Focus Puget Sound

WASHINGTON STATE
Department of Ecology

Summary Response to Public Comment on the Draft Consent Decree and Draft Cleanup Action Plan

Public Comment: February 25 – March 25, 2009

Former Scott Paper Mill Site
Anacortes, WA

Puget Sound Initiative:
Reaching the goal of a healthy, sustainable Puget Sound

Focus Puget Sound

May 2009

Site Background

The Former Scott Paper Mill site is generally located on the west shore of Fidalgo Bay and downtown Anacortes, WA, on 15th Street and Q Avenue. Commercial use of the site began in 1890 with a lumber mill operation. In 1925, a pulp mill operation was added at the site. In 1940, the Scott Paper Company purchased the lumber and pulp operations. Scott discontinued operations at the lumber mill in 1955 and the pulp mill in 1978, and sold the mill properties in 1979.

The site is currently divided into two main portions: north and south.

North Portion. Historic features on the north portion of the site included numerous buildings, sheds, piers, tailings ponds, boilers, fuel storage tanks, a smokestack, and burners. Scott operated this portion in 1979 and used a part of the property as a log yard from 1990 to 1993. This portion was divided into three parcels in 1998, and Sun Healthcare Systems, Inc. purchased one of these parcels. In 1999, the Port of Anacortes and Sun Healthcare Systems conducted an independent cleanup action on their parcel to remove a portion of its petroleum-contaminated soil and wood debris. A 2-foot-thick soil cover and a soil containment wall along the shoreline were also installed.

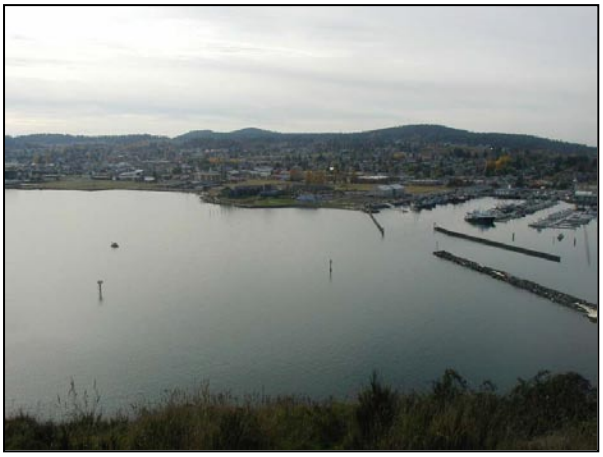
South Portion. The main feature on the south portion of the site was the pulp mill building, built in 1925. The pulp mill used waste from the lumber mill. Scott operated this portion from 1940 until 1978. This portion of the site was purchased by Snelson-Anvil in 1979, and used for several years as a staging area for oil field equipment, boat manufacturing, and storage. MJB Properties, Inc. purchased it in 1990.

Results from the 2008 Remedial Investigation and Feasibility Study (RI/FS) show contamination in soil, groundwater, and marine sediments.

Soil: Metals, petroleum hydrocarbons, carcinogenic polynuclear aromatic hydrocarbons (cPAHs), polychlorinated biphenyls (PCBs), and dioxins/furans were found at concentrations above preliminary cleanup levels.

Groundwater: Sporadic slight exceedances of petroleum hydrocarbons, arsenic, sulfide, bis(2-ethylhexyl) phthalate, ammonia, and 4-methylphenol were found.

Marine sediments: Metals, PCBs, and wood debris were found at concentrations above preliminary cleanup levels.



Former Scott Paper Mill site

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Introduction to Summary Response

Cleaning up and restoring Puget Sound by 2020 is a challenging objective aided by the resources of the Puget Sound Initiative, a state program that focuses on timely cleanup and restoration of contaminated waterfront sites around the Sound. A baywide focus has been placed on several priority bays, including Fidalgo and Padilla Bays in Anacortes. One of the sites within the Fidalgo Bay focus is the Former Scott Paper Mill site on the Anacortes waterfront. A significant milestone was reached recently for that site with the issuance of drafts of the Consent Decree, Cleanup Action Plan (DCAP), Natural Resources Damages Settlement, and Public Participation Plan. These draft documents were issued for public comment on February 25, 2009, and the public comment period ran through March 25.

To ensure that the community was aware of the invitation to comment on these important site cleanup documents, Ecology provided the following public involvement materials and opportunities:

1. Distributed a fact sheet describing the site and the Consent Decree through a mailing to over 450 addresses in the area and other interested parties.
2. Published a paid display ad in the following area newspapers: *The Anacortes American, The Skagit Valley Herald and the Clamdigger*.
3. Published notice in the Toxics Cleanup Program Site Register.
4. Published notice in the Ecology Public Involvement Calendar.
5. Posted the draft Consent Decree on the Ecology web site.
6. Provided copies of the draft Consent Decree through information repositories at Ecology's Headquarters Office, and the Anacortes Public Library.
7. Issued a press release – February 24, 2009.
8. Held an open house public information session on March 3 from 4 p.m.–7:00 p.m.
9. Held an afternoon public hearing and a televised evening public hearing on March 17 in Anacortes that were re-broadcast on locally-aired cable television over a two-week period.

Through this summary, Ecology is responding to public comments received during the public comment period. Ecology has considered all comments on the draft documents and made minor modifications to Appendix C of the DCAP. After careful consideration of comments received, Ecology determined that no other significant changes to the Decree or other documents were needed, though numerous comments and opinions were noted.

The Port of Anacortes conducted a parallel process to evaluate potential environmental impacts of the cleanup, as evaluated under the State Environmental Policy Act or SEPA. The Port also released its SEPA analysis for public review and comment. The Port will respond separately to those SEPA-related comments as it considers them in reaching its SEPA determination. In cases where a comment was submitted both to the Port and Ecology, Ecology has considered and is responding to the elements of those comments that pertain to the cleanup process in this document.

Additionally, the Port and Ecology will hold an open house at the end of May to discuss plans for the coming cleanup construction season.

Site Cleanup Process

The site cleanup is being planned and performed by two of the three potentially liable parties, or PLPs, the Port of Anacortes and Kimberly-Clark Corporation (Scott merged with Kimberly-Clark in 1995). Ecology oversees the investigation and cleanup of the site. The other PLP for this site, MJB Properties, will not participate in the cleanup but will support cleanup activities by providing access to Ecology, the Port, and Kimberly-Clark.

After the Remedial Investigation/Feasibility Study (RI/FS) was completed in 2008 and the cleanup options evaluated, the PLPs prepared a DCAP under Ecology oversight. The DCAP indentifies cleanup levels for soil, groundwater, and sediment that the cleanup will achieve. Cleanup levels are stringent so that future land uses will not be restricted. The DCAP recommends cleanup actions to achieve these cleanup levels from the options identified in the RI/FS, and describes these actions while presenting a schedule to carry out the cleanup. The DCAP also identifies monitoring activities to demonstrate whether the cleanup was effective.

Overview of Comments and Responses

The comments received were reviewed and evaluated by the Ecology cleanup team. Comments were then summarized and categorized into five areas for response, described below. Many comments touched on aspects of more than one comment category, and the comment summaries are coded to individual commenters. The comment categories in this document are:

1. **Environmental Review, Cleanup Selection, and Design**
   Responses included in this category relate to comments about the process of evaluating environmental impacts, evaluating cleanup options, and preparing a cleanup design that is then described in the DCAP. This category includes responses on monitoring, private property and source control.

2. **Contaminated Material Handling**
   Responses included in this category relate to comments about the contaminated material that will be removed from the Former Scott Paper Mill site, including how it will be handled and disposed of, and how water quality will be assured.

3. **Traffic Impacts, Movement of Material, and Hours of Operation**
   Responses included in this category relate to comments about potential traffic impacts on the nearby community and concern about anticipated work hours during cleanup activities. Responses in this category also address the risk of spillage during the transport of contaminated materials.

4. **Land Use, Noise, Dust, and Aesthetics**
   Responses included in this category relate to comments about land use and zoning issues during cleanup, as well as noise and dust from cleanup activities and aesthetic impacts on surrounding neighborhoods.

5. **Transportation and Utilities**
   Responses included in this category relate to comments about transportation infrastructure, including streets, drainages, and truck traffic routes, and the impacts of cleanup activities. Additionally, responses in this section relate to concerns about impacts on utilities, specifically the sewer system.

A total of 15 persons provided comment through letters, e-mail messages, and public testimony regarding the draft documents, including the following persons. In the comment section, each commenter is referenced by at least one assigned commenter number.

Ms. Boshie Morris, local resident, comment 1

Ms. Mary Pitch, local resident, comment 2

Mr./Ms. Craig and Jeanne Walling, local residents, comment 3

Mr. Haywood M. Smith Jr, local resident, comment 4

Ms./Mr. Sandra and Haywood Smith, local residents, comment 5

Ms. Cynthia Richardson, local resident, comments 6 and 13

Ms. Terese Richmond, Gordon Derr LLP, attorney for MJB Properties, comment 7

Mr. Tom Slocum, P.E., Skagit Conservation District, comment 8

Ms. Jaqueline J. Bohn, local resident, comment 9

Mr. Burt Sawade, local resident, comment 10

Mr. Tom Richards, local resident, comment 11

Mr. Paul Dinnel, Ph.D, local marine scientist/resident, comment 12

Ms. Joan Drinkwin, Northwest Straits Foundation, comment 14

Ms. Manca Valum, Western Washington University, comment 15

Ms. Heather Trim, People for Puget Sound, comment 16

Response to Comments

Comments received during the comment period are summarized and listed by category in the following tables. In the right column are Ecology's responses to each summary comment. Following the tables are several figures illustrating and describing the routes and equipment that will be used to transport materials. The actual text of comment letters, emails, and testimony from the public hearings is also included in this document, following the explanatory figures.

1. Environmental Review, Cleanup Selection, and Design

Responses included in this category relate to comments about the process of evaluating environmental impacts, evaluating cleanup options, and preparing a cleanup design that is then described in the DCAP. This category includes responses on monitoring, private property and source control.

