas

Please open a Public Hearing on the Bellingham waterfront cleanup.
I am concerned for the health of future generations.

Hilary Cole

I am asking for a public meeting and a public hearing regarding the Central waterfront cleanup and SEPA review.

From: Alex McLean
Sent: Monday, August 5, 2019 11:45 PM
To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>
Subject: Bellingham Central Waterfront: clean-up action plan

Hello Lucy and thank you for your time,

I'm writing to request a public meeting on the Central Waterfront clean-up plan in Bellingham.

Although I missed the July 10 walk-through, I did attend a walk-through earlier this year of the "I" and "J" Waterway that abuts this site.

Then and now I am unimpressed with the level of clean-up proposed and the overall lack of consideration for long-term habitat. While there was much focus on the polluted soils and monitoring, the solutions of capping or ignoring the creosote-based sea-wall seemed inadequate and poorly thought-out: Our Port of Bellingham and the City of Bellingham promised us a thorough and careful process that would deliver the cleanest redevelopment prospects possible on these former industrial sites. But they appear to be eager to hustle through with the bare minimum instead.

We need to have a public meeting on these topics, more input, more time, and more review.

The walk-throughs are great, but they are reaching a small number of people during a compressed time period and, with so many things going on in Bellingham nowadays, we really deserve to give the community a chance to understand what the options and consequences are -- especially considering how much of our local tax dollars are being used to support these redevelopment and re-investment schemes.

Thanks, in advance, for granting us at least one, if not two, open public meetings on these clean-up plans and opportunities for more public comment as they move forward.

Sincerely,

Alex McLean

From: Dan Raas

Sent: Tuesday, August 6, 2019 12:13 PM

To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>

Subject: Public hearings needed on Bellingham central waterfront

Ms. McInerney,

As a concerned citizen of Bellingham who has watched the evolution of the Bellingham waterfront since 1976, I urge DOE to hold at least two hearings on the plans for the Cleanup Action Plan for the Bellingham Central Waterfront. These hearings are needed to gather additional public input in a public forum regarding the effect of the Plan on adjacent areas affected by the plan, the need to explore the public's understanding of the decisions DOE made regarding the extent of the proposed cleanup and for candidates for municipal office who survive the Primary election to learn about more about these actions and their effect on the future of the waterfront.

Thank you for your consideration,

Daniel A. Raas

RE: Draft Cleanup Action Plan for the Central Waterfront Cleanup site

Dear Ms. McInerney,

Thank you for taking the time to consider my comments on the Draft Cleanup Action Plan (CAP) for the Central Waterfront Cleanup site located in Bellingham Bay. I have worked in the environmental field for over 30 years as a Professional Engineer with a Master degree. I would like to request a public meeting to discuss the on the Draft Cleanup Action Plan (CAP) for the Central Waterfront Cleanup. In addition, after time to digest the information from the meeting, I believe a public hearing would be useful.

We have made progress on the cleanup efforts on the Bellingham Bay toxic sites, however I believe the plan proposed, which seems to have been selected due mostly to cost considerations leaves much risk to both human health and the environment.

I have concerns that proposed CAP, upon completion of the cleanup, it is expected to take an additional 20 to 25 years for the groundwater to meet human health and environmental standards. The CAP document states that because considerable landfill material will be left in place there will be a continued supply of toxic material that will continue to contaminate the groundwater. This time frame is too long. The Department of Ecology (Ecology) could change the CAP, incorporating a barrier around the area and removing more contaminated material as associated with some of the other alternatives. In addition, a better view of the overall site and the level contaminants found at each site, whether those are metals, petroleum, hydrocarbons, VOC, other contaminants.

The treatment of stormwater to avoid recontamination was not addressed in this document. It should be included in the CAP. This also goes for an assessment of how the effects of seismic activity and sea level rise, including storm surges, could impact cleanup efforts at the site.

Lastly, the fate of the Aerated Stabilization Basin (ASB) has not been determined at this time. It is currently functioning as a settling pond for stormwater which is important as the central waterfront will remain an industrial area with industrial related stormwater runoff. We would like to see the ASB retain this function in addition to providing habitat.

There is very little consideration for providing habitat for wildlife either on land or in the water. I believe that was one of the goals previous expressed by the many citizens who took part in shaping the plans for this area.

