RESPONSIVENESS SUMMARY

Cascade Pole Cleanup Site
May 10 – June 10, 2010 Public Comment Period

Interim Action Work Plan and
State Environmental Policy Act Determination and Checklist

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

July 2010

Contents

Site Information

Address: 1503 Marine Dr NE., Olympia, Washington 98501
Site Manager: Mohsen Kourehdar
Public Involvement Coordinator: Meg Bommarito

The Washington Department of Ecology (Ecology) and the Port of Olympia (Port) entered into an Amended Agreed Order (DE#00TCPSR-753/June 21, 2010) to continue cleanup efforts at the Cascade Pole cleanup site. Interim Actions were proposed to excavate and cap soil on the site to meet the requirements of the Model Toxics Control Act (MTCA) - WAC 173-340.

Ecology did a State Environmental Policy Act (SEPA) review of the cleanup actions to make sure they would not have a significant adverse impact on the environment. A Determination of Non-Significance and the checklist were also available for comment.

The comment period for an Interim Action Work Plan and SEPA Determination ran from May 10 – June 10, 2010. A public meeting was held on June 3. Written comments received during the comment period and Ecology's responses are included in this document.

Site Background

The Cascade Pole cleanup site is located at 1503 Marine Drive NE at the northern tip of the Port of Olympia (Port). From 1957 to 1986, the Cascade Pole Company operated a wood treatment facility on property leased from the Port of Olympia.

During upland investigations of the site, a variety of contaminants were discovered, including polycyclic aromatic hydrocarbons (PAHs) and pentachlorophenol (PCP), both are chemicals used in the wood-treating process. Dioxins and other volatile chemical compounds were also found. Many of these substances were found at elevated levels in soil, groundwater, surface water, sediments and marine organisms on and adjacent to the site.

In May 1990, Ecology, Cascade Pole and the Port of Olympia entered into a Consent Decree to begin cleanup of the upland and sediment portions of the contaminated property. The Consent Decree required a Remedial Investigation and Feasibility Study of the sediment and upland areas of the site. A draft Cleanup Action Plan was also required for the upland portion.

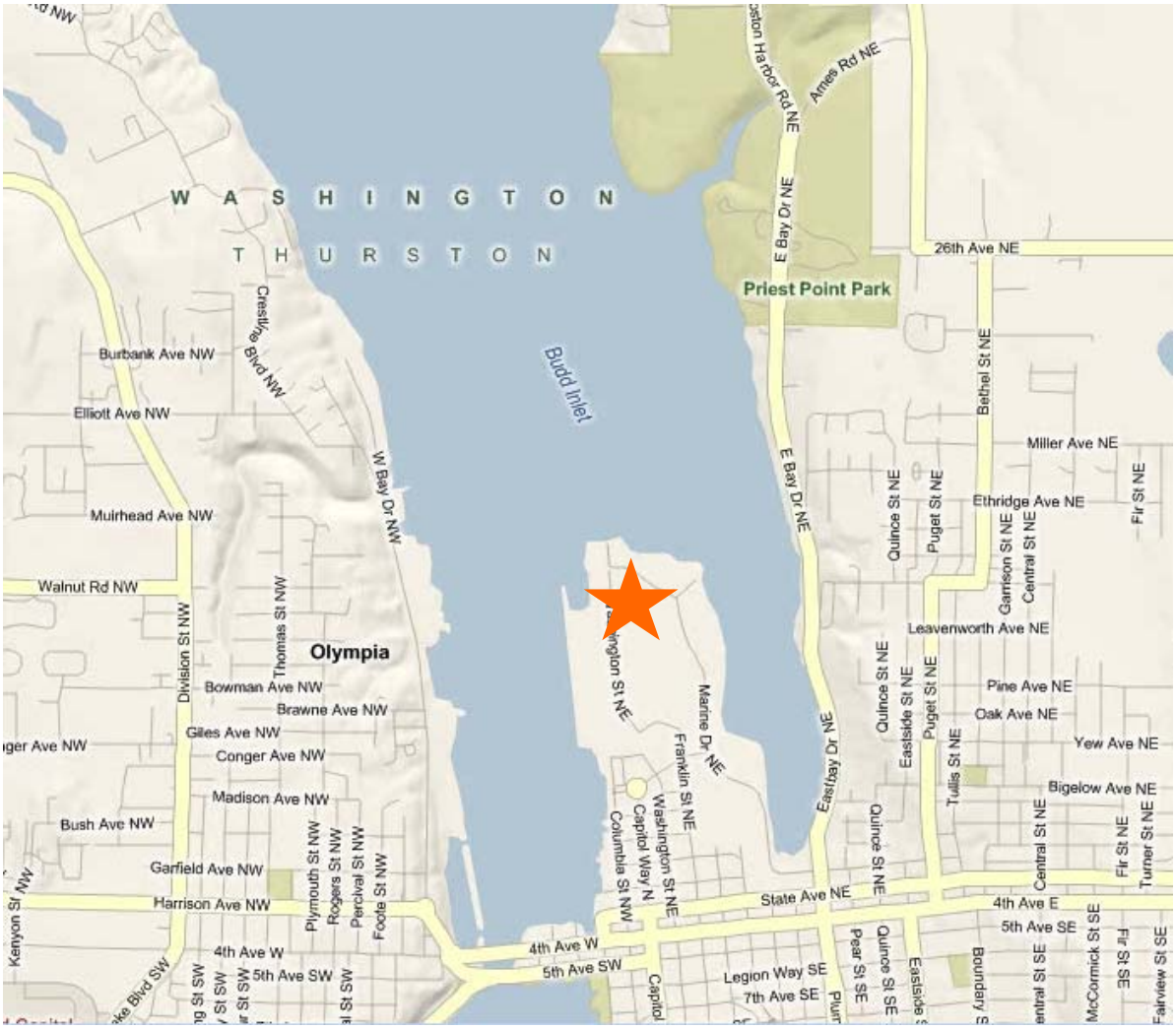
Since that time, several interim cleanup actions have been taken including;

- Installation and operation of a groundwater pump and treat system to treat contaminated water.
- Construction of a sheet pile wall along the shoreline to prevent additional releases of wood-treating products into Budd Inlet.

- Construction of a slurry wall and sheet pile barrier around the near-shore contaminated area.
- Dredging of contaminated sediments and creation of an upland containment cell to hold contaminated sediments.
- Paving of upland area.

Ecology and the Port have entered into several additional legal agreements to define required cleanup actions. Results of the first five-year monitoring event have shown that treatment and containment on the site have been effective to-date. Visit the website for a full detailed site history at http://www.ecy.wa.gov/programs/tcp/sites/cascade_pole/Cascade_Pole_hp.htm.

Site Location



Comment #1: Bonnie Jacobs, Friends of the Waterfront

Dear Mr. Kourehdar:

Perhaps you have received this information from other sources. In case not, I think you will find it interesting for I know you are working with the Port of Olympia on various land use issues.

Sincerely,
Bonnie Jacobs, Friends of the Waterfront

Dear Friends:

Sometimes it matters what we hear and sometimes it matters where we hear it. This time it's both.

A highly credentialed arm of the National Academy of Sciences advises us *to protect* the public infrastructure we can't relocate and *to not put public money* into development that could be at risk from sea level rise. They also urge that, as an alternative to "armored" shorelines "living" shorelines should be encouraged as an adjustment to higher tides and increasing inland water levels.

