

**PUBLIC HEARING TRANSCRIPT
DRAFT WHATCOM WATERWAY RI/FS AND EIS**

December 11, 2006

**Bellingham Cruise Terminal
355 Harris Ave, Bellingham, Washington**

Moderator

Good Evening I'm Jerry Thielen and I'm the hearings officer for tonight's public hearing. Let the records show that it is now 6:42 p.m. on December 11, 2006. This public hearing is being held at the Bellingham Cruise Terminal at 355 Harris Ave, Bellingham, WA. The purpose of tonight's public hearing is to receive your comments on a couple of different documents; the draft Supplemental Remedial Investigation and Feasibility Study, volumes one and two and the draft Supplemental EIS, Environmental Impact Statement.

Notices of this meeting were made in a number of ways. Display ads in the Bellingham Herald, announcements made in the Bellingham Bay Foundation's Whatcom Waterway forum, e-mails sent to interested parties, as well as, personal phone calls. As you might remember this meeting had to be postponed from its original meeting based on weather issues that you all had up here in Bellingham.

We're going to address the folks who have signed up in the order in which you have entered the building today. I'm going to call the first name and then have the next person on deck so that you can be prepared to step forward to the microphone. State your name and any affiliation you might have. We did agree on the five minute limit. I have my trusty egg timer. I'll set that. I'll apologize now for giving you a verbal cue in case I interrupt you when you're taking a breath hopefully to let you know you have one minute left to wrap up your comments.

Again, if you have lengthy comments or detailed comments you can submit those to me tonight and I will get those into the record.

First up, and again I'm going to apologize for any mispronunciations. First we have Ryan Ferris. Ryan Ferris, he will be followed by Marian Beddill.

Ryan Ferris

Thanks for letting me give my testimony. I have entered some documents into the record, but these are nice color prints. I notice that some of the photocopies just are kind of flat. So these are color prints and they're clear. My name is Ryan Ferris. I live in the Columbia neighborhood and I have two major concerns about the waterway cleanup.

My concerns relate to the Cornwall Landfill but they also relate to the aeration pond cleanup.

In looking at statecancerprofiles.cancer.gov it's easy to see that Whatcom County has fairly high cancer rates. In fact, in recent trends we outstrip every other county for cancers under 20 years of age. So that means that age group is suffering higher cancers at an increasing rate.

So I think that the discussion about toxicity in the waterfront is important because we're going to create public infrastructure on an area which had high levels of toxicity.

My second concern is about radiological dumping in the waterfront. In your documents I didn't see, perhaps I didn't look hard enough any testing of radiological emissions or dumping in the waterfront. I'm concerned about this because I have a document from 1996 from Landau and Associates that seems to show levels of tritium and cesium 137 in the water table at the Cornwall Landfill. My question to you is will you be testing for radiological emissions and radiological dumping be part of the RIFS and the Model Toxics Process.?

Moderator

Thank you. Marian. Following Marian will be Hamilton Hayes.

Marian Beddill

Good evening and thank you. Marian Beddill, citizen and resident of Bellingham and environmental activist. I'm going to ask you a rhetorical question, which you can't answer now but I'll try to answer for you. Would the appropriate agencies, Department of Ecology or whoever grant a permit to an industry to discharge into these waterways in compliance with the Washington State Model Toxics Control Act and any other laws and regulations and rules the level of contamination which you observe in the bay today? Would that be permitted with a new industrial permit?

My rhetorical, presumptive answer is no, you would not. Thus it seems to me illogical and contrary to the spirit and the intent and the purpose of that act and other related documents. I can not condone the approval of leaving the mercury and the other contaminants in the bay as is currently being considered.

A major concern for me with my experience in hydrology and engineering is the movement of the soils and the response to hydrologic circumstances, in particular an earthquake, a tsunami. If they are given adequate consideration in your report, I didn't see it. I think there is a passing reference to it.

The fact of what would happen to the capping if it were built that way makes a mockery of your allegations that covering stuff is adequate.

On the financial side what I see is your trying to pinch pennies now and sets it up in a circumstance that does not avoid human health and other biological health impacts later and is likely to lead to higher expenses later in an additional recovery after something bad happens.

So my recommendation, please remove the maximum possible contaminants, mercury and other things. Dispose of it upland in the proper manner that you, the state, does know how to do. And a final recommendation is, run these meetings on time.

Moderator

Thank you. Hamilton Hayes. He is followed by John Servais.

Hamilton Hayes

My name is Hamilton Hayes I'm from the Puget neighborhood. You are from the government, with no disrespect personally, but as I get into my questions. I'm a little concerned about process. So my comment is a recommendation that the design process also be subject to public review. I know that you may consider some of us not to be technically astute. But our community does have a substantial number of scientists and people in the university environment and the engineering environment that are certain to provide good technical comments.

I think given the experiences of some of the government agencies recently about construction and hydraulics that this would be something that would be very appropriate for the agency to adopt as their procedure. Thanks.

Moderator

Thank you. Next we have John and then he is followed by Floyd Carper.

John Servais

I'm John Servais. I've got something that I'm going to read. It's going to take about 3 minutes or a little bit more.

I live down here in Happy Valley near Fairhaven. I have for many years. I first came to Bellingham from the Midwest 1967. I just want to say a couple things about my own involvement and the reason is because it's been so long. I'm so pleased to be at a public hearing which is on the record; it's a legal process with regards to our mercury pollution of Whatcom Waterway.

I've been involved with the issue of Whatcom Waterway contamination with mercury and other toxins since 1970 when I was on the Northwest Passage underground newspaper. My concerns were expressed in attempts to alert our community to the dangers of 1970's and 1980's. In the 1990's Georgia Pacific actually asked me to host a one day meeting with several of its top plant managers including the manager of the mercury plant or the chlorine plant. To answer their questions and try to explain why some of us citizens were so critical of GP. I did that. It was an interesting day.

A couple of years later Georgia Pacific invited me to join a citizen advisory group they formed to help them understand community concerns about the pulp and chlorine plants. I served on that committee for several years, quietly without mentioning it in public because it wouldn't have been appropriate. Not until it disbanded in about 2000.

Of the 15 or so people on that advisory group I was the only environmentalist and enjoyed many scathing comments about enviros from the other members. I was once referred to as representing the enemy. Department of Ecology was a friend.

I appreciate the chance to finally go on the record on this issue at a public hearing not a public meeting. My comments are very critical of the Department of Ecology, the Port of Bellingham, and the City of Bellingham.

As early as 1995 the Bellingham Bay Pilot project and I may have the year off by one year. Maybe it was 1996. Even then run by Lucy Pebles...Lucy McInerney was avoiding any factual and honest process as regards to the amounts of mercury in the Whatcom Waterway. I was critical then to Lucy. No tests were being taken, no core samples-- I wish I was the facing the audience but that's ok. No tests were being taken were the mercury was probably the most intense. The same can be said today in 2006. After 11 years of meetings the DOE is still hiding the truth.

I started this whole process of being concerned about the mercury contamination out here when I was in my 20's. Now I'm 65 years old and I'm on Social Security and I'm still concerned and we haven't made any progress. It's time that our government agencies start to work for our interests and not the industrial interests.

So simply put I have five points. Number 1 DOE has enabled Georgia Pacific to pollute our waterway and our air with mercury for over 30 years. DOE has enabled it. DOE has monitored our poisoning and has hidden the facts and the truth from us. Now DOE is pretending to try and learn what has happened. They need only look at their own records of over 30 years. The Bellingham DOE offices continue to hide its records from us citizens too.

No core samples have been taken that I have seen and I have looked carefully through the maps have been taken from the most likely hot spots in the Whatcom Water where the mercury is probably the most intense. This is a conscience effort on DOE, the Port and the City to hide the truth from us citizens.

We have a toxic waterfront, one that is probably causing us illnesses and killing us. There is evidence of radioactive sludge dumping with knowledge by DOE on the waterfront and in our county.

We may have a major toxic dump that is comparable to the worst in the United States right in our community. The low levels shown in the clean up proposals are deceptive deceptions by the Department of Ecology.

Three, the only acceptable solution is removal of these toxins from our waterfront. I've studied for many hours the reports that were made public when Georgia Pacific sold the land to the Port of Bellingham a couple of years ago.

With the pretend clean up and the capping procedures posed by the Port and DOE our waterfront will remain a dangerous place for people.

Moderator

Sir you have about a minute left.

John Servais

Thank you. We are being lied to by our government agencies. As a citizen I can only request to Governor Gregoire require DOE to make a complete study of the pollution of our waterfront, including area 3B that George referred to that you kind of ignored. A complete study of our complete waterfront in the Whatcom Waterway and present this honest and full report all of us citizens. The health and safety of our community and people require this.

Five, I know that report will tons of tons of mercury in our waterfront. I request...I demand that DOE require all toxins, all mercury to be removed from our waterfront and from Bellingham Bay and be deposited in a secure landfill far away from people.

You know, obviously I reject capping. It's unproven, it's unstable, it's a confusing thing. Obviously it's proposal number 8. Take it all away.

One last thing if I have a few seconds. In the terms of that dredging up a little bit for the main dock person, freight and what not. I was on the Port's dock committee a few years ago. If you do any dredging those docks are going to try to fall over into the waterway. To repair those docks you would have to drive pilings. To drive pilings you would disturb the mercury. So no way. Thank you.

Moderator

Floyd Carper. He is followed by Tip Johnson.

Floyd Carper

The main thing I have to say I've only lived here about 6 years or a little better in the Bellingham area. I lived in the Everett area for over 30 years and I know that during all this time they had problems down at Everett with hard metals and stuff and a lot of times we were advised not to fish because of it and they'd try to done a number of different things like I know they had problems down in the San Francisco area trying to cover up stuff and it has not worked like most people think it should. That's it, thank you.