Comment	Response
1a: Who will be monitoring the performance and effectiveness of the cleanup, and what actions are planned should the cleanup or restoration not work? (1)	Two potentially liable parties (Port of Anacortes and Kimberly-Clark) are responsible for performance monitoring (to monitor compliance with cleanup requirements specified in the Consent Decree) and long-term monitoring (to evaluate the effectiveness of the implemented remedy). The monitoring plans will be developed as a part of the draft Engineering Design Report (EDR) for the site. These plans will also include specific biological performance standards and the monitoring required to ensure compliance with those biological standards. As discussed in section 7.1 of the DCAP, following completion of the remedial actions, at least four rounds of quarterly groundwater monitoring will be conducted at all the existing and newly installed monitoring wells. Based on these results, a long-term groundwater monitoring plan will be implemented to track contaminant concentrations. After two years of groundwater monitoring, if the results continue to exceed cleanup levels as indicated in section 4.7 of the DCAP, additional actions will be evaluated for implementation to address this problem. The type of action will be based on the contaminant concentrations at that time. Contingency plans also must be developed to outline the actions that must be taken if cleanup performance and biological standards fail to meet the standards specified in the CAP and/or monitoring plan. Contingency plans for the upland portion of the site may include the evaluation of on-site treatment, containment, and/or continued groundwater monitoring. Contingency plans for the marine portion of the site may include additional removal actions, capping, shoreline and intertidal habitat enhancements, enhanced monitoring, shoreline protection modifications including physical modifications of wave

Comment	Response
	attenuation structures, and any other potential contingencies to ensure all cleanup requirements are met.
1b: There have been several 50-year storms recently with winds up to 91 mph. Does the cleanup design take into account these storm events? (1)	The wave model used to provide design data for the wave attenuation structures incorporates real-time wind data for several decades, including direction and velocity. The model uses a 50-year wave period (maximum storm event during a 50-year cycle). Using these data should provide the model more than sufficient information for engineering the wave attenuation structures.
1c: The SEPA document is inadequate regarding sorting and transport of excavated material. (3, 6)	The Port is the lead agency for SEPA. Comments concerning the adequacy of the SEPA process should be directed to the Port.
1d: The requirement for the new public access on MJB property should be removed from the final CAP. (7)	The project does not currently include installation of new public access on MJB property.
1e: The final CAP should require sampling and appropriate cleanup of the haul road and related soil handling areas. (7)	Trucks leaving the site will go through a wheel wash to eliminate the release of contaminated soils to haul roads, and street sweepers will be used as needed. Further cleanup of haul roads may not be warranted. Handling of contaminated soils must meet the requirements of the Model Toxics Control Act (MTCA) and Dangerous Waste Regulation (DWR). Part of this requirement will be random sampling of soil handling areas to assure that these areas are clean.
1f: MJB supports the installation of a new revetment on MJB property. (7)	Comment noted.

Comment	Response
1g: The selected alternative for stabilizing wave erosion is excessively conservative; the DCAP should be revised to mandate an ecologically meaningful shoreline restoration component. (8)	Protection of the shoreline is intended to prevent any remaining contaminants from entering the in-water portion of the site and prevent general erosion from occurring for the reasons discussed below. A large portion of the uplands (which is artificial fill) contains excessive wood waste as part of the fill. Wood debris in upland environments does not constitute an environmental hazard. However, if this wood waste were allowed to erode into the aquatic environment, it would cause significant hazardous substances to generate from its decomposition and result in significant environmental risk. It should be noted that the wave force conditions at the shoreline of the former Scott Paper Mill location are significantly greater than those at the south end of Fidalgo Bay due to the fetch length exerted upon the shoreline from the prevailing wind direction. The modeling performed for the shoreline stabilization and the resulting engineering includes considerations for permanence to the maximum extent practicable relative to the cleanup remedy. This means that under the current conditions and future predictions of increased storm frequency and intensity as well as expected sea level rise, robust shoreline stabilization is required. Habitat enhancement of the shoreline is also incorporated into the design where possible, significantly increasing the areal coverage of eelgrass beds and shoreline habitat available for surf smelt and sandlance. The area south of the Port property adjacent to the MJB property, is not being protected using wave attenuation structures for shoreline protection because placement of wave attenuation structures would encumber future in-water site use planned by MJB. Because no wave attenuation structure is planned, the remaining alternative that would effectively protect the shoreline is a more hardened beach area. A softened slope in this area has been shown under wave modeling conditions to erode as is occurring under the current site conditions. Periodic enhancement would require perpetual monitoring by Ecology. This approach is not consistent with the MTCA's goal of permanent to the maximum extent practicable.
1h: It is great news that Ecology wants to restore this area. (9)	Comment noted.
1i: Looking forward to cleanup. (10)	Comment noted.
1j: The project falls under the Puget Sound Partnership	Habitat enhancement of the shoreline is incorporated into the design where possible, significantly increasing the areal coverage of eelgrass beds and shoreline habitat available for surf smelt and sandlance. The

Comment	Response
Priority B2 to revitalize waterfront communities while enhancing marine and freshwater shoreline ecosystem processes. (11)	area shoreward of the wave attenuation structures has been designed to maintain dynamic sediment equilibrium. This will allow these spawning beaches and eelgrass beds to exist in perpetuity without the need for additional deposition of sediment via longshore current transport.
1k: The project will help reduce continuing contamination and substantially improve habitat conditions. (12)	Comment noted.
1l: NW Straits Commission supports the Consent Decree and looks forward to working in partnership. (14)	Comment noted.
1m: Resources received by WWU under the Consent Decree will be used to increase scientific knowledge, increase student capacity to become community participants, and support Shannon Point Marine Center. (15)	Comment noted.
1n: Source control has not been well addressed. (16)	Typically, the CAP is a document that presents brief summaries of soil and groundwater investigations, contaminants of concern, extent of contamination, selected remedy, and other activities. However, more details are included and discussed in the RI/FS report. Section 4 (Soil Investigation and Results) of the final RI report dated November 2008 for the Scott Paper Mill site presents a detailed discussion of investigation procedures, cleanup levels, results, extent of contamination, and other data (Tables 1 through 23, Figures 13 through 19 in the DCAP).

Comment	Response
	As shown in Figures 3 through 10 in the DCAP, results of site investigation show that the majority of contamination is present between 6 to 10 feet below ground surface (bgs). Based on the site conceptual model (Figure 12 in the DCAP), remedial alternatives were evaluated and selected to eliminate exposure pathways resulting in contamination/source removal. The selected remedial alternatives for the Port (PUA-4) and MJB (MJB-4) properties provide for removal of contamination present between 6 to 10 feet bgs, which appear to serve as potential impact sources to the groundwater and/or sediments. As part of this cleanup, a total of approximately 29,200 cubic yards of contaminated soils (18,600 cubic yards from the uplands and 10,600 cubic yards along the shoreline) will be excavated and removed from the site. Implementation of selected alternatives at PUA-4 and MJB-4 will therefore constitute source control/removal.
1o: Concerns exist about tidal influence on groundwater. (16)	As part of the hydrological characterization, a 49-hour tidal study was conducted at the site. Though it is briefly stated in the DCAP, detailed discussions of this study including the number and locations of monitoring wells, procedure, and approximate extent of tidal influence and its impact on the groundwater flow direction, are included under section 6.2.1 of the final RI report. Figures 27 through 30 in the RI report also present the water level elevations in monitoring wells selected for this study. In summary, tidal influence was limited to a few wells along the shoreline with no or minimum impact on the groundwater horizontal gradients (flow direction) between low to high tides.
1p: Further discussion of dioxin is needed in the DCAP. (16)	Sections 2.5.1 and 2.5.2 of the DCAP present a brief summary of contaminants of concern present at the site, which include dioxins and furans (D/F). Tables A-2 and A-3 of Appendix A in the DCAP present D/F concentrations. In addition, a more detailed discussion is presented under Section 4 (Soil Investigation and Results) of the final Scott Paper Mill RI/FS report, including all the D/F concentrations (Tables 8 through 10 and 15). Adequate investigations have been conducted at this site to address this issue. Two rounds of investigations were conducted for D/F. As a part of these investigations, a total of 60 soil samples (43 samples on the Port property and 17 samples on the MJB property) were collected for the D/F analysis. As shown on Figures 13 through 16 in the DCAP, most of the contamination exceeding the cleanup level of 11ppt (protection of human health) is present between 6 to 10 feet bgs on the Port's property. No exceedances were detected on the MJB property. All these D/F exceedances are co-located with other contaminants. As shown in Figure 13 of the DCAP, most of these locations are included within the excavation areas under the selected remedy. Any remaining residual contamination will be 10 feet bgs, and these areas will be clearly

Comment	Response
	identified on the site. Appropriate institutional controls will be implemented with restrictive covenants to restrict access to these locations. With the removal of all the D/F-contaminated soils to a depth of 10 feet to a cleanup level of 11 ppt (protection of human health), and with the implementation of proper institutional controls to eliminate access to the remaining residual contamination, there would be no adverse impact to human health. In addition, D/F are not an issue for the MJB property development (mixed land use including residential), since D/F exceeding the cleanup level of 11 ppt (protection of human health) were not detected on the MJB property. A comprehensive study of Fidalgo Bay was performed simultaneously with the Scott Paper Mill RI/FS, including dioxin, sediment, and tissue sampling. The study found dioxin to be ubiquitous throughout Fidalgo Bay with higher levels in several locations along the western shoreline. The Department of Health is evaluating human health risk for Fidalgo Bay. The study will provide information on levels of risk associated with consuming certain amounts and types of tissue. Further sampling and analysis by Kimberly-Clark is underway to determine suitability for disposal at different sites. Any dioxin found in the Scott Paper Mill sediments that will be dredged will be transported to an authorized disposal facility. Overall health risks in Fidalgo Bay are anticipated to be reduced though the cleanup action.
1q: There appears to have been additional sampling in January and that is not provided. (16)	These data were not relevant to the development of the cleanup action plan and were collected as a supplement to the engineering design report to confirm that the remedial alternative selected would be sufficient to protect human health and the environment. However, you may contact the site manager, Panjini Balaraju, at 360-407-6161 if you are interested in reviewing these data.
1r: Why is there radioactive thallium at this site? (16)	Thallium was detected at a depth of 9 to 11 feet bgs at three locations (SB-02, SB-10 and SB-11; Figure 9 in the DCAP) as a part of the total metals analysis. No specific analysis was conducted to determine whether there is any radioactive thallium present in the total thallium concentration. Since the lumber and pulp mill operations did not include any chemicals related to thallium, the exact source of these detections is unknown. However, some of the potential sources might be thallium sulfate that was widely used as a rodenticide and ant killer until it was banned in 1975, and mishandling of electrical switches containing thallium. Thallium exists both in elemental and radioactive forms. Based on the operational history of these mills that did not include the use of any radioactive thallium, it is highly unlikely that the detected thallium

