

1925 Lake Crest Drive
Bellingham, Washington 98229
November 6, 2009

Whatcom County Council
311 Grand Avenue
Bellingham, WA 98225

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

Re: Revised Nooksack Urban Growth Area: Asbestos-Laden Sediments

Dear County Council and Planning and Development Services:

On Tuesday, November 3, the County Council voted to expand Nooksack's Urban Growth Area to include a "reserve" area. The reserve area was not included in the Executive's recommendation or in the Planning Commission's recommendation. This reserve UGA is partially located in, and is adjacent to, land affected by flood-dispersed asbestos laden sediments. It includes a stretch of the eastern bank of the Sumas River as well as floodplain areas.

On May 12 -13, 2009, the Environmental Protection Agency ("EPA") sampled sediments dispersed by the flooding of the Sumas River in early 2009. As described more fully in EPA's final report,¹ sediments along the Sumas River were found to contain very high levels of asbestos. The Draft Environmental Impact Statement for the Comprehensive Plan revision was prepared before this information was available, and neither the draft nor the Final Environmental Impact Statement evaluates the impacts of allowing development in areas with high levels of asbestos in the soil. Accordingly, no mitigation measures are proposed.

This letter respectfully requests reconsideration of the decision to include the "reserve" area within Nooksack's UGA, an area in which urban-density development must be allowed. It is not protective of the public health, safety, and welfare to allow urban development in this area.

Property owners and potential developers should be aware of the constraints that asbestos-laden soils present to development. Airborne asbestos, asbestos tracked into homes, and activities that disturb asbestos-laden soils all present exposure risks. The following measures are among those recommended by the Northwest Clean Air Agency for homes in areas with asbestos-laden soils:²

¹ U.S. EPA Region 10, *Soil, Sediment and Surface Water Sampling: Sumas Mountain Naturally-Occurring Asbestos Site, Whatcom County, Washington*, Oct. 9, 2003.

² Northwest Clean Air Agency, "Defend your home and health from Sumas Mountain asbestos," Oct. 2009. Available at <http://www.nwcleanair.org/pdf/aqPrograms/asbestos/Sumas%20Mtn%20Swift%20Creek%20defensive%20measures.pdf>

(Quoted from the NWCAA document “Defend your home and health from Sumas Mountain asbestos,” Oct. 2009)

Long-term habits to defend against “track-in” on people, pets, or things:

- Have “inside” or “outside” pets, if possible. Consider not allowing pets to have routine access between inside and outside, say, via a cat/dog door. Occasional monitored excursions of pets should be followed by thorough cleaning of the animal prior to entry into the home.
- Before bringing outdoor items indoors, wash down non-porous items that may have been outside long enough to have accumulated dust from airborne sources or ground/soil contact. Wash porous items (clothes, stuffed furniture, fleecy toys) or if washing isn’t possible, use your best judgment. Was it in an area with flood deposits? Was it outside during dry or windy weather? How long was it there?
- Ideally, your laundry area should be separate from the main living area. If possible, use an area outside the protected building “envelope,” a space that isn’t connected to the HEPA-protected household heating or cooling system.

Systems to keep out airborne asbestos from the surrounding environment:

- Cover and isolate affected outdoor areas (fresh topsoil, for example). Covering or removing Sumas Mountain material in your yard will reduce the amount of asbestos that can be tracked or blown in to your living area.
- Assure that, by design, your HVAC (heating, ventilating, air conditioning) system creates and maintains “positive air pressure” (air pushing outward at all building envelope penetrations). Install top quality HEPA filtered outside air intakes to the HVAC system to prevent asbestos from entering the system with fresh outside ventilation air.
- To monitor and assure positive pressure within the home, you can install a magnehelic device or digital differential pressure gauge. The 24/7 positive pressure prevents outside dust from drifting indoors via windows or other penetrations of the building “envelope.” An alarm on the device will tell you if you have opened too many windows, for example, and undermined the positive pressure balance.
- You can run portable HEPA filters indoors to constantly lower the concentration of all airborne dust.
- Periodic sampling of the filtered intake air helps ensure that the filter is working properly.

(Cont: Quoted from NWCAA)

Is the defense working?

Test your air and the dust on surfaces in your home to confirm that your asbestos defense is working.

Air sampling:

- Use an appropriate air sampling pump and filter cassettes.
- Learn the simple process of using a calibrated pump to pull a specified volume of air through the filter cassette to collect a representative sample of indoor air.
- Have the sample analyzed by a certified laboratory using transmission electron microscopy (TEM).

These measures do not, of course, address the additional exposure issues raised by construction in asbestos-laden soils.

Because this proposal has advanced without environmental review and without adequate consideration of possible effects on public health and safety, the “reserve” area should be removed from Nooksack’s UGA. If it is nonetheless decided that this area is appropriate for urban development, the Comprehensive Plan text relating to the area’s “reserve” status should be revised. It seemed to be the sense of the Council that the area should not be developed until it has been determined that development could proceed safely in light of asbestos contamination. The text (p. 2-73), however, merely requires “the city and county to review studies to determine the proper land use controls necessary to protect public health.” The language should be revised to state that the area will be kept in “reserve” status until the County has determined that development will not expose future residents and employees to unacceptable risk from naturally-occurring asbestos.

Very truly yours,

Jean Melious