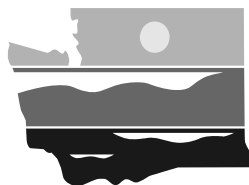

DRAFT PUBLIC PARTICIPATION PLAN

HARRIS AVENUE SHIPYARD SITE BELLINGHAM, WASHINGTON

October 2009

Prepared by the Washington Department of Ecology
with input from the Port of Bellingham



DEPARTMENT OF
ECOLOGY
State of Washington

The Washington Department of Ecology (Ecology) has developed this public participation plan in accordance with the state’s toxics cleanup law, the Model Toxics Control Act (MTCA), to promote community involvement during the cleanup of the Harris Avenue Shipyard site in Bellingham, Washington.

Public participation is an integral part of Ecology’s responsibilities under MTCA. Ecology’s goal is to provide the public with timely information, promote public understanding of and participation in the cleanup process, and provide opportunities for participation. This public participation plan describes the tools that Ecology will use to inform the public about the site and identifies opportunities for the community to get involved.

This public participation plan replaces the June 2003 public participation plan for the Harris Avenue Shipyard site.

Site background

Location and ownership

The Harris Avenue Shipyard site is about 8 acres (4 acres of sediment in the water, and 4 acres of land) on the southern shore of Bellingham Bay in Fairhaven.

Portions of the property at 201 Harris Avenue and surrounding areas were contaminated during past shipyard operations. These contaminated areas make up the site.

The Port of Bellingham owns a portion of the upland property within the site. The state also owns a portion of the upland property and aquatic land within the site. The port manages the state-owned property through an agreement with the Washington Department of Natural Resources.

All American Marine and Puglia Engineering’s Fairhaven Shipyards are leasing portions of the site from the port, but those businesses did not cause the contamination.

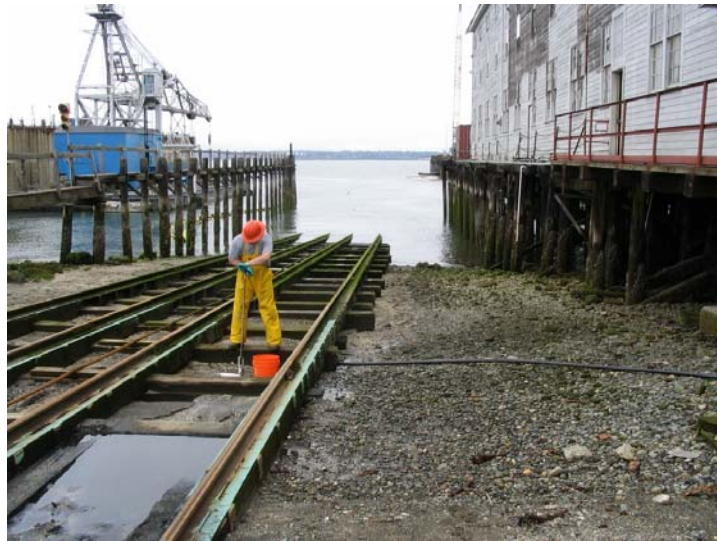
Site timeline:

- **1915 - 1966** – Pacific American Corp. owns the port uplands and leases harbor areas from DNR.
- **1930s -1940s** –A 100,000 gallon storage tank labeled “Union Oil” is present on the uplands near the main dock. The tank is used for bulk fuel storage and distribution.
- **1966** – Pacific American transfers ownership of the uplands and interests in the harbor area leases to the port.
- **1966 – 1997** – Port leases state-owned portion of the harbor areas from DNR. The port manages state-owned portion of harbor starting in 1997.

