

UPDATE ON SWIFT CREEK

PUBLIC MEETING HELD ON 11-6-08 AT 6:06 P.M.

[NOTE: This is not an official transcript. It is a summary, produced real-time at the meeting.]

MS. BEAN: Okay, folks. If you could take your seats, we're about ready to get rolling. Okay, folks. We're going to get started. To the folks who are going to be on the hot seat, come on up to the hot seat. So can you hear back there? You can't hear. Okay.

MS. HALE: You want the volume up?

MS. BEAN: Okay. This microphone is better. We're not going to use this very much, so it's only if we need this. Good evening on a wet and stormy night. Thanks for coming out. You lost your seat. There's another hot seat for you, Dick. It's right there. My name is Martha Bean and I'm really the gatekeeper tonight. I am the facilitator. I'm actually going to go put this down, because I think we don't need this. It's great if you can't hear me say, Martha pick up that up again. Okay?

So I actually recognize some faces here. I've been doing some work up here off and on for last 20 years and some of you I've met before. I didn't think that would happen, so thank you for greeting me, those of who you did. My role here tonight is primarily to make sure that each of you have a chance to ask the questions you need to ask and get the answers that you need answered. And also to give these

people an opportunity to give the information as straight as they can. So that's my responsibility to you, to you as a group. Okay? If I'm not doing that, I want to you let me know and I'm perfectly happy to have people say, Martha you got it wrong, or be quiet, this person really needs to speak, or to you to tell me that person's talking a little loud--I need something to say, too. We'll try and keep this fair to the end of having you all have the opportunity to ask the questions you need to ask and get the conversation going that you need to have. I like to make sure that people are respectful with each other, which I understand you all have been in what I also understand are numerous meetings about this in the past. So I'll just know that that's how you already are and we'll make sure that's how it happens tonight as well.

We will have questions and answers, a time for questions and answers is part of the agenda. We won't wait till the very end. We're going to try and make it through the presentation question and answer part relatively quickly and then have a more free-form Q&A time after that. So if you'll take a look at your agenda, you'll see the first thing we're going to do -- it's the green one. Maybe someone could bring a few more up. Okay. Thank you.

The first thing that's going to be on the agenda is you're going to get some words about what's been happening

for the last year, because if I remember probably you were all together on this issue about a year ago, is that right? And then after that there will be some words that Executive Kremen is here, he's going to have a few words. Did I get that wrong?

MR. KREMEN: I'm here to receive input and to answer questions if I'm able.

MS. BEAN: Okay. Thank you. Then there will be some discussion about what's going to happen this year. The rain's already falling tonight, what's going to happen this year. And then what the four agencies, you can see them right down here Army Corps of Engineers, EPA, Department of Ecology, Whatcom County, what they are setting their sights to work on this coming year.

So we also have a court reporter here tonight, Sandra Sullivan. My understanding is the last meeting you had more than a year ago you also had a court reporter. Someone had requested that, so we thought we'll just do that again by default this time and we'll see if that's the right thing for future meetings, because I know that this group intends to keep you informed with meetings in the future. The important thing, though, this is not a public hearing. There's no public comment or any process time where there's an official public hearing and this -- this is just an information exchange. So what Sandra will be producing is a

summary of the meeting, not a transcript or anything like that. Even so, if you want to have your name in that summary, be sure when you ask your question that you say your name, and I'll also ask that of those of you who are answering questions. Okay?

Let me quickly introduce the people who are here in front and know that peppered throughout you are also other people with special expertise in the complex problem who may be able to answer more specific questions as they come up. But these will be your main speakers for tonight. Executive Kremen, we've already introduced him. To Executive Kremen's right is Dick Grout from the Department of Ecology. Jon Hutchings also from the County. I believe you're the deputy executive. I think everyone knows --

MR. GROUT: Nope, that's not correct.

MS. BEAN: All right. Remind me.

DR. HUTCHINGS: Only for tonight. I'm in Public Works.

MS. BEAN: A Public Works person. Dr. Greg Stern from Whatcom County Health Department. Elly Hale, an engineer with the EPA. Matt Allen with the Army Corps of Engineers. And I know many of you know Paul Pittman, who's the guy that gets around really taking a looking at things from Whatcom County Public Works.