Almost everyone has heard about climate change and what it might hold for us now and in the future.

Of note, last month The National Research Council released its official report, titled **Adapting to the Impacts of Climate Change**, as part of the *America's Climate Choices* suite of studies requested by the Congress. It discusses the impacts of climate change and ways to begin adapting to these impacts, as well as exploring beneficial activities underway at state and local levels.

I think this report, especially considering the source, can inform people about high level land use planning.

It includes a table of suggested adaptations for sea level rise. I felt I would share this with you because the recommended protective actions seemed as if they might be relevant options/policies to consider in relation to the city's update of its Comprehensive Plan and its Shoreline Master Program.

FROM THE REPORT
The impact*:* *Gradual inundation of low-lying land; loss of coastal habitats especially coastal wetlands; saltwater intrusion into coastal aquifers and rivers; increased shoreline erosion and loss of barrier islands; changes in navigational conditions.*

Possible adaptations:

- Site and design all future public works projects to take sea level rise into account
- Eliminate public subsidies for development in high hazard areas along the coast
- Develop strong, well-planned, shoreline retreat or relocation plans/programs (public infrastructure and private properties), and post-storm redevelopment plans
- Retrofit/protect public infrastructure (stormwater/wastewater systems, energy facilities, roads, causeways, ports bridges, etc.).
- Use natural shorelines, setbacks, and buffer zones to allow inland migration of shore habitats and barrier islands over time (e.g., dunes and forested buffers).

· Encourage alternatives to shoreline "armoring" through "living shorelines"

The Report In Brief: Adapting to the Impacts of Climate Change is available online:
http://dels.nas.edu/resources/static-assets/materials-based-on-reports/reports-in-brief/Adapting_Report_Brief_final.pdf
The link to The New York Times article on the new climate change reports:
http://www.nytimes.com/2010/05/20/science/earth/20climate.html?hpw
I hope you find this information informative.
Bonnie Jacobs

Ecology Response

Thank you for taking the time to provide this information.

Sea water rise prediction has been provided for the Pacific Northwest by the University of Washington Climate Impacts Group (CIG) (February 2009). These predictions are in Table 1:

Table 1: The sea water rise projections Scenario for the year 2050 and 2100.

Projection Scenario	2050	2100
Very low	3″	6″
Medium	6″	13″
Very High	22″	50″

Under the very high sea water rise projected scenario in 2050, the potential impacts to the containment system at the Cascade Pole site will be insignificant. Under the 2100 very high sea water rise projected scenario, the upland containment area will be covered by approximately 2 feet of water.

Ecology will evaluate new information for sea water rise in the Puget Sound area every five years under the periodic review process required under MTCA. If future sea water rise

information shows potential to impact the containment system and Ecology will determines if substantial changes in the cleanup action are necessary to protect human health and the environment at the site as required by WAC 173-340-420 (6). Ecology will require the Port of Olympia to develop a revised cleanup plan to address this issue. The cleanup plan will be designed to protect human health and the environment.

Comment #2: Janice Arnold

I am writing to voice my opposition to the use of an asphalt cap without real public input.

Choosing to create a parking lot out of this area is inappropriate, and limits options for the future. The end of the Port Peninsula is already about 90% asphalt parking lot. As I understand it this comment period is occurring after the project has already gone to bid this makes any public process and input merely a formality if all the decisions have been made! We need real public process- please.

There must be other designs and options that are a better choice than asphalt. The use of asphalt unnecessarily limits the use of this area. Public comments in October 2009 period on the land use at North-Point, overwhelmingly asked for more public green space.

Can Ecology hold the site remediation money and complete this project in 2011 and allow the Port to have an adequate process for public input on this important site?

Thank you for the opportunity to comment.

Janice Arnold

Ecology Response

Ecology has reviewed and approved the interim remedial action work plan for the North Point area. The asphalt CAP meets the requirements for containment of contaminated soil and limiting the infiltration of rainwater into the contaminated groundwater. Ecology has determined that the proposed remedial action is in compliance with the requirements of MTCA. Therefore, Ecology does not have the authority to withhold the remedial action grant funding for the North Point area.

Ecology has informed the public regarding the North Point area interim action under the MTCA requirements. The questions regarding the public process for the project bidding and creating more public green space in the North Point area should be directed to the Port of Olympia.

Comment #3a and b: Rachel Newmann

Comment #3a

To Whom it may concern:

I respectfully request the Department of Ecology delay its approval of the Amended Agreed Order for Cleanup Activities on the Olympia Cascade Pole Site.

The reason for this request to delay the approval is based on use of asphalt as the material used to cap the containment site. The choice of capping options determines the final use for this area.

Two-thirds of respondents in the most recent survey of public opinion done by the Port of Olympia requested green space, park, and other public uses. An asphalt cap is not consistent with the type of use of this area desired by the public.

Because taxpayers have paid almost the entire cost of the containment of the toxic substances on the Port Peninusla, public particpation in determining the final use of this land is essential for economic and social justice.

The toxic substances from Cascade Pole have required many decades and millions of dollars to contain. Now the project is close to completion. To assure a successful outcome to this lengthy and costly process, the end use of this property need to be consistent with the values and desires of the community. Adequate public process which influences the outcome demonstrates respect to the taxpayers and citizens who are committed to the State's efforts to protect the health and safety of its citizens, its marine life and the environment.

Sincerely,
Rachel Newmann

Comment #3b

The comments below are in addition to comments I submitted earlier regarding the capping phase of the Cascade Pole Containment Project for the Port of Olympia.

The public was not involved in the process of reviewing the alternatives and selecting the capping material to be used on the Cascade Pole containment site. There was no public comment period, no public hearing, and no question and answer period for this important issue.

The process used by the Port to determine the capping material did not comply with any of the seven principles of public participation listed below.

Please consider extending the funding deadline so that the Port can have an effective public process. By allowing the public to participate in an effective and meaningful process, the DOE, the Port of Olympia, and the public will have a successful and sustainable outcome to a long and costly process.

Thank you for your consideration of this request.
Rachel Newmann

PRINCIPLES OF PUBLIC PARTICIPATION

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.

2. Public participation includes the promise that the public's contribution will influence the decision.

3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.

4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.

5. Public participation seeks input from participants in designing how they participate.

6. Public participation provides participants with the information they need to participate in a meaningful way.

7. Public participation communicates to participants how their input affected the decision.

Source: International Institute for Public Participation

Ecology Response

Since Ecology has determined that the proposal for the North Point cleanup action is in compliance with MTCA, Ecology cannot delay the project. Under MTCA, Ecology does not have the authority to dictate land use/development to the Port of Olympia. The Port of Olympia is responsible for arranging public involvement for its activities. The asphalt CAP meets the requirements for containment of contaminated soil and limiting infiltration of rainwater into the contaminated groundwater.

Ecology has conducted a public involvement process for the proposed interim action according to MTCA. In addition to the basic requirements outlined in the MTCA WAC 173-340-600, Ecology has offered additional opportunities for public involvement. These included several meetings, phone conversations and email communications with interested parties to explain the public involvement process and Ecology's role in the Port of Olympia's land use decisions. Ecology also held a public meeting which gave citizens a chance to speak one-on-one with staff and learn more about the project.

