O'Herron, Mary

From: Henning, Marcia J
Sent: Thursday, January 13, 2005 8:59 AM
To: Trejo, Barbara; O'Herron, Mary
Subject: RE: Little Squalicum Park (adjacent to Oeser)

Hi Mary,

I just read the Public Participation Plan and I thought it looked good. My only comment is regarding the text under the subtitle, Display Ad. It says, "At a minimum, Ecology will place an ad in the Bellingham Herald to announce public comment periods....." I would delete "At a minimum" because when I first read it I thought that may be meant as the only way Ecology plans to notify the public and that would be insufficient. I would delete "At a minimum". I might add a sentence saying something like Ecology welcomes suggestions from the community regarding placing notification in other local publications. (That's only if there are any other publications there). Also it may be a good idea to ask if there are immigrant populations using the creek as you may need to provide translated materials. I know Ecology has a good translation team within their agency. You may want to ask the community about it in your plan or at your public meetings.

Thanks for the opportunity to comment.

Marcia Henning
Community Outreach Educator (360) 236-3378
Washington Dept. of Health
Environmental Health Assessments
P.O. Box 47846
Olympia, WA 98504-7846
Toll free: 1-877-485-7316

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DEPARTMENT OF HEALTH
Office of Environmental Health Assessments
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January 13, 2005

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BELLINGHAM FIELD OFFICE

Ms. Mary O'Herron
Washington State Department of Ecology
1204 Railroad Avenue, Suite 200
Bellingham, Washington 98225

Dear Mary,

Re: Little Squalicum Park Site
604 Marine View Drive
Whatcom County, Washington

Thank you for the opportunity to review and comment on the Washington State Department of Ecology (Ecology) draft agreed order for the Little Squalicum Park site located in Whatcom County, Washington. During its review, the Washington State Department of Health (DOH) identified some concerns with the remedial investigation and feasibility study (RI/FS) scope of work, which is an attachment to the agreed order. Those concerns are summarized below:

- One of the purposes of a RI/FS work plan is to document site information that was evaluated and used to make decisions regarding RI/FS tasks. The scope of work for Little Squalicum Park site includes RI/FS tasks as one element of the work plan. However, it does not include important evaluation and decision elements such as:
    - Site background (e.g., site history, physical setting including hydrogeological information, environmental investigations).
    - Conceptual site model describing contaminant sources, release mechanisms, migration pathways, routes of exposures, and receptors.
    - Evaluation of existing data.
    - Identification of data gaps.

  These are critical elements of a work plan and provide the basis for selecting RI/FS tasks. DOH recommends that Ecology add these evaluation and decision elements to the scope of work.

- DOH recommends that method detection limits and reporting limits for each analytical method be added as a scope of work element for the RI sampling and analysis plan. This will ensure the selection of appropriate analytical methods for the RI.

A portion of the Little Squalicum Park site was investigated by the U.S. Environmental Protection Agency (EPA) as part of the Oeser Company Superfund RI. DOH is reviewing all of EPA's RI data, including the Little Squalicum Park data, as part of a public health assessment. The public health assessment will discuss the EPA data, summarize health conclusions, and recommend public health actions, if appropriate. Because of DOH's involvement with the Little Squalicum Park site, DOH requests that Ecology provide DOH an opportunity to review draft and final RI/FS plans and reports for the Little Squalicum Park site.

Please feel free to contact me at (360) 236-3373 if you have any questions.

Sincerely,

Barbara J. Trejo
Health Assessor/Hydrogeologist
Site Assessment Section

cc: Wayne Clifford, DOH
Marcia Henning, DOH

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DEPT. OF ECOLOGY
BELLINGHAM FIELD OFFICE

January 12, 2005

To: Mary O'Herron
Site Manager
Dept. of Ecology
1204 Railroad Ave. Suite 200
Bellingham, Wn. 98225
Fr: Art Runestrand
Re: Comments on Little Squalicum Park Site