Is there anything else we need to do logistically? I know you all know where the bathrooms are, that's usually

something. Okay. Anything else?

MR. KREMEN: No.

MS. BEAN: Okay. Well, let's get started and I believe, Jon, you're the first person out of the gate.

DR. HUTCHINGS: Yeah, I was asked to give a brief and upfront summary of what has happened over the course of the last year and I'm just remembering back a year ago this month it was my first introduction to Swift Creek and Paul brought me out here and at the end of October we walked down the creek with Dave, met the -- got to know Tom Westergreen a little bit, Mike and a couple of other folks. And got really quickly a rude awakening I guess as to the history and the -- the scope of the problem associated with Swift Creek. And it was shortly after that that we had a public meeting here and there was a lot of, a lot of disconcerted messages from the community about just exactly what wasn't getting done, why is it that dredging was no longer happening in this creek? What was it that was tying this whole project, this whole effort in a knot? And I think that meeting was attended by the colonel from the Corps of Engineers, the regional director of the EPA. The Department of Ecology was there and, of course, the County was represented.

And what came out of that was a meeting following that by those various heads of state, and a level of commitment to

begin to turn over all stones that were left unturned to find a resolution to the -- the problem that was at hand and the problem basically was that the County had -- had done all of this work over the course of time and all of a sudden found itself in a predicament because we had permitting requirements that we couldn't meet. There was no place because of the newly -- newly revealed health risk, there was no place to take this material and, as a result, there was no more work that could be done in the creek in the existing footprint of where that material is already stacked all the way down near your place, so on and so forth.

So based on the commitment from those, those agency heads, we -- we did what was asked. We turned over every stone, we looked at all kinds of -- we looked at the crux of the problem, which you all recognize is the combination of this health risk analysis and -- and the fact that -- that there are permit requirements for mitigating wetlands and those sorts of things that drive up the cost of anything the County is going to do out there to a number that's -- that's exorbitant from the rest of the taxpayers' standpoint that is tens of millions of dollars to do major dredging operations in the creek. And that includes finding a place to put this material and securing it so that it doesn't cause the kind of health risks that -- that there are being considered.

So, you know, over the course of time the County recognized, of course, that we have a lot of stake. There are roads out there that are going to be inundated, there are bridges that are going to be filled, and -- and have to be fixed or replaced. Of course, there is -- there's certainly going to be a lot of costs associated with any -- any flooding and distribution of this material across the landscape that the rest of the taxpayers are going to have to bear.

So there's no question that it's in the County's best interests to do everything in our power to make something move off center with respect to this Swift Creek problem. But I'm not going to -- I'm not going to fill you full of any false hope. We have not made very much progress in the last year. Let me tell you what we have done. You know, we've gone back and looked at all the proposals that were out there years ago when you guys have been faced with this problem for a long time. And everything from-- from mining out gravel and filling those -- those gravel pits up with this material dredged in from the creek from doing the major dredging operation, basically a mining operation, all of those sorts of things, and every step of the way we ran into the same problems. And they're permitting-related problems that -- that result in a tremendous amount of cost.

So, recognizing that, we worked with the Corps of

Engineers to get a line item in the president's budget to begin the process of -- of general investigation to evaluate, or actually to evaluate and then do, a major civil works project out here. That fell flat. We then went to the Congressional delegation and there's a few folks that were on our team in that whole effort to try and get inserted into the budget through Congress. That failed. We also pursued some money from the State. I think it was at first \$5.3 million, something along those lines. The Department of Ecology got behind us to get -- get access to some special account money that could be used here. That number got whittled down to a million bucks. It still exists in the State budget request. But I'm betting you that the likelihood it gets through as a million dollars is pretty slim.

So where we sit today is that we have a really costly problem on our hands that's going to have a tremendous impact on the County infrastructure, on the property owners, on the small businesses, and we're tied in just as tight of a knot as we were a year ago. And along the way Paul Pittman's been working about full time on this particular project on behalf of the County. The Health Department has been involved, I've been involved, and countless hours by other agencies. So at this point it's certainly not from a lack of trying that we are where we are.

