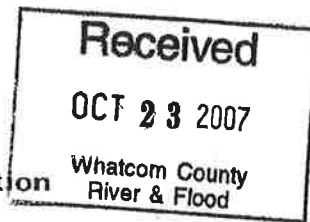




**Washington State
Department of Transportation**
Douglas B. MacDonald
Secretary of Transportation



Northwest Region / Mount Baker Area
Skagit, Island, San Juan & Whatcom Counties
1043 Goldenrod Road, Suite 101
Burlington, WA 98233-3415
360-757-5999
TTY: 1-800-833-6388
www.wsdot.wa.gov

Paul Pittman
Geologist – River and Flood Division
Whatcom County Public Works Department
322 N. Commercial Street, Suite 120
Bellingham, WA 98233

October 22, 2007

Subject: Swift Creek Sediment and Potential Uses

As requested by Whatcom County, The Washington State Department of Transportation (WSDOT) has evaluated using the asbestos-containing sediment dredged by Whatcom County from Swift Creek as sub-grade material in WSDOT road construction projects. As a result of our evaluation, the cost and risks associated with using this material is prohibitive. WSDOT is not able to consider the use of this asbestos laden material in future road construction projects.

As part of the evaluation, WSDOT reviewed the February 2007 report prepared by the US EPA entitled "Summary Report of EPA Activities - Swift Creek Asbestos Site, Whatcom County, Washington." That report concludes the following:

"Given the ongoing exposures that may occur near the site and the demonstration that fibers are released into the breathing zone upon disturbance, EPA recommends that dredged materials no longer be removed from the site without personal protection and that it not be taken to other sites where further exposure is possible, as has been done in the past."

WSDOT also consulted with the Whatcom County Health Department, the Northwest Clean Air Agency and the Washington State Department of Ecology. Those consultations indicate that Washington State Department of Labor and Industries regulations: WAC 296-62-077, and Northwest Clean Air Agency regulations: NWCAA Regulation Section 570 would govern the loading, transport, unloading, and placement of the sediment.

As a result of EPA's recommendations, as well as the regulations governing the movement and use of the asbestos-containing sediment, WSDOT has identified a number of risk, logistical, and financial challenges to using this material as sub-grade under state highways. First, transporting these materials would likely require respiratory protection for all involved personnel, including those operating loading equipment and driving trucks. The material would likely need to be wetted prior to loading, and trucks would likely need to be washed prior to leaving the loading site. Any water used to wash the trucks would need to be contained and treated prior to discharge. Loads would need to be covered to mitigate airborne exposure risks.

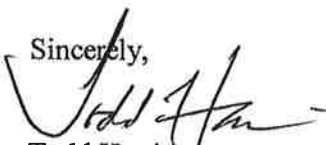
Next, upon arriving at a construction site, the sediment would need to be unloaded, placed, and compacted by workers using respiratory protection. The material may need to be re-wetted to prevent airborne exposure. As during loading, all equipment coming in contact with the sediment would likely need to be washed and wastewater contained and treated. The material would need to be placed where it would be covered or encapsulated so that asbestos would not become airborne and therefore a breathing hazard.

Finally, once in place, the material would require very thorough and long-lasting documentation to ensure that the presence of the material is universally known and not unknowingly disturbed by future road improvement projects, drainage replacements, or utility relocations. Further, such projects, replacements and relocations would be substantially complicated by regulations governing the handling and movement of asbestos-laden sediment in the roadway sub-grade.

In addition to the regulatory issues described above, engineering considerations also exist. WSDOT has not performed an analysis to determine the suitability of the sediment for sub-grade material. In addition, WSDOT has already spent resources to develop a sub-grade material source for the SR 539 project between Tenmile Road and Lynden that will start construction next spring.

If you have any questions please feel free to call me at 360-757-5990, or Alan Soicher at 360-757-5995.

Sincerely,



Todd Harrison
Assistant Regional Administrator
WSDOT Northwest Region/Mount Baker Area

Cc: Alan Soicher
Megan White