Moderator

Thank you. Tip Johnson and he is followed by Mike Kimmich.

Tip Johnson

Tip Johnson, I live in the Happy Valley neighborhood and I too have been involved with Georgia Pacific for a long time and other environmental matters as well. I'm going to paraphrase my comments tonight because they're kind of long and just cut me off when you will.

I hinge around where is the missing mercury? I don't know how we can have a plan until we identify where the mercury is. We don't know if the 25 holes you guys punched which John says you didn't punch in the right place. We don't know if there are big puddles down there in the waterway or if there are maybe 500 or 600 tons of mercury working their way back to the bay from wherever they landed when they were volatilized from the plant downtown.

I don't know how we can have a plan without that information. Let's just step back. In 1959 scientists concluded that the tragic health effects in Minimata, Japan were due to mercury releases into the bay. In 1965, 6 years later, we started writing the permits for this plan. About, just a few years later in the mid to early 70s federal officials of the United States and Canada started removing 30 such facilities in the Great Lakes Basin because of elevated fish tissue levels in the Great Lakes.

This plant continued to operate for another 25 years. If you use industry standards for the amount of mercury generally used per pound of pulp produced or ton of pulp you'll come up with a number roughly 600 tons of mercury. That correlates to the figure Dave Franklin, the former plant manager, gave me of 500 tons. Or 15 tons per year they had to add. So GP admits to maybe 20 tons in the bay.

Where is the rest of it? I mean I don't know how we can have a plan without knowing where the rest of it is. Well a couple of hundred tons were probably vaporized from the cell house into the atmosphere downtown. They dumped contaminated sludge along the shores of Whatcom Creek, a popular fishing stream. They illegally buried 15 tons on their property. Untold quantities were roasted in the first mercury recovery unit. GP found it very effective at removing mercury, but admitted none of it was being recovered. DOE urged them to continue trying.

How much of that is downwind in the watershed? I'm going to cut to the chase here because we know that GP attended the infamous meetings of the Chemical Industry Association. Bill Moyers later exposed as a widespread conspiracy to avoid disposal regulations by packaging waste as products. For instance GP made a drilling mud for the oil industry. Now mercury hotspots appear around offshore platforms. They made a similar product for their forestry division as a dust suppressant for logging roads. We don't know what was in it but we do know they accepted hazardous waste from Boeing and others as far away as Ketchikan.

Depending on the fate of that mercury, in my opinion, this plan is either very poorly conceived and seriously irresponsible of the public's health by being least cost and do nothing. Or it's a deliberate attempt to hide the problem and escape liability for an environmental health disaster.

I think I see that the plan hinges around two bogus theories, capping and natural recovery. Together with the missing mercury they provide a mask and shield to hide the effects of GP's work and DOE's regulation. Naturally, natural recovery just means it goes away. With mercury that's not OK.

A clean cap is the shield that they hope will limit releases to rates and levels indistinguishable from relatively high levels of mercury entering the bay via the Nooksack River. Why are those levels so high? The cinnabar deposits that GP was fond of suggesting were the cause have really never been located. And if it really is the mercury that was spewed upwind coming back down then in that case it's a mask. To continue wrongs of the past into the future and avoid the costs and liabilities and I think that is wrong.

Natural recovery is a problem. With mercury it doesn't count, forget about it. Capping is unproven. Even if they're successful they are going to fail because roots and burrows will

penetrate, the populations recovering on the caps will become feeding targets, uptake and mixing will distribute the toxins. With mercury that's not OK.

Moderator

Sir, you have about a minute left.

Tip Johnson

Thank you. The success of Governor Gregoire's recently announced restoration of Puget Sound's nearshore habitat will increasingly rely upon treating urban runoff. Why would DOE entertain a proposal that eliminates our treatment capacity when they are likely to mandate additional treatment requirements? That doesn't make sense and will cost us plenty. Where will we replace that treatment capacity and where will industry treat their waste? Do we no longer need industry? Even clean industry needs water treatment.

In closing, I think this plan is born of a predisposition to accommodate the Port's land use. And you kept coming back to that point. And you guys are acting as a consultant to a developer essentially and that's not in the public's best interest. We can build a better marina, maintain our shipping capacity, safely deposit our contaminated sediments, retain treatment capacity for industry and urban runoff and protect our restoration efforts from future pollution. But we need to comprehensively integrate and prioritize these public interests and we need your help to do it, because the Port is not going to and I have even submitted a diagram of how I think it can be done alternatively so thank you.

Moderator

All right, thank you very much. This next name I'm sorry I'm a real tough time with. It looks like the last name is Mike? He is followed by Matt Paskus.

Mike Kimmich

I would like to qualify this by saying my name is Mike Kimmich and I have a business that is more or less at the head of Whatcom Waterway, about a block off. It's a marine related business. So I have a very vested interest in the marina. That said, we've all agreed that mercury is forever. It doesn't go away; it sits there and insidiously waits for something to happen. It's not rocket science to figure out that if you remove it, get it put away, get it out of the water, it's gone. We've all read the articles about the salmon that we have mercury contamination in now and everything coming in the sound and pregnant women shouldn't eat it more than once a week and that type of thing.

Well this is just more of the same. I think that the way it's looking the two alternatives capping in place. Since we all agree that mercury is forever it comes down to dollars, dollars and cents. I think the cost benefit analysis that was done should include long-term monitoring. You were talking about a 500 year event horizon for tsunami's, etc. Well I feel very strongly that the monitoring should be costed out over that same period of time. Whether it's 100 years or 500 years. Either that or it should be monitored until technology allows us to remove the hazard that's in the waterway at this point in time. I think it is irresponsible not to do that.

I have a concern that nowhere have I heard any kind of a monitoring schedule and a cost. You say it's built into the costs of the, the cost benefit analysis. But I would very much like to hear an actual hard figure, the number of times, every other year for the next ten years, and then maybe every three years.

Also I haven't heard anything about a trigger and I think strongly there should be some type of a trigger. If more than two or three tests show some type of an elevated level above our clean water standards there should be some very specific remedies written into the, what's it called, the Consent Decree. So that it's not a "well let's negotiate what's going to happen." It's "if this happens then this is going to happen." You don't put together a program and then try and negotiate out later when the dollars become enormous what you're going to do. So that's I think needs to be removed and if it isn't then at the very least the public should know exactly what it is going to cost to monitor it and over what time period. Because it doesn't go away, it's there forever. You don't bury a poison and then forget about it after ten years because it hasn't come up and bit you in the butt.

So, that's it.

Moderator

All right. Thank you very much. Matt's up next followed by Wendy Steffensen.

Matt Paskus

Hi, Matt Paskus, county resident. I just want to make sure all the parties involved make sure it's done right. As the Department of Ecology stated 50 percent of coverage. What that alternative, the final alternative we just want to make sure its not based off the number of slips and let's see and the cost because basically the cost is going to dictate how many slips are going to be purchased by or designed by the Port and I just want the reassurances from all these agencies that we are not held responsible as tax payers. As the Port mentioned this will be coming from grants and those grants are not assumed are coming from some kind of export fees or import fees I'm not an expert on it. The other side of it is it won't come from property taxes now we know the Port does accept property tax income but again they're assuring us that none of this is going to come from any of that income and that's it, thanks guys.

Moderator

All right thank you very much. Next we have Wendy and then she is followed by George Dyson.

Wendy Steffensen

Wendy Steffensen. North Sound Baykeeper with Re-sources. The North Sound Baykeeper has been involved in the Whatcom Waterway cleanup, looking at the documents, assessing what the best possible thing is to do since probably 96 or 97 and I've been on board for about the last four years. So we've been looking at this issue diligently and with that we have a position and I will briefly state the position.

We would like a full dredge removal of mercury in the water, in the Whatcom Waterway and the ASB and lagoon as well as at the GP Log Pond – where ever the mercury is above the minimum

contamination level. We would also like upland disposal of that mercury contaminated sediment. We do not want the contamination put into the ASB because that's near the water.

We would like the ASB returned back to aquatic usage. Now I realize that is a huge order, that's a huge order. So with that said, I'll say that we realize there are some places where it's most important to actually remove the mercury. That's where it's basically hottest, where it's most hot and where it's actually easiest to get it out. So I would say we're looking at the GP Log Pond and the Inner Whatcom Waterway and the lagoon. We know that you can drive sheet pile in at the end of that Whatcom Waterway to isolate it, to minimize the short term risks through sediment dredging and that way we could actually remove the bulk of the mercury without having too much sediment resuspend and recontaminate the area.

In addition there is the southwest corner of the lagoon where there is a lot of erosion occurring. That spot really needs to be addressed as well, because we're potentially going to have mercury dispersal from that site as well.

Two sites that we have concern about but I found very little data about are the head of the Whatcom Waterway. I actually only find one sample taken there and so in order to kind of assuage the concerns of the community I think we really need to take a second look at the head of the Whatcom Waterway as well as at Star Rock. I have not seen any detailed information on what the subsurface at Star Rock looks like. All I see in the latest RIFS is that Star Rock area passes in terms of surface sediments.

So that's kind of the North Sound Bay Keeper position in a nutshell. I have some more detailed comments that go with this and I also have handouts if anyone is interested later. So the biggest question for our, for the RIFS is do we dredge or do we cap? I actually had for a small piece of money a consultant take a look at Volume 2 of the RIFS because dredging and capping is not exactly my bailiwick. So I said take a look at this and Environmental International came back with basically the comment that said as we have all said they have confirmed that this RIFS really looks like it is written with a solution in mind. Basically the document is written to the solution and they also said that in addition the capping and dredging analysis was very obviously it was slanted the document said yes we can do capping and these are all the very good reasons we can do capping and kind of the dredging argument was given short shrift.

Moderator

You have about a minute left.