You know, what it really comes down to at this point is somebody's going to ask, well, can we sue our way out of this and could we -- can we take the EPA to court and force them somehow to change their view on this, on the health risks associated with this material and open up a line to be able to move the stuff someplace? And I've -- I know that that question's going to come, so I'm going to respond to it right upfront. And we have -- we had a lot of conversations about that in the County, we've consulted with the prosecutor's office. And the long and short of it is that any time we head down that path, not only does it divert attention away from the problem at hand, so the likelihood is that we don't get anything done while this whole thing is getting sorted out in the courts. You've got to find exactly what the legal question is that you're trying to answer and then you've got to -- you've got to figure out whether you really want to know what the answer is. And, in this particular case, I don't even understand what -- coming down to from a legal standpoint, what that question might be of what I'm certain of is impacts, the stigma that might be associated with going down that path. You know, people are concerned about their property values now, just wait until the Seattle paper is talking about, you know, lawsuits and all that kind of stuff.

So, from the County's perspective, you know, that may be

an option in the future, I don't know, but certainly we are not going to step one step in that direction without, you know, first of all understanding what the question is and, second of all, without consensus from the community that that's something you would want to participate in and -- and that you understand completely what the ramifications of that might be, because they are serious, no two ways about it.

MR. KREMEN: Are you done?

DR. HUTCHINGS: Yeah I'm done.

MR. KREMEN: Thank you. I just want to interject a couple of things. Can everybody hear me? Okay. As Dr. Hutchings said -- he doesn't look like a doctor, but he actually is a Ph.D. micro -- hydrology, right?

DR. HUTCHINGS: Yeah.

MR. KREMEN: Congressman Larsen's office is represented tonight by our Luke Loeffler, who's based out of Bellingham. And I have to commend Congressman Larsen for his efforts in helping us to try to obtain some meaningful funding to address the issue. As -- as Dr. Hutchings said, there's not much money in -- there's no money in government, period, whether it's federal, state or the local level. The State of Washington is -- is finding itself -- I think we're going to get some more information in the next few days that the the budget deficit is going to grow again from \$3.2 million

to between 4 and \$4.2 billion. Billion. Yes, B. And -- and I am a little more hopeful, but not overly optimistic that state representative Kelli Linville may be able to -- in spite of the fact that funding is almost nonexistent, may be able to get us some. I hate to put you on the spot here.

MS. LINVILLE: I'm glad you did.

MR. KREMEN: Well, you know, you're been working so hard for Whatcom County for so many years, what is it, 16 years now?

MS. LINVILLE: Uh-huh.

MR. KREMEN: And you're in a position now where if anybody could get the funds, it's Kelli. And just the fact that she's here tonight is a -- a glowing example of her concern and the hard work that she puts in representing the people of this particular legislative district.

I'm a little more optimistic than what -- what Jon just conveyed to you. In spite of the fact that we have not made much progress, we did have a meeting in the last couple of months in Whatcom County with the EPA, the Department of Ecology, the Army Corps of Engineers and -- and I have to say that -- that Dick Grout's boss, Jay Manning, the director of the Department of Ecology, who was also at this meeting, was very -- to me appeared very willing to try to get the go-ahead, and I also got that feeling from the Army Corps of Engineers and the EPA.

Now, I don't want to raise expectations beyond reasonableness because, I mean, it is going to be extremely difficult to resolve this issue without some major impacts. I mean, I don't see it happening, but I have to say that this last meeting that we had, there was I believe a more than slight move to really genuinely collaborate to try to come up with a livable, affordable solution to this. Now, there was no consensus or agreement that we're going to be able to do that, but I was somewhat actually surprised. I was pleasantly so. But we have a very tough challenge ahead of us, all of us do, the feds, the State, and Whatcom County and you. I mean, this is not going to be an easy solution, but I'm guardedly optimistic that we're going to be able to make some strides and -- and get some tangible movement in the right direction.

MS. BEAN: And I'd like to invite Dr. Stern to give you a little more context for this and then we'll open it up for questions.

