



RESPONSIVENESS SUMMARY

West Bay Marina

May 8 – June 8, 2015 Public Comment Period

Agreed Order

**Prepared by
Washington State Department of Ecology
Southwest Regional Office
Toxics Cleanup Program
Lacey, Washington**

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Site Information

Address: 2100 West Bay Drive NW, Olympia

Site Manager: Andrew Smith

Public Involvement Coordinator: Diana Smith

The Department of Ecology (Ecology) held a public comment period on a proposed agreed order for cleanup of the West Bay Marina site from May 8 – June 8, 2015. Public comments and Ecology's responses for this comment periods are summarized in this document. Ecology has finalized the agreed order and West Bay Marina Associates will be conducting the site cleanup.

Responses to Comments

Comment #1: Jerry Parker and Harry Branch

Sent: Friday, May 8, 2015

To: Smith, Diana (ECY)

Subject: West Bay Marina Cleanup

Ms. Smith -

Thank you for the posting regarding cleanup at the West Bay Marina Site. I have posted this to the Nextdoor site for several of the adjoining neighborhoods.

In reviewing the materials you have provided, I was impressed by the comments of Harry Branch concerning the hot spots in the sediments of Budd Inlet. I read the Ecology response and am concerned that there does not appear to be an urgency in cleanup of these spots which, I conclude, have a far greater impact than does the site at the West Bay Marina.

I would appreciate an overview of the plans for sediment cleanup in Budd Inlet. I am aware that the dioxin contamination at some spots adjacent to stormwater discharge sites on the Port property exceed standards for marine disposal of sediment by a factor of approximately 1,000. (4,000 ppb vs. 4 ppb).

Thank you.

Jerry Parker

Jerry,

Thank you for including me in this discussion. The comments I submitted on this issue weren't proofed or too well thought out. East Bay Park is somewhere else. Manhattan maybe. I'm trying to spend as little time as possible on these things. I'm not really bugged by the plan to clean up West Bay Marina's land. I'm am bugged by the way Budd Inlet contamination is being addressed by the Department of Ecology.

Step one should be to find the areas of contamination. This has been done with the sediment characterization. Step one and a half might be a refined characterization. Step two should be source identification. This is where the process came to a screeching halt.

In the case of East Bay, the hot spot (60pptr) lies at the southwestern end of the bay. The source might be the outfall of Moxlie Creek. However, it might also be the bank adjoining the area of the Hands on Children's Museum, an area that we know is contaminated. This is an area that's tidally influenced, the tide flows in and out twice a day carrying any mobile chemicals, such as dioxin combined with hydrocarbons, with it. Which is it? Moxlie Creek or the bank?

In the case of West Bay the hot spot (60pptr) lies northwest of Hardel. The source might be the outfall of Schneider Creek. It might also be residue from the fire when Harder burned. It might be industrial activities along the shore to the west or northwest. Which is it?

It would be fairly easy and straightforward to identify sources. But in this case we have step one, characterization and no step two. This falls under the management category: If you don't want the wrong answer, don't ask the right question.

Thanks again Jerry,

Harry

Ecology Response

Thank you for your comments and concerns. I will try to briefly summarize the activities that have occurred in and around Budd Inlet during the past 2 to 3 years. There has been extensive work around the Inlet to characterize the sediment and to identify potential sources of contamination.

- The Port of Olympia is in the process of submitting their Agency Draft Sediment Investigation Report for the Budd Inlet study area
- The Port is currently working on a draft Remedial Alternatives Memo, which is a plan for cleaning up the study area. We will make the draft study area cleanup plan and sediment investigation report available for public review and comment when they are ready
- The Port has conducted a source control investigation of storm drains and catch basins around lower Budd Inlet
- The Port and the City of Olympia are in the process of installing sediment traps in City stormwater systems, including Moxlie Creek Outfall, Fiddlehead Marina Outfall and East Bay Outfall
- In late 2013 and early 2014 the Port dredged contaminated sediment from berth areas and the Swantown Boatworks Haulout and placed a clean sand layer cap on the exposed surface
- In early 2015 the Port did additional dredging to remove material that slumped from under the dock into the previously dredged area and added an additional clean sand layer cap on the exposed surface

We appreciate your involvement in this project and will continue to try to address your concerns as we move forward.