Sincerely,
Lynn Billington, PE, MS

Johnny Dean

With the new developments I notice and the clean up notice I think some things should relocate. To be humane to payers I believe the homeless service stuff can be painlessly relocated somewhere more private and rural in the city. I always thought it was a no-brainer that human suffering is the major pollution around there and the little walk up the hill to the bad soundtrack bar scene and stinky looking breweries that conflict. I think this basic thing could end some illogical trash can rummaging when I walk about. Thanks for the postcard and opportunity to comment. I wonder how thick traffic is going to be and if the next uniform pollution will settle around there. I almost wish the wild outskirts could be raked, swept, and shined up periodically instead of a lot of road base trails and empty recreational spots.

From: WENDY HARRIS

Sent: Thursday, September 26, 2019 4:13 PM

To: McInerney, Lucy (ECY)

Subject: Comments and concerns regarding Central Waterfront Cleanup

Dear Lucy:

I have a number of concerns regarding the cleanup. This community has never supported cap and cover in such an unstable area and yet it continues to be forced upon us. Given that Bellingham Bay was determined to be the fastest degrading Bay in Puget Sound due to loss of its benthic biodiversity and contaminants, this needs to be reviewed and revised to ensure a higher level of protection as required under MTCA. Additional concerns:

- Will this cap and cover plan be strong enough to endure an earthquake and tsunami of the strength that we all only recently learned about from DNR and NOAA? The impacts, such as a 60 ft tall tsunami were more than anticipated, and therefore, more than the port would have planned for in this cleanup. Have you re-evaluated the proposal to see if it is still adequate in light of this new information? If you have not, it needs to be done.
- We were told there was a meeting with the Lummi. Have they agreed to this since this affects their treaty rights? They were pretty upset a few years ago when the cost-benefit analysis started when white colonizers arrived, rather than considering the value of the natural assets that existed before this time for tribal use.
- There has never been an EIS analysis of the impacts of increased boat traffic. (Yes, it is true.) As you know, the EIS for the waterfront was done through a series of EIS reports and supplements and reflected changes in the plan, making it difficult to track. When the boat traffic issue was reviewed, the existing plan was to let industrial marine activities fade away over time. The consultant determined, based on nothing, at least nothing objective or quantitative, that the decrease in commercial boating and the increase from recreational yacht traffic would zero each other out and determined there would be no impact. That is no longer the case. When the last EIS was filed (through inappropriate use of the addendum process for which there was no public notice or process) the final waterfront plans involved both industrial and recreational boating but the issue of vessel traffic was never revisited. Thus, we have no environmental assessment of

the impacts. It seems reasonable to assume that this will impact wear and tear on the cap and fill proposal, either through engine e Will this unplanned increase in vessel traffic impact the integrity of the proposed Cleanup Action Plan, (CAP)? I would actually question how you could answer that question without definitive plans on how the ASB will be used or the size and nature of any future marina. This needs to be evaluated before cleanup plans proceed.

- WAC 173-340-702 is intended to promote expeditious cleanups. The proposed CAP would take 20- 25 years, potentially more, to reach safe standards for human health based on U.S standards. The CAP document states that because considerable landfill material will be left in place there will be a continuous supply of toxic material contaminating the groundwater. That is simply unacceptable and contrary to the intention of the MTCA. Given these timelines, the landfill material needs to be removed to an upland toxic waste site. Groundwater and surface water meet in places that are not fully explored yet and we do not know where these toxins will be released and if humans or wildlife will be exposed and suffer health impacts. In the meantime, this area is going to be subject to increased intensity of use, not the least of which is the ASB interim trail and the pocket beach.
- In reality, the amount of toxic material is going to increase, not remain the same. A glance at the map shows how close the cleanup site is to Squalicum Harbor, which must be regularly dredged and contains dioxin-contaminated sediment in quantities too high to qualify for underwater burial. It is going to impact the shoreline of the Central waterfront. Moreover, if the ASB is converted to a marina, those boats will provide an additional source of toxins contaminating fill and nearshore. How is that accounted for?
- I am confused by the use of "groundwater" in this context. We have surface water in the bay and at the bottom is sediment. Are you referring to water that is below that sediment or are you referring to water that is under the Central Waterfront fill, but which will freely mix with the open surface water in the waterways and bay? Could you please clear this up for the public? It is somewhat misleading to call this groundwater if it is mingling with surface waters. In fact, the whole situation with CAP is hazy and unclear.
- **The CAP fails to account for air quality impacts yet they are the greatest environmental health risk faced by most Bellingham residents.** The MTCA

incorporates air quality. WAC 173-340-750. (Please be aware that DOE is updating its TAP standards as they are not currently sufficiently protective. I hope that these new standards will be used in this cleanup.) This is along a busy arterial and near an urban population center. I lived downtown on F Street close the Central Waterfront and I have a respiratory disease and experienced problems breathing at times as work was being done on the waterfront or Encogen was running. Has DOE assessed all the toxic air pollutants (TAPs) in the fill and sediment and whether they are air soluble? At a minimum, there will be large amounts of dust containing gases and particulates that will be circulated from construction activities and the use of heavy equipment. How will the port protect air quality impacts? This is something that has been largely neglected in Whatcom County but with a growing population, many with asthma, allergies, COPD and worse, this is not protecting public health. I note that in a similar clean-up in New Jersey, the EPA covered the whole site in those white plastic sheets they love so much to prevent dust and fumes from leaving the site and they set up monitors.

