

March 5, 2025

Mr. Al Sweeney
Case Manager
Office of External Civil Rights Compliance | U.S. Environmental Protection Agency
1200 Pennsylvania Ave, NW, Room 2524
Washington, DC 20460
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cc: Ms. Blair Mickles, mickles.blair@epa.gov

Dear Mr. Sweeney,

Thank you again for your letter of February 25, 2025, and for transitioning our case from Bianca Garcia. We are immensely appreciative of the time you are taking to review our case. This information relates to your follow-up on our amended complaint, where we stated on Pg 7:

"In the last 180 days, the (b) (6) Privacy, (b) (7)(C) rights were violated in three key instances:

- 1. Marina Dock Hearing (failure to test sediments for toxics)*
- 2. Creekside PUD Submission (failure to establish 200-foot buffers for Spooner creek and connected watersheds).*
- 3. Semiahmoo PUD Amendment (failure to comply with SEPA review and SMA)."*

Note: we have 3 additional items for submission

4. Audio/video footage of a (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) Member being accosted by a City Council Member (b) (6), (b) (7)(C) accosted by Mike Hill) – led to subsequent investigation of an unremediated benzene plume from Mike Hill's gas station threatening WOTUS and impaired Section 303(d) Drayton Harbor.
5. **February 24, 2025.** Conflict of Interest Filing to City of Blaine for Mike Hill's Actions against Senior Citizen (b) (6), (b) (7)(C)
6. **Active & Ongoing** Follow-on investigation of City Stormwater treatment for WOTUS in PUD hearings identified that the City was backdating deficient 2019 stormwater plans for developers leading to WOTUS violations impacting salmon waters where (b) (6) Privacy, (b) (7)(C) have historical tribal fishing rights. City of Blaine personnel took retaliatory actions including threats of censorship against senior citizens to prevent further comment. Investigation identified the City of Blaine was non-compliant with State of WA 2024 Western Washington Stormwater Plan to protect the Harbor from stormwater pollutants. After significant citizen pressure from (b) (6), (b) (7)(C) City reopened PUD for comment submission.
7. March 4-5, 2025, Denial of Senior Citizens' Appeal for the "Blaine Planned Commercial to Urban Mixed Use Non Project (Determination of Non-Significance) Notice." Discrimination based on \$2,500 exorbitant fee (~2.5X higher than our County) as financial barrier to appeal despite good faith effort to pool limited resources of pay \$500 fee).

As requested, I have provided dates and entities/recipients of my letters as well as summaries below each item (**Note: chronologically ordered**).

We believe the violations experienced and the inaction in enforcing compliance with the City of Blaine has led to a breach of our civil rights as seniors in our community, as well as the (b)(6) Privacy, (b)(7)(F) Nation tribal members.

1. Creekside PUD submission (failure to establish 200-foot buffers for Spooner creek and connected watersheds):

Jun 19, 2024, Emailed City of Blaine (Alex Wenger, Community Development Services) and Hearing Examiner Hon. Phil Olbrechts re PUD failing to protect Critical Aquifer Recharge Area (CARA) and Spooner creek.

Jun 28, 2024, Emailed Tom Buroker (DOE) to request interagency coordination under the HEAL Act, for review of PUD impact on Critical Aquifer Recharge Area (CARA).

Summary of (b)(6) Privacy, (b)(7)(F) Rights Violations Related to Creekside PUD:

The core argument is that the Creekside at the Ridge Planned Unit Development (PUD) poses a risk to water quality and quantity, which negatively impacts the (b)(6) Privacy, (b)(7)(F) Nation's rights and access to resources tied to those waters.

The key points are:

1. Impact on Water Quality and Quantity: The Creekside PUD development, due to its high density and relaxed LID (Low Impact Development) standards, threatens to contaminate the Critical Aquifer Recharge Area (CARA) and Spooner Creek.
2. This contamination risks polluting the wellhead protection areas that supply drinking water to the region. This pollution directly impacts the (b)(6) Privacy, (b)(7)(F) Nation's access to clean and safe water.
3. Failure to adhere CARA wetlands buffer standards: The documents claim that the City of Blaine amended zoning regulations to increase the allowable density within the CARA, facilitating the approval of the Creekside at the Ridge development.
4. Spooner Creek's Importance: Spooner Creek is identified as salmon-bearing and CREP (Conservation Reserve Enhancement Program) protected. Salmon are a crucial resource for the (b)(6) Privacy, (b)(7)(F) culturally, economically, and for sustenance. Degradation of Spooner Creek directly impacts their treaty rights to fish.
5. Inadequate Buffers: The documents specifically mention the lack of a 200-foot buffer for Spooner Creek. The absence of this buffer increases the risk of pollutants entering the creek from the development, further harming water quality and salmon habitat.
6. Cumulative Impacts: The documents highlight the cumulative impact of multiple developments removing CARA areas, impacting water availability and quality for the (b)(6) Privacy, (b)(7)(F).