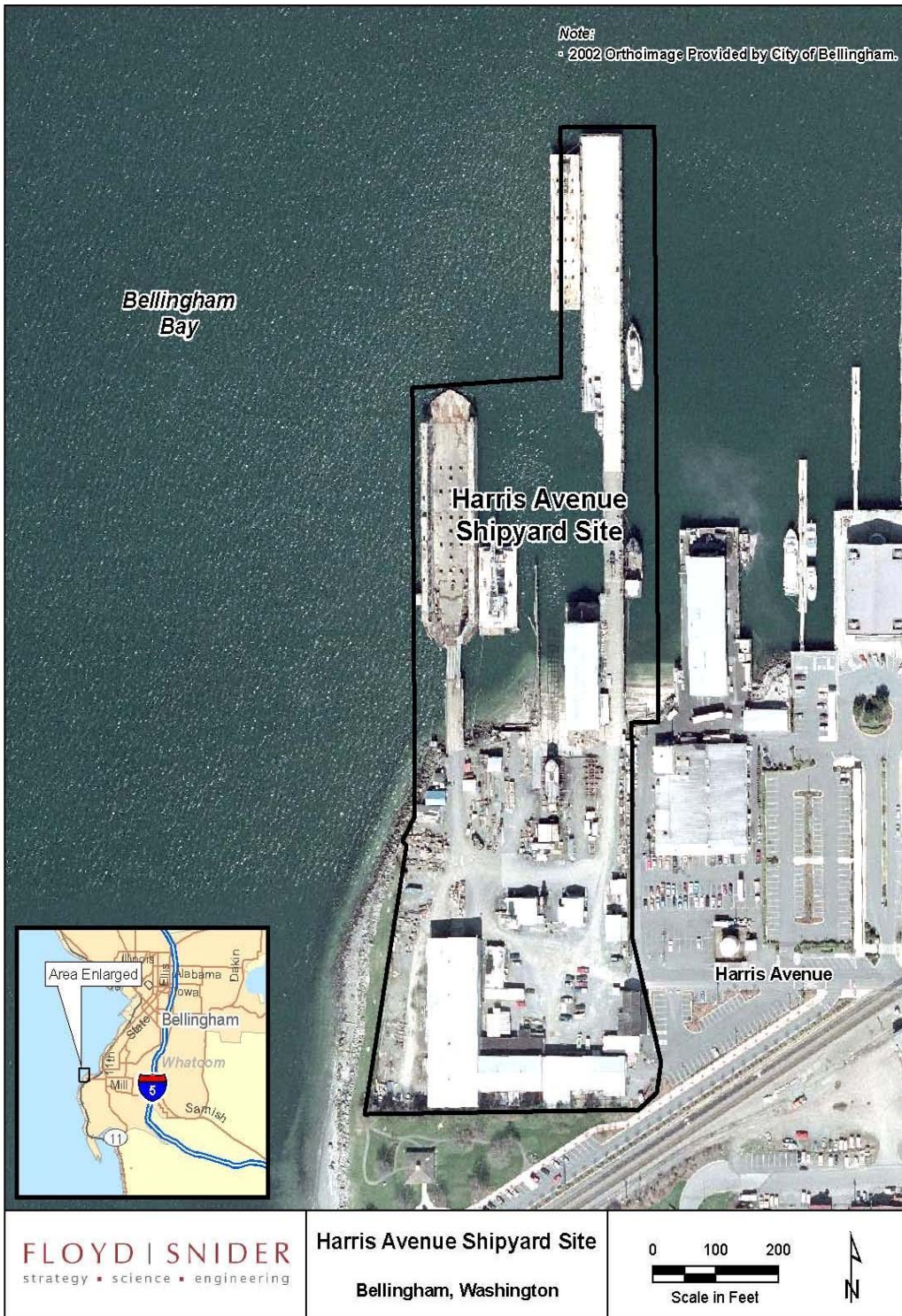


The Harris Avenue Shipyard site is on the southern shore of Bellingham Bay in Fairhaven.