Wendy Steffensen

Ok I've got a lot more to say. So what I will say about what we haven't looked at in terms of capping is capping does not work in areas that are steep and that have pilings and structures and that is part of the reason why we have the Log Pond failure. The Whatcom Waterway is going to present a similar situation and that hasn't been addressed. So in your response to comments when you're looking at capping and dredging, please look at piece by piece why would capping work here why would dredging work here? Let's not give an answer that would, that is the cheapest answer and that will answer these land use questions. Let's give the answer that makes the most

sense from a technical and protective viewpoint and I'll stop here even though I have a lot more to say. Thank you.

Moderator

You can submit those to us in writing. We will take those either tonight or at some other time. Next up we have George Dyson. George Dyson and he will be followed by Murphy Evans.

George Dyson

Thank you very much. It is great to finally be here after so many years of watching this process unfold. George Dyson 435 W Holly St. That's actually lot number 1 on the waterfront lots. So I'm right there at ground zero. I've been waiting for this clean up for a long time. Just a disclosure, I'm on the board of the Bellingham Bay Foundation and also I'm the wait list for the marina for a slip. So I've got all the bases covered. I already made my comment that none of these plans show any cleanup at the head of the waterway. I would like to put that on the record again. I think that is absolutely essential. I don't want my kids going down there until something happens.

At this stage, I think we should be arguing about how to do the cleanup not whether to do the cleanup. I think it should just be a given that we're going to remove the maximum practical amount of mercury we should be arguing about how to physically do that. I'm sorry to see us still arguing about whether you know capping versus dredging.

I think ultimately this is cost benefit analysis. This is an economic issue and I really have not seen the proper spreadsheet that really puts the cost on both sides. We've seen the cost of dredging. We haven't really seen the cost of not cleaning up, the long term costs are going to come back to haunt us the drop in property values from being seen as being a contaminated area. The legal and litigation that is undoubtedly going to happen over the years if we leave that stuff in place. And of course the cost of monitoring is very expensive. In some ways this is sort of social issue in that the costs for actually cleaning up are sort of blue collar jobs, it's dredging and railroad trains and disposal and the costs of monitoring forever are very expensive. Consultants who are going to be doing this until their children all have PhD's and become consultants themselves.

The data I think is very poor. I've looked at the documents very closely. The sampling grid is amazingly sparse given the expensive decisions that have to be made. I think we really need to take a much closer look at where the contamination is. That data is sparse not only in space but also in time. Twenty five samples over years just doesn't make it. It's a very complex area. Bellingham Bay is sort of a heterogeneous area but the waterway is very different. We have the currents coming out and coming in. We've got boat traffic, things like that. Also, unless I'm mistaken, I've seen no data on actual sedimentation rates within the waterway. And we're basing a lot of this on the assumption that it's going to continue sedimentation.

I think standards may change. We were having this discussion 30 years ago while mercury was fine. We saw it with lead and gasoline was an acceptable thing at one time. It's completely unacceptable now. I think 20 years from now we may simply tolerate no mercury in our

environment. It's not something that...It's likely the levels will go to zero rather than become looser and that's going to be a very difficult problem if we leave all that stuff in place.

We've also seen, as far as I can tell, no look at the microbiology. We're looking at our bioassays or crabs and other benthic organisms. It really, where the rubber hits the road is microorganisms that actually metabolize and are the first step in getting the mercury into the food chain. We really should be looking at that for a complete study.

The bottom line really, I've been watching this process we had a plan earlier that really did clean up the waterway now we don't. We know we've seen a very clear plan to have a clean ocean marina. The Whatcom Waterway was Bellingham's original marina and we could easily have a clean ocean waterway. My question is why not?

My final comment is I think any plan we have should pass what I would call sort of the private development test. If Georgia Pacific had sold the property to an out of town private developer and they were presenting us with this clean up plan what our reaction be. I think our reaction would be very unfavorable. Sort of smoke and mirrors here. The developers are getting the marina and the community is not getting the clean up that they we deserve and we should insist on.

Thank you very much.

Moderator

Thank you. Murphy Evans and he is followed by Mike Muckay.

Murphy Evans

Murphy Evans, 1545 Marine Drive. Like George I'm a member of the Bellingham Bay Foundation. I have four basic comments on the DOE's cost benefit analysis.

My first comment is I think the raw estimates that the DOE uses to characterize the 8 different plans are really the wrong numbers. That should be evaluated in terms of a cost benefit analysis. I think the numbers the DOE should be looking at are the actual cost to the public. Not the estimated costs of the clean up plan. When the Port purchased this property for ten dollars it took on the environmental liabilities, including the liabilities associated with the Whatcom Waterway. In planning for that liability it paid approximately \$29 million for insurance coverage. So they've spent that money. That money has been spent and the insurance coverage has been purchased. So the benefit of that to the public should be going in to the cost benefit analysis that the Department of Ecology looks at. So when it looks at each of the 8 different proposed plans it should take out the portion that the insurance coverage will be paying because that is not going to be a cost to the public. That cost has already been incurred by the public when the insurance was purchased.

Secondly, there has been a promise of MTCA state grants on a 1 to 1 basis as I understand it up to \$25 million. It is my understanding that those grant monies have already been collected. So that benefit should be included in and taken out of the costs of these various alternatives so that

we should come up with what is the additional cost to the public after insurance is taken into account and after the promised state funds are taken into account.

The second flaw that I see in the cost benefit analysis is I understand it there is a long-term monitoring number built into the RIFS. But the number is the same for virtually every proposal. I think it's about \$640,000 for each of these proposals. But I think the long-term monitoring requirements are quite different for each proposal. Obviously if the mercury is taken out of the site or most of it is taken away. The need for long-term monitoring is much less than if the mercury remains in place for years to come.

So instead of having one ballpark number for each of the plans the long-term monitoring costs need to be fine-tuned and taken into account whether the actual likely risks and the monitoring to take those risks into account.

The third area that I think is flawed in the present cost benefit analysis is the failure contingency. Probably the best and this is the risk of failure and cost of dealing with that contingency. We have an example of what that failure might cost here in this exact location. The Log Pond remediation plan that was implemented by Georgia Pacific in 2000. We don't know what the cost of it is but it's our guess that it's somewhere between \$1 and \$1.5 million. They did a cap-in place there. The current RIFS has an estimate for fixing the Log Pond where the erosion has take place of approximately somewhere around \$700,000. So there's in 5 years there's been a failure at this site in this exact location. The same location that alternatives 5 and 6 plan to cap, and the cost is somewhere around half of what the original capping of the Log Pond was. There needs to be that failure contingency the cost of fixing the cap needs to be built into the cost benefit analysis. I think the risk of failure and the cost of that failure is much greater in alternatives 5 and 6 then in the alternatives that remove the mercury. Because the mercury is not going to be there and the risk is much less.

My final area of comment about the current cost benefit analysis is the dredging profiles that we used in alternatives 3 and 7. I asked about this during the question and answer period and my impression is that the dredging profiles for alternatives 3 and alternative 7 are identical to the dredging profiles that were adopted by Georgia Pacific as part of the RIFS that led to their alternative J.

As I understand the process Georgia Pacific was required by the Port of Bellingham to dredge, deep dredge, the whole channel because the Port said we want this to be a federal navigable waterway so you have to dredge to that length of the channel, irrespective of where the contamination was. Alternatives 3 and 7 carry that profile forward even though now the Port of Bellingham is saying we want to decommission the waterway, we don't need it to be that depth. In fact my understanding is alternative 7 gets marked down because it dredges in areas that may compromise the shoreline. Why are we using that as the profile for that alternative? What instead should be used as the dredging profile is where the contamination is. My concern is that given the present core sampling that has been done we don't have a very clear picture of where that dredging is. So I think more core samples need to be made so that we can identify where the dirty stuff is instead of taking out 300,000 cubic yards of sediment. More is taken out in 7 than in 6. Well a lot of that is clean we don't need to remove that and take it to an upland site. It's clean.

We just need to take the dirty stuff away. I think the costs of alternatives 3 and 7 would go down if we only targeted where the dirty stuff and not get it back down to the federal navigable waterway.

Moderator

Thank you very much. Mike Mackay I believe and he is followed by Elizabeth Kilanowski.

Mike Mackay

My name is Mike Mackay. I'm a fisheries biologist. I work with the Lummi Indian Nation, but I won't be speaking on their behalf tonight. I'm just going to be talking as a citizen. I live in Bellingham. I've been following this process for quite sometime actually was on the action team that Lucy is a member of and was on a meeting group that preceded that action team. So I have a background that goes back quite a ways.

So I'm going to just read off some of my written comments and if there is any time left I would just like talk a little bit about power point presentation that I hoped to give tonight. It has figures that might be interesting to some of you from a perspective that we're not used to hearing about in these documents and that's the one from the organisms that live in the Whatcom Waterway and the Log Pond – the fish, the crabs, the marine resources that we're concerned with when we're talking about mercury and bioaccumulation.

OK, so some of my comments tonight I would like to say that I have reviewed these documents and find that none of the alternatives offered provide a suitable strategy for sediment clean up which protect human health or minimizes harm to the marine environment to a significant level. I will therefore provide some comments and recommendations for your consideration and actually I'll provide written comments too for the deadline.

I believe that the overriding goal in sediment clean up must be to reduce mercury exposure to marine organisms so that we can avoid the negative consequences of bioaccumulation in populations that are most at risk. Because of the higher seafood consumption rates at risk populations include our neighbors the indigenous people and the orca whales.

Mercury poisoning is not an insignificant matter. When it occurs it affects the very young by interfering with proper development of the brain and nervous system. Children who have been exposed to high levels of mercury suffer with learning disabilities and distorted vision. These problems affect them their entire life. We can only imagine what the consequences are for marine organisms but they're similar other studies have found. For example fish become disorientated and do not have the ability to migrate successfully when exposed to levels of mercury.