Thank you very much for holding the meeting and comment period. I am sorry I was unable to attend due to health reasons. Please know that all Whatcom County residents care about the ecological health of our marine ecosystem and uplands

Sincerely,

Wendy Harris

Tip Johnson

Please see comments on the Central Waterfront Plan uploaded as a pdf.

To: Washington State Department of Ecology
From: Tip Johnson
Date: October 13, 2019
Subject: Bellingham Central Waterfront

Thank you for the opportunity to comment. A family occasion regrettably prevented my attendance at the public hearing.

I am concerned with DOE's chronic avoidance of any full accounting of the mercury G-P used, and the department's failure to address the issue of any missing mercury that could be a direct, lasting and increasing threat to human health and the environment in our community. Does DOE ever intend to do a mass balance analysis of mercury used at G-P? The EPA has a worksheet for that.

According to the draft CAP, "Between 1965 and 1974, the Roeder Avenue Landfill was operated as a disposal site for wood waste and other material from the GP mill..." All three subareas are noted as containing "metals". "COCs that currently exceed cleanup levels in groundwater are metals (including arsenic, cadmium, copper, chromium, lead, mercury, nickel, zinc, and manganese)..." The Data Validation Report also mentions a lot of metals, but it appears only a couple small samples (x1.4 grams) were tested for mercury. Figure 2-2 shows a lot of soil and groundwater testing in areas of project NE and SW, but much less testing over significant areas, notably under large buildings. Overall, there is very little mention of mercury. Why is there so little emphasis on what should be a priority COC?

G-P habitually loosely interpreted, avoided or ignored environmental regulations. DOE may recall correspondence of March 25, 1977, from Warren Mowry, G-P's Environmental Control Director, in which he "respectfully reject(s)" the departments directives for safe handling of solid wastes. G-P acknowledged in these writings that they operated under the "necessity of disposing of these wastes". A year earlier DOE caught G-P illegally dumping mercury contaminated sludge in two locations, including along Whatcom Creek, a state-designated juvenile fishing stream. DOE also caught G-P illegally dumping 12 tons of mercury in the Chem-fix Slab, adjacent to the Bellingham Bay shoreline. DOE should recall the spate of problems Whatcom County residents experienced with so-called "wood waste" in various unregulated dumps used by G-P.

G-P's known use of this dump and pattern of reckless willingness to spread mercury-laden wastes around the community suggests that DOE should be taking a more active prospecting role in evaluating this and other sites.

On further review of files archived with the Mercury Victims of Whatcom County, I found the following disturbing correspondence sent on condition of anonymity from a high level technical resource within G-P.

BEGIN REFERENCED DOCUMENT

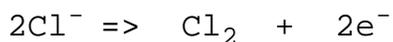
From: [REDACTED]
Subject: RE: Mercury
Date: November 23, 2004 10:42:02 PM PST
To: [REDACTED]
Cc: [REDACTED]

[REDACTED]

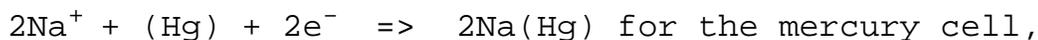
[REDACTED]

The constant chlorine to caustic ratio in large scale operations is about 1:1.125 for diaphragm units and about 1:1.146 for mercury cells.

The anodic reaction proceeds with an efficiency of about 97% in mercury cells and 95% in diaphragm cells according to the equation



whereas the cathodic reaction is nearly 100% in both cells according to



whereby the Na(Hg) is subsequently reacted in a secondary unit (a decomposer tower packed with graphite) with water, forming NaOH and hydrogen.



Molecular weights: Na=23, O=16, H=1, NaOH=40, which means that hydrogen production is $1/40=2.5\%$ of amount of caustic = $112 \text{ tons}/40=2.8 \text{ tons per day}$

Since the emissions (see below) in European Euro Chlor members' mercury cell rooms were 26.6 grams Hg/chlorine capacity in 1977, we can assume that G-P plant was not any more efficient since it was built with 10 years older technology.