For more information about Ecology's Toxics Cleanup Program public involvement process requirements, visit http://www.ecy.wa.gov/biblio/9406.html to review the WAC 173-340-600. You can also review the Cascade Pole Public Participation Plan for specific information about planned public involvement activities at: http://www.ecy.wa.gov/programs/tcp/sites/cascade_pole/Cascade_Pole_hp.htm.

Please direct your questions about the Port's land use decisions and public involvement process to the Port of Olympia staff. Contact Kari Qvigstad at kariq@portolympia.com for more information about the public involvement process that was done for the North Point work. For general information about the Port's public involvement, contact Kathleen White at: kathleenw@portolympia.com.

Comment #4: Heather Trim, People for Puget Sound

June 10, 2010

Mohsen Kourehdar, Site Manager
WA Department of Ecology
SWRO Toxics Cleanup Program
P.O. Box 47775
Olympia, WA 98504-7775
Via E-mail: Mohsen.Kourehdar@ecy.wa.gov

RE: Comments on Cascade Pole Amended Agreed Order (Facility Site ID # 1385)

Dear Mohsen,

We are writing to comment on the *Cascade Pole Amended Agreed Order* (including work plan) between Ecology and the Port of Olympia for an interim action.

People For Puget Sound is a nonprofit, citizens' organization whose mission is to protect and restore Puget Sound and the Northwest Straits.

We are pleased to see forward action at the Cascade Pole site to address polycyclic aromatic hydrocarbons (PAH) and dioxin contamination. We do have concerns, however, about the proposed solution.

Our specific comments follow:

- **Completion.** While we appreciate that Ecology will require ongoing monitoring, we feel that this site should be fully cleaned up so that no Phase IV will be needed. There have been a number of cleanup actions at this site since 1993. People For Puget Sound would like to see the cleanup at this site reach a conclusion. It would be much more cost effective (in terms of mobilizing equipment) to complete the job rather than to stage it out over many more years.
- **Removal of Material.** We request that Ecology require the complete removal of contaminated soil from the site (alternative 3), rather than moving the soil from outside to inside the slurry wall area. A more protective solution is to transfer the contaminated material to a licensed landfill. By not fully removing the material, we leave the problem in place for future generations to address.
- **Institutional Controls.** We are concerned that the institutional control of paving over the contaminated material does not provide long-term sustainable protection. Our experience has shown that often the pavement settles, becomes cracked and otherwise becomes unsound. Water ponding on the surface then enters the ground and can cause movement of contamination. The protective option is to remove the contaminated material and backfill with clean material.

- **Beach.** We are concerned that the beach area has not been adequately tested and that the public will access this beach for recreational purposes.

- **Determination of extent of (depth) of Dioxins**. The Agreed Order notes that the depth of dioxin contamination is assumed to be the same as the depth of PAH contamination. This should be verified by adequate sampling. We request that Ecology require sampling to "clean" in both a vertical and horizontal direction in order to conduct complete characterization of the area. In addition, potential contamination of tidally influenced groundwater needs to be assessed. This site is contaminated with organic chemicals which can mobilize dioxin.

- **Removal of Dioxin-contaminated soil.** After complete characterization of the extent of dioxin contamination, People For Puget Sound requests that all of the contaminated soil be removed in order to be fully protective of the environment.

- **Removal of contaminated sediment.** The 2007 assessment shows that sediment has elevated levels of contaminants. These sediments should also be addressed in this cleanup action, rather than extending out the cleanup of this site for many more years.

Thank you for your consideration. You can reach me at (206) 382-7007 X172 if you have any questions or concerns.

Sincerely,

Heather Trim
Urban Bays and Toxics Program Manager

Ecology Response

Completion:

The North Point interim action is the last phase of the remedial action for the Cascade Pole upland area. The next step in the process is Ecology's review and management of long term monitoring information. The long term groundwater and sediment monitoring, operation of the groundwater treatment system, testing of the sheet pile wall and inspection of asphalt cap all are part of the fail-safe plan to ensure the containment system is operating as planned and providing protection of human health and the environment.

Removal of Material:

The soil disposal and capping options were evaluated in accordance with MTCA 173-340-360. Ecology approved the removal of contaminated soil from North Point area and capping it inside the containment wall in accordance with this evaluation. The evaluation report is in Appendix A of the Interim Action Work Plan which is posted at:
http://www.ecy.wa.gov/programs/tcp/sites/cascade_pole/Cascade_Pole_hp.htm.

Institutional Controls:

As a part of long term monitoring, the paved area throughout the Cascade Pole upland area will be inspected to ensure human health and the environment is protected. If the inspection shows the pavement is compromised, the Port will be required to make repairs to ensure integrity of the containment system.

Beach:

The beach area (intertidal area) in front of the Cascade Pole site, starting from Swantown Marina boat launch to approximately North Point, has been dredged and backfilled with clean fill in 2001-2002 as a part of sediment removal interim action. The public trail area is surrounded by approximately 3 foot fence on the water and the upland sides. Currently, there are signs along this trail warning people to "stay on the designated side walk and open spaces and do not trespass behind the fence line or area of the site posted as no trespassing." If someone decided to trespass, the sediment on the intertidal area is not a chemical hazard because there is a layer of clean fill, varying approximately in depth from 1-4 feet that would protect them from the contaminated sediments below.

The sediment test results from the publicly-accessible shoreline area in front of the North point area (KGY) and Hearth Fire Restaurant showed there are no concerns with chemical contamination. The intertidal area fronting the Port of Olympia's shipping berth on West Bay, are not publicly-accessible areas.

Section 303(d) of the federal *Clean Water Act* requires Washington State to periodically prepare a list of all surface waters in the state for which beneficial uses – such as for drinking, recreation, aquatic habitat, and industrial use – are impaired by pollutants. Inner Budd Inlet is listed on the 303(d) list as impaired for fecal coliform bacteria and some other pollutants. There are advisory signs that were installed in inner Budd Inlet areas by the Thurston County Health Department (TCHD). These signs advise against consumption of shell fish and swimming in inner Budd Inlet due to fecal coliform pollution in inner Budd Inlet.

Determination of Extent of (depth) of Dioxin:

The extent of vertical and horizontal soil contamination was determined during two sampling events in 2005. The results showed the contamination is between 0-1 feet below ground surface. Under the interim remedial cleanup action, approximately 1.5 feet of surface soil will be removed. Soil samples will be taken to confirm that all soil contaminated above MTCA Method B soil cleanup levels has been removed. This is documented in Appendix C of the interim remedial action report posted at:
http://www.ecy.wa.gov/programs/tcp/sites/cascade_pole/Cascade_Pole_hp.htm.

Ecology believes that since the source of the contamination is wood treating chemicals, there is a correlation between concentration of dioxin, carcinogenic polycyclic aromatic hydrocarbons (cPAHs) and Pentachlorophenol (PCP) in the soil. Therefore, after excavation, dioxin in the soil will be sampled and tested from one test sample location corresponding to the highest measured concentration of cPAHs during the soil investigation.

Removal of Dioxin-Contaminated Soil:

The dioxin and cPAHs contaminated soil from the North Point area will be excavated and placed inside the Cascade Pole containment area. The soil remaining in the North Point area will meet the MTCA Method B soil cleanup level for unrestricted land use.