I called your offices this day and spoke to Sharon, (I believe that was the name of the person behind a very kind and thoughtful manner), regarding the nature of comment you were desiring as expressed in the publication number 04-09-114 that I received yesterday. I said that I had little to say about specific toxic issues that your offices are already aware. I have lived in Bellingham 77 years, 21 of them at 3100 Meridian St. and 50 at 2826 Cedarwood Avenue. My boyhood was spent in Cornwall Park, the Milwaukee Railroad tracks to Bellingham Bay, Squalicum Creek valley, the Little Squalicum creek and valley, Graham Airport, and the Cement Plant area. I am served well with wonderful memories of those carefree days. I remember well the many steel balls, 3 inches in diameter, we would gather from the Cement Plant dumpsite on the west bank of the Little Squalicum valley. It was very common for the homeowners and builders to use the banks and the creek as a dumping ground for just about everything not wanted. Old car bodies were easily dispatched over the hill and into the valley. Bottles, and all forms of garbage were deposited all along the banks of the old Little Squalicum creek. Barefoot days were sometimes treacherous days playing in that area. Homeowner's waste, Cement plant dust and debris, Bellingham Coal Mine slag and coal dust, and material dropped from the railcars were all part of the intrigue for the boys of Cornwall Park. Summer days were swimming days at Cornwall Park's major swimming hole just below the bridge until the city quarantined the swimming area because of the contamination from horses and cattle using the stream just upstream of the park. That caused many of us to find ways to get to the Little Squalicum beach area for swimming. We also used the swimming area created at the mouth of Squalicum Creek. The concerns that we had at that location were a soggy bottom from all of the lumber mill sawdust and waste, also barnacles, broken glass, and rusty cans were a few of the worst plagues of that day.

Today the route of the old Little Squalicum creek is my backyard at 2826 Cedarwood Avenue. We moved into our present home 50 years ago this year. I can attest to the banks of the creek being used as dumping grounds for all of that of which I have referred. I have been uncovering car parts, bottles, coal slag, etc. for all of those years. I have smelled the stuff used by Oeser Mill on certain "winddrift" days. The fumes were occasionally bad but I accepted this as part of living where I do. Kind of like accepting the smell of manure if you choose to live in a farming area. I did not complain. I am pleased however that the management has done much to improve this condition.

I would like to ultimately see that the Little Squalicum valley and beach become a wonderful, safe playground once again. Safe from stuff I never new existed. I hope that this site and all of the Squalicum Creek and Valley, and new park will become a wonderful place for children of all ages to play, re-create, and build great memories.

Respectfully,
Art Runestrand

O'Herron, Mary

From: Tom Demma [prezbna@hotmail.com]
Sent: Friday, February 04, 2005 12:08 PM
To: O'Herron, Mary
Subject: Request to be added to the mailing list - Little Squalicum Park site

Ms. O'Herron:

This might be the second sending of a similar message, but the first one got away from me by way of a random key stroke. Perhaps it did not arrive.

Recently, a circular was disseminated in the Birchwood Neighborhood regarding the Little Squalicum Park site. It indicated that you should be contacted for being put on to a mailing/email list.

Please add me to your mailing list/email list relative to the Little Squalicum Park site.

One comment I would like to make at this time is the fact that Little Squalicum Park remediation would logically be dependent upon ending point of source effluents. I believe that would point to the Oeser plant. How is Little Squalicum Park remediation to be linked to the point of source? Is it not the case that recontamination of the Little Squalicum Park site would only reoccur following remediation efforts because the upstream source was not attended to at the same time?

Contact Information:

Tom Demma, President
Birchwood Neighborhood Association
2727 Cedarwood Avenue
Bellingham, Washington
98225

Telephone: 360-738-8136

Email: prezbna@hotmail.com

Thank you.

Regards,

Tom Demma

Don't just search. Find. Check out the new MSN Search!
http://search.msn.click-url.com/go/onm00200636ave/direct/01/

O'Herron, Mary

From: Alice Drabik [seabik@earthlink.net]
Sent: Friday, February 11, 2005 1:39 AM
To: O'Herron, Mary
Subject: Little Squalicum Beach Cleanup

Little Squalicum Beach is one of my favorite places to walk and explore. It is a treasure to our community.

I support immediate clean up of this area. Heavy industrial facilities should not be allowed to continue to pollute this treasure. In fact, they should be integral and responsible for the cleanup effort.

Thank you for helping my voice to be heard.