Comment	Response
	might include any radioactive isotope of thallium. In addition, the half-life of two relatively stable radioactive isotopes of thallium (TI-201 and TI-204) range from 73 hours to 3 years. Based on these short half-lives and the fact that the mill operation ceased 30 years ago (1978), it is unlikely that the detected thallium contains any radioactive fraction. Thallium was detected at 9 to 11 feet bgs along the shoreline. Site groundwater is not a drinking water source because of high levels of total dissolved solids. Hence, direct human contact and groundwater ingestion exposure pathways are not of concern. The two pathways of concern are: • Exposure by aquatic organisms to impacted groundwater that may discharge to Fidalgo Bay. • Ingestion by site visitors of aquatic organisms affected by the discharge of impacted groundwater to Fidalgo Bay. Thallium was not detected in groundwater. The three thallium-detected locations are within the excavation areas of the selected remedy (Figure 14 in the DCAP). Most thallium-contaminated soils/sources will be excavated as part of the selected remedy. In addition, appropriate groundwater and sediment monitoring will be implemented to assure the protection of human health and environment.
1s: What impacts will the wave attenuation structures have on the sediment transport and forage fish habitat? (8, 11)	The project is subject to federal permit review by the U.S. Army Corps of Engineers, and to review under Section 7 of the federal Endangered Species Act for effects on listed fish species and forage fish. The Port has prepared a biological evaluation of the project, which includes an analysis of potential project effects on fish and mitigation measures to minimize such impacts. Overall, the project will result in a significant net improvement of fish habitat at the site through the cleanup and natural resource restoration activities. Habitat enhancement of the shoreline is incorporated into the design where possible, significantly increasing the areal coverage of eelgrass beds and shoreline habitat available for surf smelt and sandlance. The area shoreward of the wave attenuation structures has been designed to maintain dynamic sediment equilibrium. This will allow these spawning beaches and eelgrass beds to exist in perpetuity without the need for additional deposition of sediment via longshore current transport.
1t: If this is supposed to be a draft CAP, it doesn't say draft on the document. (16)	The draft Consent Decree contains many exhibits, each of which is part of the draft document. Ecology has reviewed and evaluated comments received during the comment period on the draft documents, including the draft DCAP.

2. Contaminated Material Handling

Responses included in this category relate to comments about the contaminated material that will be removed from the Former Scott Paper Mill site, including how it will be handled and disposed of, and how water quality will be assured.

Comment	Response
2a: Where and how will dredged material from the site be handled and disposed of? (2, 3, 4, 5, 6, 13)	Dredged material from the site will be barged to, and handled at, the sorting facility on Pier 2 that the Port previously built and permitted for the Dakota Creek Industries site contaminated sediment interim action. The Pier 2 sorting facility is a permitted solid waste handling facility that has been approved by the County under the state Solid Waste Handling Standards regulations. It's more efficient, cost effective, and appropriate to handle this material at Pier 2. Sediments will be barged to Pier 2, and processed within the sorting facility to separate the brick, rock, wood, and other debris from the sediment component of the dredged materials. Contaminated materials will be transported from the Pier 2 facility in trucks to a permitted landfill in eastern Washington for final disposal. Rock that is separated from the dredged material will be cleaned and transported back to the site for use as excavation backfill. The Pier 2 facility is being used because it is the closest location to the site where dredged material can be offloaded from a barge. See Figures 2.0 and 2.1 at the back of this document for anticipated truck routes from Pier 2 to the direction of the landfill location. Kimberly-Clark is working with the Dredge Material Management Office (DMMO) agencies regarding the possibility of sending some of the dredged material to an approved open water disposal site. If open water disposal is approved by the DMMO, some amount of dredged material could be disposed of at a designated open water disposal site in Puget Sound rather than being taken to Pier 2 and an upland landfill.
2b: Where and how will the contaminated upland soils from the site be handled and disposed of? (2, 3, 4, 5, 6, 13)	The Port will handle and sort excavated upland soils on the Port uplands portion of the site. The material will be transported in covered trucks directly from the site to a permitted off-site landfill in eastern Washington for final disposal, thereby minimizing truck traffic and attendant impacts between the site and Pier 2. During the above activities, appropriate mitigation measures will be implemented at the site to eliminate or minimize on- and off-site impacts from these actions. These measures will include but not be limited to the following: • Noise control: The project will monitor for noise to assure that the noise level is below the city ordinance or state required standard. • Dust Control: During the handling of soils, best management practices (BMPs) will be implemented. The BMPs will include covering of stockpiles, use of street sweepers, and use of water spray

Comment	Response
	to suppress dust production. • Working Hours: Operations at the site will be conducted between the working hours allowed by the city ordinance (7 a.m. to 10 p.m.). However, deviation from these working hours may be warranted under unforeseen circumstances. • Stormwater Control: For conducting on-site activities, an appropriate stormwater control permit from the Department of Ecology's Water Quality Program will be obtained to assure no adverse impact from stormwater to the environment (surface water) during these activities. • Permits: Appropriate local, state, and federal permits will be obtained and/or the substantive requirements will be met for conducting the above activities. These permits will require use of BMPs and meeting specific standard requirements for this operation. • Transportation of Soil for Final Disposal: All the contaminated upland soils will be handled (storage, sorting, and waste designation) on the site. The sorted soil from the site will be transported in covered trucks during working hours to a permitted landfill for final disposal. The soils will meet the performance criteria of the permitted receiving facility. Top-covered trucks will be used to contain any dust generated during transportation.
2c: The cleanup plan says sediment will be offloaded and transported to an approved off-site location for beneficial re-use but fails to mention that the approved off-site location is proposed to be at Pier 2. (2, 3, 4, 5, 6, 13)	The reference is to the final disposal of these materials in a permitted disposal facility, not to the Pier 2 sorting area. No dredged material other than rock will be beneficially reused; all other material will be disposed of at the appropriate off-site disposal facility.

Comment	Response
2d: The MJB property should be used for handling and sorting of the contaminated material. (2, 3, 4, 5, 6, 13)	Handling of dredged materials: As discussed in response 2a, dredged materials will be transported to Pier 2 via barge for handling. Handling dredged materials at Pier 2 is more efficient, cost-effective, and appropriate than on-site handling for the following reasons: • Pier 2 is a permitted solid waste facility approved by Skagit County under the State Solid Waste Handling Regulation. • Pier 2 has the existing infrastructure needed to handle dredged materials (paved area for temporary storage and dewatering, management and treatment facility for stormwater and dewater, etc.). • As presented in responses 2e, 3b, 3d, and 4b through 4f, appropriate mitigation measures and BMPs will be implemented to address water quality controls, hours of operation, handling of materials without spillage, noise, dust, and aesthetics. In addition, materials will be handled in a temporary, enclosed structure at Pier 2. • Pier 2 has been used previously for the same kind of activities for handling the Dakota Creek sediments. Regarding the handling of upland soils, there is sufficient area available on the Port uplands portion of the site. As presented in response 2b, all excavated upland soils will be handled and sorted with the implementation of appropriate mitigation measures, BMPs, and applicable regulation requirements. As indicated above, all dredged materials and upland soils will be handled either at Pier 2 or on the Port uplands portion of the site. Therefore, the MJB property is not needed or necessary to handle any of the contaminated materials during this cleanup process.
2e: What kind of water quality controls will be implemented at Pier 2? (6)	The Pier 2 facility includes a paved area used for temporary containment of dredged materials and management of material dewatering and stormwater, and infrastructure for treating dewatering and stormwater effluent. The treated water will be tested to assure that the contaminants will meet the required state and/or federal water quality regulation limits prior to its discharge. The barge off-loading area at Pier 2 will have skirting to prevent spillage of dredged materials into the water, and temporary piling will be installed to allow barges to maintain their position during off-loading. The Port is obtaining a construction stormwater general permit for cleanup construction activities at the site. The PLPs' cleanup contractor will develop a stormwater pollution prevention plan to manage stormwater impacts during the cleanup. In addition, floating curtain booms will be used to control/contain any suspended soil/sediment

Comment	Response
	during the excavation of soils along the shoreline.
2f: Will a conveyor be used to transfer dredged material? (6)	Any dredged material disposed of in an upland facility will be directly deposited from the dredge bucket onto barges for transport to Pier 2, where it will be off-loaded by skiploader or backhoe for rehandling and final disposal. There is no plan to transport dredged material via conveyor.
2g: MJB is concerned about any use of its property for storage, treating or handling of dangerous wastes. (7)	Ecology understands that MJB will enter into a property access agreement with the performing PLPs, the Port and Kimberly-Clark, acceptable to the three PLPs. Regarding the handling of dredged materials, as discussed in response 2a, they will be transported to Pier 2 via barge for handling. Handling dredged materials at Pier 2 is more efficient, cost-effective, and appropriate than on-site handling for the following reasons: • Pier 2 is a permitted solid waste facility approved by Skagit County under the State Solid Waste Handling Regulation. • Pier 2 has the existing infrastructure needed for handling dredged materials (paved area for temporary storage and dewatering, management and treatment facility for stormwater and dewater, etc.). • As presented in responses 2e, 3b, 3d, and 4b through 4f, appropriate mitigation measures and BMPs will be implemented to address water quality controls, hours of operation, handling of materials without spillage, noise, dust, and aesthetics. In addition, materials will be handled in a temporary, enclosed structure at Pier 2. • Pier 2 has been used previously for the same kind of activities for handling the Dakota Creek sediments. Regarding the handling of upland soils, there is sufficient area available on the Port uplands portion of the site. As presented in response 2b, all excavated upland soils will be handled and sorted with the implementation of appropriate mitigation measures, BMPs, and applicable regulation requirements. As indicated above, all dredged materials and upland soils will be handled either at Pier 2 or on the Port uplands portion of the site. Therefore, the MJB property is not needed or necessary to handle any of the contaminated materials during this cleanup process. As per Ecology's area of contamination policy (AOC), if a cleanup is conducted under a MTCA Agreed Order or Consent Decree, DWR, WAC 173-303 requirements will not be triggered. However, the DWR is an applicable or relevant and appropriate requirement (ARAR) for the site. Hence, for some of the activities such as hazardous waste storage,

Comment	Response
	waste designation, and disposal, the DWR requirements will be applicable and will be met as a part of site cleanup. At this site, all the excavated contaminated soils will be stored, designated per the requirements of DWR, and hauled to a permitted Subtitle C landfill for disposal. None of the dangerous waste (DW) will be treated on- site. The receiving permitted landfill facility will treat the DW to achieve universal treatment standards based on land disposal restrictions prior to disposal. Detailed requirements regarding the handling of DW will be discussed in a draft EDR, which will be reviewed and approved by Ecology.