Removal of Contaminated Sediment:

Ecology will answer this comment by presuming that the commenter is referring to the 2007 Sediment Quality Monitoring Report since it is not clear which report is being referenced. This monitoring is part of the long term post dredging (dredging/filling was conducted in 2001-2002) sediment monitoring in the dredged/filled area fronting the Cascade Pole site. The sediment samples were taken from interface of clean fill and the native fill in approximate depths of 1 to 4.7 feet below sediment surface. These results showed no recontamination of sediment in the dredged areas and Ecology concluded that containment system was operating properly.

Comment #5: Jerome Parker

Mr. Kourehdar:

I commend the Department of Ecology Toxics Cleanup Program for the public involvement process for this highly complex issue. The meeting of June 3 in Olympia was conducted in an open manner with ample time for public questions. The web site provides extensive information.

Based on my previous involvement in the issue of dredging at the Port of Olympia, my primary concern remains the relation between the Cascade Pole containment facility and the “hot spot” documented by the sediment survey conducted by Ecology in August of 2007. This “hot spot” adjacent to or closely nearby a Port of Olympia berth registered a dioxin level of 4,212.5 parts per trillion (ppt). This is several orders of magnitude above the level at which dredged sediments can be deposited into Puget Sound and represents a serious level of toxic contamination that demands action by responsible officials.

I am aware of various investigations conducted by the Port under a legal action filed under the federal Clean Waters Act regarding the possible sources of this contamination. I do not know whether these studies are ongoing nor do I know the conclusions, if any, of such studies.

However, I do know that a possible link between various stormwater and other subterranean pipes in the vicinity of the Cascade Pole site was raised by the above legal action.

Unless and until the source of the dioxin contamination at the Port's berth is resolved, the ability of the containment cell is in doubt. Consequently, the proposed Agreed Order for "cleanup" must likewise be in doubt since it proposes to move contamination outside of the containment cell to the containment cell.

Next, the ability of the containment cell to contain dioxin over the long term appears to be in doubt as well. The apparent half-life of some dioxins in anaerobic soil conditions suggests that a major portion of the dioxin in the cell will be available for transport to the environment for a period far in excess of the expected life of the cell. The apparent conclusion in the draft Agreed Order is that dioxin in not soluble in water and, therefore, will not migrate from the site. However, it is my understanding that dioxin is soluble in hydrocarbons, i.e. petroleum by products. Given the activities at the Cascade site and the other toxics that have been identified at the site, migration from the site appears a strong possibility. Moreover, as noted above, the extremely high levels of dioxin at the Port of Olympia berth suggests that such migration may have already occurred.

A second related concern regarding the life of the cell is raised by the high probability of sea level rise. I suspect that such a possibility was not foremost when the cell was designed and that the provision to cap the cell with asphalt will prove ineffective against rapid breaching of the cell should sea level rise reach projected levels.

I am aware that the Agreed Order provides for periodic monitoring of wells and sediment to document any migration of dioxin from the cell. In view of certain problems in compliance with previously mandated reporting to Ecology by the Port, I would urge that all monitoring be under the direct control of Ecology and that it not be assigned to the Port.

Finally, the Agreed Order should include a "fail-safe" plan in the case that the monitoring of wells and sediment confirms that migration from the containment cell has occurred. As the events in the Gulf of Mexico illustrate, this plan must be considered before the proposed Agreed Order is finalized.

Sincerely,

Jerome Parker

Ecology Response

Thank you for taking the time and providing the information in your letter. Ecology's responses are as follows:

The hot spot at the port's shipping berth:

The issue regarding the Port of Olympia's shipping berth is outside of the scope of the North Point project. Ecology will describe the status of the shipping berth project briefly. It appears from the dioxin sediment data, the location of hot spot is localized and further testing has confirmed that. Ecology is working with the Port of Olympia to determine a remedial action strategy. The remedial action alternative may include additional sediment dredging and removal and/or capping and containing in place. When the remedial action report is decided and documents are ready, there will be public involvement opportunities in accordance with WAC 173-340-600 (public notice and participation).

Stormwater and sub-terranean pipes and contamination:

The legal action the commenter is referring to is not clear and is outside the scope of the North Point project. Ecology will explain the stormwater runoff system and control from the Cascade Pole upland area. Currently, the stormwater generated from the top of the sediment containment parking area is discharged into East Bay and stormwater generated from other paved portions of the site is discharged via the City of Olympia's stormwater Outfall C into West Bay. This discharge is regulated under the general industrial stormwater permit No. SO3-001168. Stormwater in the unpaved site areas, including the berm of the sediment containment cell, infiltrates into the ground and then is collected and treated by the groundwater treatment system prior to discharge to the Budd Inlet via LOTT's outfall. This discharge is regulated under NPDES permit No. WA0040533.

Dioxin containment and possible solubility in petroleum hydrocarbons:

It is documented in the literature that the predominant fate of dioxins is to be sorbed to soil and remain in place near the surface of undisturbed soil. The dioxins primarily migrate to water bodies due to soil erosion. The ultimate fate of dioxins when they do enter into the water column, is believed to be settling in aquatic sediments (The 1994 EPA Dioxin Reassessment, Health Assessment, Volume III: Risk Characterization).

Mr. Parker wrote in his comment, "it is my understanding that dioxin is soluble in hydrocarbons, i.e. petroleum by products." Given the activities at the Cascade site and the other toxics that have been identified at the site, migration from the site appears a strong possibility. Moreover, as noted above, the extremely high levels of dioxin at the Port of Olympia berth suggests that such migration may have already occurred."

There is a limited literature documenting mobilization of dioxin from soil to groundwater due to presence of hydrocarbons. Ecology conducted literature search and found this article. This article concluded that "presence of liquid hydrocarbons in soil may act to increase the movement of dioxins from soil to groundwater" (Final Report: Time Dependent Movement of Dioxin and Related Compounds in Soil. September 1991). At the Cascade Pole upland site, the contaminated soil is capped to protect human health and the environment. The cap prevents erosion of the contaminated soil. The groundwater is contained through use of a groundwater pump/treat system within the area contained by the slurry wall and sheet pile walls.

The semi-annual long term monitoring of groundwater data and five year sediment data will provide information to Ecology. Ecology has reviewed and will review all the groundwater, sediment monitoring, the sheet pile wall test data, and the cap inspection data to ensure the integrity of the containment system is intact. If the results show that there is a failure, Ecology will require the Port of Olympia to take appropriate actions to ensure the integrity of the containment system is maintained.

Sea level rise

Sea water rise prediction has been provided for the Pacific Northwest by the University of Washington Climate Impacts Group (CIG) (February 2009). These predictions are in Table 1:

Table 1: The sea water rise projections Scenario for the year 2050 and 2100.

Projection Scenario	2050	2100
Very low	3″	6″
Medium	6″	13″
Very High	22″	50″

Under the very high sea water rise projected scenario in 2050, the potential impacts to the containment system at the Cascade Pole site will be insignificant. Under the 2100 very high sea water rise projected scenario, the upland site will be under the water by approximately 2 feet. Ecology will evaluate the new information for sea water rise in Puget Sound area every five years under the periodic review process required under MTCA. If future sea water rise information shows potential to impact to the containment system, Ecology may determine that substantial changes in the cleanup action are necessary to protect human health and the environment at the site as required by WAC 173-340-420 (6). Ecology would require the Port to revise the cleanup plan. The cleanup plan will be designed to protect the human health and environment.