Alice Drabik
2906 Elizabeth St.
Bellingham, WA 98225
360-676-0530

PEOPLE FOR PUGET SOUND

pugetsound.org

February 12, 2005

Mary O'Herron
Site Manager
Department of Ecology
1204 Railroad Avenue, Suite 200
Bellingham, WA 98225
Mohe461@ecy.wa.gov

RE: Draft Agreed Order and Draft Public Participation Plan for Little Squalicum Park Site, Whatcom County

Dear Ms. O'Herron,

Thank you for the opportunity to comment on the *Draft Agreed Order* and *Draft Public Participation Plan* for the Little Squalicum Park Site, 604 Marine View Drive, Bellingham. The redevelopment of this brownfield site is a good opportunity to redefine the water's edge both for humans and for wildlife – for the economy and the environment. The combination of the spring-fed (and stormwater-fed) creek and the existing public access at this site makes it a prime opportunity to repair one of the thousand cuts to the health of Puget Sound as part of the effort begun under the Waterfront Futures Plan.

People for Puget Sound is a citizens' organization whose mission is to protect and restore Puget Sound and the Northwest Straits. We focus on water quality and habitat, advocating that the State of Washington devote more resources to the prevention of further degradation of the Sound.

Our specific comments follow:

1. Extent of nearshore and creek habitat. People for Puget Sound requests that high quality habitat be developed along the water's edge and along the creek for fish and other Puget Sound species. Restoration of habitat in the nearshore zone is a high priority for People for Puget Sound. In general, the water's edge should have a softened edge and plantings of native vegetation. Recent research shows that 50% of the stomach contents of juvenile salmon is terrestrial insects, demonstrating the importance of native vegetation along the shoreline. The creek should be realigned and improved, including upstream connections to maximize habitat function. Further, controls should be put into place to protect from upstream contamination from the Oeser site.

MAIN OFFICE	NORTH SOUND	SOUTH SOUND
911 Western Avenue, Suite 580 Seattle, WA 98104 (206) 382-7007 fax (206) 382-7006 people@pugetsound.org	407 Main Street, Suite 201 Mount Vernon, WA 98273 (360) 336-1931 fax (360) 336-5422 northsound@pugetsound.org	1063 Capitol Way South, Suite 206 Olympia, WA 98501 (360) 754-9177 fax (360) 534-9371 southsound@pugetsound.org

2. High quality cleanup. The contaminants of concern at this site - pentachlorophenol, dioxin, copper, zinc, and PAHs - must be thoroughly addressed, especially those in the water column and sediment of the creek. Because this site will be available for human recreational use, including fishing, it is imperative that this site be cleaned up to the highest level possible.

4. Persistent bioaccumulative toxins (PBTs). People for Puget Sound is especially concerned about the persistent bioaccumulative toxin (PBTs) present at this site: dioxin. Because by definition PBTs are persistent, neither the passage of time nor dilution can immediately rid the Sound of their effects. Since organisms become contaminated with PBTs by direct contact with or ingestion of toxics, and by eating organisms that they have eaten or absorbed contaminants, PBTs accumulate and persist in the Puget Sound food chain from bottom-dwelling organisms to fish and other wildlife to the top predators. The accumulation of toxics has become so high at the top level of the Puget Sound food web that our resident orca whales are now among the most contaminated marine mammals in the world. It is critical that PBTs at this site be cleaned up and removed from contact with the Puget Sound ecosystem.

Please add People For Puget Sound to your list of interested parties of record.

If you have any questions, please feel free to call me at (206) 382-7007. Again, thank you for the opportunity to comment, and we look forward to working with you on this project.

Sincerely,

Heather Trim,
Urban Bays Project Coordinator

Preston|Gates|Ellis LLP

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BELLINGHAM FIELD OFFICE

February 11, 2005

VIA EMAIL AND US MAIL

Ms. Mary O'Herron
Site Manager
Washington State Department of Ecology
1204 Railroad Ave.
Suite 200
Bellingham WA 98225

Re: Little Squalicum Creek Proposed Agreed Order / Scope of Work

Dear Ms. O'Herron:

This law firm represents The Oeser Company on certain environmental matters. We write this letter to submit comments to Ecology regarding the Agreed Order documents for Little Squalicum Creek.