DR. STERN: Thanks. A lot of -- this is my first public meeting on Swift Creek. I'm assuming that most of you have been to the previous meetings and have a lot of information on asbestos and -- and its potential to cause disease and why it's such a concern. And as I've been talking with people about this issue, I realize all of the discussion about dredging and risks of flooding are all based on the

health-risk assessment, the risk of exposure to asbestos. And -- and it's not just a matter of that there's asbestos in a rock. It has to get into people to cause disease, and -- and the amount of asbestos in the material and the amount in the air when people are doing different activities around the dredged materials was high enough to go beyond the threshold that could be considered safe.

So when we're looking at these -- at these issues, on one hand you're going to get information about what you can do to reduce your exposure to asbestos, and this is kind of in the context of it's good to minimize your exposure to things that cause cancer. So don't breathe asbestos if you can avoid it, you know, stay out of the sun, use sunscreen, don't get skin cancer. That's kind of -- as I see it, that's a context for how to protect your health as an individual.

If we look at the population, the health-risk assessment determined that there'd be on the range of -- it's over one in 10,000 excess cancer deaths associated with certain levels of activities that were tested a couple years ago. And one in 10,000 is what we use as a standard for taking action to reduce exposure. We do this not just in terms of asbestos in the air, that's a standard that's used in protecting your drinking water and your food and air pollution control. So if we start arguing about whether

that is an appropriate threshold, it's not just going to be about asbestos from Swift Creek. It will be about all these other things that we are also counting on to reduce our exposure to things that can cause cancer.

That being said, most people exposed to materials from Swift Creek are not going to get cancer, but it's our goal to reduce that risk. If you have 10,000 people in the area and you figure four of them are going to have cancer they wouldn't have to have if they weren't exposed to that, it would be hard to go around and choose straws and say, which of you four get to have the cancer? So that's kind of the social context about these kind of exposures.

The other thing to keep in mind, because of that exposure, the material that's deposited, that's going to be deposited whether you dredge or not, but the material itself, it had a level that you couldn't sell this stuff to use it safely as landfill, as the sand and gravel uses, and so when we think about we're not selling it, what if we just give it away free? You really are substituting it for a commercial product that you consider unsafe.

So that leaves us with there are restrictions on how can we use the dredging material and how can we get rid of the dredging material? Because of its asbestos content, we're stuck with doing things that protect workers that work with it, that are shoveling it and trying to clear it out. We're

also -- it also impacts the cost of getting rid of it. It would have to be treated as a dangerous substance and, again, that's to protect the public and workers. So that's as I'm looking at this, I'm seeing for individuals it's a relatively low risk for each individual to get cancer, but it's at that level where really you need to not just treat it as routine dirt and that's having all this other impact. If it wasn't for that impact, we wouldn't be having these meetings. We'd be dredging to reduce the risk of flooding.

So I think I'll -- well, one other point that I want to make. One of things besides the activity-related risk assessment, we also worked with the Department of Health to look at cancer rates in the area. One of our concerns, this has been going on for, what, 40 years that the asbestos has been flowing down the creek and it's been dredged since the '50s and part of the way used in different products. So our concern is, have there been -- is there evidence of increased cancer rates associated with asbestos? And we didn't find higher rates of lung cancer, mesothelioma or even asbestosis, a non-cancerous lung disease from that.

Now, that's looking at a population. That doesn't prove that there weren't cases, because we can only look at these. Mesothelioma is the marker for exposure that is pretty much caused by asbestos exposure, the rare cancer. The numbers are so low that it makes it hard to say that rules out the

fact that, you know, somebody -- you can't prove that no one got cancer from this exposure. There's a lot of other causes, exposure to asbestos working in shipyards in World War II before we stopped using it as a building material and people were exposed to fairly high levels. Those people have had lung cancers and they're in the population, so are too -- so we do get mesothelioma cases in Whatcom County. We're comparing what's our rate compared to Washington state, both compared with Swift Creek census tracts to Whatcom County to Washington state, and we didn't see an elevated number of cases. So that goes along with there being a relatively low exposure level, but, again, it's still at dangerous -- there's still a dangerous content there that, as a population, it could affect people.