Mercury poisoning may not be as rare as you might think. A recent medical journal, and this is the AMA – Journal of the American Medical Association, volume 289, number 13, April 2nd 03. It states that samples from 8 percent of pregnant women in their sample group, and it was several hundred samples I believe, found that the levels of mercury in these women's blood was at a level that was high enough to cause harm to their unborn fetuses.

This is a national sort of study, but it does illustrate some of the problems that are real problems that we need to – there is a reason we’re trying to clean up sediment in Bellingham Bay. We just can’t forget that. To accomplish a significant reduction of exposure risk to mercury would require some of the most highly contaminated sediments be physically removed from the waterway.

I can’t believe over the 15 years or so that I have followed these processes with Ecology that we have not yet arrived to a place where serious consideration is being given to remove one cubic yard of sediment, contaminated sediment, out of the Whatcom Waterway or Log Pond area. I just can’t believe that isn’t seriously considered as an alternative.

Unfortunately these documents drafted by the Port’s consultants and approved by Ecology suggest clean up measures that rely heavily on sediment capping and natural recovery. They allow contaminated sediments to pass the state’s minimum clean up level using a flawed evaluation process that uses other types of biological tests which were not intended to evaluate mercury bioaccumulation risk. So it’s a very major flaw in this whole design in terms of screening sediments. They use tests to eliminate further clean up using tests that don’t look at the bioaccumulation risk. They’re designed for other sorts of measures of toxicity.

Moderator

Sir you have about a minute left please.

Mike Mackay

OK. Capping contaminated sediments with clean material is a legitimate way to reduce exposure in areas where mercury exists in low concentrations. Capping is not appropriate where mercury levels in the sediments are high. This is because there are significant unacceptable risks that the cap will leak. Even if the cap were to initially seal the contamination ensuring 100 percent effectiveness in the cap over the long term is not presently feasible. Given the expected level of monitoring suggested by these documents.

You know. If George is somewhat alarmed by the sampling grid being sparse as referred to the sampling of sediments, you ought to look at the biological data. You know there is just nothing there to base some of the human health risks analyses they’ve created in these documents. It’s all about sample size and good science and non-biased science and I just don’t think we have it in these documents. We ought to scrutinize the human health risk analysis much further. I have several specific comments and I’m sure others do too concerning that very important part of these documents.

We are fortunate that the configuration of the shoreline along the waterway lends itself to isolating pockets of contamination for removal. There is within the Log Pond and the upper waterway the most contaminated areas can be confined using sheet pile to dewater and remove these sediments. The ASB pond could also be used for dewatering sediments prior to transport.

Moderator

If you could summarize please.

Mike Mackay

A plan that does not include the removal of the most highly contaminated sediments is not a clean up plan it's a sweep it under the rug plan and should be rejected. Thank you.

Moderator

Thank you very much. Elizabeth is up next and she is followed by Stan Parker.

Elizabeth Kilanowski

I'm Elizabeth Kilanowski. I'm a geologist. In my opinion seismic events, liquefaction and storm surge haven't been adequately addressed in the RIFS. When an earth quake wave passes through the type of sediments in the Whatcom Waterway those sediments can lose their cohesion and begin to liquefy causing resuspension of contaminants and woody debris. Liquefaction may be accompanied by sand volcano's which eject materials to the surface and can reach sediment caps.

Seismic events which can lead to liquefaction and sand volcanoes are best addressed before an alternative is chosen. The alternative selected for the waterway, either capping or dredging, could be changed by information obtained from a comprehensive seismic study. The question of liquefaction should also be addressed early on in documents associated with the Chlor-alkali upland site.

While much progress has been made in the past 10 years identifying sites susceptible to liquefaction and on engineering solutions for structures constructed on those sites. Much is still unknown. Citizens should be made aware of the high cost associated with building in seismically sensitive areas.

In section 3.2 of the EIS, the statement that quote "no major fault lines exist in the study area" quote is misleading in that little work has been done in the past to identify this area's faults. At this time the Seismic Hazard Investigation of Puget Sound, called SHIPS as an acronym, project is in the process of mapping faults in the Northern Puget Sound and the Georgia Basin. This study is being conducted by the U.S.G.S an organization from Canada and has been ongoing since 1998. Several documents are available about the studies.

I'm making more expansive written comments on the lack of seismic information in the RIFS and I'll be passing those along.

In section 3.2 of the EIS, storm surge is called rare. What is rare? One storm a year, a decade, or every 50 years? Anecdotal evidence indicates one or two serious storms in this area each year. For example the February 4, 2006 storm and the November 15, 2006 storm both of which had significant storm surge associated with them. This is a picture right here that I took in the Blaine Harbor docks of the Blaine Harbor Docks, on February 4, 2006. The pilings are very nearly topped. They have less than a foot to go. We had a high tide and a storm. There was a significant storm surge.

This is part of the Blaine Marina that was recently dredged and the new pilings are added there. These are brand new pilings. A higher tide or a seismic event coupled with a storm surge like

this could have set the docks floating free. If you could imagine what a bunch of docks would look like with boats attached to them and floating free. It's a little bit scary.

On November 15 of this year a line of eel grass ten feet or so inland from the edge of the beach marked the high water mark – Boulevard Park. Storm surge is not just about water levels rising, however. There is nothing in this report about currents that are associated with storm events that can cause cap and bottom erosion.

Every year unexpected storm surge in our area seems to be showing us inadequacies in our previous waterfront engineering.

Lastly I want to thank the Department of Ecology very much for hosting this public hearing at the request of local citizens. I think it's a very important process. It gives citizens a chance to comment and to hear the comments of others. So thank you.

Moderator

Thank you. Next we have Stan Parker and he will be followed by Niki Thane.

Stan Parker

Stan Parker, Columbia Neighborhood. Right now the Bay's got a lot of mercury in it. That mercury is there on your watch, you guys permitted it and the main reason for that is 40 years ago, the environmental laws were very lax. 50 to 60 years ago they didn't exist. We don't know what those laws will be like 50 to 60 years from now. There's a good chance they will be a lot more stringent and thresholds will be a lot tighter.

If you do cap it and your cap is successful by today's standards and you monitor it and you go out 50 years from now and take a core sample and monitor it and it meets the standards you're saying now but it doesn't meet the new standards we have 50 years from now, now you're in a dilemma. I mean you have a good opportunity right now because the whole GP site is barren and you can clean it up and you can dredge. If the City gets its way and the whole area is covered with 20 story high rises, it's going to be very difficult to go back 50 years from now and clean it up to a higher standard.

This is a great opportunity to do a good job and I think capping is the wrong way to go just because you don't know what is going to be here 20, 50 100 years from now. You've done some capping in Puget Sound and it works you have a good track record, but your track record is 20 or 30 years. You don't have a track record of 200 to 300 years for capping and the mercury is going to be there forever and we just don't know. What you know is it might last for 20 years, you don't know if it going to last for 200 and the only thing to do is get rid of as much as you can.

Moderator

Thank you. Niki Thane. She is followed by Anna Evans.

Niki Thane

My name is Niki Thane and I'm a resident of the Lettered Streets Neighborhood. I'm not very eloquent so I just wanted to say one short thing. There has been a lot of talk tonight about costs, cost analysis, cost savings, escaping costs one person said. I think that the difference between the full dredge alternative which the latest speaker just said is sort of over-estimating the cost of truly dredging the contaminated sediment rather than just dredging all of the sediment. I think that the difference in cost of \$30 million between alternatives 5 and 6 and the full dredge alternative is really chump change. \$30 million is a very small amount for the benefits of removing the sediments so it is no longer in the water table and more susceptible to being moved around.

I don't know if you know, being not from the Bellingham area but the Bellingham residents just voted a \$44 million tax on ourselves for a greenways levy and I think it would be just as likely the citizens of Bellingham would just as likely, additionally add a \$30 million tax on themselves to have this mercury removed rather than left in place. Thank you.

Moderator

Thank you. Anna Evans, and she is followed by I think it is Sharon. Sharon I can't read your last name.

Anna Evans

Hi there, I'm Anna Evans. 1545 Marine Drive. I'm also the acting director of the Bellingham Bay Foundation. I would just like to reiterate the thank you to the Department of Ecology for hosting this event tonight. I think it is very important and necessary that we're here.

I would also like to comment because of the reschedule. Unfortunately this meeting tonight conflicts with two other very high profile community meetings and I know there are a lot of concerned citizens who had to make a difficult choice this evening about where to be. So I think that those of us who are here really shows our commitment to this cause.

I would like to bring some information to this discussion that might suggest the ways in which the voices of those other concerned citizens might support and reiterate what we're hearing here tonight.

I would like to speak to the MTCA rankings of the various alternatives. We know that public concern is one of the elements that you all pay attention to when you're ranking various alternatives. We don't know much about how you determine those public concerns other than the land use changes that have gotten a lot of publicity.

The Bellingham Bay Foundation in an attempt to assess public concerns commissioned two polls last Spring – in April of 2006 we contracted with Stuart Elway in Seattle, conducted a poll here in Whatcom County added 3 questions on to his regular monthly poll. This poll had an error ratio of 6.2 percent I believe. And in the question "What most concerned citizens about the Whatcom Waterway cleanup" Three to 1 people chose making sure that contaminants are safely disposed of as their principle concern about the Whatcom Waterway cleanup.

That poll was followed up in June by a more detailed, extensive survey that had an error rate of 3 percent. That was conducted by Applied Research Northwest here in Bellingham. In that survey 81 percent of local residents said that a thorough cleanup was their primary concern for the Whatcom Waterway project.

They're sure all the things that are happening down there are very exciting but first and foremost people wanted to see that there was a thorough cleanup

Those folks were asked if a thorough cleanup were more expensive, found to be more expensive to remove mercury rather than to leave it in place that was one of the questions, would that change their opinion and 75 percent said no, they would be willing to pay more for a more thorough cleanup of the Whatcom Waterway and the Georgia Pacific site.