26.6 grams Hg/chlorine capacity = 2.66% x 100 tons of chlorine/day = 2.66 tons of mercury per day of which most is still in the soil above or under the water in the bay.

██████ look from G-P:s permit and calculate how much were they allowed to release in the air and with the effluent from the lagoon to the bay in 30 years. Subtract that amount from 2.66 tons x 365 days x 30 years = 29,127 tons. What was permitted to be released amounts to maybe that 127 tons so there should be 29,000 tons still mercury inside G-P property. Even if the permit allowed 1,127 tons of mercury to be released in 30 years, we still have 28,000 tons left in the soil etc.

I hope the above is of some help to you.

██████

How mercury is used to make chlor-alkali chemicals

Chlorine is produced by electrolysis when an electric current is passed through a solution of brine (common salt dissolved in water). Co-products are caustic soda (sodium hydroxide) and hydrogen. All three are highly reactive, and technology has been developed to separate them and keep them separate. Stringent operating conditions are maintained to protect the health of manufacturing staff and the environment.

About 60% of Western European capacity for chlorine depend on the mercury process. The electrolytic cell has titanium anodes located above a mercury cathode, which flows along the bottom of the cell. Under the action of a direct current on brine, chlorine is released at the anode and sodium dissolves in the mercury cathode to give an amalgam.

Emissions from Euro Chlor members' mercury cell rooms				
Year	1977	1985	1990	1997
Amount	26.6	8.1	4.1	1.4
Index	100	30.5	15.4	5.3
(grams Hg/t chlorine capacity)				

The sodium amalgam passes out of the electrolytic cell into a separate reactor, away from the chlorine. Here, it reacts with water to give hydrogen and caustic soda. This regenerates the mercury, which is then returned to the electrolytic cell. Salt is added to the brine leaving the cell and the brine is recirculated. Some 2.26 tonnes of 50% caustic soda and 312 cubic metres of hydrogen result from the production of one tonne of chlorine. The mercury process produces extremely pure, high quality caustic soda, suitable for use in textile applications. Caustic soda from the mercury process is produced at a higher concentration than from alternative processes. This minimises the energy consumption involved in concentrating dilute soda to give a usable product.

The closure or conversion of mercury plants would result in the need to recover some 12,000 tonnes of mercury contained in existing cells. Careful planning and co-operation between industry and the authorities would be essential in ensuring proper storage, use or disposal of this valuable, high-quality mercury.

END REFERENCED DOCUMENT

The 'Victims' originally set this correspondence aside due to concerns it might be purposely exaggerated to lure them into making self-marginalizing statements. I submit it now because DOE should have the ability to gauge its accuracy. If true it should warrant reconsideration, review, and further investigation of this and other sites. The source points out that based on plant capacity and standards observed in Europe with more efficient equipment than was installed at G-P, the amount of mercury consumed should conservatively be around 29,000 tons. Since permitted releases to air and water were relatively small, the source concludes that at least 28,000 tons should still remain on site - unless illegally moved elsewhere. Is it possible these figures are accurate? If so, what will DOE do to discover the fate of any missing mercury?

Mercury quantities discussed in evaluation of the G_P site originally included only about 12 tons in the Chemfix slab and maybe 20 discharged to the bay. Total releases to air would need to be estimated including at least what escaped the cells and contributions from G-P's failed sludge "roaster" - some hundreds of tons in any case. This potentially leaves thousands of tons still unaccounted. Later remediation at the chlor-alkali site involved excavation and recovery of elemental mercury. I have not seen an accounting of those quantities. During the dredging of the waterway, an employee of one of the contractors reported pockets of elementary mercury again being encountered. I have not seen any official report of these observations nor any estimate of the quantity recovered. How much mercury has been located or recovered?

We know some mercury was shipped as a contaminant in G-P's product. DOE should recall the correspondence of Oct./Nov. 1972 between DOE's James Behlke and the Alaska DOEC's Ronald Hansen regarding the 25,000 gallons of mercury contaminated caustic sludge that had accumulated in the Ketchikan mill when G-P was supplying their chemicals. Alaska found "...a level of mercury contamination...unacceptable for discharge in this location". Ketchikan had to ship it back to the Bellingham mill. DOE acknowledges G-P's receipt of the material, thanking Alaska for their vigilance toward "...this critical contaminant".

Please note G-P was using this disposal site when this occurred. What happened to the material? How do you know it is not in this dump? Can DOE adequately protect human health and the environment without knowing how much mercury is missing and where it might be?