Long term monitoring and Ecology oversight:

When there is a viable Potential Liable Person (PLP) under MTCA, Ecology does not take over the monitoring. Ecology has reviewed and will review the generated data as a result of long term monitoring. In the case of an alarming flag in the data, Ecology will work with the Port of Olympia to find and address the problem (s). The long term monitoring of groundwater data, sediment data, operation of the groundwater treatment system, and testing of the sheet pile wall all are part of the fail-safe plan to ensure the containment system is operating as planned and providing containment of the contaminated soil and groundwater.

Comment #6: Carole Richmond

Dear Mr. Kourehdar:

I am working with several other citizens to ensure that North Point and all of the north end of the Port Peninsula can be used for public purposes. Because this north end property is located on or adjacent to a capped hazardous waste containment site, over a liquefaction zone, and within a flood zone, it would seem prudent to consider uses other than commercial development in this area, yet the Port is moving ahead with commercial development plans anyway. In comments on proposed development at North Point last fall, the public also indicated it would like to see more appropriate low-intensity uses for this exceptional view property. We are continuing to work with the Port to arrive at a consensus decision on the kinds of uses that should be encouraged on this property.

In light of this background, I have the following questions for you:

1. The mission of the toxics cleanup program is to protect public health and safety. Now that Phase III cleanup is about to start, please describe the public uses that can be made of the North Point property *after* cleanup, as well as of the previously capped property and the strip of beach and shallow intertidal land in the dredged area**. For example, can children play in the sand on the beach? Can people wade into the water to launch kayaks? Can dogs (or people) swim in the water?**

2. I understand that construction will not be permitted over the containment cap. **Is it possible to bring in soil and plantings to create a green open space over the top of the asphalt cap that would allow the public to use this site and have access to the beach?** How deep should a soil layer be? Would there be any constraints on the kinds of plant materials that could be planted in this soil layer?

3. **If** the Port had indicated that it intended to create green open space instead of a parking lot over the containment cap**, would you have advised the Port to employ a different kind of capping method**? In other words, would an impervious geotech layer and soil cap have provided the equivalent containment of this site? What would the cost of this

have been compared to the cost of the asphalt cap that was installed instead, and compared to an asphalt cap PLUS soil, plants, landscape design, and labor?

4. **Is public input required (either by Ecology or by the Port, in this case) in response to the proposed intended use of a remediated site as determined by the party doing the remediation? Did Ecology require such input? To your knowledge, has the Port required such input?** If such input was required, did it take place? If so, I would like to review the public input that was provided.

Please provide answers to these questions to me in writing. This information is needed to help inform the future use of this property, in which the public has a large stake and investment. I appreciate your assistance in providing this critical information.

On a related, but separate issue, please prohibit the clearing of existing trees on the North Point property as part of the Phase III cleanup. These trees are not replaceable and the utmost care should be taken to protect them while cleanup is ongoing.

Thank you in advance for your responsiveness to my questions and comments. I look forward to hearing from you.

Sincerely,

Carole Richmond

Ecology Response

Thank you for your comments. I will respond to each of them below.

Can children play in the sand on the beach? Can people wade into the water to launch kayaks? Can dogs (or people) swim in the water*?*

The beach area (intertidal area), in front of the Cascade Pole site starting from Swantown Marina boat launch to approximately North Point has been dredged and backfilled with clean fill in 2001-2002 as a part of sediment removal interim action. Currently, there are signs posted along the public trail which state "stay on the designated side walk and open spaces and do not trespass behind the fence line or area of the site posted as no trespassing." The public trail area is about 7 feet wide and is surrounded by approximately a 3 foot fence on the water and the upland sides. If someone decided to trespass, the sediment on the intertidal area is not a chemical hazard because there is a layer of clean fill, from 1-4 ft in depth that would protect them from the contaminated sediments below.

The sediment test results from the publicly-accessible shoreline area in front of the North Point area (KGY) and Hearth Fire Restaurant showed there are no concerns with chemical contamination. The intertidal areas in front of the Port of Olympia's shipping berth on West Bay, are not publicly-accessible areas.

Section 303(d) of the federal *Clean Water Act* requires Washington State to periodically prepare a list of all surface waters in the state for which beneficial uses – such as for drinking, recreation, aquatic habitat, and industrial use – are impaired by pollutants. Inner Budd Inlet is listed on the 303(d) list as impaired for fecal coliform bacteria and some other pollutants. There are advisory signs installed in inner Budd Inlet areas by the Thurston County Health Department (TCHD). These signs advise against consumption of shell fish and swimming in inner Budd Inlet due to fecal coliform.

The Washington State Department of Health conducted a health consultation in December 2000 for the Cascade Pole Company site. A summary of one of the conclusions of the health consultation was incidental, short-term exposures during boating/kayaking activities to sediments and water within or adjacent to the East Bay in front of the Cascade Pole site pose no apparent health hazard.

Is it possible to bring in soil and plantings to create a green open space over the top of the asphalt cap that would allow the public to use this site and have access to the beach?

This type of modification has not been proposed by the Port of Olympia. It is possible to add plantings or soil on top of the cap. Any plans and specifications for modifications must be submitted to the Ecology by the Port of Olympia for review and approval. It is important to state that Ecology will review these documents to ensure human health and the environment are protected under the modified plans and the proposal is consistent with the MTCA.

Would you have advised the Port to employ a different kind of capping method*?*

Ecology would not advise the Port to use a different capping method unless the one they proposed was not appropriate to protect human health and the environment.
Ecology reviews every cleanup proposal for consistency with MTCA and insures that the proposed modification will be protective of human health and the environment. The methods that the Port proposed for the contaminated soil and groundwater for the Cascade Pole upland area are appropriate and protective of human health and the environment.

Is public input required (either by Ecology or by the Port, in this case) in response to the proposed intended use of a remediated site as determined by the party doing the remediation? Did Ecology require such input? To your knowledge, has the Port required such input?

Under MTCA, Ecology does not direct the future land use at a site through the cleanup process. Rather Ecology considers current land use, projected future land use and local zoning

designations in determining appropriate cleanup levels. In this case, Ecology has informed the public regarding the cleanup activities under MTCA and the cleanup activity may influence the intended use. After complying with the requirements of the MTCA, the property owner, in this case, the Port of Olympia will decide the end use of the property consistent with the cleanup action.

Please contact the Port of Olympia to see if they are required to inform public of the intended use of the property. Ecology cannot comment on this issue.

On a related, but separate issue, please prohibit the clearing of existing trees on the North Point property

Ecology cannot require the Port to remove or retain structures from their property unless they, in some way, compromise the integrity of existing or proposed containment or treatment systems or interfere with implementation of remedial actions. The request concerning the existing trees should be directed to the Port.

Comment #7: Enid Layes and Maureen Morris

Dear Mr. Kourehdar,

First we want to thank you and the other Ecology staff for your presentation of information at the June 3rd meeting at the Olympia Center.

We are writing on behalf of Olympia 2012 in support of the Port of Olympia's proposal to continue its clean-up efforts by moving contaminated soil from area "E" at the extreme north end of North Point to area "F" and by capping that soil with asphalt. Our group is interested in the revitalization of Downtown Olympia to provide an economically and environmentally sustainable urban core for Thurston County.

The Port and Downtown Olympia, as a whole, face a number of challenges in dealing with brown field sites, including the need to do a better job reducing pollution from storm water and non-point run off. Cost remains a major constraint in dealing with those problems, and while various government agencies must make these decisions on a case by case basis, it is important that taxpayer dollars be spent on cost effective solutions. Alternatives that dispose of the soil to someone else's community would significantly increase the cost of the clean up, and reflect a lack of regard for communities other than our own. A complete re-engineering of the clean up would take an enormous amount of time, potentially resulting in a loss of funding from the state.