So I will submit those surveys as part of the written record for you all to look at more closely. I would just like to emphasize again that this issue can't be more important and I think it's clear that the residents of this town and this county really want to see this mercury removed from our natural environment, not just buried in place. Thank you very much.

Moderator

Thank you. Commenting on your comment about those who weren't able to make it because of the other conflicts. Again, they still have an opportunity to submit written comments by the close of the deadline. Those comments, those written comments, carry the same weight as if they were here. So I would encourage you to encourage your friends to submit those comments to us.

Sharon. She is followed by Frances Badgett.

Sharon Crozier

My name is Sharon Crozier, I live in the Birchwood Neighborhood in Bellingham. Reasonableness and accommodation are social requirements if we are going to get along and accomplish things. But therein also lies mediocrity of vastation and irresponsibility. We have the reasonable cost of this. The reasonable cost of this plan for the return is designed not suit the cleanest solution for the people that it is supposed to serve.

The reasonable timeline, that is another thing nice about this plan. Well I think when it comes to cleaning up our waterfront those of us who already have untold pollution in our drinking water care as much about this as we do about our drinking water. You'll find us really, really patient if you want to do it right. I don't feel frankly real hopeful tonight. People in this day and age often go before their governmental entities and agencies and elected officials and usually what we find is, what a woman before me said, which is it's written to the plan.

The plan may have some changes, a few more testing sites, but in my heart I don't have a lot of hope. We have never in my knowledge had an environmental impact statement required by Ecology down here. Things have gone rampant and accepted. The most recent one I can think of, as far as this portion of the waterfront, more recently on the south side, but on this portion of the waterfront there was the Cogen plant that somehow everybody decided didn't matter even though it was processing all that water through that area

I have here a statement that was given to one of a group of people who have been working on this for some time. It was given to us by a GP employee who actually passed it off in a restroom in a building she was so afraid of losing her job over it. This is actually in the EPA's toxic release data base. As far as I know nothing has ever been commented about it and it's been ignored completely.

One of the many key reports missing on the handling and release of toxic compounds into the waterway by GP is that of chromium. GP admits to having up to 10 million pounds of chromium compounds on site and admits to releasing 8600 pounds of extremely toxic chromium compounds to the bay in one year, in 1995. That's one year.

This information is gathered by the EPA and is surprisingly omitted by Ecology and the Port. This information was obtained GP employee as I told you. The report has toxins including mercury, ammonia, chromium, and fluoride. For 1996, over 1.4 million pounds of waste dumped into the air and water at this site in one year, over 3800 pounds per day. This is what GP admits to. All of this contamination should be cleaned up now and not left to future generations. Frankly those who dumped it are covering up this information and should be prosecuted for poisoning the city and the bay and I would personally implicate people who allowed it.

Breaking an investigation into separate issues is a shell game. Not doing Cornwall why you're doing this one and not doing, just segments it ignores the synergistic effect of all the areas and how they compound each other and it's so easy to lose sight of a source if it's not in that. But it might not be in that. It just doesn't seem, it seems like a rush to me, a rush to judgment. This is followed by how the plan, you saw a drawing on the plan. There is scarcely any space in that drawing. It's buildings all the way because the study group, the citizens study group said yes, mixed use would be nice, yeah that would be OK. What the plan they came up with was designed much after Everett and there's not much open space there.

Moderator

About a minute left please.

Sharon Crozier

Thank you.

The 100 to 500 year event idea is grandiose hope. The capping plan ignores leachate, intrusions and other things people have said. It's just I want to add that it's a bad idea. Much has been said about the jobs resulting from this locally. Well we don't need the 30 pieces of silver.

Consent agreement is based on short term concerns and a quick, cheap fix. Who will benefit from this other than the people who want to further exploit our port area?

The DOE, Georgia Pacific and the Port of Bellingham should be held responsible for the damage they have allowed. The idea of taxing ourselves certainly is not repugnant if that is our only choice, but it's not right.

This plan could never be allowed to be brought to a vote of the people because we know how that would go. If you know that's how people feel, and that they're coming from thoughtful, informed and educated testimony here tonight, not necessarily. To ignore that and continue with the plan that has no vision for the future. No vision for a sustainable, healthy waterfront – would be frankly neglectful and I think criminal. If you see how strongly I feel we'll just have to know we've been thinking about this for along time.

What's good for business is not necessarily good for us. In fact, more and more just the opposite is true. And I'm a business owner.

Thank you.

Moderator

Thank you. Frances is up next. Then we'll have Kevin Cournoyer.

Frances Badgett

Frances Badgett, 2514 West St. I want to play off something Elizabeth Kilanowski said. That storms surge is called rare. This is a problem I found throughout this document. I think one of the challenges Ecology has right now is to get this community confident in whatever you choose. Whatever plan you chose, we're all going to be on board, and we're going to feel protected.

One way of doing that is to make the language of the RIFS more certain. There is a lot of stuff in there about "is likely to" "is expected to" is sort of "going to." I know part of the reason for capping is that benthic organisms don't seem to be uptaking the mercury as much as they should given that there is so much out there. But this particular kind of sliding around of language and using a lot of adverbs gets really dangerous when you start talking about increases in toxicity at the Log Pond cap for example, the increases in mercury there. And how well we understand the processes of the Bay and how much these benthic organisms uptake or don't should determine the protectiveness?

So when we're talking about, we're kind of hinging our future on natural recovery which is expected to continue and the sedimentation of the Nooksack which is likely to continue.

We don't really understand it and we're basing this kind of hopeful future on this scenario that we don't understand. We don't know why natural recovery happens and we don't know why the Bay is inherently protective

For that reason we should be favoring removal because what is causing that protectiveness could change, it might have something to do with the salinity of the ocean, it might have temperature, it might be something that could change because of global warming, we don't know. So for that reason we have this risk out there. As for there is another problem I think the community keeps harping on. Which is that we're remediating the water first and the land second and I know that you've said that – with the closing of the Chlor-Alkali plant, with the closing of GP that the land is not likely to recontaminate the waterway. But other than saying that in this document we don't get a report, we don't get a sense of how that is happening or not happening. We don't see the city stormwater report, but it's mentioned. So we don't have any confidence that that's really

true. Given that in other areas of Puget Sound where millions of dollars have been spent on cleaning up the caps that did recontaminate from stormwater. We should probably look into that.

Also, I have a question about the fact that there was no document that is a human health risk assessment. A separate document performed for the Whatcom Waterway. That seems to be problematic. I was reading about EPA human health risk assessments and they typically evaluate potential risk from facilities over long periods of times, greater than 30 years. Which is far longer than the ten years slated for the Log Pond for example.

Alternative J had very specific cost estimates and break downs in the old RIFS. There were actual costs per cubic yard for dredging, costs per cubic yard for capping. I have not seen that here. I have not seen a breakdown spreadsheet of the costs for different actions and I think that would be a good thing to add.

In closing, I think it's odd and I don't know why this is true that there are 4 alternatives in RIFS that will not be seriously considered because they conflict with land use because they do not include a marina and I'm not sure why we didn't get eight full alternatives that would have included all the possibilities with a marina. If you're going to knock anything off that didn't include a marina automatically. That's all I'm going to say, Thank you.

Moderator

All right, thank you. Kevin, he is followed by Dan David.

Kevin Cournoyer

Hi, my name is Kevin Cournoyer. I have a lot more comments than I have time for which I'll submit separately. Briefly I would like to make note of the fact that a member of Ecology recently made a comment to KGMI radio that said that this review process that we're undergoing right now is not really for the public to pick the best alternative. The suggestion that Ecology seemed to be making was that Ecology has already done that.

In effect that the public needs to check Ecology's homework. I daren't say I disagree with that. I don't think Ecology has picked the best plan. I believe if Ecology picks either 5 or 6 they really shouldn't be involved in this process. It would be horrible.

There are 8 alternatives, 4 of them cap the ASB. If Ecology didn't want to consider them they shouldn't be in the document. I hope those alternatives aren't there to humor us or to suggest that the Port of Bellingham is in anyway objective or fair minded. Because having observed them for years they are neither of those things.

I was going to talk a lot about the definition of land ownership and I've got in an argument with Mike about that in this very room, but the truth of the matter is that the Port is a public entity. I'll briefly quote their mission statement "The Port pledges to work cooperatively with other entities within the framework of community standards and be a responsible trustee of publicly owned assets." So when we talk about a public hearing we're really talking about an owners hearing.

Very quickly, aquatic vs. upland. For years both the City and the Port officials have explicitly and implicitly defined the ASB as aquatic lands. It is not, but they have tried mightily to convince the public of this. Frank Chmelik, the Port's lawyer, has even made this assertion in legal papers in a lawsuit against Citizens for a Healthy Bay. He said basically that Mark Asmundson wrote a letter that somehow makes the ASB aquatic. That is possibly perjurous. The argument that Mr. Asmundson has the authority to define the status of the ASB with a letter is about as compelling as his ability to chose a city logo. Where still there is this assumption the ASB is aquatic is laced throughout the RIFS and the EIS is stated pretty explicitly in 6-21 of the FS.

On March 16 of this year, an official with Ecology, based locally spoke before the city planning commission and he said the following, quote "Under the shoreline act we consider the ASB filled even though it is a lagoon. It is a wastewater treatment plant, much like a sewage treatment plant. It is not a water body of the state. It is upland."

The next day the Port attempted to get this Ecology official in serious trouble for speaking the truth. Even the governor of the state, Christine Gregoire, was dragged into this nonsense. If you don't believe me ask her. Why was the statement so alarming to the Port of Bellingham? There has not been any permitting, anything whatsoever that has changed the status of this ASB.

