

**From:** Council  
**To:** Blystone, Kate; Boxx, Becky; Council Members; Craven, Rebecca  
**Date:** 11/2/2009 9:01 AM  
**Subject:** Fwd: UGA Comment  
**Attachments:** 10 31 09 letter re UGAs.doc

>>> Jean Melious <[jean\\_melious@yahoo.com](mailto:jean_melious@yahoo.com)> 11/2/2009 8:27 AM >>>

Dear County Council and Planning and Development Services:

The attached comment addresses proposed urban growth areas potentially affected by asbestos-laden soils. Thank you for your consideration.

Very truly yours,  
Jean Melious

1925 Lake Crest Drive  
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October 31, 2009

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Whatcom County Planning and Development Services  
5280 Northwest Drive, Suite B  
Bellingham, WA 98226-9097

Re: Nooksack and Sumas Urban Growth Areas: Asbestos-Laden Sediments

Dear County Council and Planning and Development Services:

The October 30, 2009 memorandum prepared by Planning and Development Services recommends reconsideration of Nooksack's proposal for an Urban Growth Area ("UGA") east of the Sumas River and south of Breckenridge Creek. The memorandum further recommends including the area of Sumas south of the city and west of Hovell Road in Sumas' Urban Growth Area.

A map entitled "Swift Creek Naturally Occurring Asbestos (NOA): Areas of potential NOA release by flooding of either Swift Creek or the Sumas River" ("NOA Map"), prepared by Whatcom County Public Works on April 22, 2009, was available at a public meeting held at Nooksack High School on October 28, 2009. Whatcom County was represented at the meeting by the Public Works Department and the Health Department. The meeting was intended to follow up on public health notices sent out in July, advising citizens of the high levels of asbestos (generally in excess of 20%)<sup>1</sup> found in soils deposited during the flooding of the Sumas River last winter. Residents were also advised to try to prevent floodwaters from reaching their properties this winter.

Although the NOA Map states that it is "for internal planning purposes only," paper copies were available on tables and a large copy was mounted on a wall. Presumably the Council and PDS have reviewed this map. If not, the map might be useful to your considerations of UGAs in the vicinity of affected floodplains.

My copy of the map is quite small, so making direct comparisons is difficult. Comparing Nooksack's proposed UGA south of Breckenridge Creek to the Naturally-Occurring Asbestos map, it appears that some of this land may be directly affected by asbestos-laden sediments during flooding. The remainder may be adjacent to, but possibly not directly affected by, areas subject to the dispersal of naturally occurring asbestos. The area proposed for inclusion in Sumas' UGA appears to be potentially affected by naturally-occurring asbestos during flooding.<sup>2</sup>

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<sup>1</sup> In occupational settings, the regulatory standard is 1% asbestos. 29 C.F.R. § 1910.1001(b).

<sup>2</sup> The PDS memo states that "The city's response regarding floodplain issues appear appropriate. . ." Any City of Sumas response that postdates the Planning Commission recommendation does not appear to be available on the County's UGA web site. If the City established that this area is not, in fact, located in a floodplain, please disregard the discussion of Sumas.

Several questions relate to whether development at urban levels of density would be protective of the public health, safety, and welfare in these areas:

- (1) In light of the fact that the landslide on Sumas Mountain is depositing an average of 30,000 cubic yards of asbestos-laden soil into Swift Creek every year, that it is estimated that this process will occur for the next 400-600 years, that no “engineered solution” is known to be available, and that Swift Creek is not likely to be dredged in the foreseeable future, what is the confidence level that the area affected by asbestos-laden soils, as designated on the NOA Map will not expand to affect Nooksack’s proposed UGA?
- (2) It is common to see residents walking, riding horses, and riding ATVs on the Swift Creek impoundments, and footprints in the creek bed have been photographed. Would urban development adjacent to areas known to be affected by asbestos-laden soils result in any increased risk of exposure to asbestos?
- (3) Development is generally discouraged on floodplains not only because of impacts of flooding on the developments themselves, but also because floodplain development reduces the area available for the storage and conveyance of floodwaters in the event of a flood. This can result in increased flood levels, flow rates, and velocities in other parts of the floodplain. With respect to urban development of the Sumas floodplain, could the dispersal of asbestos-laden sediments also be affected?

As was clearly communicated at the October 28 meeting, the scope of the problem of naturally occurring asbestos, dispersed through flooding, greatly exceeds available resources. No government agency has proposed to remove asbestos-laden soils from residents’ property or to ensure that future flooding does not deposit asbestos-laden soils. To avoid increased risk and exposure, the UGA process should carefully consider measures to protect public health and safety by minimizing exposure to asbestos-laden soils.

Very truly yours,

Jean Melious