So I -- I hope this gives you some of the information that we use in determining, you know, whether to take action, whether to restrict movement of materials. And this is really focused on what's the effect of asbestos on health and I think there's other questions around health, too, that have to do with what's the impact of -- of not dredging on health. And I think we're definitely open to that conversation. Whether you dredge or not, there's going to be asbestos in the Swift Creek area. And we've got restrictions on what we can do to intervene. There's regulations that say you can't move it, but that doesn't

make it go away. It just says it will stay there.

So I think the conversation isn't over and I think these things are going to have continue to be balanced in order to come up with some solutions and it's a dilemma. And a dilemma means that either way you turn, you're going to not have the right answer.

MS. BEAN: So tough news that I think many of you expected, but I also think you probably have questions for these folks. So why don't you raise your hand if you've got a question? We'll take Dave here first and then...

DAVE: I've got a question for the health guy.

MS. BEAN: Okay. For Dr. Stern.

DR. STERN: I go by "the health guy".

DAVE: I forget what the measurable amounts were when Sorenson Construction was working on the creek. A couple three years ago the Department of Labor & Industries came out and had monitoring devices on those guys for three or four or five days, I don't know how many days. What were the measurable amounts then? There wasn't any measurable amount of asbestos in those breathing apparatus. Am I wrong, Paul?

MR. PITTMAN: Other than there were these breathing apparatus they had on and they worked and simulated the condition

of exposure they would get while they were doing the work...

MS. HALE: What kind of work?

MR. PITTMAN: They did dredging and driving the trucks.

MS. HALE: On wet?

MR. PITTMAN: Yeah, we did what was wet with sprayed water.

MS. BEAN: Did you all hear that discussion? You want to stand up and say it loudly? And again, Pete, you might want to use a microphone.

MR. PITTMAN: I'll actually face you guys. So when we did the work in 2005 and actually again this past summer, we had a Labor & Industries consultant come out and tell us how we should, you know, put -- to put these breathing apparatus on and test for exposure doing the work. In 2005 there were asbestos fibers recorded on those breathing apparatus, but they are below what OSHA considers the occupational permissible exposure limit.

MS. BEAN: Now I'd like to -- Dave, I want to know what it is you wanted people to know by asking that question.

DAVE: Well, I just want to know why that the Health Department has got a higher level of exposure rate is what he is saying compared to guys that are working with the Department of Labor & Industries.

MS. BEAN: You have a question about what actually happened versus a standard, and I think --

DAVE: Right.

MS. BEAN: Maybe you can speak about that.

DR. STERN: Well, again, I'm not sure --

DAVE: You're setting your own standards.

MS. BEAN: Let's let him answer the question.

DR. STERN: I'm not familiar with that study and I defer to Paul and the EPA folks that have done that. If it was tested during a wet -- with material being wetted, was that it?

DAVE: No, excuse me. Let me -- when they're working down there handling the material as it was, they were -- at times there's water that rode down and washed the trucks off, but the majority of the work was done dredging out of the creek, putting it in the truck and hauling it and dumping it in a pile. Okay. The majority of that material, 90 percent of the material stays wet year-round. You can dig in the pile at the driest part of the summer, you're only going to have a inch of material on top that is perfectly dry. The rest is going to have moisture in it.

MS. BEAN: So, Dave, I'm looking for what it is you want to know.

DAVE: I want to know why he's got a higher level as a standard than OSHA does. Basically is while you're calling it hazardous, you can't move it or touch it, but yet OSHA had a lower, a dirt standard that's lower than yours and, yet, men can work in it.

DR. STERN: I'm going to defer to Jeff, but I just want

to answer. The content in the -- of asbestos in the dredging material averaged about 1.7 percent. That's -- that's wet and dry. You just -- that's how much asbestos was in there on the average. It varies depending on where you're sampling and where. It is the OSHA exposure limits have to be with fibers of, certain size fibers in the air and that's going to vary, again based on what the concentration is of asbestos in the material, how dry it is, what the activities are. And I think I wasn't referring to the air standards. Those are really -- those are determined by -- by not OSHA, again based on the one in 10,000 issue of cancer.

