

EXHIBIT F

DRAFT PUBLIC PARTICIPATION PLAN

**WHATCOM WATERWAY SITE
BELLINGHAM, WASHINGTON**

JULY 2007

Prepared by the Washington State Department of Ecology



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INTRODUCTION

The Washington State Department of Ecology (Ecology) has developed this draft public participation plan (DPPP) in accordance with the Model Toxics Control Act (MTCA) to promote meaningful community involvement during the cleanup of the Whatcom Waterway site (Site) in Bellingham, Washington. Public participation is an integral part of Ecology's responsibilities under the MTCA. Ecology's goal is to provide the public with timely information and meaningful opportunities for participation. This DPPP describes the tools that Ecology plans to use to inform the public about the Site and identifies opportunities for the community to become involved.

LOCATION AND SITE BACKGROUND

Location

The Site is located within Bellingham Bay and consists of lands within and adjacent to the Whatcom Waterway (Figure 1).

Site Background

The Site includes lands that have been impacted by contaminants historically released from industrial waterfront activities, including mercury discharges from the former Georgia Pacific (GP) chlor-alkali plant. The chlor-alkali plant was constructed by GP in 1965 to produce chlorine and sodium hydroxide for use in bleaching and pulping wood fiber. The chlor-alkali plant discharged mercury-containing wastewater into the Log Pond (an industrially-constructed pond open to the Whatcom Waterway) between 1965 and 1971. Between 1971 and 1979 pretreatment measures were installed to reduce mercury discharges. Chlor-alkali plant wastewater discharges to the Log Pond were discontinued in 1979 following construction of the Aerated Stabilization Basin (ASB). The ASB was constructed by GP for management of pulp and tissue mill wastewaters in compliance with the Clean Water Act. The outfall from the ASB continues to be owned by GP and wastewater and sediment quality in the outfall area are monitored under the National Pollutant Discharge Elimination System (NPDES) permit program.

Initial environmental investigations of the Site identified mercury in sediment at concentrations that exceeded MTCA standards (Chapter 173-340 Washington Administrative Code [WAC]) and Sediment Management Standards (SMS; Chapter 173-204 WAC). These are the state standards that govern the cleanup of contaminated sediment sites. The MTCA regulations specify criteria for the evaluation and conduct of a cleanup action. The SMS regulations dictate the standards for cleanup.

The key MTCA and SMS decision-making document for Site cleanup actions is the Remedial Investigation and Feasibility Study (RI/FS). The RI/FS for the Whatcom Waterway Site was initiated in 1996 by GP under the terms of an Agreed Order with Ecology. The RI/FS included detailed sampling and analysis in 1996 and 1998. These sampling events formed the basis for development of an RI/FS Report which was completed in July 2000 following public notice and opportunity to comment.

In parallel with the RI/FS, the Bellingham Bay Comprehensive Strategy Draft EIS (DEIS) was prepared and issued for public review. The EIS was both a project-specific DEIS, evaluating a range of cleanup alternatives for the Site, and a programmatic DEIS, evaluating the Bellingham Bay Comprehensive Strategy. The Comprehensive Strategy was developed by an interagency consortium known as the Bellingham Bay Demonstration Pilot (Pilot). The Pilot brought together a partnership of agencies, tribes, local government and businesses known collectively as the Pilot Work Group, to develop a cooperative approach to expedite source control, sediment cleanup and associated habitat restoration in Bellingham Bay. The Comprehensive Strategy was issued by Ecology as a Final EIS in October 2000. The 2000 RI/FS and EIS documents would have formed the basis for Ecology's selection of a final cleanup action for the Site under existing land uses. However, following completion of the 2000 documents significant land use changes made it necessary to complete a supplemental FS and supplemental Draft EIS for the Site.

During 1999 and 2000, GP closed its chlor-alkali plant, its pulp mill and its chemical plant, dramatically reducing water treatment needs. With the reduced treatment needs, the contamination issues within the ASB could be addressed as part of the cleanup of the Site. To address this new portion of the Site, a new remedial alternative was evaluated in 2002 through a Supplemental Draft FS (Anchor, 2002) and a Supplemental Draft EIS (Ecology, 2002b). The new remedial alternative proposed using a portion of the ASB as a near shore fill disposal facility for disposal of contaminated materials removed from areas of the Site outside the ASB and from other contaminated sediment sites in Bellingham Bay. The proposal included maintenance of a down-sized wastewater treatment facility constructed within the footprint of the existing ASB.