The incontrovertible truth that it is still an upland site. Wishing it otherwise will not make it so. So again, why is this so important to the Port? Now that the public has been able to read hundreds of pages of this RIFS we understand why.

First it is important to remember that things Pete Adolphson said about SQS and mercury and sediments in the aquatic environment. It is .41 mg/kg and the upland environment it is 24. The ASB has an average of 6 milligrams per kilogram of mercury, according to MTCA that is considered quite safe.

Moderator

You've got about a minute left sir.

Kevin Cournoyer

So what does that mean in the RIFS? It means that all the unfavorable comparisons between the inner water way and the ASB regarding mercury levels are completely erroneous, disingenuous at best.

Over and over again the Port tries mightily to convey the impression that the ASB is extremely high levels of mercury that is flat wrong. The problem, and none of this has been substantiated, I would like to echo what Murphy said regarding dredging depth. I don't think we have enough good data on the dredging depth. I think you should be focusing on the removal of contaminants and not at the federal depth.

I need to end with item 11 from the purchase of sale agreement between the Port and Georgia Pacific. It says among other things, either Georgia Pacific nor the Port shall publicly or privately, directly or indirectly advance, promote or attempt to influence any of the remediation plans for

the Whatcom Waterway site other than alternative K. Alternative K basically has been reified as Alt 5 and 6.

So there it is, at this point this great process of ultimately reifying Alternative K as Alternatives 5 and 6 is working

With the Department of Ecology so far willing to bend to the Port's will even though they have the authority to do otherwise. If you look at item 11 and you think about the fact that Mr. Stoner is a Port employee it boggles the mind that he is the SEPA lead. He shouldn't be. He is practically compelled to dissemble, and he has, over and over again to achieve the outcome that was set in motion years ago. All of the pleas of thousand of members of this public and the healthy bay initiative have been ignored.

I encourage you to listen to these cries of help basically. In so many ways you have not done the right thing. So I encourage you to listen to all the people who have been silenced by the lawsuit. Who have been silenced, 6400 voices. Listen to Mr. Miles, Pat Hurbin, Rebecca Reeseman, to Rodd Pemble. Listen to Frances Badgett. Thank you.

Moderator

Thank you. Dan David and he is followed by Steve Irving.

Dan David

Good evening and thank you for the opportunity to be able to say something. For the past couple of weeks I've been trying to figure out something I could say this evening that would have some kind of meaning. I was always having to remind myself of something I learned a long time ago was that if you point your finger at someone you've got three fingers pointing back at you. So a lot of what I thought that I could say would be just that very thing, pointing my finger at the Port and governmental agencies but then I'd also have to look at myself. The difficulty for me and I think one of the difficulties specifically in the Bellingham area is that I believe that I'm here for the same reason that a lot of other people are here and that's because they love the earth and they love nature and more than that they love life and so all these words well for example capping to me when I hear that word and I read about so what does that mean and ok capping and the first word that pops in my mind is band aid it's just to me it's like every other policy, it's like every other avenue and its in every walk of our life put a band aid on it, turn our back, deny its there and it will go away but it won't and the challenge is, when are we going to stand up for life? It's our children as future generations, its ourselves and so I thought I'd go ahead and be brave and say something, I'll just go ahead and go with it, I've been having dreams of walking on this planet and it's bare and the trees are dead and there's no green and I wake up and its like this nightmare but then the real nightmare is in the daytime when I hear its all of how we perceive of life or don't respect it or don't honor it or don't bless it. Now for me this really means something as I'm sure it does for everyone here. I have along with those dreams of when I perceived to be the future, I have dreams going all the way back to Atlantis when it was just the same thing technology for life, technology and all of this stuff up here and we fail to connect with here. Thank you.

Moderator

Steve Irving followed by Rodd Pemble

Steve Irving

I think just about everything I was going to say has already been used but I'll just repeat it. I think that the Whatcom Waterway, the ASB, the Log Pond, the SW corner of the ASB and all of the other identified hot spots for mercury should be cleaned up. I think we have one good chance of getting mercury out of the bay and it's right now during this process. If we miss this chance, we probably won't get another good one, we probably will never get another one.

We all know that mercury bioaccumulates we know that is bad. I'd like to believe in the caps but I just can't. Most of the reasons are just all the things that people have brought up. And I just kind of wrote down some of them that I had already thought of. I don't want to take credit for all of them.

All of them seem to be pretty short term to me. We can't even, we won't know what it is going to happen. We won't even know what is going to happen ten years from now, let alone 500 years. We should do this the best way we can. For the reasons that have already been said; storm surges, tsunamis, earthquakes, and somebody mentioned the Nooksack sedimentation that will keep the cap on. We've got to remember the Nooksack changes course. It hasn't done it in our lifetime but sometimes it goes on one side of Gooseberry Point and sometimes it goes on the other one. On big storm surges it's come close sometimes to go out the other way. If it goes the other way you're going to lose all of that sedimentation. You know, right were we're using this is going to cap it, well maybe it isn't, maybe the Nooksack is going to go the other way.

I would like to add two more, well actually I wrote two more, but somebody already took one of them. One of the things that really gets me with the Whatcom Waterway is that we have a big creek coming through there and people have stood on the creek during a storm – there's a lot of water coming down that thing. You get all that water with the low tide you're going to get cutting down on that creek.

The other one was the global warming, if some predictions that have been made for what our future is going to look like as far as sea level. That's going to change what we're planning for Capping isn't going to work because you are going to have much higher water levels. So, that's fine.

Moderator

All right thank you. Rodd. He is followed by Heather Trim.

Rodd Pemble

I have a terminal affliction with doing math problems in my head so I couldn't resist when I heard a 100 foot diameter earlier for the sample radius or one sample serves a circle 100 feet in diameter. Well it was 100 to 500 I believe. So I'm going to give them the benefit of the doubt and let's say it only represents 100, much more dense than if it were 500.

That's the equivalent, 25 samples, of talking to 3 people in Whatcom County each year for the last ten years and deciding based on those 25 or 30 conversations what the people in Whatcom County are like. So think about that. That's how much we know about the sediment in the Waterway.

I'm speaking tonight in opposition to the selection of preferred alternatives 5 or 6 by the Department of Ecology. I base my opposition on 3 arguments.

First there is a logic problem. With the approach of dredging mercury-laden sediments from the aerated stabilization basin or the ASB and a bit from the deep water shipping terminal while capping the vast majority of mercury-laden sediments in the Whatcom Waterway. Mercury concentrations in the ASB will be subject to virtually no wave action while the waterway sediments will be exposed to constant wave action.

Mercury sediments in the ASB will be subject to much less scour from boat traffic than the constricted waterway. Mercury sediments in the ASB are obviously not subject to creek flows like sediments in the creek as our last speaker pointed out.

Mercury concentrations in the shipping terminal are much lighter than in the inner waterway. So why is it of paramount importance that we dredge such toxins from the ASB and the shipping terminal, but leave Whatcom Creek contamination in place? Because there is another agenda, that's why.

The Port commissioners held a lot of public meetings and took in many, many comments from citizens and then decided to do what it appears they planned to do all along. Install a new marina in the ASB and maintain deep water shipping. According to the Department of Ecology flyers mailed to my home DOE must plan for local land use changes and the Port apparently had the final say in the land uses for the ASB and the waterway. Despite Department of Ecology statements that the Port must do what DOE tells them to do it appears that political decisions made months or years ago by our Port commissioners now drive citizen's cleanup choices.

Where are alternatives 9 and 10, removing all contaminated sediments above state cleanup levels then restoring waterway habitat and either build a marina or adding more habitat in the ASB? Who decided if you dredge the entire waterway of mercury, you must go back to using the creek for industrial purposes? I imagine alternatives 9 and 10, though they may in fact be more cost effective, did not fit with the Port's dreams and thus were dismissed out of hand. It seems there are inconvenient truths everywhere one goes these days.

My second objection to all the alternatives is the baseline assumption about how much fish the average person eats and how action thresholds are therefore determined. Mercury bioaccumulates from sediment up the food chain but if you say the average fish eating person eats less than 5 oz of fish day as the Department of Ecology did, then you end up justifying more mercury remaining in the food chain without cleanup.

But what if you say the average fish eating person eats maybe 10 or 12 ounces of fish a day. You must strive to remove more of the mercury before people and animals ingest it. I grill wild

caught fish frequently and my family of four easily eats a 3 lb salmon in one meal, much less one day. Raise the daily fish assumption to reflect the real world and let the chips fall where they may.

Along the same lines I was dismayed to see bioassays supplanting direct human health risk assessment. Again with the effect that mercury concentrations more than double the state cleanup standard will be allowed to remain in the waterway. This administrative sleight of hand ought to make Department of Ecology scientists, like this gentleman who is sitting in front of us and who was at the meeting at the courthouse the other night. I would think it ought to make you hopping mad.

What's the state cleanup action level for if department staff can over rule its implementation arbitrarily?

My third objection to alternatives 5 and 6 rests on a more difficult question. How much will it cost to monitor and repair the proposed capping? Who pays for that? And how can we ensure the caps and monitoring in perpetuity?

Department of Ecology sediment scientists said during a recent public meeting in Bellingham that a quarter million dollars a year might easily be in the ballpark of monitoring costs for the capping proposed. Let's add another \$250,000 a year to cover likely repairs to the caps and in just 50 years we'll have spent \$25 million more dollars and we'll still have major mercury contamination in the waterway.

Moderator

You have about a minute left sir.

Rodd Pemble

In a hundred years we'll have spent \$50 million and the waterway will still be polluted. In 500 years our community will have spent \$250 million and the waterway will still be polluted with mercury.

\$25 million coincidentally is about the amount taxpayers would have to pay beyond cleanup funds from the state and other grants to completely cleanup the entire Whatcom Waterway and ASB now.

