



RESPONSIVENESS SUMMARY

Budd Inlet Sediments: Port Peninsula

January 13 – February 13, 2012 Public Comment Period

Agreed Order Amendment

**Prepared by
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Southwest Regional Office
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Site Information

Address: Budd Inlet, Olympia

Site Manager: James DeMay

Public Involvement Coordinator: Diana Smith

In December 2008, the Department of Ecology (Ecology) and the Port of Olympia (port) entered into an agreed order (legal agreement). The order required the port to dredge (remove) contaminated sediments from parts of two shipping berths and evaluate the effectiveness of dredge methods. In 2012, Ecology held a public comment period on amending the 2008 agreed order. Under the agreed order amendment, the port will:

- Study the nature, extent and possible sources of contamination in the expanded study area (see map below).
- Submit a report to Ecology with the investigation results.
- Evaluate possible cleanup actions in the study area based on the new investigation as well as information from dredging done in 2009.
- Develop an interim action plan, or partial clean-up plan for cleaning up contaminated sediments in all or part of the study area.

The comment period for the agreed order amendment ran from January 13 – February 13, 2012. Public comments and Ecology's responses for these comment periods are summarized in this document.

Site Background

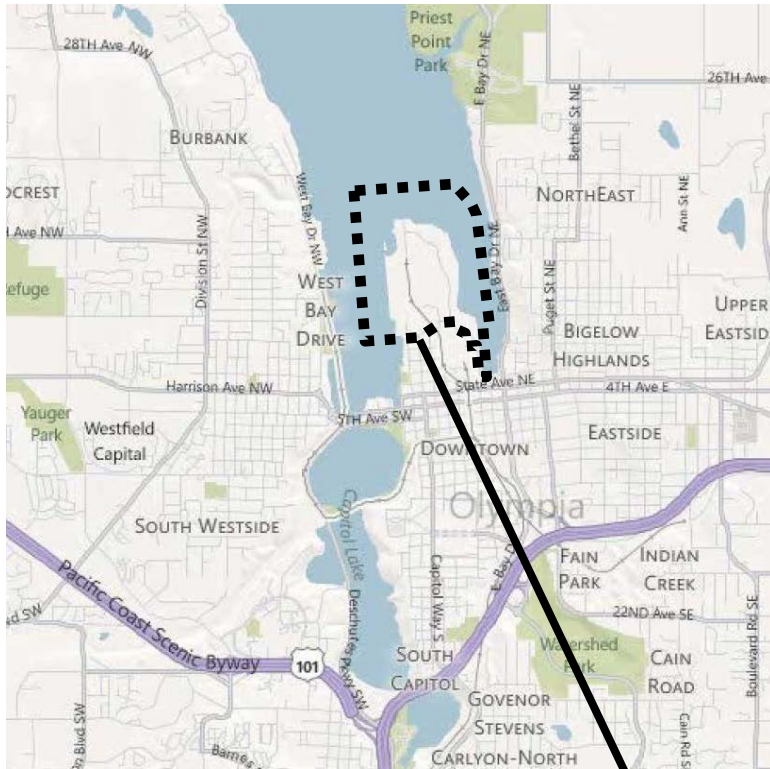
Ecology launched an investigation of Budd Inlet dioxin contamination in April 2007. The port found elevated levels of dioxins in an area scheduled for routine dredging. Results of this study confirmed that dioxin levels were as high as 4212.5 and 230.6 parts per trillion (ppt) at the port's shipping berths.

The port's 2008 Agreed Order required it to:

- Remove (dredge) some of the contaminated sediment from portions of two shipping berths.
- Do a pilot study during the dredge to look at the effectiveness of dredge methods.
- Do post-dredge monitoring to find the impact on sediments and water quality.
- Submit a report showing the results of the pilot study and dredging action.

From January - February 2009, the dredge removed about 9,515 cubic yards of contaminated sediments. The port disposed of them at a landfill in Oregon. The port completed post-dredge monitoring in 2011.

