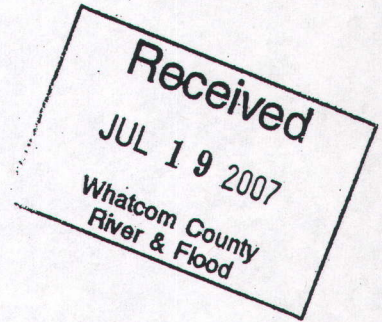




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10  
1200 Sixth Avenue  
Seattle, WA 98101

July 18, 2007



Reply to  
Attn Of: ECL-117

Pete Kremen  
County Executive  
County Courthouse  
311 Grand Avenue, Suite #108  
Bellingham, Washington 98225-4082

Dear Mr. Kremen:

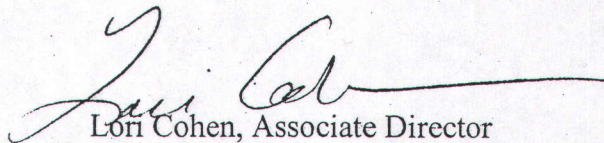
Thank you for your letter of June 29, 2007 regarding the Swift Creek Site. In your letter you seek to clarify that you understood EPA correctly in that, *the material (dredged material) cannot be transferred off-site as had been done previously, and if it is transported off-site it would have to be handled subject to a regulatory framework and treated as an asbestos-containing material.* We believe your understanding is correct.

As you know, EPA's recommendation on the handling of the dredged material is based on the finding that asbestos, a known human carcinogen, is present in the dredged material and that activities involving the disturbance of the material, such as loading, hauling, raking, spreading, and recreation, may release asbestos fibers into the breathing space of people performing the activities. These results indicate the potential for people to be exposed to asbestos fibers for those activities evaluated.

As for the potential for off-site transport of this dredged material, we have indicated on a number of occasions, including our interagency meeting in Seattle on December 4, 2006, that the applicable regulatory framework would be defined largely by state or local requirements depending upon the proposed use or disposal location for this material. These may include requirements of the Washington Department of Ecology for disposal of solid wastes and requirements of the Northwest Clean Air Agency for management of "Asbestos-Containing Materials." The implications to the County for violations of these requirements cannot be stated with certainty, as authorized agencies would have to consider exercise of legal authorities as well as enforcement discretion.

I hope this helps clarify EPA's recommendation on the handling of dredged material from the Swift Creek site. Should you have any questions, please feel free to contact me at (206) 553-6523.

Sincerely,

  
Lori Cohen, Associate Director  
Office of Environmental Cleanup