On a related, but critically unique note no one has yet described for me the organization who will be responsible for carrying knowledge of the mercury forward into the future, indefinitely, to prevent future generations from accidentally releasing mercury into the bay. We can't preserve societal information and standards for 100 years, how can we possibly manage it for 1,000 or 10,000? Who volunteers for the mercury priesthood? And who will pay their wages?

Do we think because we'll be dead and gone we shouldn't worry about it? Never mind the Log Pond cap is already failing after just 5 years. A pox on us, and I will say that again, a pox on us. If we blithely assume the future will take care of itself. We've buried almost the equivalent of

spent nuclear fuel at our own front door. An environment that changes constantly and is subject to mass disruption.

Not only do these alternatives assume an infant technology, capping, will last forever but they have no guidance on how we're to remain on guard and careful for as long as humans and animals live upon this shore.

As a taxpayer, husband, father, businessman and boater common sense says cleanup all the poison now as best we can instead of relying on a technical fix and paying forever for monitoring and repair. If the doctor had the opportunity to remove all the cancer from your child or your spouse, would you choose to leave half of it and have them endure years of chemo because radical surgery would cost twice as much?

Moderator

Can I get you to summarize please?

Rodd Pemble

I'm on the way.

A truly clean waterway and ASB is the best gift, the only responsible gift this community can give to future generations. Our children's and their children's, seventy times seven generations. Or we can take the cheaper way out and saddle our descendents with an eternity of vigilance and expense for a problem we caused but couldn't bring ourselves to cleanup. What a sad commentary that would be to the generation of Washington leaders and citizens who cry "we must hold students accountable."

Twenty five years from now as we watch otters play along the banks of Whatcom Waterway some summer evening I want to be able to look my daughters in the eye and say I did my part. So tax me my share of the extra money and for once let's get it right. Thank you. Rodd Pemble 2915 Cedarwood, Birchwood neighborhood in Bellingham.

Moderator

Thank you. Heather Trim is next followed by Mitch Friedman.

Heather Trim

Well I'm no way as eloquent as that, or Dan David either. My name is Heather Trim I'm with People for Puget Sound. I'm out of our Seattle office. I'm our toxics lead which is why I'm here and not our local staff.

I want to first address public process. This meeting would not be held if Wendy had not raised 50 signatures to get this hearing to take place and I attend many, many public hearings and I rarely see this number of people at any hearing. So I really hope that for all future efforts here in Bellingham you will hold public hearings and not even have us have to do a process to get that to occur.

I also hope you can put the comments, these are great comments that are over here, and it would be very helpful for us to have these on the web as soon as possible. It's very easy to scan them in, I know that your public process person can do that, and there is information there that is not available in the documents that we see that are on the web right now.

People for Puget Sound's position on dredging vs. capping is that we prefer dredging. We want to get the mercury and other contaminants out of the system.

Capping is a far second choice. Mercury is a persistent bioaccumulative toxin. It's in the system, we have, as well as for PCB's and other contaminants, we're circulating them around the system and it's time to just get rid of them.

As a previous speaker said this plan is, if you look at it, it is sort of based on dredging of convenience. Where the dredging occurs has to do with navigational ease and other needs as opposed to based on the science of where it actually gets the contaminants out, and I will address this issue of convenience and politics a little bit later in this comment.

Significant state monies are going towards this cleanup and navigational needs should not be considered as a cost of cleanup for this site, that's a separate pot of money. The governor is now pushing very hard to get Puget Sound cleaned up by 2020. This site and other sites in Bellingham Bay are part of that effort and we really need to do the right thing at this point. We need to make sure the money is accounted for properly.

I would not look at the Log Pond cap as a success as was previously stated. I have a bit of a different twist than the person who spoke about this generally before.

When that cap was proposed and engineered and all the public process went on with that cap. The public at that time, I assume, was assured this is a great cap, it's engineered it's going to last forever. When in fact, after 5 short years it is eroding. Therefore when you look at caps elsewhere in the system you have to really be skeptical about it. That after 5 years they won't also be in. So this engineering issue is a very challenging issue.

Climate change as was previously mentioned is something that's not really addressed very well in these documents from what I've seen. One of the predictions from climate changes is more intense rain storms.

Then the geological comments by the previous woman I think are very much in place. Tsunami's – I don't think it's OK to say that if we have a tsunami we will be a lot worse contaminations here in Bellingham Bay. The mercury being sprayed all over the place will be a lot worse than say blowing up gasoline tanks and underground tanks, things that will volatilize. We really need to be concerned about the PBT's in this area and get rid of them and be worried about tsunamis

People for Puget Sound very much wants to see habitat as part of this plan. So therefore we're going to very much support those alternatives.

In terms of the fish consumption levels. I work a lot on the Superfund sites in the Duwamish and there we are using a much larger consumption value – or flip it the other way risk value. I think that the number should be used that is more reflective of tribal consumption rates, as well up here.

I also think that we should clarify that this is not Ecology's plan. The PRP's wrote this plan and Ecology has basically had to react to that. You're in a position of having to react to a plan you were given. I think that if in fact you all were writing the plan it would be very different and very much stronger plan. I know Pete has, I don't know you Lucy, but Pete has a very long and good history at Ecology and I know that you would maybe have a bit of a different plan if you were going to be proposing it and I'll address that here which is this process is a political and economic process and it's interesting that I'm one of the last speakers here and in fact I haven't heard anyone speak in favor of keeping mercury in place in this site.

Moderator

You have about a minute left ma'am please.

Heather Trim

OK, I'm almost done.

In a site that I worked on in Seattle we did politicize the process further. We went to the port commissioners and said can you please clean this up better? I'm interested that the Port commissioners don't appear to be here. The two Mike's are here. I think if the community in fact is interested in having a better cleanup the Port and the community should work together to get that done. I think that Ecology would probably bless that. I'm sure that you guys – at least that's what happened at some other sites that Ecology and EPA would be thrilled for better cleanups

So I think that it is worth it to lobby Olympia for more state money and also to raise the funds locally. Thank you.

Moderator

Thank you. Mitch is up next and he is followed by Ethan.

Mitch Friedman

Mitch Friedman, 1208 Bay Street. Not a lot remains to be said. The alternatives other than 5 and 6 – I share Heather's concern that they feel a bit like straw men. I appreciate the existence of alternative 3. It ought really to score fairly well. It removes a heck of a lot of mercury. It maximizes protectiveness it does it in a cost effective way, but because the landowner doesn't want it, it's a straw man. It doesn't give us a marina.

The higher alternatives, alternative 7 would remove quite a bit, but again it's based on a land use on a navigable waterway that really isn't the issue anymore. So we've got a limited set of alternatives. We don't really have an alternative based on maximizing protectiveness in the most cost efficient way.

I think what is driving this process is the sense of maybe optimism that the community doesn't share. When I say optimism it's somewhat counter-intuitive that there would be ten plus tons of mercury that would be discharged into the waterway and the bay over the last half century. Yet we wouldn't have a public health catastrophe on our hands. I don't think we really understand why we don't. We have a name for the fact that we don't have a catastrophe. We call it natural recovery. We're not sure whether whatever condition is prohibiting the uptake of mercury right now will continue into the future.

All of the things we're talking about tonight – seismic and wave action and grounded ships and tsunami's – all of these things aren't a matter of if, but when – within a lifetime of mercury. None of those things make optimism about natural recovery, about future uptake of mercury, very responsible. I don't know how we would begin to calculate the odds, the odds that mercury will not uptake under alternative 5, under a marina scenario. You know in the next 50 to 100 years are the odds 5 percent that we'll continue to enjoy an absence of mercury related diseases in an obvious way? Is it 50 percent, 95 percent, I don't think any of us know, but I do know that I presented to the director of Ecology with copies of 6400 signatures on the healthy bay initiative last week.

I know that everybody here tonight commented a great deal of concern, despite our primary sources of information being the Port and the city, that's being dragged along by the port, the *Bellingham Herald* that gives free advertising to the Port every week. They're still an extraordinary amount of concern in this community and a reluctance to just be optimistic. I hope, I'm sure that we all look to the Department of Ecology. I hope Department of Ecology comes through in putting the protectiveness of the health of this community foremost. Thanks.

Moderator

Thank you. Ethan and he is followed by Seth Cool.

Ethan D'Onofrio

Ethan D'Onofrio, seventeen year Whatcom County resident.. I wasn't going to speak tonight, I didn't really plan too, but I kind of felt compelled to under the circumstances.

I think George kind of hit the nail on the head earlier when he said the fact that we're having a meeting to discuss whether or not to pull tons of mercury out of the bay is kind of just ludicrous. I can certainly appreciate that, seeing as how you guys don't live here, and pretty much everybody in this room is probably about twice my age, a lot older. It's really not a big problem for you guys. But being the age of 25 it is a big problem to me. I understand it is a little disconcerting for some people, but it's infuriating to me to just sit by and watch my planet continue to be destroyed.

So all I ask is for once you make a decision that keep's the interest in my generation and the generations to come at heart. We've got to stop the cycle at some point and here's the opportunity. You guys wanted a public hearing. Here's your public feedback. Everybody in this room wants that mercury out. So the resounding response to your plan is no, come back with a plan that we decide as a community we're in favor of. Thank you.

Moderator

Thank you. Seth and he will be followed by John.

Seth Cool

Seth Cool, 711 Gladstone Street. I'm just here to voice my support for removing the mercury from Bellingham Bay. I don't think capping it is a good idea. I think it should be completely removed. It's really important that we do it right the first time, that this problem isn't left to fester, isn't left for future generations or my generation for that matter to go through this process all over again and pull the mercury out of Bellingham Bay as I believe needs to be done.

So please get rid of it. Thank you.