During the meeting, individuals asked about the potential impact of great earthquakes, sea level rise and the very long term oversight and containment of the contaminated soils.

The first two questions have been used to question every commercial and infrastructure improvement in downtown Olympia. As the Department of Ecology must know, in a magnitude 9 or greater earthquake the containment of contaminated soils in the North Point area would not be among our greatest environmental concerns. As for sea level rise, if Olympia and other communities persist in frittering away their human and financial capital arguing about projects like North Point rather than developing energy efficient, dense urban residential and commercial areas, significant sea level rise will become a more pressing threat.

From the information provided at the meeting it was also apparent that it would be easier for the Port and public to monitor the effectiveness of a visible asphalt cap rather than a cap buried under vegetation. Deterioration of the asphalt cap would be visible to the casual citizen observer. In the case of a buried seal, the only way to discover that the seal needs repair or replacement is to find leaking contaminated water after the fact.

It is also important that the cleanup of the former Cascade Pole site proceed without needless delay to reduce the spread of contaminants into Budd Bay and the Sound. Cleaning up the site will allow the Port to extend access via a waterfront trail, into an area currently closed to the public because of the threat to human health. These benefits will also be enjoyed by the wildlife along the shoreline.

We urge Ecology to approve the project plan so work can begin immediately to end contaminated run-off from area E. This will also allow the Port and the Department of Ecology to move on to the next areas of concern in the Port.

Sincerely,
Maureen Morris & Enid Layes
Olympia 2012

Ecology Response

Thank you for your comments. Ecology appreciates your interest.

Comment #8: Susan K. Ingman

Dear Mr. Kourehdar:

I have two concerns involving the Phase III-Cascade Pole Cleanup at the Port of Olympia.

First, **please protect and preserve all the native trees growing in area "E" and nearby.** The native ***Arbutus menziesii*** (Pacific madrone) and ***Pseudotsuga menziesii*** (Douglas fir) are well established

landmark trees growing at North Point. As a horticulturalist and professor of Horticulture at South Puget Sound Community College, it is understood that the Pacific madrone are irreplaceable. The stand of native trees must be saved during the "Cleanup Process". The contaminated soil around the trees only extends to a depth of about 12" and the soil can easily be cleaned and replaced by handwork inside the tree drip line. Please do everything you can to save these well established trees for all time.

Second, Phase III Cleanup at the **Port of Olympia has not allowed public participation in the decision making process of the cleanup alternatives. Please provide additional time, so the public can be involved in the consideration of the cleanup alternatives.**

Thank you for allowing the public to express their concerns.

Sincerely,
Susan K. Ingman

Ecology Response

Ecology does not have authority under MTCA to require the Port of Olympia to save the trees at the North Point area during remediation and construction activities. Please direct this request to the Port of Olympia.

Ecology fulfilled all public involvement requirements as directed by MTCA for the North Point area interim action. Please direct inquiries about the Port of Olympia's public involvement process to Kari Qvigstad at kariq@portolympia.com.

Comment #9: Monica Hoover

Dear Mohsen,

I am writing regarding the next phase of the Cascade Pole site remediation. I oppose the use of an asphalt cap without real public input into this decision. The choice of asphalt limits the uses of this area to a parking lot. The end of the Port Peninsula is already almost 90% asphalt parking lot. In a valid public process, the people are part of developing and selecting the alternative. This public comment period is occurring after the project has already gone to bid and all the decisions have been made and it is believed there is no time to make any changes.

There was no public involvement in the process of selecting the type of cap to be used at Cascade Pole. The Port of Olympia, without public input, selected asphalt and told the citizens that asphalt is the only option and that the agreed order with Ecology requires asphalt. This leaves the public believing that there really is no other option. What the people don't understand

is that the agreed order uses an asphalt cap because the Port submits that option to Ecology for review.

The public has asked these questions for a long time but the misinformation provided by the Port causes people to not pursue the issue further. There was plenty of time to address this issue before now, but the Port of Olympia chose not to.

When questioned, the Port staff said a vegetated alternative for this one acre area is less protective and would cost $100,000 more than asphalt. You have indicated that a vegetated alternative would be perfectly acceptable under MTCA if properly designed. The cost estimate provide by the Port for a vegetated cap is for 1.5 acres rather than 1 acre. Given this, the vegetated cap design provided by the Port's contract engineering firm would result in a project cost increase of $65,000, not $100,000. However, substantive concerns have been raised about the accuracy of the Port's assessment of this alternative. It seems likely that there are other designs that maybe similar or even lower cost than asphalt. But, again, inadequate information from the Port results in people moving away from the issue because they believe there are no other options. **The vegetated option was dismissed by the Port without adequate assessment.**

Although, along with Ecology and the Port, I would like to see the site remediation completed this summer, the use of asphalt unnecessarily limits the use of this area. I would prefer that the work move forward this summer. However, during the October 2009 public comment period on the land use at North Point, the people overwhelmingly asked for more public green space. Moving ahead now with more asphalt significantly reduces this option.

Can Ecology hold the site remediation money and complete this project in 2011 and allow the Port to have an adequate process for public input on this important site?

In addition, the geologic instability of the Port Peninsula is a significant issue for the future of the Cascade Pole site. **The potential for magnitude 8 or 9 earthquakes for this area is real and needs to be part of the discussion of whether the site remediation is really adequate to protect human and environmental health.** Low intensity land use choices for this area, such as public open green space, leave open the option of using improved technology to do a better job of really cleaning up this site in the future.

Thank you for the opportunity to comment.

Monica Hoover

Ecology Response

Ecology has reviewed and approved the interim remedial action documents for the North Point area. Ecology has determined that the proposed remedial action is in compliance with the requirements of the MTCA. Therefore, Ecology does not have the authority to withhold the remedial action grant funding for the North Point area.

Please contact the Port regarding their decision to use asphalt as a cap. Ecology does not determine future use of property. The asphalt CAP meets the requirements for containment of contaminated soil and limits the infiltration of rainwater into the contaminated groundwater.

Ecology ensures that no matter what land use decision is made, human health and the environment are protected from contamination.

Comment #10: Agnieszka Kisza

Please include this e-mail into the public comment record (Interim Action Work Plan, Amended Agreed Order and SEPA Determination) for future reference.

The North Point area is a man-made peninsula created through dredging and filling operations. The fill area made the peninsula vulnerable in the event of a major earthquake strike. In a strong earthquake, the sandy, loosely packed fill material is first to loose strength. It collapses and this is called liquefaction. Unfortunately this area was chosen as an industrial dumpster. Harmful chemicals stored at North Point will enter the Puget Sound water in case of a big earthquake. There are other reasons why the industrial dumpster should not be located on the Olympic Peninsula. According to Doug Myers, science director of the conservation group People for Puget Sound, ”Under the sea level rise scenario, the old shore lines became new shorelines” meaning that the area (where Ecology Department allows for storing the harmful chemicals) will be under water.

Recently Washington State government has issued a warning to be prepared for a strong earthquake. This is why spending tax payer’s money to move the contaminated soil form one location of peninsula to another, 100 feet away is not only a waste of money but it creates Health and Safety issue for people and the environment.