Following completion of the 2002 Supplemental Draft FS, additional Site data were collected by GP during 2002, 2003, and 2004 under the terms of new and existing Agreed Orders with Ecology. The data collection included sediment testing of areas of the Site outside the ASB as well as testing of the ASB sludges and berm materials.

In late 2000 and early 2001 GP implemented an interim action to clean up sediment contamination in the Log Pond area of the Site. The work was performed under the terms of an Agreed Order with Ecology. The Log Pond project beneficially reused 43,000 cubic yards of clean dredging materials to cap contaminated sediments in the Log Pond, and to improve habitat substrate and elevations for use by aquatic organisms. The habitat restoration component of the project was voluntarily implemented by GP in accordance with the Bellingham Bay Comprehensive Strategy.

In January of 2005, the Port of Bellingham (Port) acquired 137 acres of waterfront property from GP including property within the Site. As a result the existing Agreed Orders between Ecology and GP for completion of an RI/FS and for the Log Pond Interim Remedial Action were amended to add the Port as a signatory.

When the original 2000 RI/FS was approved by Ecology land use in and around the Site was designated and used for industrial purposes, therefore the remedial alternatives under consideration reflected those uses. However, with Port ownership land use plans changed. The City of Bellingham and the Port are moving towards mixed-use zoning designations for upland areas adjacent to the Site. In addition, the Port intends to convert the Inner Whatcom Waterway

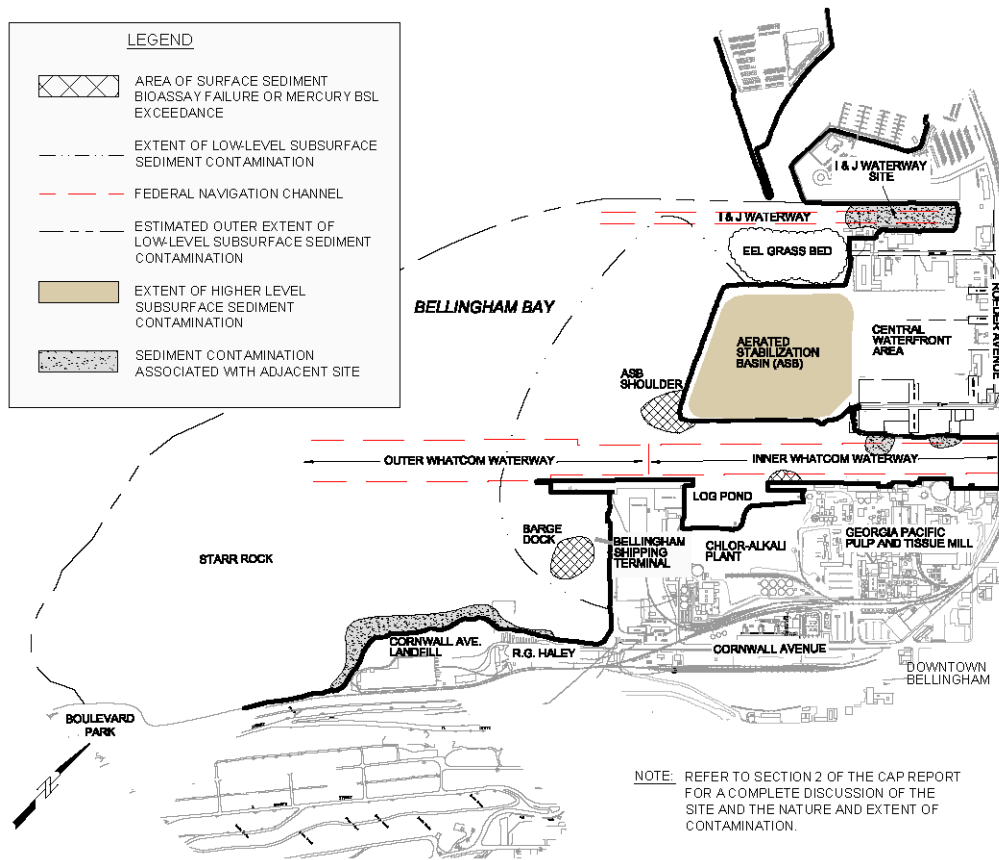
from a federal industrial waterway to a locally-managed multi-purpose waterway and to develop the ASB portion of the Site for aquatic uses.

