

**From:** [Title VI Complaints](#)  
**To:** [Scott, Ronald](#); [Vidargas, Nick](#); [Engelman-Lado, Marianne \(she/her/hers\)](#)  
**Subject:** FW: Formal complaint against the State of Washington DOE and failure to perform toxic site testing for NEPA, CWA and ESA compliance, Acts of Environmental Injustice  
**Date:** Tuesday, September 3, 2024 1:11:00 PM  
**Attachments:** [21 USACE Detail on permit.pdf](#)  
[20 Port Response to SEPA.pdf](#)  
[01 staff report.pdf](#)  
[Letter 3 - Failure to respond and address sediment testing for toxic contaminants and non-disclosure by the City of Blaine at M Dock Blaine Harbor.pdf](#)  
[\[REDACTED\] Second Response to SEPA for Boathouse \(7.30.2024\).pdf](#)  
[Landau Sea K Fish IAWP rpt - 07-07-23.pdf](#)  
[Westman Marine RI WrkPln-08-21-13.pdf](#)  
[Boat House Hearing 7.31.2024 Transcript.pdf](#)  
[Failure to address toxic contamination testing and non-disclosure of nearby toxic cleanup sites at City of Blaine Public Hearing for M Dock July 31, 2024.pdf](#)

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**From:** Title VI Complaints <Title\_VI\_Complaints@epa.gov>  
**Sent:** Wednesday, August 28, 2024 2:30 PM  
**To:** Wilson, Adam <wilson.adam@epa.gov>; Engelman-Lado, Marianne (she/her/hers) <EngelmanLado.Marianne@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>; Harrison, Brenda <Harrison.Brenda@epa.gov>; Cormack, Hayley <Cormack.Hayley@epa.gov>; Cormack, Nell <Cormack.Nell@epa.gov>  
**Subject:** FW: Formal complaint against the State of Washington DOE and failure to perform toxic site testing for NEPA, CWA and ESA compliance, Acts of Environmental Injustice

New Title VI Complaint.

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**From:** (b) (6) Privacy  
**Sent:** Monday, August 12, 2024 2:24 AM  
**To:** Sixkiller, Casey <[Sixkiller.Casey@epa.gov](mailto:Sixkiller.Casey@epa.gov)>; Opalski, Dan (he/him/his) <[Opalski.Dan@epa.gov](mailto:Opalski.Dan@epa.gov)>  
**Cc:** Purcell, Noah Guzzo (ATG) <[noah.purcell@atg.wa.gov](mailto:noah.purcell@atg.wa.gov)>; Buroker Thomas (ECY) <[thbu461@ecy.wa.gov](mailto:thbu461@ecy.wa.gov)>; [heather.bartlett@ecy.wa.gov](mailto:heather.bartlett@ecy.wa.gov); [laura.watson@ecy.wa.gov](mailto:laura.watson@ecy.wa.gov); [todd.n.tillinger@usace.army.mil](mailto:todd.n.tillinger@usace.army.mil); [environmentaljustice1@atg.wa.gov](mailto:environmentaljustice1@atg.wa.gov); R10enforcement <[R10enforcement@epa.gov](mailto:R10enforcement@epa.gov)>; Dorka, Lilian (she/her/hers) <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Molina, Alessandro <[Molina.Alessandro@epa.gov](mailto:Molina.Alessandro@epa.gov)>; [Robinson.Brittany@epa.gov](mailto:Robinson.Brittany@epa.gov); Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Title VI Complaints <[Title\\_VI\\_Complaints@epa.gov](mailto:Title_VI_Complaints@epa.gov)>; [penny.swanson@noaa.gov](mailto:penny.swanson@noaa.gov); [cindy.masada@noaa.gov](mailto:cindy.masada@noaa.gov); nathaniel.scholz <[nathaniel.scholz@noaa.gov](mailto:nathaniel.scholz@noaa.gov)>; [everett.baxter@noaa.gov](mailto:everett.baxter@noaa.gov); Magdangal, David (he/him/his) <[magdangal.david@epa.gov](mailto:magdangal.david@epa.gov)>; [emily@pugetsoundkeeper.org](mailto:emily@pugetsoundkeeper.org); [sean@pugetsoundkeeper.org](mailto:sean@pugetsoundkeeper.org)  
**Subject:** Formal complaint against the State of Washington DOE and failure to perform toxic site testing for NEPA, CWA and ESA compliance, Acts of Environmental Injustice

**Caution:** This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Dear Mr. Sixkiller and Mr. Oplaski,

I hope this message finds you well. I am writing to inform you that this notification serves as a formal complaint filed with the U.S. Environmental Protection Agency (EPA) concerning the Washington State Department of Ecology's (DOE) inadequate oversight and compliance failures related to the Blaine Harbor Boathouse No. 1 Dock Replacement Project.

The DOE's failure to act on these issues necessitates federal intervention to ensure compliance with the Clean Water Act, NEPA, and other relevant regulations. We urge the EPA to investigate these matters promptly to protect the environment and public health. Please find attached our detailed complaint letter, dated August 12, 2024, and addressed to Mr. Thomas Buroker, outlining the specific issues and our requests for immediate action. Other companion documents are included for further context. Additional public information on Blaine Boathouse can be [obtained here](#).

Despite our previous communications, the DOE has not addressed critical environmental concerns, including the need for comprehensive sediment testing and the issuance of necessary permits, such as the NPDES and USACE Section 404 permits.

Given the proximity of the project to toxic waste sites, the potential for significant environmental harm to salmon migration runs and other fisheries is substantial. Approximately 1,300 cubic feet of potentially contaminated sediment may soon be displaced in the Drayton Harbor marina.



The DOE has not followed Best Management Practices (BMPs) as published by the USACE and the EPA (refer to the Attached Letter 3). The DOE refuses to either require or conduct sediment testing at the proposed project site, despite the ongoing remediation of active toxic waste sites in the same marina area.

Since approval by the Hearing Examiner hired by the City of Blaine is imminent, we have received no documented actions being taken by the DOE regarding Clean Water Act concerns in our letters and investigation. We are also experiencing serious misconduct at the local SEPA agency and a failure by the DOE to take any corrective action. This is part of a more serious impending case with documentation underway, that will require a 60-day notification period, which we will brought to your attention shortly for legal adjudication.

**Attachments:**

1. Third notification letter documenting DOE non-compliance (dated August 12, 2024), including the non-response from DOE (dated August 5, 2024).
2. A second notification letter was sent to DOE (dated August 1, 2024).
3. First notification letter, with DOE copied (dated July 30, 2024).
4. Toxic site reports managed by DOE at the boat harbor, near the piling work.
5. Public hearing transcript where concerns about toxic sediment were dismissed by a consultant working for the Port of Bellingham and by the Public Hearing Examiner hired by the City of Blaine.
6. USACE permit.

Thank you for your attention to this urgent matter. Please respond within 5 business days so we may determine whether a 60-day notification under the Clean Water Act is required.

Sincerely,

(b)(6) Privacy, (b)(7)(C) Enf. Privacy (Alias filed under the Anti-SLAPP Act)

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

**Disclaimer:**

This letter is a public interest statement submitted in good faith and protected under the SLAPP Act, raising genuine concerns about potential violations of state law and public policies by the City of Blaine. It is not intended to disrupt City of Blaine operations but to ensure public health and safety.