Mercury vapor monitors can be driven in transects and the results correlated with weather data to indicate the location of mercury contaminated sites. Poking a few holes and testing small samples could easily miss large deposits of mercury contaminated material. Will DOE consider more sophisticated measures to help substantiate their analysis of this site?

Elsewhere, while DOE asserts the plan will "...be protective of human health and the environment", project documents suggest that it will take more than 20 years before groundwater complies with cleanup standards. "Natural attenuation" seems to mean continued gradual releases to the environment. DOE knows mercury is a dangerous metal with grievous public health consequences, that it forms dangerous bioaccumulative, neuro-toxic compounds, that it persists, migrates and fluxes in the environment. Has DOE estimated how

much mercury will be released from this site over those years? What measures will be taken if future monitoring indicates higher mercury discharges than anticipated?

Project documents suggest that fences and warning signs, deed restrictions and covenants, long-term inspection, monitoring and maintenance restrictions will prevent disturbance of caps without Ecology approval. Sea level rise, storm surges and earthquakes causing liquefaction or tsunamis will not seek DOE approval. According to the USGS, a megathrust from the Cascadia subduction zone could be more than a thousand times more powerful than the earthquake that devastated Haiti in 2010. Recent NOAA models suggest that a tsunami may reach a height of 18 feet and churn around the area for hours. The effect of liquefaction can be easily seen in simple google image search (<https://bit.ly/2VADBfc>). Are the caps designed to withstand these forces? How will DOE protect human health and the environment in a catastrophic failure of the caps?

Finally, friends to whom I read excerpts of the project documents asked me to suggest DOE consider replacing inaccurate terms like “cleanup” and “natural attenuation”. Using “cleanup” for plans that don’t clean things up sounds dishonest, as does using “natural attenuation” to continue polluting the environment. This tends to erode the public’s trust in the DOE - especially as the agency usually writing the permits authorizing such pollution. Suggestions included using “coverup” instead of “cleanup” and maybe “trickle-down dispersal” or “pollution dilution” instead of “natural attenuation”. We all appreciate DOE’s efforts to be direct, honest and trustworthy.

Thank you.

From: Todd Lagestee

Sent: Saturday, October 12, 2019 12:00 PM

To: McInerney, Lucy (ECY) <LPEB461@ECY.WA.GOV>; Fawley, Ian (ECY) <IFAW461@ECY.WA.GOV>

Cc: ccmil@cob.org; bobbyb@portofbellingham.com; kenb@portofbellingham.com; michael@portofbellingham.com

Subject: Central Waterfront Cleanup Comment

Dear Elected Officials of the City of Bellingham and the Port of Bellingham and to the Washington Department of Ecology;

Thank you for holding the open public meeting on Sept. 18. The presentations had some nice photos, but unfortunately the details on the actual pollutants found was a bit lacking. I would have thought any presentation of a Cleanup Action Plan (CAP) would be very comprehensive as to exactly what pollutants are where on the site and even in what concentrations. Average citizens shouldn't have to dig through the documents on the website to try to sort out the legalese of what contaminants are where and how much are there, especially if holding a public meeting. I also was expecting more specifics on how the capping would protect the public and the depth of work to be accomplished.

By not addressing the specifics of the cappings, the government agencies have not adequately shown appropriate mitigation of the hazards, especially those contaminated with Volatile Organic Compounds (VOCs). That the DOE identifies monitoring of ground water, without any specific data on depth of material nor of specific hydrologic pressure in the area indicates a lack of transparency to the public. If government truly wanted to protect the public and be open about hazards, government should have included not just general issues about groundwater, but actual hydrologic data for ground water. I had hoped for better data from the presentation, not just pretty pictures that were printed out on posterboards.

Additionally, the preparation and addressing of significant site hazards, in the CAP, is even more lacking. Not once in the presentation was any attention shown to seismic hazards at the site. It was only after audience questions did the subject come up. How can a clean up be planned without specifically addressing this known hazard? I believe it is almost impossible to live in Western Washington and not know of the hazards associated with our geologically precarious location. Sea level rise from climate change is an even more in your face threat, yet neither tsunami, nor sea level rise accommodation, nor liquefaction of the fill material, nor the actual seismic energy impact was ever spelled out in addressing the adequacy of the proposed capping solutions.

The Washington Department of Natural Resources has developed new maps showing just how significant the tsunami hazard in this area will be after the megathrust earthquake from the cascadia subduction zone. Yet the DOE and City and Port have been, what can only be assumed to be purposeful in their obvious neglect to not incorporate such important data into their public presentation, and what most in the public would rightly then assume is not incorporated into any planning. One need only look a short drive down I-5, to Oso, to understand the impact

of negligent inaction. How will these caps hold up to a 10+ foot tsunami wave as predicted in the new data from DNR?