- **1967** – Pacific American merges with a company now known as Univar.
- **1993** – Ecology conducts sediment sampling that confirms presence of hazardous substances.
- **1997** – Port enters into an agreement with DNR to manage state owned aquatic land at the site on behalf of the state.
- **1998 – 2002** – Port conducts voluntary cleanup activities, including sampling sediment, soil and groundwater.
- **2002** – All American Marine and Puglia Engineering enter into lease agreements with the port.
- **2003** – Ecology and the port enter a legal agreement, called an agreed order, directing the port to perform a comprehensive site investigation and analyze cleanup alternatives for a portion of the site, primarily marine sediments, with Ecology oversight.
- **2009** – Ecology proposes to enter a new legal agreement with the port that addresses contaminated soils, groundwater and marine sediments at the site. The agreement will require the port to conduct a comprehensive site investigation, analyze cleanup alternatives, and develop a cleanup action plan, with Ecology oversight. This legal agreement will replace the 2003 agreed order. Puglia Engineering continues to lease a portion of the site for shipbuilding and repair, and All American Marine continues to lease a portion of the site for manufacturing aluminum boats. Other features include a marine railway, dry dock and piers. The port continues to manage state-owned aquatic land through an agreement with DNR.



A worker takes a sample at the Harris Avenue Shipyard site in 2005.



Contamination and cleanup

Preliminary sampling and investigations at the site have found:

- **In sediment**, heavy metals, polychlorinated biphenols (PCBs), phthalates, polycyclic aromatic hydrocarbons (PAHs), and semivolatile organic compounds (SVOCs).
- **In soil**, metals and petroleum hydrocarbons.
- **In groundwater**, petroleum hydrocarbons.

These contaminants are present in concentrations that exceed standards under the state's cleanup law and must be addressed.

Additional testing will be performed as part of a comprehensive environmental investigation of the site. A document that summarizes existing environmental conditions at the Harris Avenue Shipyard site, presents a range of cleanup alternatives, and identifies a preferred cleanup approach will be released for public review. The document is called a remedial investigation and feasibility study, or RI/FS.

Bellingham Bay Demonstration Pilot

The Harris Avenue Shipyard site is one of 12 cleanup sites identified through the Bellingham Bay Demonstration Pilot project, a coordinated effort by federal, tribal, state and local organizations to clean up contaminated sites around Bellingham Bay.

In 2000, Ecology, in cooperation with the pilot work group, produced the Bellingham Bay Comprehensive Strategy. The Comprehensive Strategy is a guidance document integrating information about sediment cleanup, pollution sources, habitat restoration and land use from a bay-wide perspective.

Neighborhood profile

The Harris Avenue Shipyard site is in the Fairhaven neighborhood of Bellingham on the tip of Post Point.

Fairhaven is a historic part of Bellingham, where businesses and homes occupy many of the town's original brick buildings. The neighborhood also is home to industrial businesses, rail and ship operations, and truck transportation.

South of the Harris Avenue Shipyard site on Post Point are Marine Park and the city of Bellingham's only wastewater treatment plant.

During the last 94 years, companies that owned or operated a shipyard on the site include Pacific American Fisheries, Northwest Shipbuilding Co., Post Point Marine, Post Point Industries, Associated Venture Capital, Fairhaven Shipyard, Weldit Corp., Maritime Contractors Inc., Bellingham Bay Shipyard, and Puglia Engineering.

The Bellingham Cruise Terminal is to the east of the site.

Remedial investigation and feasibility study

The remedial investigation and feasibility study will build on previous site investigations and will provide the information necessary to identify a preferred alternative for site cleanup. Ecology

expects to release a draft RI/FS for public review and comment in 2012 for a minimum of 30 days.

The study document will detail:

- Results of site investigations.
- Definition of areas and volumes of affected sediments, soils and groundwater.
- Summary of other site information relevant to site cleanup.
- Proposed site cleanup levels.
- Suitability of sediments for various reuse, containment, treatment, removal and disposal alternatives including but not limited to beneficial reuse, capping, confined aquatic disposal and open-water disposal.
- Multiple alternatives for cleanup, including evaluation of those alternatives against MTCA criteria including protectiveness, permanence, and cost.
- Definition of a preferred alternative.

Cleanup Action Plan

The cleanup action plan will be based on the RI/FS report. It will specify cleanup requirements, and describe Ecology's selected cleanup action for the site.