3. Traffic Impacts, Movement of Material, and Hours of Operation

Responses included in this category relate to comments about potential traffic impacts on the nearby community and concern about anticipated work hours during cleanup activities. Responses in this category also address the risk of spillage during the transport of contaminated materials.

Comment	Response
3a: Traffic impacts to the neighborhoods around the site and Pier 2 have not been adequately evaluated or addressed. (2, 3, 4, 5, 6, 13)	Dredged materials will be transported to Pier 2 via barge as much as possible. The Port does not intend to use trucks to transport dredged sediments to Pier 2. The Port will provide regular project updates to the communities and afford opportunities to visit the site during various stages of cleanup. The soils and sediment from the site will be transported in covered trucks during the working hours, as discussed below, to a permitted landfill in eastern Washington for final disposal. Trucks will follow established truck routes through the city. (See Figures 1.0 through 2.2 for truck routes).
3b: What will the work hours be? (3, 4, 5, 6, 13)	City ordinances allow operations from 7 a.m. to 10 p.m. It is not anticipated that operations at Pier 2 will exceed hours of operation allowed by the city's ordinance. Dredging may be allowed outside normal hours if necessary to complete in-water work before the close of the fish window.
3c: Can you avoid hauling material to Pier 2? If not, related impacts and mitigation for those impacts must be addressed in the project plans. (6, 13)	The handling and sorting facility at Pier 2 is a permitted solid waste facility. Dredged materials will be transported to Pier 2 via barge as much as possible. The Port does not intend to use trucks to transport dredged sediments to Pier 2. As discussed in responses 4b through 4g below, appropriate mitigation measures will be implemented during the handling of dredged materials at Pier 2 to minimize/eliminate any off-site impacts from noise, dust, odor, aesthetics, traffic, light and glare, etc.
3d: There could be spillage from trucks as they transport the material. (2, 3, 4, 5, 6)	Dredged materials will be transported to Pier 2 via barge as much as possible. The Port does not intend to use trucks to transport dredged sediments to Pier 2. The Port intends to handle and sort excavated upland soils on the Port uplands portion of the site, thereby minimizing truck traffic and attendant impacts between the site and Pier 2. Trucks leaving the site and Pier 2 will be covered and go through a wheel wash to eliminate the release of contaminated soil or dredged material to city streets.

4. Land Use, Noise, Dust, and Aesthetics

Responses included in this category relate to comments about land use and zoning issues during cleanup, as well as noise and dust from cleanup activities and aesthetic impacts on surrounding neighborhoods.

Comment	Response
4a: How will dust be controlled at the site during the cleanup? (2, 3, 4, 5, 6, 13)	During handling of upland soils on the site, dust issues will be controlled through BMPs (e.g., covering of stockpiles, use of street sweepers, and use of water to suppress dust production).
4b: How will dust be controlled at Pier 2? (2, 3, 4, 5, 6, 13)	Because the dredged materials will be wet during the transport and Pier 2 off-loading operations, there will be no need to control dust in those phases of materials handling. For handling and sorting operations after off-loading, the Port proposes to contain the Pier 2 operation within a temporary structure in order to mitigate noise, dust, and aesthetic impacts to adjoining uses.
4c: Will loaded trucks leaving the site and Pier 2 be covered to contain dust? (2, 3, 4, 5, 6)	Yes.
4d: Operations at Pier 2 will be very noisy. (2, 3, 4, 5, 6)	Operations at the site and Pier 2 are being designed so that noise ordinances will not be exceeded. Individuals with concerns about excessive noise from the site or Pier 2 may contact the Port's project coordinator, Becky Darden, at 360-299-1831. If necessary, dredging-related operations may be allowed outside normal hours to complete in-water work before the close of the fish window.
4e: Noise, odor, and aesthetic impacts to the surrounding neighborhoods should be addressed. (2, 3, 4, 5, 6)	The Port proposes to contain the Pier 2 sorting and handling operation within a temporary structure in order to mitigate noise, dust, and aesthetic impacts to adjoining uses. It is not anticipated that operations at Pier 2 will exceed hours of operation allowed by the city's ordinance.
4f: The light and glare impacts from Pier 2 on the adjacent residential areas have not been considered. (2, 3)	The Pier 2 sorting operation will be covered by a temporary structure. Any direct light and glare from this operation will be shielded and focused away from residences.
4g: The sorting operations at Pier 2 are not typical and/or consistent	Pier 2 is zoned Manufacturing and Shipping (MS). With the exception of the refineries at March Point, the MS zone is the highest intensity zoning in Anacortes. Additionally, as noted above, the Pier 2 facility is an existing permitted use, and includes a paved area used for temporary

Comment	Response
with the Pier zoning or the surrounding areas and the zoning issue has not been adequately addressed. (3)	containment of dredged materials and management of dewatering and stormwater.

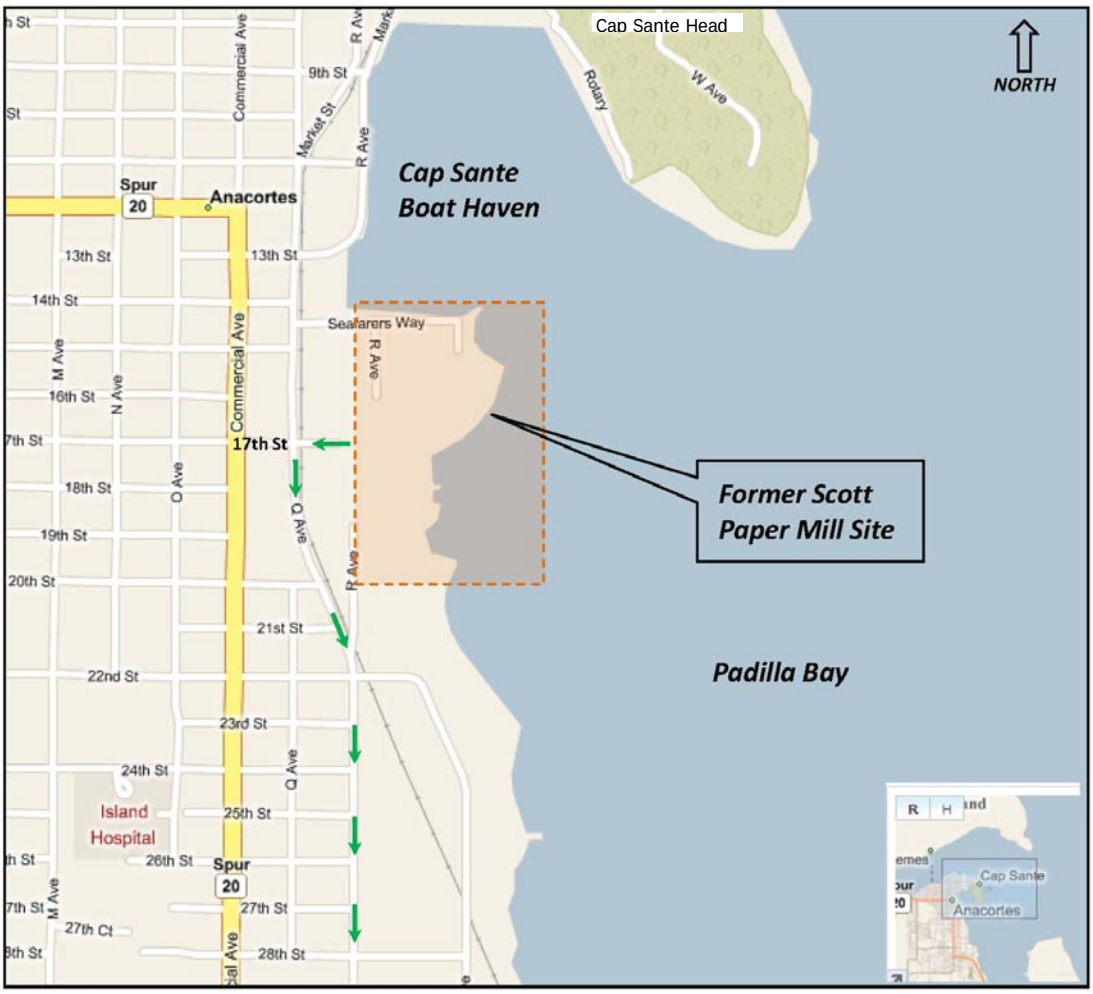
5. Transportation and Utilities

Responses included in this category relate to comments about transportation infrastructure, including streets, drainages, and truck traffic routes, and the impacts of cleanup activities. Additionally, responses in this section relate to concerns about impacts on utilities, specifically the sewer system.

Comment	Response
5a: There is no reference to haul routes to and from the Pier 2 area. (2, 3, 4, 5, 6)	Dredged materials will be transported to Pier 2 via barge as much as possible. The Port does not intend to use trucks to transport dredged sediments to Pier 2. Covered trucks will then transport sorted materials for off-site disposal (See Figures 2.0 and 2.1).
5b: The huge volume of truck traffic generated by the project will wear out the truck route; there is no provision for compensating the city. (3, 4, 5, 6, 13)	The proposal includes a pavement overlay on Q and R Avenues between 17th and Seafarers' Way to be placed at the completion of the project. Dredged materials will be transported to Pier 2 via barge as much as possible. The Port does not intend to use trucks to transport dredged sediments to Pier 2.
5c: MJB does not support a haul route across MJB property. (7)	Comment noted.

Explanatory Figures

Figure 1.0 - Former Scott Paper Mill Cleanup Project
Contaminated Soil Disposal From Site Project #ENV-01



Contaminated Soil Haul Route

- Contaminated soil to be loaded into dump trucks on site.
- Dump trucks to depart the site via 17th Street onto Q Avenue.
- Dump trucks to travel southbound via Q Avenue transitioning onto R Avenue.
- Dump trucks to continue southbound out of Anacortes via R Avenue.