John D'Onofrio

John D'Onofrio. I live in Bellingham. I don't envy you, you're work will go a long way in determining the health and the welfare of this community for generations to come and yet apparently you're subjected to enormous pressure to reach a pre-ordained conclusion that furthers the economic strategies at the Port of Bellingham.

It must be difficult, especially if you understand that the people of Bellingham want the mercury removed. People for a Healthy Bay successfully gathered 6400 signatures in just a few short weeks in support of the Healthy Bay Initiative. The initiative was torpedoed by the city council but those signatures must make you somewhat uncomfortable. You have difficult jobs, squeezed as you are between the powerful economic pressures on the one hand and the wishes and the long term health of our community and our children. I don't envy you, but I do sincerely hope that you will do the right thing here and mandate the obviously best choice with respect to remediating the mercury by removing it now when it can be done. Thank you.

Moderator

John is the last person who has indicated that he wanted to testify. Is there anyone that I missed or someone who has now decided they would like to? Again, if you could go ahead and step on up, state your name again because I don't have your card in front of me.

Charles Maliszewski

Hi, my name Charles Maliszewski. I live at 760 Old Samish Road. First of all I would like to congratulate you guys for sitting through an entire evening of this. It's kind of like the people at a carnival everybody is throwing water balloons at and making sure that they fall into the big tank of water.

Actually I would like to thank you for being public servants. I know it's not an easy job. I will return the discussion to the more arcane. There have been some very eloquent testimonies here and all I wanted to address was the numbers being used by the Department of Ecology as determinants of whether something is a safe mercury level.

I'll try not to talk too much about MCUL and SQS and BSL but my finishing statement will be we hope you will use the MCUL as your determinant for what is a safe level of mercury in sediment and subsurface sediment and I have two main reasons why I would argue that.

The first reason is because there are many sites in the bay that exceed MCUL and SQS. The numbers say that chemically there is too much mercury here. The bioassays don't support that. The MCUL and SQS numbers are built on a circular argument about chemistry vs. biology. There are so many holes in that argument. Now again I realize this is state law, it's not likely that my testimony is going to change it, but if it doesn't happen at this site, boy I sure wish would really think harder about that bioassay versus chemistry argument because as a scientist it makes no sense to me at all.

As an example because we do see a lot of sites out here that exceed the MCUL but don't pass the bioassay one objection that I do have is once that site no longer, once that site passes a bioassay almost never has anyone gone back to those sites to retest for chemistry and biology. So what one sees as you follow the timeline from when testing began was fewer and fewer and fewer bioassays to the point it was just a handful in the last series of tests. That to me makes no sense, because you've gone from barely statistically significant to nonstatistically significant.

OK let's get away from MCUL we'll go to BSL. So BSL is the bioaccumulation screening level that's based on a comparison between the amount of mercury that is measured in organisms from the area relative to the amount of mercury that is in the sediments that are within the home range of these organisms. There was a regression analysis that was performed. Don't need to go into details on that, that will be written up, that suggests that 1.2 mg/kg is a safe level. Several problems with the regression analysis. The first problem is that when you do a regression analysis you never go beyond your data points to come up with a value and that's exactly what you do. I believe the highest sediment value on the regression curve is .9 where as you come up with a 1.2 mg/kg. That's just bad math, you can't do that.

Secondly, we are assured throughout, I believe it's section 5 of the RI that conservative estimates are used throughout in determining the what is considered the safe level. Well Wendy's scientific advisory group spent a lot of time going over those numbers. We've got biologists, geologists, hydrologists, toxicologists and none of us was able to make real sense of it. In fact I have to say the latest iteration; the latest explanation in this RIFS is so cloudy that I literally stayed awake nights trying to figure out what it really meant.

OK let's get down to basics. If you really take into account subsistence level consumption of fish and shellfish in this area and you plug that into the regression analysis you come up with a value that is 2.5 to 5 times lower than the BSL that is actually generated from the description in the RIFS. That's a number that is even lower than the MCUL. So a proper BSL is even less than the MCUL which requires bioassay support.

So conservatively then I would argue that you use the current MCUL as your level for determining what a safe level of mercury in sediment and subsurface sediment. Thank you.

Moderator

Thank you. Yes sir.

Dave Courtis

My name is Dave Courtis I live at 440 Island Dr. I'm a geologist or at least was before I retired. The statement was made tonight that there is a low level of mercury contamination in the subsurface. I haven't seen anything that really shows visually what that rate of contamination is over an areal extent. To me that is a critical factor in determining how and why a particular decision should be made.

I would suggest it sounds like there is a much greater need for subsurface core holes to determine the areal distribution of mercury contamination. I think that information should then be put on maps and cross sections and fence diagrams so that you as well as the public can then get a very good idea as to what the distribution really is. I would suggest that the mercury distribution is probably not homogenous. There is probably hot spots. If you have the data, focus on the hotspots, get rid of that first and then you can do dredging or whatever else you want if the residual mercury level is low enough to allow that.

The other thing is if you're dredging can you identify mercury content as your dredging. So once again you can focus on removing that and then through that area that does not require the upland disposal it would reduce the costs considerably. Thank you.

Moderator

All right. Thank you. Is there anyone else who has not had an opportunity to comment? Sorry about that.

Jenny Meyer

I want to agree with everybody that spoke tonight. Jenny Meyer and I'm from the Birchwood district. I lived here most of my life. I remember going downtown when we had to take a handkerchief and hold it over our nose because what we called the pulp mill had this stuff in the air. And we were down Cornwall and Holly Street. It went all over the place and we couldn't breathe so we would get on the bus and go home. That's not great. They should have done something then. But I haven't heard anything about how you're disposing of all this junk. You're going to go dig a hole in somebody else's mountain and put it down there for them to take care of? And we're going to pay for that also?

Why don't we just build or get some great big heavy tanks that are secure and put all that garbage in there until in the future somebody smart, like these people, will know how to separate this stuff and get rid of it safely. That's all.

Moderator

Thank you. Yes sir, back to you.

Doug Carlburg

My name is Doug Carlburg. I live here in Fairhaven. I don't come to many of these meetings; they are hard to make it too. This stuff is tough to get your mind around especially if you don't come to too many of them. It's impressive to see this many local people who have stopped and taken the time to get their minds around this science without the training and the dedication they

put in. Looks to me like the most significant evidence that you have in your hands today about the public of Bellingham are the surveys and the signatures that were gathered

I think this decision belongs to us today. 500 years from now there will still be people here, hopefully. They'll look back at our judgment. The extra money to clean up the mercury, correctly, is insignificant over a 500 year period. A good cost-analysis takes a look at how much you spent and how long what you spent the money on gets done.

If you buy something that lasts ten years, it costs more money but it might be less money over the long run.

But I don't think 500 years from now people want to be continually worried about a band-aid problem.

It's a unique opportunity with Georgia Pacific shutting down, that opportunity comes only about once every 100 years and it's our decision now.

I don't think this whole idea of if I can use an analogy if you have poisons in your home it doesn't matter whether they were there when you got there or you put them there you don't let children only have 5 ounces of it and say that's enough, your tolerance level is fine. You don't put a rug over it. You do the responsible thing. I think not cleaning this up will be looked at 100, 200 years from now as irresponsible on our part. It's sad to say the Port of Bellingham is one of the major impediments to having this happen. The Port of Bellingham has done a lot of great things but on this is issue I think they are dead wrong.

I think that their desire to have a yacht harbor, which 30 years from now I don't think they'll be rich enough to own a yacht, but we've got poisons on one hand ,we've got a yacht harbor on the other and that's the politics. It's fortuitous to have a poisonous dump that needs to be removed directly adjacent to a pond that is designed to hold pollution. It doesn't get much simpler than that, put it in the pond. Don't send it to somebody else to take care of our poisons. Like I said, if you buy a house with poisons in it, clean it up. Don't blame the guy before you, just get in there and clean in up but don't send it to Wenatchee and tell them they have got to clean it up otherwise they will be sending their crap here. That's my comments.

Moderator

Yes ma'am

Robin Dupre

Hi, my name is Robin Dupre and I wasn't going to comment because, well, it's all redundant. I do however point out that I started working on the Bellingham Bay Pilot in about 1996 and for a long time I was the only citizen that would go to every single meeting and I'm appalled that we're all still having this conversation 10 years later. In my mind it's not about what we do with a marina. If you want to have your marina, great! So here's the deal I challenge the Port of Bellingham and the Department of Ecology to set aside the marina. Make that decision later. Do the best cleanup now. Then if you want a marina, you want a shipping channel, you want salmon habitat, you got it because your options are not foreclosed. So with the Port, and I

recognize this isn't a referendum on the Port, but if the Port would like a marina, I would like to challenge the Port of Bellingham to offer the citizenry something in return and that's a clean bay. And they might find a whole lot less resistance to their marina concept in the end.

So you two and all the staff and cleanup are troopers. You have been doing this for a very long time. I'm sure Lucy, you would like to do something and not retire from the Bellingham Bay Pilot project, but we may all if we don't make this choice now and make a decision is protective in the long term and the decisions that we're being faced with appear with the new capping data to not even be protective in the short term. So why are we being offered those things?

So, long term in my mind doesn't mean 5 years from now, it doesn't mean 10 years from now. To me long term means my little grandchild, who is now 4, is dead and gone. That's long term.

Thanks.

Moderator

Thank you. Anyone else? While you're contemplating that last final prospect, I will remind you that once again written comments received by December 18 will be considered and responded to as part of the public record. I'm going to read this address to you but it's also contained in this blue fact sheet that you can find on the back.

To be addressed to Lucy McInerney, Department of Ecology, 3190 160th Ave, Bellevue, WA. It must be received by December 18th.

Seeing that there is no one else indicated that they want to testify, on behalf of the Department of Ecology I want to thank you for your thoughtful and respectful comments. Let the record show that this hearing is now closed at 8:47 pm. Thank you.