Site Location



Legend	
.....	Study Area

Comment #1: Lee Haugen

Comments were received in an e-mail dated January 12, 2012

Mr. DeMay,

I am very concerned about water and sediment pollution in Budd Inlet and am very supportive of efforts to identify and remediate the pollution there. I am also very concerned about light pollution and, living just off West Bay Dr., I am very aware that the port is a major source of light pollution. I realize that you may not be able to address that problem, but I would like to make my observations known. There are very simple ways to direct light downward to the areas that need illumination. There is no need to be a "beacon onto the world." We have to close our blinds and drapes at night to keep the unwanted light out.

I would like you to forward my message to whomever may be able to address this problem.

Thank you,
Lee Haugen

Ecology Response

Thank you for your support for remediation efforts in Budd Inlet. Ecology does not have regulatory oversight over light pollution issues. Some municipalities have rules that regulate light pollution. Stacy Ray, (360) 753-8046 or sray@ci.olympia.wa.us, is the City of Olympia's contact person for concerns about light pollution.

Comment #2: Harry Branch

Comments were received in an e-mail dated January 13, 2012

Comments on Budd Inlet Agreed Order Amendment:

This Agreed Order Amendment is a little shy on details which is understandable since it's an amendment. Anything I might have submitted to the pre-amendment agreed order should still be applicable.

I hope that we've gotten rid of the idea that dioxin in Budd Bay adheres to particles and doesn't move around. It has obviously moved around. There's a dioxin hot spot in benthic sediments at the head of East Bay. This isn't fill and there was never any industry at the site. The dioxin moved there from someplace else.

I've been told in meetings that the slurry wall lies outside of and encloses contamination from Cascade Pole. There have been two sloughing events along the western edge of the peninsula, one associated with dredging in the shipping berth and one involving the collapse of armoring on the southern edge of the Port dock. Both were outside the slurry wall and both released contamination.

Established protocols for the construction of slurry walls built to contain contamination are very specific. First there should be an investigation of the nature and extent of contamination, extending outward until an acceptably low level of contamination is found. The slurry wall should be constructed outside the area of contamination in order to contain the contamination and protect workers during construction of the wall. I cannot find that these protocols were followed and it appears that they weren't.

The Port conducted a "pilot dredge" in the shipping berths next to the Port dock. This area was contaminated with dioxin that appeared to correlate to a stormwater outfall. The question as to the source of this dioxin has been a long time lingering.

The dredging operation was coincidentally the size and shape of a ship and in the location we would want to dock a ship. Formal comments from myself and others warned the Port and Ecology that dredging such a long deep hole up next to the bank would cause sloughing which would release contamination into the water column. If I'm not mistaken, this is exactly what happened.

Here again established protocols weren't followed. The first step should have been to identify and target any hot spots that are or will become biologically available. There should be some attempt, such as a dam or a curtain, to keep water born sediments from spreading during the removal of these hot spots. Navigation dredging is in many ways the opposite of cleanup dredging.

The State seems intent on using the term "cleanup" to spin and finance navigation dredging. I hope this will not be the case in East Bay. The biggest reason that East Bay is such a seriously degraded water body is that its upper estuary has been diverted into a long pipe and its lower estuary has been dredged and armored. Alterations in physical parameters have altered chemical and biological parameters.

Digging a hole down the middle of the bay so boats can get in and out would be a further alteration of physical parameters which would have a negative effect on other parameters such as dissolved oxygen and primary and secondary production.

Dredging a channel rather than targeting contamination would be the wrong approach if we're serious about a cleanup and it would damage ecological function. I haven't heard that this is what will be proposed. I'm predicting it based on a pattern that I've observed.

Harry Branch

Ecology Response

Thank you for your comments. This amendment to the agreed order requires the port to fully define the dioxin contamination within the study area, which surrounds the port's peninsula in the East and West Bays of Budd Inlet. The port will also investigate historical and potential current sources of contamination. Next steps for the cleanup are:

- The port will develop a draft investigation work plan. The work plan will contain more detailed information and outline the next steps of the investigation. It is due to Ecology in June 2012.
- Ecology will review the work plan and request changes, if necessary.
- After Ecology approves the work plan, the port will conduct the investigation.
- The port will then develop a draft interim action plan to address sediment contamination in the study area. At that time, the port will evaluate ways that the cleanup could be accomplished, including various cleanup methods.
- Ecology will hold a comment period on the draft interim action plan and the legal agreement to implement it.