I asked the Department of Ecology representatives during their meeting with the public, on June 3rd 2010, if this is responsible to store environmentally harmful materials on North Point (liquefaction zone). Meg Bommarito (Dept of Ecology) answered my question stating that it cost a lot of money to transport the soil away from the water.

It has been about one month since BP oil entered the Gulf of Mexico, spreading through the beaches of the US - as the biggest environmental catastrophe in our history. It happened because BP did not want to spend money for protection. However it always cost less to prevent the problem then deal with environmental disaster and this is why Ms Bommarito’s argument - that moving harmful substance away is too costly – should not be accepted. Department of Ecology is responsible for environmental protection.

Spending funds to move contaminated soil from one area of peninsula to another is a waste of tax payer's money since in case of big earthquake the contamination will end in the Puget Sound again. I suggest to move the industrial dumpster away from water to protect the environment and people health.

Agnieszka Kisza

Ecology Response

Thank you for commenting on the North Point interim action.

Comment #11: Darlene Schanfald

Dear Mr. Kourehdar:

I am commenting because the site in Port Angeles I am involved with is also undergoing a MTCA cleanup. Thus, I am interested in other cleanup sites around the Sound. How your site is handled may signal the treatment Pt Angeles may expect.

One similarity between the sites is public exposure to dioxin, including in the beach and intertidal area. In your case, my understanding is that beaches and intertidal areas have either not been assessed or they have and are contaminated as high as 60 pptr. This is an unsafe human exposure to dioxin, but then again, any level is.

Cleaning up contamination is not moving pollution from one area on the site to another and then capping. Paving can crack and leave the public vulnerable to exposure. With climate change, the pollution could re-enter the water system. The contamination needs to be removed off site; decontaminate on site what can be decontaminated, including with new, safe technologies if some exist; then remove the rest from the site.

Do you have a system in place to study human exposure at this site, including for workers?

Darlene Schanfald
Project Coordinator
Olympic Environmental Council Coalition

Ecology Response

Thank you for commenting on the North Point interim action. I will respond to each of your questions below.

The Remedial Action:

Ecology has determined that the remedial action for the Cascade Pole upland site to be containment of contaminated soil and groundwater. This containment action will be monitored via semi-annual long term monitoring of groundwater data and five year sediment data, information on integrity of the sheet pile wall, and the cap inspection data to ensure the integrity of the containment system. If the results show that there is a failure, Ecology will require the Port of Olympia to take appropriate actions to ensure the integrity of the containment system is maintained.

Various treatment options were evaluated in a feasibility study conducted in 1992. The remedial actions evaluated were excavation/treatment, partial excavation/treatment/disposal/containment, and capping of contaminated soil and containment. Each of the remedial option was evaluated in accordance with MTCA requirements WAC 173-340-360. Ecology's evaluation of various options showed containment of contaminated soil and groundwater provided the same degree of protection of human health and environment with lesser cost than other treatment options.

Concern with Pavement and Worker's Safety:

The pavement and clean fill is designed to eliminate contact with the contaminated soil for both members of the public and workers and reduce infiltration of rainwater into contaminated groundwater. After the Interim Action is complete, approximately 99% of the Cascade Pole site will be paved, therefore direct soil contact to worker and public has been eliminated. The contractor selected to implement the interim activity will be required to prepare a construction health and safety plan as part of the construction submittal process. This is documented in specifications for the interim action project submitted to Ecology May 14, 2010. Also a site health and safety plan for investigation and compliance monitoring activities is already in place.

Comment #12: Harry Branch

I appreciate what some employees at the Department of Ecology are attempting to do on the Port Peninsula and I think the attempts at containment and pumping and treating contamination will certainly be an improvement. I also trust that groundwater collected at the northern point is not contaminated with detectable concentrations of toxic material. I assume this is because of the location; being on the point of land toxins either didn't accumulate or have been flushed by tidal action. But immediately to the south inside the slurry wall groundwater is contaminated, otherwise we wouldn't continue to pump it. And I suspect that goundwater further south from this location is also contaminated.

The Cascade Pole "cleanup" is not a cleanup. Contaminated material exists outside the area of the slurry wall on all sides. To the North, the intertidal zone remains contaminated with dioxin and the neighboring beach has still not been assessed. Children are now more often seen playing

on this beach, a situation that will only increase with development. To the West the bank outside the slurry wall remains contaminated and material has been sloughing from this bank into the shipping berth creating a possible continuous plume into the water column. To the South we have not determined the nature and extent of contamination which could spread as far as the area that's tidally influenced. The areas at the terminus of tidal effect, areas of downtown Olympia, may be the most impacted. To the East soil outside the slurry wall is surely contaminated, although no data seems to be available.

The slurry wall was not constructed outside the area of contamination but rather in all directions was constructed through contaminated soils. The plan to place the slurry wall down the middle of contaminated soil and backfill from outside to inside the wall is not entirely acceptable in literature. Workers who worked on the slurry wall installation were possibly exposed to contamination. The slurry was poured onto the first aquitard which is impacted by tidal influences every six hours. Water continues to flow out of the bank during the lowest ebb, the water table never completely empties, so the bond to the aquitard is questionable. The slurry wall has hard corners on the southwest and southeast which will be susceptible to erosion.

Capping contamination with asphalt is not an engineered cap. Asphalt will crack over time and we will likely have a situation similar to what we currently find in the log yard, sags and dips and material squirting up through cracks and joints when machinery drives over the asphalt. All asphalt is subject to degradation, especially in areas of intertidal fill. The Port Peninsula has continually settled and during earthquakes soil has emerged through pavement in the form of sand boils. The entire peninsula is impacted by artesian water which will also tend to weaken non-engineered structures.

The wider dioxin question has been burdened with misinformation. It is claimed that dioxin adheres to soil particles and will not migrate when we know this isn't true if hydrocarbons are present, which they are here. We know that dioxin has in fact migrated throughout Budd Inlet. Dioxin around Budd Inlet is portrayed by the State Department of Health as presenting "no apparent risk", an assessment based on old questionable ATSDR models and partial data. Nation-wide, there has been tremendous economic pressure brought to bear on this issue and we would be wise to take a precautionary approach.

The Department of Ecology should be to some extent commended for attempting, with very limited funding, to reduce the intrusion of dioxin into the marine environment, but the effort falls far short of Federal guidelines. The Federal Government is cutting allowable dioxin concentrations in dredge spoils in half, meaning the new number for Budd Inlet will be somewhere in the neighborhood of 1.75 pptr. The soils in the Port peninsula are much higher than this number, as high a 647 pptr. The likelihood of continued intrusion of dioxin into the marine environment from sloughing or groundwater intrusion or through compromised stromwater pipes is very real. At some point, it's possible that the Federal Government will demand that this job finally be done right and completely.

First there should be an assessment of the entire peninsula for contamination including fate and transport modeling. The hot spots should be removed and taken elsewhere for remediation. There should be an active remediation of remaining soil in situ through a combination of methods including cleaning, exposure to solar radiation and bioremediation. Material that is removed should be spread on a sloping concrete pad, cleaned with oil to remove both PAHs and dioxin which is lipophilic, then washed with detergent. The result would be a concentrated coal tar like substance that can be boiled in sulfuric acid and forever done away with.

Then and only then we will be rid of this problem. The current plan to develop portions of the peninsula while sweeping portions of contamination under and asphalt carpet is only a temporary solution and one that will not completely protect the public or the marine environment.