MS. BEAN: Jeff may have a response and keep that question, and then we'll go to Kelli Linville.

MR. HEGEDUS: Thank you. I'm Jeff Hegedus with the Health Department. It's an excellent and fair question to ask, and for those that don't know, back in about 2005 when it came to our attention that we apparently had more asbestos than we thought, we became concerned about the workers that were doing the dredging out in Swift Creek. That's an Occupational Health & Safety issue.

At that time, Public Works, as an employer and as a hirer of contractors did the right thing with Labor & Industries on site to do what's called a consultation for workers in the workplace. And Labor & Industries came out and did a

great job. For about a week they went out there, they educated the workers, provided them with some monitors where it would measure the amount of asbestos they are exposed to for an eight-hour period and did all sorts of engineering controls and best management practices to minimize the amount of the dust that had the asbestos in it that might get airborne. So they had a water truck out there that was spraying down the berm, they drove on it, it was sprayed down before they dug. They weren't getting close to it. They were supposed to do these kinds of things.

And what they found was that, if I remember right, only one of those samples exceeded the 0.1 fibers per cubic centimeter occupational standard. So that -- that was good news actually, because that meant if they did those management practices and engineering controls they were minimizing their exposure to airborne asbestos when they had equipment work out there. What we don't know is if they were exposed above that level in previous years when they were not using those management practices and those engineering controls.

So what's relevant here and is part of your question is that those standards are for workers who are working eight hours a day and have a limited experience being maybe exposed to asbestos. What this group has worked hard for two years trying to understand is not for workers, but for

people that live in the area, that ride their motorcycles in the creek, and that run, that ride horses, that make driveways and pathways out of that sediment, what kind of potential exposure to the asbestos might those people be experiencing? And EPA has the one in 10,000 number you're hearing--it's different than the OSHA standard, basically a cleanup action level threshold, and now we start getting into a lot of the real details, but the idea there is to try and do a technical study to find out how risky it is to be exposed to that sediment, and what we have found is that that risk is pretty significant.

And, you know, I think Greg was trying to say here, you know, in the piles we have out there, we've got about two percent asbestos. Okay? EPA went out and now sampled some people's driveways and pathway and horse paths that had concerns to measure asbestos in the sediment and they got up to six and a half percent. That's a lot of asbestos in the sediment. If you guys were buying a product off the shelf in a store and it had that much asbestos in it, you wouldn't buy it. It wouldn't be legal. Everyone would consider it wouldn't be safe and people would sue us.

What the dilemma Greg was referring to is that we've got a lot of asbestos in the sediment and, because of that, it's appropriate in the agencies' position to not let people continue to make driveways out of it.

MS. BEAN: Dave, I know you've got more you want to ask.

DAVE: That's all right.

MS. BEAN: Okay.

MR. HEGEDUS: That's an excellent question.

DAVE: But I think that a person that's exposed eight hours a day working in it continually, as the contractors were, and then taking a guy riding his horse along the creek once a week, what his exposure rate's going to be, or driving his car in and out of the driveway on top of the material what his exposure rate's going to be would not even compare to the worker who's working in it eight hours a day.

MR. HEGEDUS: That's a good point.

DAVE: But, yet, when he talked this material cannot go anywhere, it's got to stay there, blah, blah, blah, it's being treated as if we have radioactive material bomb site basically is what we have in our backyards.

MS. BEAN: So I don't know. He did explain about not being able to buy the stuff packaged.

DAVE: Not buy it, but everybody's making their own rules as they go along. If the whole system were to adopt or accept the federal guidelines for asbestos is lower than you and the Health Department have said is the guideline --

MS. BEAN: So you know --

DAVE: -- for the acceptable measurable amount of naturally-occurring asbestos.

MS. BEAN: Dave, what I would ask you to do is sit with that question for a minute and let the people that have answers to that sit with it for a minute and we'll come back to it, I promise. I would like to give a couple other people a chance.

Representative Linville. Kelli.