First, we note that neither the Exhibit B, Scope of Work, nor the Public Participation Plan contain an adequate description of the background of the site to allow people to succinctly understand the site's history or the role of the City with respect to this Agreed Order. Oeser requests that the introduction provided in the Department of Ecology's "Little Squalicum Creek Screening Level Assessment" (April 2004) be used for both the Scope of Work, Sampling Analysis Plan and the Public Participation Plan. In a section entitled, "Background and Problem Statement," Ecology notes as follows:

> Over the last century, Little Squalicum Creek and the surrounding ravine have been subjected to considerable physical disturbance and episodes of pollution. The City of Bellingham is now proposing to redevelop this site into a community park and trail corridor. The City plans to divert the creek into a meandering path through the park and to remove a culvert that is blocking fish from moving up the creek…
>
> Past physical alteration of the creek has included a shortening of its length and reduction of its flow due to the diversion of the upper reach through a stormwater drain to nearby Squalicum Creek (Ecology and Environment, 2001). Sand and gravel were mined from parts of the ravine until the late 1960s. The Ecology and Environment report states, "The entire ravine has been altered substantially from natural conditions with rerouting of the original creek bed and significant changes

to the soils and lithology (e.g., backfilling of gravel pit excavations, release of log storage debris, landfilling activities, temporary road maintenance, rail bed and track placement and subsequent track removal, and filling and paving of some areas)."

Known or suspected historical pollution of the creek and ravine is varied (Ecology and Environment, Inc., 2001). The City operated a landfill in the ravine beginning in 1936. Refuse from an adjacent sugar plant also was reportedly dumped in the ravine. Burlington Northern Railroad disposed of wastes (possibly oil wastes) in the vicinity that may have migrated into the ravine through groundwater transport. Storm drain discharges may also have been contributors. An adjacent wood treating facility, Oeser Company, has had spills into the creek. At least some of these spills were of pentachlorophenol preservative in carrier oil.

We understand from reviewing Ecology's records that the City has waived its right to a 30 day notice and comment period and accepted its status as a "potentially liable person" under RCW 70.105D.040. *See Draft Order at page 3, Ecology Determination Number Five.* In addition, according to Ecology's records, Whatcom County has received a similar letter indicating its status as a potentially liable party for the site.

Second, Oeser also requests that Ecology make use of the substantial investment EPA has already made in analyzing the creek and adjacent properties. As you may know, EPA has incurred more the $8,000,000 in response costs studying the creek, Oeser facility and adjacent areas. This $8,000,000 represents a substantial investment of public funds in thoroughly analyzing and assessing the groundwater hydrology and potential for environmental contaminants in the vicinity. We note that the Scope of Work and Work To Be Performed sections of the Proposed Agreed Order are quite generic, and do not appear to reflect any intent to begin work with the substantial body of knowledge EPA has already developed. We note also a particularly unfortunate comment in the record in the informal preliminary comments Ecology submitted to the City. Ecology's hydrogeologist states that the Sampling Analysis Plan omits further examination of the groundwater transport pathway and asks for further sampling that would help assess the "impact of contaminated groundwater from Oeser upon LSC."

Of course this is exactly the question that EPA so thoroughly analyzed in its $8,000,000 RI/FS for the Oeser facility, creek and south slope areas. As EPA's Oeser Company Record of Decision notes in Section 8.1.6.2 regarding deep groundwater, "The deep groundwater *potentially* discharges to Little Squalicum Creek and to Bellingham Bay, *but it is only a de minimus source of contamination*." (EPA, September 2003) (Emphasis added). Similarly, in response to a citizen's question as to whether sediment samples and creek water samples were sufficient, EPA responds as follows:

> Given the small size of the creek, EPA considers the number and placement of samples to be adequate for a site characterization and risk assessment. Approximately 44 soil samples were collected on the north and south banks of the creek and analyzed…Creek sediment samples were collected from depositional areas and reflect the worst case situation. Collection of additional sediment samples would not significantly improve or alter our current understanding of conditions in the creek area. Since there is very little impact to the creek from unregulated groundwater from The Oeser Company property, the water quality in the creek is regulated by other agencies and programs. Overall, the sampling conducted for the RI was adequate to characterize the creek area. See Responsiveness Summary at page 112.

Finally, this is all reflected in an October 30, 2002 letter from EPA's associate director for the environmental cleanup office, Michelle L. Pirzadeh, to the City of Bellingham:

> EPA is pleased to report that we did not find any soil or sediment contamination that we believe would require cleanup action under the Superfund program in the Little Squalicum Creek area. Also, there are no groundwater problems radiating out from Oeser that would threaten the environmental integrity of the creek. (Emphasis added).

We note in closing that Ecology's regulations for Remedial Investigation and Feasibility Study specifically state "This requires that the process remain flexible and *be streamlined when possible to avoid the collection and evaluation of unnecessary information so that the cleanup can proceed in a timely manner. Where information…is available in other documents for the Site, that information may be incorporated by reference to avoid unnecessary duplication."* WAC 173-340-350(6) (Emphasis added).