2. Marina Dock Hearing (failure to test sediments for toxics):

Jul 30, 2024, Emailed complaint letter to City of Blaine (Mike Beck & Alex Wenger) and Port of Bellingham (Brian Gouran)

Aug 2 ,2024 Emailed Tom Buroker re serious concerns over lack of oversight and compliance, noting environmental injustice

Aug 5, 2024, Tom Buroker replied stating he would make team members "aware" of the project (lacking enforcement)

Aug 11, 2024, Emailed Tom Buroker, DOE formal complaint letter dated 8/12/24

Aug 27, 2024, Emailed letter from Casey Sixkiller, Regional Administrator EPA, Section 10

Aug 29, 2024, Tom Buroker replied with details on his agency review (lacking ability to enforce)

3. Semiahmoo PUD Amendment (failure to comply with SEPA review and SMA):

Nov 13, 2024, Emailed Hearing Examiner Hon. Phil Olbrechts objecting to SEPA

Determination and Environmental Review for the Resort Semiahmoo PUD Amendment

Nov 15, 2024, Emailed Hon. Olbrechts rebuttal to City of Blaine's proposals in Amendment citing extensive research on critical area protections needed. cc'd: Tom Buroker (DOE), and reps from (b)(6) Privacy, (b)(7)(C) Nation, NOAA, US Army Corps of Engineers, Whatcom County and WDFW).

Additional information on Environmental Injustices to Submit:

4. Audio/video of Blaine Citizen being accosted by a City Council member:

I (b)(6), (b)(7)(C) was verbally accosted by a City Council member, Mike Hill, at the November 12, 2024, City Council meeting. Prior information about the incident was submitted to your team in November 2024, but I wanted to be sure you had the video link to view the incident.

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

5. Benzene plume and failure by City of Blaine to adopt the 2024 Western Washington Stormwater Manual to prevent contamination of Cain Creek and Drayton Harbor.

Additional Information Regarding Environmental Injustice and Violation of Rights detailed in the attached document, "Benzene Contamination Environmental Risks Impacting City of Blaine, WSDOT Salmon Restoration and Drayton Harbor Shellfish 2.24.25.pdf."

This document outlines a long history of benzene contamination from the Chevron Station located at (b)(6) Privacy, (b)(7)(C) Enf. Privacy in Blaine (Cleanup Site CSID 9280). This contamination, documented since 2009 and substantiated by recent reports², poses significant environmental and public health risks, including to the shellfish rights of the (b)(6) Privacy, (b)(7)(C) Nation in Drayton Harbor, an impaired water body. The contamination levels far exceed state cleanup thresholds and threaten salmon habitats in Cain Creek, which is hydrologically connected to Drayton Harbor. Salmon are a crucial resource for the (b)(6) Privacy, (b)(7)(C) Nation, and the degradation of their habitat directly impacts their treaty rights to

fish. We believe the failure of the City of Blaine and potentially other entities (EPA nexus established - recipients of EPA funding for relevant activities) to adequately address this long-standing contamination, which has the potential for discriminatory impacts on the (b)(6) Privacy, (b)(7)(C) Nation's access to vital natural resources, constitutes a serious issue of environmental injustice based on their national origin, as outlined in the EPA's Case Resolution Manual concerning discrimination.

6. February 24, 2025. Conflict of Interest Filing to City of Blaine for Mike Hill's Actions against Senior Citizen (b)(6), (b)(7)(C) A formal complaint was submitted to City Manager Mike Harmon alleging Councilmember Mike Hill violated the Appearance of Fairness Doctrine (Rule 29(b)(1)) and state conflict of interest law (RCW 42.23.070) by failing to disclose conflicts of interest. This complaint:

- Reinforces concerns about City Council conflicts of interest and lack of a published Code of Ethics.
- Provides a specific instance of alleged ethical breach, supporting claims of lack of accountability.
- Connects to broader issues of fairness and impartiality in environmental decision-making.
- Adds weight to allegations that City of Blaine's processes may be compromised by lack of ethical oversight.

This documented instance of alleged ethical misconduct underpins claims of systemic deficiencies in environmental decision-making that could disproportionately affect vulnerable populations, including seniors and the (b)(6) Privacy, (b)(7)(C) Nation

7. The City of Blaine approved a stormwater plan for the Peace Portal Downtown Revitalization Project using the outdated 2019 WWSM on February 24, 2025, despite:

- Legal requirements under Blaine Municipal Code §13.01.050(A) mandating adoption of the updated 2024 WWSM1;
- Ongoing benzene contamination at Chevron Station CSID 9280, which exceeds MTCA cleanup thresholds and threatens Drayton Harbor;
- The Department of Ecology's directive to adopt the 2024 WWSM for compliance.

This decision risks untreated stormwater pollutants, including benzene, entering Drayton Harbor, directly violating the (b)(6) Privacy, (b)(7)(C) Nation's treaty-protected shellfish rights. The City further excluded the (b)(6), (b)(7)(C) (b)(6), (b)(7)(C) from comment submission¹ and imposed prohibitive appeal fees, disproportionately harming senior citizens' ability to advocate for environmental protections.