MS. LINVILLE: This is actually just clarification and I'm going to ask Dick, when he was talking about the million dollars, is that in the governor's proposed budget or was that in a different budget?

MR. GROUT: That's in Department of Ecology's budget request.

MS. LINVILLE: To the governor for this issue?

MR. GROUT: Right, and just a quick explanation. The way it works in State agencies, the State agencies make their request through the governor's office. The governor's office of financial management puts the entire budget request from all the agencies together. They can change it once Jay Manning enters it for Ecology, and the governor's budget goes to the legislature. So, right now, there's a million dollars in Ecology's budget request that has gone to the governor's office of financial management.

MS. LINVILLE: 'Cause I didn't think I'd seen that million dollars. And, secondly, is it eligible for MTCA funds?

MS. BEAN: Is it eligible for MTCA, say what that stands for.

MR. GROUT: It's the Model Toxics Control Act, and that's the fund, the special fund that Jon or somebody referred to that we use for those kinds of things. It's -- we've been stretching all along using this MTCA money for this purpose, because it's a naturally-occurring deposit. And technically under the rules, that's really not contamination, but Jay made the decision under those rules, Jay made the decision we're going to go for this. I think the legislature agreed and we went for \$210,000 last session. So that's the path we're still moving on.

MS. LINVILLE: It would be eligible for that?

MR. GROUT: It will be in the budget request as coming from the MTCA fund, --

MS. LINVILLE: Okay, thanks.

MR. GROUT: -- the toxics fund.

WOMAN: I have a question, so when if and when --

MS. BEAN: You know, folks. It's going to be hard to hear what that questioner has to say unless --

WOMAN: If and when the money is funded, what is the plan to do with it?

MS. BEAN: If and when it's funded, what's the plan? We could either cover that now or actually we've got one more thing to cover and do that a little later in the agenda, if

you're willing to just wait probably ten more minutes, we can get to that. Is that all right? Are you guys willing to wait for that until it comes up on the agenda?

So I'm going to go on maybe to the next part of the agenda. Keep thinking about that health question and we will come back to it. And if I don't call me on it.

MR. PITTMAN: I was asked to talk about what the coming winter and year might be like. We did a project last summer. Compared to past projects, the scale is small. We used to dig out about 100,000 cubic yards of sediment every year or every other year, and that was 17,000 cubic yards. And so --

MR. GROUT: Paul, you need to eat that [reference to the microphone].

MR. PITTMAN: The scale is much reduced. So it's not a perfect project, it's not a complete project. It's a project that we hope will get us through this winter. But we all know that the creek's going to be flowing and bringing sediment and fill that project up and the potential that it could flood this winter exists. And weather like we're having today increases that potential, and the creek is going to be in a state of deterioration with no planned dredging projects coming up.

With that in mind, we have to think about what flooding may look like or may occur. Many of you have seen it flood before. It breaks out of the levy and comes across new

ditches or across the farm lands and across the roads. And as far as what we're going to do when that flooding occurs, the County is going to do their best to keep the creek in the channel. If we need help, we're going to ask the Army Corps to come along and help with that. Of course, we put water over the road all the time. And agencies are exploring what other work recovery options exist. We're both working on that as we speak. We don't have good clarity as to what that is yet today.

So, with that in mind, there are some things you can do as an individual to kind of manage your own risk and those are some things you may want to consider. We have FEMA flood insurance as an option and in addition to FEMA flood insurance we offer sandbags when there's an emergency declaration. These might seem like small things, but these are things that we have to think about now that we have the state of deterioration in the creek conditions. Any questions on that?

MS. BEAN: And, by the way, if you turn to the back of your agenda, it has the some of the numbers that Paul was speaking about here. So questions about what to do this year? The gentleman in the back, you want to say your name?

BILL: Bill (?).

MS. BEAN: Bill.

BILL: My property is across South Pass Road right where

you've heard it can run. So is the County going to -- you just talked about sandbags and so on. Is the County going to do something to prevent it from coming on my land? And -- and if you do that it's going to run someplace else. So it just doesn't seem like it's much of an option.