Ecology expects to release the draft cleanup action plan for public review and comment in 2013 as part of a legal agreement called a consent decree. At that time, Ecology will also issue a new public participation plan for public review.

Public participation activities and responsibilities

Ecology is responsible for carrying out this public participation plan for the Harris Avenue Shipyard site. Under the terms of the agreed order, the Port of Bellingham will cooperate and, when requested by Ecology, will help with the various public participation activities.

Ecology uses a variety of activities to promote public participation in the planning and cleanup of MTCA sites. Following is a list of the public involvement activities that Ecology will use during cleanup activities.

Public comment period - A draft agreed order and public participation plan will be issued Oct. 30, 2009, for a minimum 30-day public review period.

After the agreed order and public participation plan are final, the port will complete the required remedial investigation and feasibility study, and develop a cleanup action plan, with Ecology oversight.

Ecology will post public review documents at information repositories, on Ecology's Web site at www.ecy.wa.gov/programs/tcp/sites/blhm_bay/sites/harris_ave_shipyard/harris_ave_shipyard.htm, and on CD by request.

Comments will be accepted at any time during the public comment period by letter or e-mail to:

Mary O'Herron
Site Manager
Department of Ecology
1440 10th St., Ste. 102
Bellingham, WA 98225
360-715-5224
mary.oherron@ecy.wa.gov

Ecology will consider the need for changes or revisions to the draft documents based on the public comments received. If significant changes are made, then a second comment period may be opened. If no significant changes are made, then Ecology will finalize the draft documents.

Responsiveness summary - A responsiveness summary is a summary of oral and written public comments received by Ecology during a comment period, and Ecology's responses to those comments.

Ecology will prepare responsiveness summaries to address comments received on the draft agreed order and public participation plan for the site, as well as the subsequent draft remedial investigation and feasibility study report. Ecology will place the responsiveness summaries in the site information repositories.

When the responsiveness summaries are available, Ecology will notify those who commented, and a notice will be placed in the site register.

Information repositories - Ecology maintains repositories of information regarding the site for the convenience of interested people, where site documents will be available for public review during the comment period.

Ecology also can make copies of documents for a fee.

For this site, the information repositories are:

Bellingham Public Library
210 Central Ave., Bellingham
Phone: 360-676-6860

Department of Ecology
Bellingham Field Office
1440 10th St., Suite 102, Bellingham
Phone: 360-715-5200

Department of Ecology
Northwest Regional Office
3190 160th Avenue SE, Bellevue
Phone: 425-649-7190

Information on the site also will be posted on the Ecology Web site at www.ecy.wa.gov/programs/tcp/sites/blhm_bay/sites/bel_bay_sites.html

Site register - The site register is published by Ecology twice a month to inform the public of:

- Activities related to the study and cleanup of contaminated sites.

- Public meetings, hearings and comment periods.
- Discussion or negotiations of legal agreements.
- Availability of cleanup reports.
- Hazard rankings of sites.

If you would like to regularly receive the site register, please contact:

Site Register
Department of Ecology-Toxics Cleanup Program
PO Box 47600
Olympia WA 98504-7600
360-407-7170

If you would like to be on the site register e-mail list, complete the electronic form at www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html.

Mailing list - Ecology has compiled a mailing list for the site. The list includes individuals, groups, public agencies, elected officials, private businesses, potentially affected parties, and other known interested parties. The list is updated as needed.

Fact sheets - Ecology will mail fact sheets to those entities on the site mailing list to inform them of public hearings, meetings, comment opportunities, and important site activities. Ecology also may mail fact sheets about the progress of site activities.

Newspaper advertisements - At a minimum, Ecology will place an ad in The Bellingham Herald to announce comment periods, public meetings and hearings for the site.

Plan update

This public participation plan may be updated as the project proceeds. If a substantive update is necessary, the revised plan will be submitted to the public for comment.