Thank You,

Andrew Smith, P.E., LHG

Comment #2: Jerry Baruffi, Westbay Marina Associates

Sent: Tuesday, May 26, 2015

To: Smith, Andrew (ECY)

Subject: West Bay Marina Cleanup

Dear Andrew,

Thank you for meeting with Neil and me on May 4th. Based on our conversation I have some questions:

The 33 parts per billion standard that we are being held to is, according to the math I found in my old high school chemistry book. 33 drops in 14,000,000,000 gallons. Put another way, .033 of a drop in the average 14,000 gallon swimming pool.

Our agreed order requires the removal of 155 yards of dirt. One yard equals 201 gallons, so we are removing 61,155 gallons of dirt or 4.4 swimming pools for the .014 drops of dioxin. One teaspoon equals 120 drops. Given that there are some rocks in our dirt, we are removing 1/1000 of a teaspoon or dioxin in those 16 truckloads of dirt.

Our state legislature has picked 22 parts per billion as a “toxic load” as a maximum for public safety. This is in response to dioxin being a known carcinogen that has to be ingested or otherwise kept in contact with humans for some length of time. There is really no opportunity for any human population to come in contact with our “polluted soil. No one has ever intimated a link between having cancer and the soil here at Westbay marina or for that matter in the 70 years since the hog burners have ceased operating in Budd Inlet. One thousandth of a teaspoon in 16 truckloads seems to be a bit on exaggerated response to a risk that is less than infinitesimal.

In 2012, the EPA published an article noting that they (EPA) were unable to recommend an appropriate concentration for the known carcinogen dioxin that would be categorized as harmful. (Found by Googling dioxin.)

In our conversation, you noted that the zoning of our property is “urban waterfront”, a zone allowing residential building and other ruses possibly putting people at risk of contact with the dioxin. Maybe a simple answer to this is to change the zoning to industrial where it has been functioning for decades and no one will build a house here.

Andrew, my partner and I bought this property to rent cleats to boaters. If they want to tie up to our cleats we charge them. No one comes in contact with the dirt ever.

We understand the agree order and will remove the soil. The way this has been considered and handled just seems a bit Draconian.

Please advise on the zoning change.

Regards,

Jerry Baruffi

Partner in Westbay Marina Associates

Ecology Response

Thank you for your comments.

I would like to make some clarifications to your assumptions in your comments. The standard for compliance for dioxin in soil is 13 parts per trillion, which is a very small amount of dioxin in soil. The standard is based on a one in one million risk of getting cancer. One in a million cancer risk is the regulatory standard for acceptable risk. It is a very low cleanup standard because it is a very toxic chemical. Ecology's responsibility under the Model Toxics Control Act (MTCA), which was passed by voter initiative, is to protect the public from exposure to chemicals and these are the standards that guide us.

As you state in your email, the zoning classification for your property is Urban Waterfront, which allows for commercial and residential uses. Because it allows these uses and there is the potential that the public could come into contact with this soil, Ecology has to use the unrestricted cleanup standards in MTCA. That standard would be the 13 parts per trillion stated above.

You suggest changing the zoning to industrial. I can't speak for the City of Olympia regarding the rezoning of your property, but the businesses you are operating on the site are not industrial. I would think the City would have a difficult time changing the zoning to industrial with a public marina and restaurant operating on the property. However, you can contact the city's Community Planning and Development Department if you'd like to inquire further about a zoning change <http://olympiawa.gov/city-government/departments/community-planning-and-development.aspx>.

I hope this helps clarify the issues.

Thank You,

Andrew Smith, P.E., LHG