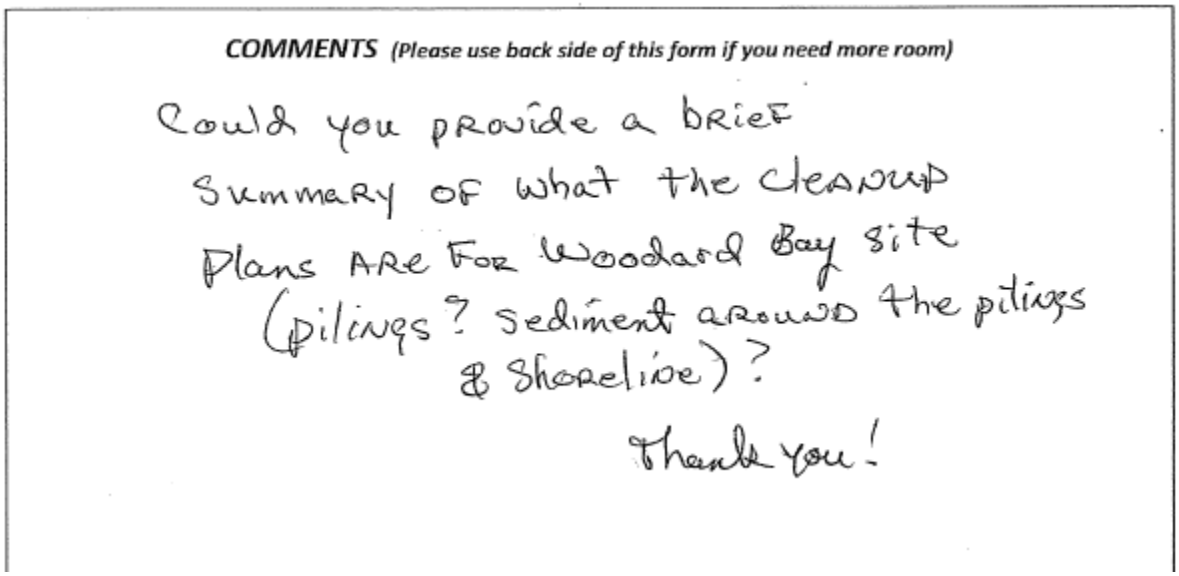
The Washington Department of Ecology's mandate, their Mission Statement, and their on-line website, contain no references to cleaning up contaminated sediments. There is reference to preventing and cleaning up pollution, but the inference is on current sources, not legacy sources. It is likewise hard to find any references to restoration of ecological function or even the term *ecology*. There are several references to "moving Washington forward in the global economy". I appears that if Ecology was to attempt to actually clean up this mess, and in the process impeded Port business, the agency would be in violation of their mandate. So this fiasco is not the agency's fault at all. The problem needs a bigger, political fix. In the meantime, employees of the agency should be commended for doing their best to limit public exposure and environmental damage. But let's not even dream that this is the end of this story.

Harry Branch

Ecology Response

Thank you for commenting on the North Point interim action.

Comment #13: Bill Newmann


COMMENTS (Please use back side of this form if you need more room)

Could you provide a brief summary of what the cleanup plans are for Woodard Bay site (pilings? sediment around the pilings & shoreline)?

Thank you!

Ecology Response

At this time there is no cleanup plan for pilings and sediments around the pilings and shoreline in Woodard Bay. Under MTCA, Ecology will inform the public as required under WAC 173-340-600 if in future any cleanup plan is developed.

Comment #14: Paul Christian Ingman

June 3, 2010

Mr. Mohsen Kourehdar, Site Manager
Washington State Department of Ecology
Olympia, Washington 98504-7775

Re: Public Comment Period: Phase III – Cascade Pole Cleanup

Dear Mr. Kourehdar:

Thank you for the opportunity to provide public comment for the proposed Phase III – Cascade Pole Cleanup Plan. Concerns involve the Absence of Public Involvement. I am requesting under WAC 173-340-600 (3) that Ecology *"...determine public participation opportunities in addition to those specifically required ..."* because of the omission of no general public participation in the process during 2010. The general public was required by the Department of Ecology's Public Participation Plan to be involved in *"A plan prepared to encourage coordinated and effective public involvement designed to the public needs at a particular site."*

On June 3, 2010, the first and only public participation meeting was held by either the Port of Olympia or the Department of Ecology involving the Cascade Pole Cleanup Plan. On June 3rd Rebecca Lawson, was asked when and how the public had been involved *"to encourage coordinated and effective public involvement designed to the public needs"*. She was unable to provide evidence that the Department Ecology or the Port of Olympia had ever involved the general public in the state's definition of the Public Participation Plan.

Based on Ecology's Public Participation Plan, the public was never involved during 2010 or with any governmental agency to consider the clean-up alternatives under the Phase III cleanup. Yet, the public is directly and primarily affected by the :1) Cost of construction; 2) Cost of maintenance and operation; 3) Liability for any failure; 4) Sustainability of permanent solutions; 5) WAC 173-340-600 (8)" *... the significant public concerns regarding future land use ..."* and under RCW 70.105D.010 (4) to assure *"the public's interest to efficiently use our finite [waterfront] land base"* and *"for future social use"*. Again, please provide opportunity for the public to address and evaluate in a timely manner so work is completed before Fall.

Very Truly Yours,

Paul Christian Ingman
cc: Director of Ecology

Ecology Response

The Department of Ecology fulfilled all requirements in the MTCA Section 600 (WAC 173-340-600) which outlines Ecology's public involvement regulations for cleanup sites. In addition to the minimum requirements, Ecology set up and attended several meetings with interested citizens, fielded numerous phone calls and communicated via email.

Public involvement activities for the amended Agreed Order and Interim Action included:

- 30 day public comment period
- Public meeting
- Stakeholder meetings

Ecology used several different methods to communicate information about the site and opportunities for public involvement:

- Development of a Public Participation Plan to outline how Ecology planned to involve the public. This plan reviews all the tools that will be used to inform and involve citizens in the cleanup process. This document can be found on the Cascade Pole website (see below)

- A mailing list was developed for the area surrounding Budd Inlet and downtown. Approximately 2,000 neighbors living within one mile radius of the site and other stakeholders were informed by mailing information (fact sheet),

- An email list was also used to inform interested parties of upcoming public involvement activities.

- A legal notice was published in Olympian on May 8, 2010

- All the documents relating to Phase III / North Point interim action were posted on Ecology's Website here http://www.ecy.wa.gov/programs/tcp/sites/cascade_pole/Cascade_Pole_hp.htm

- Notice in Ecology's Site Register

- Flyers advertising the public meeting were posted in downtown Olympia including the farmers market and several other locations in general areas.

To make sure the public had full access to documents, Ecology established a document archive at the Timberland Library. Documents were also posted on the website and available at Ecology's central files in Lacey.

Ecology has determined that the proposed cleanup action is in compliance with MTCA and installation of the asphalt CAP is an adequate alternative to protect human health and the environment. After complying with the requirements of the MTCA, Ecology cannot dictate future land use to the Port of Olympia.

Please direct your questions about the Port's land use decisions and public involvement process to the Port of Olympia staff. Contact Kari Qvigstad at kariq@portolympia.com for more information about public involvement process that was done for the North Point work. For general information about the Port's public involvement process, contact Kathleen White at kathleenw@portolympia.com.

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