A new Supplemental RI/FS (RETEC, 2006) was completed and made available for public comment between October and December of 2006. The document integrates previous Site investigations and studies and provides a comprehensive evaluation of Site conditions and cleanup options under current and anticipated land uses. Ecology developed a Responsiveness Summary addressing public comments received and approved the 2006 Supplemental RI/FS on June 29, 2007.

Concurrent with public issuance of the 2006 Supplemental RI/FS, Ecology issued a Draft Supplemental EIS (DSEIS; Ecology, 2006) consistent with the State Environmental Policy Act (SEPA) and with the programmatic elements of the Pilot Comprehensive Strategy. The DSEIS evaluates the potential environmental impacts associated with the RI/FS remedial alternatives and potential mitigation measures that could be used to address these impacts.

Using information presented in the 2006 Supplemental RI/FS, DSEIS, and in consideration of public comments received on these documents, Ecology completed a draft Cleanup Action Plan (DCAP) that describes the actions proposed for the cleanup of contamination at the Site. The DCAP, and this DPPP, are being issued for public comment as exhibits to a Consent Decree, which proposes to settle the liability of the parties agreeing to implement the cleanup. After consideration of public comments received, Ecology plans to issue a final SEIS, a final CAP and a final PPP, and then enter into a final Consent Decree in order to implement the CAP. The CAP and PPP will be exhibits to the final Consent Decree which will be entered in Whatcom County Superior Court. The cleanup will then move forward into design, permitting and construction.

Figure 1 – Location Map of Whatcom Waterway Site



HOW THE SITE WILL BE CLEANED UP

The proposed cleanup action described in the DCAP includes the following:

- Removal (dredging) of buried contaminated sediments in the Outer Whatcom Waterway adjacent to the Bellingham Shipping Terminal that may be disturbed through future dredging activities. Off-site disposal of dredged material at a permitted Subtitle D disposal facility. No institutional controls (limits or prohibitions on activities that could interfere with the integrity of the cleanup action or result in exposure to hazardous substances) are anticipated for this area of the Site;
- Partial removal (dredging) and containment (capping) of buried contaminated sediments in the Inner Whatcom Waterway that have a low potential to be disturbed given planned multi-purpose use of this area of the Site and planned mixed-use of the adjacent uplands. Off-site disposal of dredged material at a permitted Subtitle D disposal facility. Institutional controls will be required;
- Containment of contaminated surface sediments in the “ASB Shoulder” and the “Barge Dock” Site areas, including institutional controls;
- Contingency actions to contain contaminated surface sediments and to prevent cap erosion in the previously remediated Log Pond area of the Site. Continued institutional controls;
- Removal of contaminated material from the ASB, followed by reconnection of the ASB to the waters of Bellingham Bay, and reuse of clean berm materials as part of other Site cleanup activities. No institutional controls are anticipated for this area of the Site;
- Monitoring of remaining areas of the Site which currently comply with applicable surface sediment cleanup standards to ensure continued compliance. Institutional controls will be required; and,
- Monitoring of active cleanup areas to confirm that cleanup standards have been met and to confirm the long-term effectiveness of the cleanup actions.

The design and implementation of the cleanup of the Site will be occur over a period of approximately six years following finalization of the CAP, with a longer subsequent period of long-term monitoring. Engineering design and permitting is anticipated to require two years. Construction is anticipated to occur in three phases over a period of four years.

KEY COMMUNITY CONCERNS

Through comments received on the 2006 Supplemental RI/FS, Ecology has preliminarily identified the following concerns and interests that may apply to the cleanup of the Site:

- Protection of human health and the environment
- Avoidance of impacts to important fisheries resources and habitats

- Coordination of cleanup actions with other Bellingham Bay site cleanups
- Relationship between land use decisions and cleanup decisions
- Opportunities for public involvement
- Compliance with regulatory requirements
- Post construction monitoring

Additional public concerns may be identified over the course of the Site cleanup through: public comment periods; hearings; meetings; and other contacts with individuals, community groups, or organizations.

PUBLIC PARTICIPATION ACTIVITIES AND RESPONSIBILITIES

Ecology is responsible for implementing this DPPP for the Site. However the signatories to the Consent Decree will cooperate and assist Ecology with the various public participation activities. This section of the plan addresses how Ecology will share information and receive public comments and community input on the Site activities.

Public Participation Activities: Ecology uses a variety of activities to facilitate public participation in the planning and cleanup of MTCA sites. The following is a list of the public involvement activities that Ecology will use during the cleanup of the Site.