Never were the heights, above current sea level, of the planned caps shown in the presentations to the audience. A person need only spend a couple hours running around with a laser-level to have actual data of the impact of projected sea level rise on the proposed area. A basic presentation would incorporate the difference in elevation between current Ordinary High Water Mark (OHWM) and the areas to be capped. Then the data of projected sea level rise using real numbers would be provided to the community, that our government is supposed to serve. If extra credit was desired, then consideration of expected king tides and storm surge impacts could be addressed. A responsive and responsible government agency would then compile this data into an easy to understand table for the community-at-large. Unfortunately, neither the Port, nor the City, nor even the DOE appears to have spent the time to actually put the data into an accessible format, nor to present it to the public. It makes one wonder if they even have the data.

The same scientific approach, using real data, not speculation or generalizations, should also be used to present the impacts of liquefaction on this area and the chance of damage to the capping material. It was almost laughable that an audience member wearing a geologic company logo claimed that this fill, at the Central Waterfront, on which the actual meeting was held, wouldn't be subject to liquefaction, when I brought up the subject. It was even more obscure, when after the meeting, that a person who claimed to be a geologist with DOE, approached me to counter that premise of no liquefaction. While I am no geologist, I am sure that there are measurements that can be conducted on the soil. X-ray fluorescence (XRF) is used, even by poorly funded archaeology programs, which makes it inconceivable that the Port and City and DOE have not determined actual numbers to either disprove liquefaction concerns or to actually put a number on how dangerous it may be to even build on the property to begin with.

I would expect that any planned capping of toxic materials would have a seismic limit associated with it. However, that data was not provided. How can the public make an informed decision if actual data, corresponding to knowable hazards is not provided? The Boulder Creek fault lies less than 30 miles from the Central Waterfront and may provide a seismic jolt up to 6.8, yet never was mentioned. Neither was the South Whidbey fault, nor the expected impact from a full rip of the cascadia subduction zone. It is more than just lacking in details to not provide this to the public, I would think it becomes negligence to ignore known hazards. It has become an expected response when I have asked government representatives about seismic hazards or sea level rise, that they point their fingers at the other agency and say "It's their responsibility." What our community needs is bold leadership that takes responsibility for the community at large and advocates for the most good, for the most people, not corporations, or a bottom line that ignores the long term hazards.

I realize that everything is a cost benefit analysis, but in this case, as one looks at the City of Bellingham's Comprehensive Annual Financial Reports (CAFR), it is obvious that the City has the

resources to do a better job cleaning this up and ensure that the toxic hazards are removed before subjected to sea level rise that may very well be higher than expected or a tsunami wave that breaks higher than expected. Just look to Japan to see if tsunami waves can be higher than the walls built for them. In their CAFRs, the City and the Port both actually admit that they claim the entire cost of cleanup as a liability, while expecting up to 50% restitution by the State. Since 2012, the City's CAFRs show a positive cumulative change in City-wide net position of \$193 million dollars. This is data from the financial highlights in the front of the CAFRs. In considering the Port of Bellingham, their CAFRs report a net cumulative surplus of \$29.5+ million since 2015. If money isn't the issue here then providing a less than thorough clean up option becomes questionable actions on the part of our government agencies. There is a quote from Benjamin Franklin that seems to apply to the approach of this CAP from our government agencies: "The bitterness of poor quality remains long after the sweetness of low price is forgotten."

These are just the issues that stick out to me, as a member of the community, on first consideration. I think that the lack of specific details is a real concern. I hope that in the future your government agencies will approach the community as expecting hard numbers and data. While it was very nice of you all to complement the audience and tell us how well informed we were and that you had never seen such a well informed audience, I think in the end, that that is a poor reflection on your respective government agencies. Maybe government agencies should plan for informed, involved public participation and be disappointed if people only want to look at the pretty colored photos you provide.

With all due respect,

Todd Lagestee

A private citizen on matters of public concern

Warren Sheay

Good afternoon, I have the following concerns about the waterfront cleanup:

1. The wood and creosote seawall at the I and J waterway beach. It is not being removed and yet we know creosote pollutes the water and poses carcinogenic risks. Also expected sea level rise will cause stronger tides and waves that will smother the biodiversity in front of the seawall. Moreover, the vast majority of seawalls erode waterfront property and cause significantly negative ecological responses.

2. Speaking of sea level rise--As the waterfront is in a tsunami zone, what mitigation/emergency plans are in place to address this problem?