In fact, the very first step identified in scoping activities and procedures for conducting a remedial investigation is stated as follows in the MTCA rules:

"(i) assemble and evaluate existing data on the site, including the results of any [other studies]. WAC 173-340-350(7)(b)(i).

As a final note, Oeser supports and lauds the City's efforts to convert the creek area to a park and to rehabilitate this old gravel pit for public use. As you may imagine, however, Oeser

believes public funds should be used effectively to improve the property rather than using public funds to reexamine issues already studied at great length and great expense.

Very truly yours,

PRESTON GATES & ELLIS LLP

By
William H. Chapman

WHC:mw

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O'Herron, Mary

From: sue denadel [suedenadel@hotmail.com]
Sent: Friday, February 11, 2005 9:09 PM
To: O'Herron, Mary
Cc: jweiss@memes.com; dimity@attbi.com; mherrenkohl@fwenc.com
Subject: RE: Little Squalicum

Mary O'Herron,

In regards to the public comment on the public participation plan regarding Little Squalicum Park Plan, I have reviewed the plan and I do have a few comments to make.

I am on the board of directors for the Birchwood Neighborhood Association and I am the president of the Oeser Cedar Cleanup Coalition that worked with the EPA regarding Oeser becoming a Superfund site so I am familiar with the site and the EPA's process. As a board member of the OCCC I have worked with Jack Weiss who is our executive director and with Mark Herrenkohl who is our consultant. I also live next door to Oeser and near Little Squalicum Creek. Therefore I have a lot of time and personal investment and interest in the clean up of both Oeser and the creek.

I have some concerns however to the fact that Oeser being one of the main polluters of the creek has continued to violate environmental laws. They have a past history of ignoring these as is evident in their becoming a Superfund site as well as recent violations as was levied on them as recently as February 7, 2005. Mike Bussell, EPA's regional director for its Office of Compliance and Enforcement is Quoted as saying " Poor management practices contributed to the site's status as a Superfund site, and unfortunately those practices have continued."

Unfortunately Oeser recieved a huge break by the EPA in their not including Little Squalicum Creek in the Superfund clean up in spite of the efforts of the OCCC and Jack Weiss and Mark Herenkohl, and another huge break in the meager fine that was levied by the EPA for their recent violations.

We as a neigborhood still are seriously affected by the noxious extremely offensive odors that Oeser supposedly was installing equipment to elimanate. Either the epuipment does not work or they are not using it correctly or not using it at all.

In conclusion although I am glad the creek is being studied again and slated for clean up I hope that during the process that Oeser is being monitored very thoroughly and continually to make sure that it is not work done in vain.

Please keep me informed of any future documents, public comment time frames, or any other ways of being involved.

Sue DenAdel, 3005 Edens Ave. Bellingham, WA 98225 phone number 360-733-5954.

Diane A. Lynch
3002 Cedarwood Ave
Bellingham
Washington 98225

Mary O'Herron
Site mgr,
Dept of Ecology
1204 Railroad Ave. Ste #200
Bellingham, Washington
98225

Dear staff

From hearing the "Old Timers" talk, there are some still around who worked in the Old Coal Mine; a space now occupied by Condo's and apartments and close by Albertson's store. It's full of water! Under there, these miners say a good deal of this area clear to Bellingham Bay is all undermining under our homes and businesses by the "diggings" for coal in the Olden days, How do you intend to

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Y clean up any pollution when the sea water from the bay back washes thru these tunnels and stope areas and flushes back out again into the bay?

I am no athority on the subject. It is just what the ones who worked the mines have said.

"You can't fix it; its broke!

Its all undermined around this area of Birchwood, Cedarwood and little Squalicum area, catches it too.

Lots of water running under there. In fact that is one reason, I understand, that the mine was closed.

Your's truly.

Signed: Diane A. Lynch

+ Mary

P.S.

and while you are at it, can't Bellingham find a prettier name for "Railroad Ave"?

I suggest the name "Hawthorn", as a nice name. a small tree from the Rose family.

It has pink or white blossoms and seems to grow wild Here abouts. It is beautiful in flower, and would require little care if planted here in Bellingham on Railroad Ave.

As Ever

Diane A. Lynch