← Denotes Land Travel Route

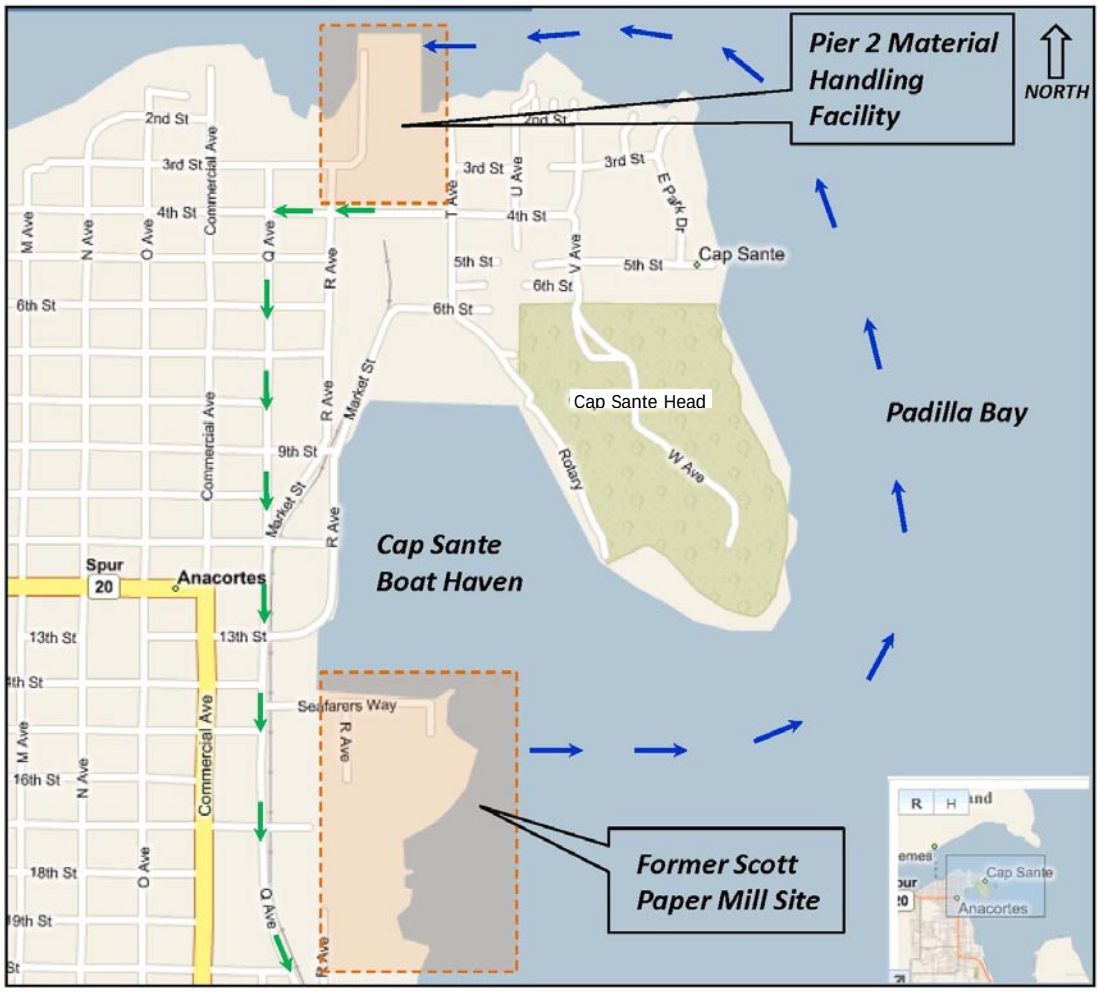
Figure 1.1 - Former Scott Paper Mill Cleanup Project
Contaminated Soil Disposal From Site Project #ENV-01

Contaminated Soil Haul Route

- Dump trucks to continue southbound out of Anacortes via R Avenue.
- Dump trucks to exit R Avenue onto State Route 20 Spur due southeast out of Anacortes.
- Dump trucks to continue eastbound on State Route 20 to appropriate Subtitle D landfill facility as determined by the Port of Anacortes.

← Denotes Land Travel Route

Figure 2.0 - Former Scott Paper Mill Cleanup Project
Sediments Disposal From Site Project #ENV-01



Sediments Barge Route

- Contractor to dredge sediments and load onto barge at site.
- Barge to travel north around Cap Sante Head to the Port's Pier 2 material handling facility.
- Barge to be offloaded at Pier 2 and sediments transported into the Pier 2 material handling facility using off-road trucks.
- Sediments to be processed, loaded into dump trucks and transported from Pier 2 material handling facility.
- Dump trucks to depart Pier 2 via 4th Street.
- Dump trucks to connect from 4th Street to Q Avenue and travel southbound.
- Dump trucks to continue southbound out of Anacortes via R Avenue.

Denotes Barge Travel Route

Denotes Land Travel Route

Figure 2.1 - Former Scott Paper Mill Cleanup Project
Sediments Disposal From Site Project #ENV-01

Sediments Haul Route

- Dump trucks to continue southbound out of Anacortes via R Avenue.
- Dump trucks to exit R Avenue onto State Route 20 Spur due southeast out of Anacortes.
- Dump trucks to continue eastbound on State Route 20 to appropriate Subtitle D landfill facility as determined by the Port of Anacortes.

← Denotes Land Travel Route

Comment Letters, Emails, and Testimony

Comment 1

Ms. Boshie Morris
Local resident

Sorry this is under the line of dates, but my main concern, as I have followed every meeting and presentation in Anacortes, I am wondering who will monitoring the site for its viable statye, and what remediation is planned should this not work several years down the road

We have witnessed several 50 yr plus storms in this bay in several years, and a tug co has clocked winds up to 91 mph that were of course from the ESE. I am thrilled that forage fish and eel grass may be given a chance to reestablish and I think the project is wonderful, timely and much needed here**,** with heartfelt thanks, Boshie Morris, local, rower, Board Member of Skagit Fisheries enhancement Group.

Comment 2

Ms. Mary Pitch
Local resident

The plans that I've read indicate you'll be hauling waste – possibly toxic – to Pier 2 for purposes of sorting, the waste will be loaded, unloaded, sorted, re-loaded, shipped. Please do not include Pier 2 – which is nowhere near your work site – in these plans. The noise and the traffic and the potential danger should not be spread into the Pier 2 area which incidently punishes the neighborhood that encompasses it.

Please keep the work site as small as possible – do not spread the inconvenience any further than it already needs to be. Please include MJB more in your sorting plan, and spare this neighborhood**.**

Thank you for your consideration.

Comment 3

Mr./Ms. Craig and Jeanne Walling
Local residents

We reside to the east of the Anacortes Pier 2 Area which has been mentioned as a proposed site for the disposal of contaminated soils excavated from the proposed Scott Paper Mill Cleanup site in Anacortes. Because our home is located downwind of the Pier 2 area and we have a full view of the site, we have concluded that if the excavated material is transported to Pier 2 and sorted for further disposal there will be significant adverse environmental impacts that have not been addressed in the current project environmental review documents.

The SEPA requirements have not been met by the current review documents. The off-site impacts from the hauling and disposing of the contaminated material have not been addressed in the posted SEPA documents. Also, it is not clear how other relevant state statutes will be complied with if the contaminated excavated material is hauled to the Pier 2 area for sorting and disposal.

The SEPA document does not consider any of the adverse environmental impacts to people residing in the adjacent residential area from the proposed off-site disposal of contaminated soil at the Pier 2 area during the life of the project.

No mitigation measures or performance standards have been proposed for these impacts of the Scott Paper Mill Cleanup Operation for the off-site disposal of contaminated material.
The proposal to transport and sort the contaminated material at Pier 2 clearly increases the adverse environmental risks of the proposed cleanup project. We question the rationale used to generate the proposal to haul contaminated material off-site to the Pier 2 area and sort. Each time contaminated soil is disturbed the probability of environmental contamination increases. And the risk to human health increases.

The disturbance and transport of contaminated material should be minimized to minimize the risks to human health and other environmental impacts.

The SEPA and Environmental check list are inadequate. Further analysis of the environmental impacts is needed to comply with the State Environmental Policy Act and other state statutes.
The off-site impacts of the disposal of contaminated material need a complete environmental review. Performance standard and mitigation measures need to be established to mitigate any environmental risks.

The SEPA document states that there will be no off-site air emissions as a result of the proposed activities.

If the contaminated excavated material is not sorted on the Scott Paper Mill site and then hauled away and disposed of at an approved site as stated in the SEPA project description but is hauled to the Pier 2 area for sorting and then hauled away again for disposal, there will be significant off-site air emissions of contaminated soil particulates that will pose a threat to human health.
The Port of Anacortes has an existing short-term dredge material sorting operation in the Pier 2 area which has resulted in a significant amount of airborne particulates that have been blown into our property repeatedly over the life of the project on the many windy days we have in the maritime climate here in Anacortes.

We are very concerned about the impacts of sustained exposure to contaminated airborne particulates to our health over the two year life of the Scott Paper Mill Cleanup project if the Pier 2 disposal sorting area is permitted. These impacts have not been considered in the environmental review documents.

The SEPA documents do not include any emergency measures to protect adjacent residents from the environmental health hazard of exposure over a two year period to contaminated airborne soil particulates. There are no mitigation measures or performance standards that have been considered or proposed to address these impacts.
The compatibility of the proposed off-site disposal area at Pier 2 with the existing and projected land uses in the adjacent Cap Sante neighborhood has not been considered in the documents. It is

questionable whether the proposed sorting operation is compatible with the exiting zoning in the Pier 2 area.

The noise generated by the proposed of-site disposal of contaminated materials has not been considered by the SEPA documents. The noise levels generated by the existing dredging and sorting project in the Pier 2 area have been excessive and we have often measured sound levels over 70 decibels at many times of the day and night. Neither the Port of Anacortes nor the City of Anacortes has undertaken or proposed measures to monitor the noise levels and create performance standards for the current operation during the life of the existing short-term project. We are concerned about the cumulative impacts to our neighborhood and to our well being from excessive noise levels at all times of the day and night that will be generated by the off-site disposal of contaminated material in the Pier 2 area from both the sorting operation and truck traffic – 60 truck trips per day over a 8 hour period.