3. Volatile Organic Compounds--The present plan simply caps VOCs that are in the waterfront soil. However we know that groundwater can still impact these VOCs and as a result can kill wildlife, aquatic and non-aquatic.

4. Wildlife habitat: Specific plans are needed to protect it.

Overall environmental concerns have largely been ignored. Much more work needs to be done.

Sincerely, Warren Sheay

Liz Marshall

Hello:

I am attaching a public comment for your kind consideration.

Thank you.

Liz Marshall
98225

Abundant wildlife and vegetation could thrive in the area if it were cleaned and protected in a trustworthy manner. Sometimes cheap is more expensive. I support the astute comments contributed by other members of the public in this round, and applaud those constructive efforts of government staff and contractors to date.

I believe Ecology should not deflect comments about land use saying it is not its job to decide on such matters, often suggesting the citizen contact in this case the Port or City. As is pointed out on their page, Ecology is the leader (reference below) in a legal agreement with those two entities and about 10 or 12 other organizations. I apparently am missing something, but do not understand why the terms "demonstration" or "pilot" (or "lead") are used if the cleanup is not 100% cleaning/removal and in fact led by Ecology in deed not just in word. If the **model** or **example** is to be hereby set for a new, global approach, then removal of mercury and all other toxicants ought to be as timely as possible and "comprehensive" (Ecology's term per below). Not partial, not waiting 20-25 years, and not just a coverup. If I were a global follower, I would follow something else as a model or example.

Ecology might respond that the Port and City partners are aware of comments received however we will immediately forward your comment to them requesting their response be added on this document - something like that or better of course. It is irksome when one agency or one staffer tosses input to other employees as if they wash their hands of the concern. True reliable public service - as in private customer service - entails taking responsibility for satisfying an inquiry. I believe Ecology certainly has the prerogative to speak up about land use especially since current land use decisions are contrary to its goals as written: "To use a new cooperative approach to expedite source control, sediment cleanup, and associated habitat restoration in Bellingham Bay." Ecology is said to be the project lead. Even if land use decisions were beyond its authority, cleanup requirements resulting from those decisions at a later date will not be.

My wish was that the City and the Port had aspired to restore the shoreline to be more similar to Oregon's life-supporting coast instead of restoring it to its former "glory" of industry industry and more industry. The timber should have stayed standing (preferable) or gone to Grays Harbor, the boulders should have stayed on the mountains (preferable) or gone to Everett, and the creeks should have stayed estuarine. The vision should have been to situate future apartment/condo dwellers and businesspeople in non-toxic, bedrock sorts of sites where they won't be exposed to air pollution and won't need to be rescued during the one or more foreseeable crises such as 60' tsunamis, train wrecks, earthquakes, or sea level rise. Hopefully nothing will shake up the people and the containments with their toxic contents. In those emergency scenarios, lower cost options cannot be adhered to as they are now. The costs will be astronomical.

To be responsible stewards, in line with the pilot project purpose, we should remediate the illegal insults of those who went before, not replace them with new wrong practices and cosmetic approaches "to expedite source control, sediment cleanup, and associated habitat restoration in Bellingham Bay."

REFERENCES

Please see the Department of Ecology's statement re the Bellingham Bay Demonstration Pilot:

"The Bellingham Bay Demonstration Pilot is a team effort of 12 government entities, led by us, to clean up contamination, prevent pollution, and restore habitat in and around Bellingham Bay. We formed the Pilot Team in 1996 to develop a new, global approach to cleaning up sites. The team put this approach into a comprehensive strategy document that now governs how it approaches cleanup work. The Pilot Team is co-managed by Ecology and Port of Bellingham, with Ecology as the lead."

<https://ecology.wa.gov/Spills-Cleanup/Contamination-cleanup/Cleanup-sites/Toxic-cleanup-sites/Puget-Sound/Bellingham-Bay/Bellingham-Bay-demonstration-pilot>

And which purpose is stated on the Port of Bellingham website as follows:

Purpose

Since 1996, the Port of Bellingham has been a co-manager of the Bellingham Bay Demonstration Pilot, a partnership of 14 different federal, state, local, and tribal agencies working cooperatively together to improve the environmental health of Bellingham Bay.

This partnership is working to:

- Clean up historic contamination in Bellingham Bay
- Restore habitats for fish, birds, and other aquatic resources
- Revitalize land uses
- Stop ongoing sources of pollution

<https://www.portofbellingham.com/146/Bellingham-Bay-Demonstration-Pilot>

Mt. Baker Group, Sierra Club

On behalf of the Mt. Baker Group of the Washington State Chapter of Sierra Club, of which I am the vice-chair, I write to comment with regard to the proposed Central Waterfront Site toxic waste cleanup in Bellingham, and in particular the Final RI/FS Report submitted March, 2018 by Anchor QEA, LLC to the Port of Bellingham ("RI/FS") (including all later documents and plans based on it). Several clean up areas of significant and urgent interest are not adequately addressed in the RI/FS, so that the preferred Alternative A clean up approach is inadequate to assure the health and safety of the citizens of Bellingham.