Public points of contact

If you have questions or need more information about this plan or this site, please contact:

Mary O'Herron
Site Manager
Department of Ecology
1440 10th St., Ste. 102
Bellingham, WA 98225
360-715-5224
mary.oherron@ecy.wa.gov

Katie J. Skipper
Communications Manager
Washington Department of Ecology
Bellingham Field Office
1440 10th St., Suite 102
Bellingham, WA 98225
360-715-5205
katie.skipper@ecy.wa.gov

Lucille T. McInerney, P.E.
Bellingham Bay Demonstration Pilot project manager
Washington Department of Ecology
Northwest Regional Office
3190 160th Ave. SE
Bellevue, WA 98008-5452
425-649-7272
lucy.mcinerney@ecy.wa.gov

Glossary

cleanup: The implementation of a cleanup action or interim action. In other words, the term “cleanup” includes actions taken to address a release, or threatened release of hazardous substances that could affect public health and/or the environment.

cleanup action: Any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy or remove a hazardous substance.

cleanup action plan (CAP): The document prepared by Ecology that selects the cleanup action for the site, and specifies cleanup standards and other requirements for the cleanup action. The cleanup action plan is based on information and technical analysis generated during the remedial investigation/feasibility study. Ecology also considers public comments and community concerns.

comment period: A time period during which the public can review and comment on various documents and Ecology actions. For example, a comment period is provided to allow community members to review and comment on proposed cleanup action alternatives and proposed plans. Also, a comment period is held to allow community members to review and comment on draft feasibility studies.

consent decree: A legal document that is entered in court, which formalizes an agreement reached between the state (and the U.S. Environmental Protection Agency if involved) and the potentially liable person(s) to implement cleanup. A consent decree settles the liability for parties that implement the cleanup. Consent decrees are subject to public comment. If substantial change is proposed to a decree, an additional comment period is provided under the terms of the decree before the decree is formally entered in court.

feasibility study (FS): This study uses information obtained in a remedial investigation to develop and evaluate a range of cleanup options for a site, termed “cleanup alternatives.” The FS must include cleanup alternatives that protect human health and the environment (including, as appropriate, terrestrial and ecological receptors) by eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route.

information repository: A file containing current information, technical reports and reference documents available for public review. The information repository is usually located in a public building that is convenient for local residents such as a public school, city hall or library.

Model Toxics Control Act (MTCA): Legislation passed in the state of Washington by voter initiative in 1988, which became effective in 1989 and was codified as Chapter 70.105D RCW. Its purpose is to identify, investigate and clean up facilities where hazardous substances have been released. It defines the role of Ecology and encourages public involvement in the decision making process.

potentially liable person (PLP): Any person whom Ecology finds, based on credible evidence, to be liable under MTCA, RCW 70.105D.040. This includes, but is not limited to, individuals or companies, state agencies, and others, who are the owners or operators of a facility; who owned or operated the facility at the time of disposal or release of hazardous substances; who generated hazardous substances disposed of at the facility, or who otherwise owned the hazardous substances and arranged for disposal; or who transported hazardous substances for disposal. Whenever possible, Ecology requires these PLPs, through administrative and legal actions, to clean up sites.

public participation plan: A plan prepared to encourage coordinated and effective public involvement designed to meet the public’s needs at a particular site.

remedial investigation: This study characterizes the site and defines the nature and extent of contamination.

remedial investigation/feasibility study (RI/FS): Two distinct but related studies. The FS is usually performed immediately following the RI, and together they are referred to as the RI/FS. They

are intended to collect, develop, and evaluate sufficient information regarding a site to select a cleanup action, including:

- Gathering the data necessary to determine the type and extent of contamination.
- Establishing criteria for cleaning up the site.
- Identifying and screening cleanup alternatives for remedial action.
- Analyzing in detail the technology and costs of the alternatives.

responsiveness summary: A summary of oral and written public comments received by Ecology during a public comment period on key documents, and Ecology's responses to those comments. The responsiveness summary is not required for MTCA documents. However, Ecology sometimes chooses to prepare them as part of site-specific public participation activities.

site or “facility”: Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited stored, disposed of, or placed, or otherwise come to be located.