On March 4, 2025, the (b)(6), (b)(7)(C) filed a Notice of Intent to Sue over these stormwater violations, citing failure to harmonize BMPs with impaired waterbody requirements under WAC 173-201A-210(5). We urge the EPA to investigate this pattern of environmental injustice impacting both tribal rights and senior citizens' civil rights

(Refer to attached (b)(6), (b)(7)(C) DOE correspondence [2/24/25] and Notice of Intent to Sue [3/4/25] for full details.)

Relevance to EPA's Environmental Justice Mandate: These actions violate the **EPA Case Resolution Manual's prohibition of discriminatory impacts on protected groups** (Section 9), including national origin ((b)(6) Privacy, (b)(7)(C) Nation) and age (senior citizens). The City's refusal to adopt compliant stormwater practices and its obstruction of public input align with the broader systemic deficiencies detailed in our complaint (Pg. 7), warranting EPA intervention under Title VI.

8. Motts Hill Development and Procedural Environmental Injustice (February 18 – March 5, 2025): The City of Blaine's handling of the Motts Hill Overlook project demonstrates systemic environmental injustice through:

- Use of outdated stormwater standards: Attempting to apply the 2019 WWSM despite Blaine Municipal Code §13.01.050 requiring adoption of the 2024 WWSM.
- Exclusion of critical evidence: Allegedly omitting our February 18, 2025, rebuttal to outdated stormwater claims from Hearing Examiner proceedings, despite its relevance to protecting salmon-bearing streams tied to ((b)(6) Privacy, (b)(7)(C) treaty rights.
- Denial of procedural fairness: Refusing a continuance request to ensure proper consideration of updated environmental standards, disproportionately hindering senior citizens' ability to advocate for protections.

This pattern of bypassing current stormwater rules risks degrading waterways critical to the ((b)(6) Privacy, (b)(7)(C) Nation's treaty-protected fishing rights, while procedural barriers violate the EPA Case Resolution Manual's mandate for fair public participation (Section 17). Combined with discriminatory appeal fees (see Item 9), these actions create systemic inequities for both tribal communities and senior citizens.

(Refer to Motts Hill procedural filings [2/18/25] and continuance request [3/5/25] for details.)

Key EPA Connections:

- This pattern violates **Title VI protections** by disproportionately harming the ((b)(6) Privacy, (b)(7)(C) Nation (national origin) and seniors (age) through exclusionary practices, aligning with broader systemic deficiencies in tribal resource management (Pg. 7)

9. City of Blaine's denial on March 4-5, 2025, of our citizen group ((b)(6), (b)(7)(C) due to financial and other barriers. The ((b)(6) Privacy, (b)(7)(C) made a good faith effort to Appeal the SEPA DNS determination for the "Blaine Planned Commercial to Urban Mixed Use Non Project (Determination of Non-Significance) Notice."

- **High \$2,500 SEPA Fee:** Approximately 17 to 25 times higher than fees in cities like Seattle (\$150) and Spokane (\$100), and nearly double Whatcom County's \$1,260 fee (Blaine 2025 Unified Fee Schedule ([2025 Unified Fee Schedule](#))). This fee level presents a barrier to public participation, particularly for low-income individuals and seniors. It forces disadvantaged senior citizens to pay excessive legal costs (\$2500) to challenge decisions, it is a violation of civil rights and due process.

- **ILLEGAL REJECTION of \$500 Deposit:** The City's rejection of our good faith \$500 deposit obstructs appeal access and contradicts SEPA's public participation mandate. WAC 197-11-680 ([WAC 197-11-680](#)) mandates procedures that *"provide the public with meaningful opportunities to participate in SEPA reviews."* Blaine's fee and deposit obstruction violate SEPA's public participation mandate.
- **Continued Denial of Indigency Waiver:** The City's lack of fee waiver options for indigent appellants does not align with RCW 4.84.340 and raises environmental justice concerns.
- The City also allegedly did not provide clarity on appeal procedures, venue, or cross-examination rights. This denial, due to prohibitive costs, effectively limits access to justice and undermines the principle of equal access and civil rights for senior citizens. The proposed rezoning area is located near Drayton Creek and the Harbor, designated as critical salmon habitats, and the DNS allegedly did not include a comprehensive critical areas report. The appeal also raised concerns about the lack of consideration for cumulative impacts and non-compliance with the Shoreline Management Act.
- The City of Blaine's actions, particularly the imposition of excessive appeal fees and the alleged failures in environmental review and enforcement, disproportionately impact low-income senior citizens and impede their ability to protect their environment and drinking water sources.

Thank you again for your review of our complaint and please let me know if additional information is needed.

Sincerely,

(b) (6), (b) (7)(C)

Alias Protected by Anti-SLAPP Act (Strategic Lawsuits Against Public Participation)

(b) (6), (b) (7)(C)