The SEPA document does not include a review of the aesthetic impacts of the proposed soil disposal and sorting area at the Pier 2 area which is in full view from our home and many homes in our neighborhood. The current operation is unsightly. Nothing has been undertaken or proposed to screen the unsightly view of dredge materials and the sorting operation.

The light and glare impacts to adjacent residential areas have not been considered in the SEPA document from the lights used during the darker times of the year. The lights from the existing operation have been offensive and interfered with sleep patterns. They adversely impact the marine views from our residential area and wildlife on our area.

Comment 4

Mr. Haywood M. Smith Jr.
Local resident

Please include the following comments as part of the official record regarding the DCAP – Scott Paper Mill Site Cleanup:

I live in the Cap Sante neighborhood and have been woken up in the mornings meany times in the past year due to the noise in and around Dakota Creek. We also have had a tremendous amount of dust because of the construction. I am also worried that this material may contain toxins. If so, toxic dust could drift into the residential neighborhood. My wife has cancer and that is unacceptable!!!!!

I as a tax payer do not understand why you would want to truck the material that far away from the site. You will destroy our roads, cost more with the trucks and drivers, when you could just screen the material at the site. It only makes sense from a cost factor. **.**

What hours will the truck run? What hours will the noisy sorting work be? Will the trucks be covered to contain dust? Will you limit work at the site to day shift only – 7 AM to 7 PM? These questions should be addressed for the residents near the site when you approve the sorting for that area and NOT pier 2 near the Cap Sante area.

Thanks for your attention in this matter.

Comment 5

Ms./Mr. Sandra and Haywood Smith
Local residents

As a Cape Sante resident I would like to comment on the upcoming Scott Paper Mill Site Cleanup Action Plan.

I have lived in this neighborhood for the past several years and am always amazed at the amount of dust and noise that is created at the Pier with the loading and unloading of the coke by-products from the refinery.

With that said, I are concerned about noise and the contaminated products that will be sorted at Pier 2 , described by Port staff at the recent public hearing, as being done by a "shaker" method, where the material is put through a constantly vibrating sieve which will rate metal, wood and soil. This I'm sure will be for many hours and days at a time.
This will be a loud operation and contaminated airborne material will likely be produced by the sorting and will then float thru our neighborhood.

Have you also considered the amount of contaminated soil, water, and sediment that will fall from the trucks during transport and thus contaminate our yards and streets then runoff into our street drains to be dumped into the water surrounding our island.

As a victim of cancer, I no longer feel this neighborhood will be a safe and healthy place to live. I urge you to reconsider your proposal to haul dredged materials by truck from the Scott Paper Mill property to Pier 2 for sorting and then it being moving yet again to be hauled off, when adjacent to the cleanup site is property that is sufficient for this operation.

Concerned taxpaying citizens of Cape Sante and Anacortes.

Comment 6

Ms. Cynthia Richardson
Local Resident

Please include the following comments as part of the official record regarding the Scott Paper Mill Site Cleanup:

The proposed plans for the Scott Paper Mill Site Cleanup are inadequate because they do not address the off-site impacts of the proposed action plan, nor mitigation for those impacts. .
Basic principles promoted by Ecology and enforced on other projects require a graduated approach to mitigation of impacts:

Avoid the impacts – this is always the preferred alternative if feasible

Minimize the impacts where possible

Mitigate the impacts if they cannot be avoided

There are off-site impacts of this project which can be avoided. It is clearly feasible to do so. Yet, they are not even addressed.

Specifically, I am concerned about the proposal to haul dredged material by truck to the Pier 2 area for sorting, then further hauling the sorted material to other destinations for disposal. This will bring significant traffic, noise, and dust impacts from the primary project area (which is remote from any residential areas) on a route past many residences to a sorting area in close proximity to a residential neighborhood.

The cleanup plan says, *"The disposal of dredged material will be handled by one of the following three methods: 1) Sediment will be offloaded and transported to an approved off-site location for beneficial reuse (e.g., for use in regional topsoil products), ..."* but fails to mention that the "approved off-site location" is proposed to be at Pier 2.

The cleanup plan says that at the cleanup site *"Construction noise will be limited to daytime hours and will not create adverse impacts due to the lack of sensitive noise receptors in the area."* But makes no reference to noise limitations or "sensitive noise receptors" (that's human beings in residential areas) off-site at the Pier 2 area.

The cleanup plan says, *"A haul route and 17th Street extension will be constructed on the site. Improvements to 17th Street between "R" and "Q" Avenues are desirable because the new access route will be used exclusively for the site trucks during the remedial action.* "This makes no reference to haul routes to and from the Pier 2 area.

<u>There is no mitigation proposed</u>, such as limiting the hours of truck traffic, limiting the hours of noisy sorting work, covering the trucks to contain dust, wetting down the sorting area to contain dust, limiting work at the site to day shift only, etc. The sorting work was described by Port staff at the recent public hearing as being done by a "shaker" method, where the material is put through a constantly vibrating sieve for many hours at a time, day after day. This type of loud noise, while it may technically be just below the noise ordinance thresholds, subjects residents to considerable stress, as they are unable to get even a few hours of peace and quiet during a day.

<u>Furthermore, there is a possibility that this material may contain toxins. If so, toxic dust could drift into the residential neighborhood. That is unacceptable.</u>

It was stated that the Pier 2 location was chosen for this work because there is already a paved wash-down area available there, where the sediment can be collected and properly disposed of so that it does not enter the storm sewer system. However, it would certainly be possible to construct a similar paved (or rubber-lined) area at the project site with a sedimentation basin. It would seem that construction of a simple paved area with a sed basin could cost considerably less than loading and unloading the material twice and paying for many hundreds of hours of truck-and-driver time at prevailing wages. The City should also require a protective pavement topping to compensate for the additional wear and tear on the streets between Pier 2 and the project site – an additional cost. It is appropriate to select the more cost-effective approach to save both the private parties and the taxpayers from paying unnecessary project costs.

There is ample open land owned by MJB at the project site to perform this sorting operation. Port staff has said that MJB will not allow use of their land due to concerns about cross-contamination. If that is a valid concern, then shouldn't there be even more concern about cross-contamination of

the active working area at Piers 1 and 2, and the adjacent residential neighborhood? If the sorting is done at the MJB site, then the few workers handling the material can take appropriate protective measures. How could the hundreds of DCI workers, residents, pets, and wildlife near Pier 2 be protected?

If cross-contamination is not a valid concern, then it would be reasonable to expect MJB, as one of the parties to the cleanup, to accommodate the sorting operation on their undeveloped site. If cross-contamination *is* a valid concern, then that is an even more important reason to treat the dredged material at the project site, and not haul it to other parts of town. It is natural for MJB to wish to minimize their own cost and inconvenience, but that is not a valid reason for the cost and inconvenience to be shifted to other residents and taxpayers.

Sorting and hauling of rock, soil, and wood waste is not a typical use in a Manufacturing and Shipping zone. It is more like a rock quarry operation, which would not be a permitted use in the MS zone.

Anacortes plans for repair and replacement of city streets in the Capital Facilities Plan based on anticipated wear from normal traffic. The huge volume of heavy truck traffic generated by this project will wear out the truck route at a rate far above normal. There appears to be no provision to compensate the City for this excessive wear and tear on our streets, which must be repaired with taxpayer dollars.

There is ample vacant land adjacent to the dredge site for sorting the dredged material.
That land is owned by MJB, which is one of the parties to the environmental cleanup project.
The dredged material could be moved onto the land by conveyor belt, eliminating the need to load/unload it multiple times.

If some of the sorted material is to be exported by barge, there is a navigable channel at that location.
The site is also adjacent to the R-Q Avenue truck route.

The area is not near any residential areas that would be impacted by the work.

The area is adjacent to the primary cleanup site, so project management could be more efficient.

Given the existence of a viable site adjacent to the project, it does not make sense to force the Cap Sante residential neighborhood to put up with many months of noise, dust, and truck traffic (how long is not clear). This project is not related to the Cap Sante neighborhood, so why should these impacts be imported into this neighborhood?

I urge the Port of Anacortes and DOE to revise the project plans to avoid hauling material to Pier 2.

If, after considering all options, the Pier 2 operation is still included, then the related impacts – and mitigation for those impacts – must be addressed in the project plans.

Thank you for your consideration.

Comment 7

Ms. Terese Richmond
GordonDerr LLP

I am writing on behalf of MJB Properties LLC to provide comments on the Draft Cleanup Action Plan (DCAP) for the proposed cleanup action on the Former Scott Paper Company Mill Site, which includes a portion of MJB's property (i.e., a portion of the North Dock site). This letter is being provided to comment on the following four issues: (1) construction of a new waterfront esplanade; (2) construction of a temporary haul road; (3) dangerous waste handing and access to MJB's property; and (4) installation of a new revetment in areas where the existing riprap will be removed.

1. Construction of a continuation of the waterfront esplanade.

Based on a comment letter from the City of Anacortes, Appendix C of the DCAP states that replacement and new public access is to be required. The City offered no substantive authority for the new public access; only a letter setting forth their requested conditions. There is no legal authority for this requirement and it raises public safety concerns. The requirement for construction of new public access on MJB's property should be removed from the Final CAP.

We believe that there is no authority for new public access in the context of this cleanup action. MJB's property is currently used for a variety of industrial uses, including boat manufacturing and storage. The use of MJB's property will not change at this time. Thus, any authority for new public access must stem from the cleanup action. We understand from our discussions with the Port that new public access is not a mitigation requirement for the cleanup. Therefore the new public access is both unrelated to the adverse impacts of the cleanup action and exceeds the impacts of the cleanup. In addition, the burden on MJB property posed by the new public access (discussed below) is not made necessary by the cleanup action. Finally, a new public access to a dead-end point within an industrial-use property is not reasonably necessary to achieve the City's objective of protecting public access. Under these circumstances, the City is without authority to require the new public access in connection with the cleanup.

The burden on the MJB property results from the fact that no public access currently exists on the MJB property and that the proposed new public access would dead-end within the property. Construction of a trail within the property prior to redevelopment of the MJB property would create a significant and potentially dangerous conflict with the existing industrial uses. The dead-end trail within MJB's property would create an attractive nuisance for pedestrians and a public safety concern from trespassers for MJB and the public entity maintaining the trail. In addition, the trail may be incompatible with future development of the MJB property and may have to be removed at a future date at MJB's expense and with the resulting waste of the public funds expended during the cleanup.

For these reasons, the requirement for construction of new public access on MJB's property should be removed from the Final CAP.