Public Comment Period

The following documents will be issued for a minimum 30-day public review period in 2007, and in 2009, respectively:

- Draft Consent Decree, including the following:
 - Exhibit A, Site Diagram
 - Exhibit B, Draft Cleanup Action Plan
 - Exhibit C, Schedule of Work and Deliverables
 - Exhibit D, List of Required Permits
 - Exhibit E, Applicable Substantive Requirements
 - Exhibit F, Draft Public Participation Plan; and,
- Draft Engineering Design Report (EDR), including the following:
 - Construction Quality Assurance Project Plan
 - Compliance Monitoring and Contingency Response Plan

The draft documents will be placed at the information repositories, on Ecology's website at <http://www.ecy.wa.gov/programs/TCP/sites/whatcom/ww.htm>, and on CDs by request.

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

Lucille T. McInerney, P.E.
 Site Manager
 Washington State Department of Ecology
 Northwest Regional Office
 3190 160th Avenue SE

Bellevue, WA 98008-5452
(425) 649-7272
lpeb461@ecy.wa.gov

Oral comments will also be accepted at a public hearing to be scheduled during the public comment period on the Consent Decree. The hearing will provide an opportunity for interested persons to present data, views, or oral testimony relative to the Consent Decree.

As part of implementing the final CAP, Ecology will oversee the development of a draft EDR for the cleanup actions. During public review of this document a public meeting will be held to provide information and answer questions.

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 held. If no significant changes are made, then the draft documents will be finalized.

Responsiveness Summary

A responsiveness summary is a summary of oral and written public comments which have been received by Ecology during a comment period, and Ecology's responses to those comments. Ecology will prepare a responsiveness summary to address comments received on the Consent Decree and draft EDR for this Site. The responsiveness summaries will be placed in the Site information repositories. Notification of the availability of the responsiveness summaries will be provided to 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 persons. During the comment period, the Site documents will be available for review at information repositories. Ecology can also make copies of documents for a fee.

For this Site, the information repositories are:

- Bellingham Public Library, 210 Central Avenue, Bellingham
Phone: (360) 676-6860
- Department of Ecology, Bellingham Field Office, 1440 – 10th Street, Suite 102 Phone
(360) 715-5200
- Department of Ecology, Northwest Regional Office, 3190 160th Avenue SE, Bellevue
Phone: (425) 649-7190

Information on the Site will also be posted on the Ecology website at:
http://www.ecy.wa.gov/programs/tcp/sites/blhm_bay/sites/bel_bay_sites.html

Site Register

The Site Register is published by Ecology bi-monthly to inform the public of:

- Activities related to the study and cleanup of contaminated sites
- Public meetings/hearings and public 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 placed on the Site Register's e-mailing list, complete the electronic form at http://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, and comment opportunities; and important Site activities. Ecology may also mail fact sheets about the progress of Site activities.

Newspaper Ads

At a minimum, Ecology will place an ad in *The Bellingham Herald* to announce public comment periods and public meetings or 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 the following persons:

Lucille T. McInerney, P.E.
Site Manager
Washington State Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008-5452
(425) 649-7272
lpeb461@ecy.wa.gov

Shannon Sullivan
Public Information Officer
Washington State Department of Ecology
Bellingham Field Office
1440 – 10th Street, Suite 102
Bellingham, WA 98225
(360) 715-5200
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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 EPA if involved) and the potentially liable person(s) to implement cleanup. A Consent Decree settles the liability for performing 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: 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:

- Gather the data necessary to determine the type and extent of contamination;
- Establish criteria for cleaning up the site;
- Identify and screen cleanup alternatives for remedial action; and
- Analyze in detail the technology and costs of the alternatives.

Responsiveness Summary: A summary of oral and/or 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.

REFERENCES CITED

Anchor, 2002. *Supplemental Draft Feasibility Study for the Whatcom Waterway Site*. Prepared for Georgia Pacific-West Corporation.

Ecology, 2002. *Draft Supplemental EIS for the Cleanup of the Whatcom Waterway Site, Bellingham Bay Comprehensive Strategy*.

Ecology, 2006. *Draft Supplemental Environmental Impact Statement, Bellingham Bay Comprehensive Strategy*.

RETEC, 2006. *Supplemental Remedial Investigation and Feasibility Study for the Whatcom Waterway, Bellingham Washington*. Prepared for the Port of Bellingham.