Specifically, I refer to section 6 of the RI/FS, entitled "Conceptual Site Model," beginning at p. 73 of the RI/FS. Problems become apparent in section 6.3, "Hilton Avenue Properties Subarea," beginning at p. 96. (These same problems appear to apply to the C Street Properties as well – see Figure 6-10, p. 430 of the RI/FS – but for ease of discussion, I refer only to the Hilton Avenue Properties.) Section 6.3.1 describes the Contaminants of Concern ("COC") as "TPH's" (Total Petroleum Hydrocarbons), specifically "TPH-G" (gasoline) and "TPH-D" (diesel), and "PAH's" (Polycyclic Aromatic Hydrocarbons) from fuel tank operations and creosote-treated piles.

Section 6.3.2.1, addressing "Soil Nature and Extent" (starting p. 97), indicates the presence of TPH-G and "TPH-Dx" (diesel extended range) in certain parts of the Subarea, as well as "BTEX" (benzene-toluene-ethylbenzene-xylene) in another part of the Subarea. I think we can all agree that gasoline, diesel, benzene, toluene, ethylbenzene and xylene are extremely toxic and/or carcinogenic whether their fumes are breathed in or they contaminate water (fresh water for humans, land animals and plants, or seawater for sea animals and plants). The presence of PAH's was also indicated on the site (from the former olivine plant, p. 98).

In Section 6.3.3, "Contaminant Fate and Transport," p. 100, it is stated that "[TPH] and PAH impacts at depths to 15 feet bgs [below ground surface] are present and have the potential to enter stormwater drainage," This same paragraph goes on to indicate that groundwater monitoring indicates that these substances are not a threat to groundwater, but nowhere in this paragraph or section 6.3 is potential floodwater contamination addressed.

Section 6.3.4 addresses "Exposure Pathways and Receptors" (p. 101), and states that the exposure concerns are personal contact with the TPH's and PAH's (and presumably BTEX, though that is inexplicably not discussed in this section), either from the soil or by inhaling, or "[r]unoff from surface soil to sediments from erosion of surface soils to the stormwater drainage system." Section 6.3.5, "Remedial Investigation Conclusions for the Hilton Avenue Properties Subarea" (also p. 101), concludes that

an evaluation of remedial alternatives . . . is developed in the FS, [which] will focus on eliminating the potential for direct contact exposure and contaminated soil to enter the stormwater drainage and runoff to adjacent sediments.

No other exposure concerns are addressed regarding the TPH's, PAH's, and BTEX in the Hilton Avenue Properties Subarea.

The RI/FS goes on to decide that the appropriate manner of dealing with these areas of contamination is to cap them, as illustrated in Figure 6-10, p. 430, and Figure 9-1, p. 431 (Alternative A).

The concerns we have are that the contaminants in both of these subareas, the Hilton Avenue Properties and the C Street Properties, being liquid in nature, could be spread widely in the event of flooding, either from rising sea level, a tsunami or stormwater. Yet the RI/FS indicates that mere capping is a sufficient remedy. Unless "capping" means complete 360 degree impermeable encapsulization of the contaminants, which does not appear to be the case (see Section 8.3, beginning p. 111), then floodwaters could conceivably push these highly toxic and/or carcinogenic substances into other areas where humans, animals, and plants could be exposed to them, with devastating and possibly deadly results. No one wishes to risk that kind of exposure, especially the people of Bellingham Bay.

To the extent that it could be argued that cleanup Alternative A meets all legal requirements, it seems obvious that merely meeting legal requirements is not enough when dealing with contaminants of this level of toxicity and/or carcinogenicity. The people of Bellingham deserve to know they are safe from such dangerous substances. Period.

The better approach to these contaminants would be to completely excavate them, and then remove them to an appropriate toxic waste land fill, where they could be properly contained. Therefore, on the specific behalf of the members of the Mt. Baker Group/Sierra Club, as well as the general behalf of the people of Bellingham and those who live around Bellingham Bay, we urgently and respectfully demand that the cleanup alternative include this cleanup methodology for the Hilton Avenue Properties and C Street subareas (and anywhere else in the Central Waterfront Site where such substances might be found).

Thank you.