2. Construction of a temporary haul road.

Based on Appendix C of the DCAP, we understand that the "base construction for the portion of the temporary haul road on the 17th Street alignment between Q Avenue and R Avenue shall be

constructed in accordance with City standards suitable as base for a permanent road." This temporary road is proposed to be located, in part, on MJB's property. An access agreement must still be negotiated. If the road is ultimately located on MJB's property, the attached drawing, dated March 20, 2009 depicts MJB's preferred location, including the location for the truck wash. The Final CAP should also require sampling and appropriate cleanup of the haul road and related soil handling areas at the termination of its use under the CAP.

3. Dangerous waste handling and access to MJB's property

Portions of MJB's property must also be accessed for cleanup by the Port and Kimberly-Clark. The access agreement will provide geographic and timing limits to the property, with required installation of fencing.

MJB is concerned about the proper handling of the contaminated soil during the cleanup. MJB investigation results demonstrated that lead in soil samples from the MJB site failed the WAC 173-303 dangerous waste criteria using the Toxicity Characteristic Leaching Procedure (TCLP). The nearshore soil at the MJB site should be considered a dangerous waste under WAC 173-303 and be handled as a RCRA waste unless waste characterization samples demonstrate otherwise. There are an estimated 1400 cy of this potentially characteristic dangerous waste fill (1100 cy within the 75 ft shoreline remediation zone and 300 cy just a few feet west of the zone).

Excavated dangerous waste soil must be managed as a dangerous RCRA waste, and must be treated to achieve universal treatment standards under the land disposal ban before it can be land disposed. Following treatment to the treatment standards specified in 40 CFR 268.48 for lead and several other cited constituents, it can be disposed at Subtitle D landfills. Under RCR.A and dangerous waste rules, dangerous waste must either be treated within the waste management unit from which it was generated (as approved by Ecology), within an approved Corrective Action Management Unit, or at a dangerous waste treatment facility with a RCRA Part B permit that provides for treatment of that specific type of waste. Any storage (including stockpiling) and handling of dangerous waste soil must be conducted in accordance with dangerous waste management regulations and guidance. In sum, the Final CAP should require that any excavated materials are managed in accordance with all regulations including Chapter 173-303 WAC

In addition, MJB is also concerned about any use of its property for storing and or treating dangerous waste. Treatment of dangerous waste should not be permitted on MJB's property. Sorting or treatment of wood debris and dewatering of sediments should not be permitted on MJB's property. Finally, the Final CAP should include vigorous requirements to ensure the timely export of excavated soils or sediments from MJB's property**.**

4. Installation of a new revetment in areas where the existing riprap will be removed.

MJB supports the installation of a new revetment on MJB's property in the same locations where the existing riprap will be removed. This segment of shoreline is exposed to considerable weather and is not protected by the wave attenuators that are proposed for the Port's property, making the revetment design critical. The Final CAP should include the revetment as shown at n http://www.poitofanacortes.comJpdff5cott Site Documents Drawings 17 pgs.pdf, the most recent JARPA drawings.

Thank you for your consideration of these comments. MJB Properties LLC looks forward to working cooperatively with Ecology to implement the Final CAP.

Comment 8

Mr. Tom Slocum, P.E.
Skagit Conservation District

Skagit Conservation District (SCD) is submitting the attached public comments regarding WDOE's Draft Cleanup Action Plan (DCAP) for the Scott Paper Site in Anacortes, Washington. SCD's comments are based on our experience with designing a beach stabilization and habitat restoration project at the Fidalgo Cove site at the southern end of Fidalgo Bay, as well as the author's frequent observations of sea conditions in Fidalgo Bay as a resident of Anacortes.

SCD believes that the selected alternative for stabilizing wave erosion at the site incorporates engineered elements that are excessively conservative for addressing the actual shoreline drift and storm surge conditions at the site, and consequently foreclose potentially valuable nearshore habitat restoration opportunities in North Fidalgo Bay**.** Placement of massive "wave attenuation structures" and a two-foot thick cap of 12" rock armoring to prevent any possible disturbance of the underlying soil and sediment strata is a disproportionate response to the very small residual risk to health and the environment that may remain at the site following removal of the majority of the contaminated soil and sediment. As described in the project's Feasibility Study, the engineering modeling that was used to develop the design is based on very conservative Army Corps of Engineers safety factors and design storm conditions that seldom if every occur in combination at the site. The resulting static design creates a situation that is little different from a habitat perspective than capping the entire intertidal zone with concrete. (Ted/Pete)
The Feasibility Study summarily rejects "softer" shoreline stabilization alternatives to the proposed plan because they reportedly would be incompatible with the landowners' future development plans. Construction of a sloping beach berm of native cobble and gravel, interspersed with at-grade drift sills, is rejected because the low (e.g. 7:1) berm slopes would supposedly infringe upon upland redevelopment. If the upland redevelopment is required to comply with a standard 50-foot setback from MHHW mandated under Shorelines Management Act rules, this argument against soft shoreline armoring appears to lack merit. A 7:1 sloping beach berm from MLLW to the extreme high water line would only need to be about 100 feet wide and would take up less space landward of the MHHW line than is required for a 50 –foot setback. It is particularly ironic that Ecology's DCAP rejects soft shoreline armoring techniques at the site, given that its own technical guidance (e.g. *Alternative Bank)*

Protection Methods for
CONSERVATION • DEVELOPMENT • SELF-GOVERNMENT 1 Scott Paper Site DCAP comments CONSERVATION

CONSERVATION • DEVELOPMENT • SELF-GOVERNMENT 2 *Puget Sound Shorelines*, Pub. No. 00-06-012) lists several successful projects of this type in moderate wave energy sites similar to the Scott Paper site.

Dynamic sediment transport along the shores of Fidalgo Bay historically was a key process for maintaining forage fish spawning habitat, before it was interrupted by shoreline armoring all along

the industrial area. SCD has worked with the developer of the Fidalgo Cove condominium project at the south end of the bay to restore natural beach substrate and shoreline vegetation conditions while at the same time stabilizing erosion. The soft shoreline armoring approach admittedly will likely need some level of maintenance and replenishment over the years, but the landowner believes that the extra cost is worth the environmental benefits that accrue. SCD believes that the same rationale is applicable at the Scott Paper site. Even though some limited amount of erosion would continue with a soft armoring approach, the cost of periodically replenishing beach substrate, and the risk of significant impact to health and the environment from the small amount of residual contamination that might possibly be re-mobilized, is low.

Accordingly, SCD urges Ecology to revise its DCAP to mandate an ecologically-meaningful shoreline restoration component at the project site, including restoring natural beach substrate and vegetation within the 50-foot shorelines development buffer and a program for maintaining and replenishing the substrate over the long term. We believe that such an approach will ultimately be cheaper for the PLPs than the over-engineered static approach that is currently identified in the DCAP. If you have questions about these comments, please contact us at tel. (360) 428-4313. Skagit Conservation District appreciates this opportunity to comment on this important project.

Comment 9

Ms. Jacqueline J. Bohn
Local resident

This comment is transcribed verbatim from a copy of a letter written to the commenter and forwarded to Ecology as part of the public record.

Dated: March 12, 2009, Thursday.

My comment on the Cleanup Action Program for Scott Paper Mill site in Anacortes, WA

Hi Sam,

This marine area is near the stop lite on 17th &R. The Pulp Mill discharged all kinds of toxins into the salt water over many years. It's so exciting that this Tim Nord is enthused about restoring it. I remember that when Carol Ann was 4 or 5 we used to go down to the beach there on 21st St to eat KFC. It was so pristine------ crabs in the eelgrass and all sorts of little fish. We could fin lots of blue glass and colored rocks, and the beach was sandy and clean. That was in 1956-7. Then in came hundreds of truck loads of dirt & gravel. They covered our lovely public beaches down there (all the way up to 35th St) and just destroyed it all. They put layers o dirt ablauts 8-10 ft deep to build an Industrial area!!!And that's not all. That was residential all along there---- some families had never known any other place to call home. Nice little bungalows, some stately grand houses. The City bought up every home (for a not-s-fair price) and forced the families all to move. That's not Progress is---- no more beaches, no more crabs and fish, no more public access, and no more homes for old-time families. They came in with bulldozers and bashed all those swell homes down and put acres of cement on top of the tons of dirt and rocks. No more eel grass either. So it is great news that this Tim Nord wants to restore the area. I hope it will be for family picnics, etc, but I suspect they will put in some money-making business like a restaurant and a marina (to spill engine fuel

into the water). Your marine-science-oriented mind will no doubt enjoy reading this article. Hope your wrist gets better without surgery. Love from Granny.

Comment 10

Mr. Burt Sawade
Local resident

Yes, looking forward to site cleanup and park improvements that go with it.

Public Hearing and Comments, March 17, 2009 - *Afternoon Session*

Comment 11

Mr. Tom Richards
Local resident

My name is Tom Richards and I'm a resident of Anacortes. I'm retired. I've been attending a number of these presentations, and I've been comparing them to the Puget Sound Partnerships action agenda.

And one of the things that I noted that I felt this fell into their Priority B restore ecosystem process structure and functions, and particularly into their B2 priority which is to revitalize waterfront communities while enhancing marine and fresh water shoreline ecosystem processes.

And I've been very impressed with the first part of that which is to revitalize the waterfront community part of it on-site. But I am concerned that the armory and the structures that are going in may have an adverse impact on the natural sediment supply to the forage fish spawning beaches in the area and adjacent down in Fidalgo Bay.

I'll be very interested to attend that session tonight at 5:30 to learn more about what is the drift cell sediment supply going to be and are we really enhancing the shoreline ecosystem processes in this effort. Thank you.

Comment 12

Mr. Paul Dinnell, Ph.D
Local marine scientist and resident

I'm here to speak in support of the Port and the Department of Ecology's Scott Paper Mill Cleanup Project.

I'm a marine scientist at Western Washington's Shannon Point Marine Center and a member of the Skagit Marine Resources Committee. However, my comments this afternoon are my own personal views.

I am very pleased to support this project because it will help to reduce continuing contamination of Fidalgo Bay and Puget Sound habitats and resources that will substantially – and will substantially improve spawning habitat conditions for surf smelt, a valuable forage fish for salmon, marine birds, marine mammals, and for those of us who are smelt fishermen.

Over the last several years the Port has been a valuable partner with the Marine Resources Committee and ther groups in helping to improve the environmental quality and functionality of our urban shorelines and has emphasized restoration activities where possible.

Current Port leadership clearly believes that a strong port can go hand in hand with a healthy environment and improved public access.

The Puget Sound Partnership and associated scientists have identified many threats to Puget Sound. Among the most serious threats are loss of forage fish habitats and continued contamination of water sediments and fishery resources from stormwater runoff and other non-point pollution sources.

The Scott Cleanup and Restoration Project combined with the Port's pocket beach restoration project at the end of O Avenue which the MRC is involved as a partnership with the Port again, these projects directly address the issue – these issues by providing better beach structure for spawning surf smelt and introduce measures, especially the O Avenue project to minimize the threat of stormwater runoff.

This is in addition to the 1,200 creosote pilings already removed by the Port in the Cap Sante Marina and the Dakota Industries dock area.

In summary then, the Scott and O Avenue sites will serve as important and highly visible projects that will illustrate some of the positive things that can be accomplished in our community to help restore our marine environments and minimize contaminate flows to our marine resources.

I thank the Port and the Washington Department of Ecology for their commitments to these projects.

Comment 13

Ms. Cynthia Richardson
Local resident

Hello. My name is Cynthia Richardson, 315 V Avenue in Anacortes, and I'm a member of the Anacortes city council, although I'm not speaking for the city. But I think I can speak for the city in a sense when I say that we think this is a very positive and important project for the City of Anacortes.

We don't have a very long history here compared to, let's say, Rome or Egypt, but for all of the hundred year history in Anacortes, the marine environment has been a key part of our economy as well as the pleasure that we enjoy living here.

The fisheries, including salmon and crab and cod has been an historically very key part of our industrial base, but so has pulp mills, paper mills, box factories and so on. And some of those other industries didn't lways respect the quality of the water as being something that they needed to pay attention to, and as a result, we now need to clean up some of the things that those industries did not pay attention to in the earlier part of the last century.

So I think it's really excellent that people have kind of come full circle and realized how important this environment is. And I'm especially appreciative of three elements of the plan, one being the restoration of the eelgrass and the marine environment along the shore, the educational aspect which hopefully will allow future generations to continue to respect the environment, and also the funding for further restoration in Fidalgo and Padilla Bays over the next decades so that even more than just our shoreline, the entire ecosystem will be improved.

There is one what may seem like a small piece of this project in the big picture that I want to specifically address, though, as a resident, and that has to do with the fact that there's one little phrase that says the dredge material will be trucked to a, quote, "approved off-site location" where it will be sorted and then taken for other uses such as topsoil.

There's no mention of what that approved off-site location is. And it turns out that it is at Pier 2. And part of the reason that it's at Pier 2 is because they have in place there for washing down the trucks an asphalted area with a sedimentation basin which will be able to be used as part of the sorting and cleanup effort.

But to many of us, it doesn't make a lot of sense to take this material that's dredged out of the bay, put it in trucks, truck it down R and Q Avenues to Pier 2, unload it, sort it by means of some sort of shaker mechanism that shakes out the wood waste and then reload it into other trucks or barges to take it away.

It seems to some of us who live in that area that that material ought to be sorted on-site. We don't know what hazardous materials might be in that soil, but we think there probably are some by reading some of the rest of the document, and it seems to us that it makes sense to sort it on-site.

There is a large acreage of totally undeveloped area there, grass, field basically, which could be used to stockpile it. I'm not a construction cost estimator, but it seems like it would cost less to pave an area and provide a sedimentation basin than to pay teamster wages to truck this material back and forth for weeks or months at a time. So I think there's a cost-benefit issue here as well, and I'm hoping that Ecology will be spending the money wisely by doing the most cost-effective method of sorting.

My main concern is airborne dust, traffic, noise, taken from one area of town where there are no residents, there are no workers nearby, and trucking it to an area where we have I think close to 300 employees down at Dakota Industries working right next to the marina and residents all around, that could be impacted.

So I'm urging you to rethink that part of the project and see if there is another way that it could be more effectively taken care of on-site because I think that's an off-site impact that has not been addressed. But again, thank you for cleaning up our bay.

Comment 14

Ms. Joan Drinkwin
Northwest Straits Foundation

I'm Joan Drinkwin; I work with the Northwest Straits Foundation. We are mentioned in the Natural Resources Damage component of the consent decree as a recipient of $500,000 for the purpose of restoring near shore, shoreline and marine habitat in the Fidalgo/Padilla Bay.

We fully support that component of the consent decree and we are looking forward to working in post partnership with the Skagit Marine Resources Committee to implement restoration projects over the course of four years to – that will – to restore those habitats that will benefit the community for generations to come. Thank you.

Public Hearing and Comments, March 17, 2009- *Evening Session*

Comment 15

Ms. Manca Valum
Western Washington University

For the record, my name is Manca Valum. I live at 3169 Mount Baker Highway in Bellingham, Washington. I'm here as a representative of Western Washington University. I am the director of development for Huxley College of the Environment and the Shannon Point Marine Center. I am going to limit my comments to four areas – or three areas essentially: A thank you, a recap of what we'll be doing, and the benefits as we see it resulting from our participation.

First and foremost I would like to thank the Port of Anacortes and Kimberly-Clark for valuing the natural resource settlement for the resources that they are going to be providing to Western Washington University. And I'd also like to thank Tim Nord and his staff for just doing a great job and involving us in this project.

So to recap, Western Washington University will be receiving a total of $100,000 that will be shared between Shannon Point Marine Center and Huxley College of the Environment. Those resources will be used to conduct scientific research, foster K through 12 marine science education, include public outreach and especially outreach intended to improve citizen understanding and involvement in stewardship of marine and near-shore environments and potentially be involved in ongoing monitoring of mitigation on-site.

I'd like to speak a little bit to the benefits as we see them occurring from this investment at Western Washington University and we see this as a significant investment and we really are quite grateful.

First of all, this investment will truly support the advancement of scientific knowledge as faculty and graduate students are involved in research in this site Everything that we do out in the environment hands-on, like Tim mentioned earlier, really does add to our understanding how to best monitor, mitigate, and improve the environment and then preserve it ultimately over the long-haul. It will really increase the capacity of our graduates to become effective participants in their community when they graduate because this hands-on learning is the sort of thing that just can't be replicated in a classroom or laboratory. So it really does train people to be value-added citizens, participants when they walk out the door at Western. Most of the people involved in this research will be our graduate students.

And it just adds to the overall contributions that scientists are able to make in terms of scientific knowledge resulting from the work they are doing and the research they are conducting. Those are the direct benefits that we feel at Western.

Benefits to the society include improved environment both in the short- and long-term, and specifically as it relates to Shannon Point Marine Center and the Anacortes School District, improved ability of students to gain information about math and science, especially science as it relates to the marine environment.

As we all know, math and science are critical areas in the United States. To keep up our education, this is going to be a great opportunity to strengthen that at the K through 12 level through the participation of Shannon Point. We'll have the Anacortes School District which is an expansion of work they've already been doing.

It will improve the competitiveness of our students coming out of this K through 12 program whether they are college bound to four-year colleges, two-year colleges, or pursuing technical jobs when they graduate. This math and science education is so critical.

It will also increase essential ownership for the environment on the part of young people as they are more involved and exposed to marine sciences going through the K through 12 program and it will also increase community involvement through the public outreach, by increasing community knowledge, of the marine and near-shore environment, best practices for stewardship and how citizens can be involved.

And the last thing I'd like to mention that the way in which this money is transferring to Shannon Point Marine Center and Huxley College is through the Western Washington University Foundation which is a charitable 501I(3) set up to advance activities related to academics and science and research and arts and culture at Western. As an organization's 501I (3) we don't charge any overhead for any indirect expenses, so these dollars are going directly to the program. They go directly to support the Shannon Point Marine Center and directly to – thank you – the faculty and students that will be working on those projects.

And this is a really, really great use of these resources that are being invested at Western, and I'd just like to thank those of you who are making that investment and those of you who made it possible.

Comment 16

Ms. Heather Trim
People for Puget Sound

Good evening. I'm Heather Trim with People for Puget Sound. And we very much agree that we do not want to come back in 20 years and re-cleanup the site, that this is exactly what we are seeing all over Puget Sound, so we do appreciate that an effort is being made to do a more thorough job here and get the job done.

One very important thing about this location is that this is an area of fairly high quality habitat. This whole area, and this is an area we really want to keep – well now restore to, but keep in good health. Some of the minor comments and then more major.

If this is supposed to be a draft CAP, it doesn't say draft on the document. So I hope that this is in fact genuine public comment where there is going to be changes made as you might think are needed, and I will give you more extensive comments when I have time to read the whole document**.** Right now I just looked through it as I listened to your presentation.

One area that seems to be not addressed is source control. And perhaps source control has been thought of in this – for this project, but it really has not been well addressed in the document. And one concern we have is that the groundwater is tidal influence. That seems to be what you read between the lines in the document. And if that's the case, you're going to have groundwater go in and out – tide water going in and out influencing this site. And that really needs to be more explained and discussed in the document**.**

Another issue is that dioxin is one of the most toxic chemicals for humans and probably for wildlife. And the document does not really very well at this point get into the dioxin issue. Describe sort of like – you don't really get a good sense for dioxin when you look at the document other than it's showing up in a few of the soil samples.

Residential uses which appear to be proposed for some of the sites and in the describing document it sounds like that might be a question mark, is not compatible with dioxin. And we have what we think is the maximum level in the Puget Sound. So we would like a little more attention paid to the dioxin question in this document. **.**

Also, as I was describing as I read in the document, there appears to be additional sampling that was done to the east of the sheet wall in January and February, and that is not provided for us to view right now. So I guess we'd like to have that provided to us so we can look at the whole thing and make comments on this.

And I was going to ask this question, but now it's a comment. What is the conceptual model for why there is found radioactive thallium at this site? I saw one map that showed that.

Our main comment on this site other than really source control is a big one, but the main comment on this site is the concern about putting a rock breakwater in the middle of the intertidal. This is pretty counter to what we're trying to do in the Puget Sound. We are trying to restore the intertidal. This area has documented here spawning eelgrass, so this is a fairly detrimental thing that's being proposed at this site and we of course want to restore the habitat and we appreciate the eelgrass

planted, but this is a pretty major imposition in this site and we would like to see that reconfigured. Thank you.