MR. PITTMAN: Yeah, Bill's question is, what are we going to try to do to keep it from flooding? And in years past, we had an incident in the winter where a levy was being eroded through. We got there in time, we were able to put some rock or fill in the way. These are temporary measures, they're not complete solutions, but get us through the winter. We're going to be doing more of that as the creek fills up with sediment, there may come a time where we don't get to it in time, there's so many problems that it gets out.

The colonel from the Corps said he was going to try and help us out through the project to the best of their ability as well. So there will be several of us trying to keep this creek in the channel, but again it may break out. In addition to the fact that even the lowland flooding and not just Swift Creek is going to get worse. As Swift Creek fills up with sediment, the drainage ditches don't work, wetlands become wet and ditches don't work as well. We'll possibly see a state where wet and flooding conditions are something we have to deal with for a while.

MS. BEAN: Probably not the answer you wanted.

BILL: No.

MS. BEAN: Other questions related to this year, but the honest answer Paul will give you. Yes. This woman here and your name is?

MS. GELWICKS: Shirley Gelwicks.

MS. BEAN: Shirley Gelwicks.

MS. GELWICKS: I don't think a lot of these educated people that are here to talk really know that when that creek goes out of its bank and covers the farm ground, it would be many years before you could rehabilitate that farm ground. We -- we had a flood in '77 and it filled the field, and two years ago was the first crop we took off those fields, and every year we put manure on it and tried to rehabilitate it and it's taken that long.

MS. BEAN: So am I understanding that you'd like to make sure they know that? Did you have a question?

MS. GELWICKS: Well, I think Paul knows that. Maybe a lot of other people don't.

MS. BEAN: They all want you to know that.

Did you have a question for Paul as well?

MS. GELWICKS: No.

MR. PITTMAN: I've been trying to pass that information on to the point where they probably feel like they're being beat.

MS. GELWICKS: It's not like the river flooding. When the river floods your lands gets better usually if it don't wash away. It's that silt instead.

MS. BEAN: Okay. Other questions?

Yes. Your name again?

WOMAN: My name is Libby Mades (?). What I want to add to Shirley that not only the land here becomes contaminated, but it's becoming contaminated from into the Sumas River and then on up and, you know, we're so worried about asbestos, but we're spreading it all over the county and into Canada.

MS. BEAN: So, again, that's a comment. Do you have a question associated with that or do you just want to make sure --

WOMAN: Well, we need a solution. There seems to be no solution.

MS. BEAN: So emphasize --

WOMAN: Spread asbestos around I guess is what we're saying.

MS. BEAN: This is part of the conundrum. It's bigger than a conundrum. Other questions or comments around what to do this year?

Yes, first in the back and then up.

MR. DAVIS: My name is Doug Davis. It seems like the driving force for us not being able to do anything with that is directed to the EPA. Why isn't the EPA so concerned

about it that they aren't a driving force to -- to get something done on this rather than sitting back and saying, well, we've got to go through this or we've got to do this? If it's that hazardous of an impact on the community or the potential impact, why aren't you guys out here in the forefront saying we have to take care of this, we have to take care of it now?

MS. BEAN: Okay, Elly. That one's for you. You're with the EPA and I know you'll be speaking for Elin Miller.

MS. HALE: Yeah, I don't know if you came last year to the meeting.

MR. DAVIS: I've been here every meeting.

MS. HALE: You met my boss and also two of my other bosses are here, Sylvia Kawabata and Linda Anderson-Carnahan --

MS. BEAN: Two more people to buttonhole.

MS. HALE: We'll be available to talk to you. We are -- we are doing whatever we can in the aid of finding a solution. We are constrained, everybody is constrained by physical reality and the legal reality. By that, I mean laws that apply, but also we operate within certain restrictions and I think you heard --

MR. KREMEN: It -- it's okay.

MS. BEAN: You can tell --

MS. HALE: That one, we -- we also have constraints on how we can use the federal money that we manage. We manage

environmental cleanup where there have been certain kinds of hazardous spills. There's a fund that deals with oil spills and there's a fund that deals with, you know, emergencies that require immediate responses, and there's a funds that deals with facilities that cause chemical releases. There really isn't a fund meant for naturally-occurring asbestos situations, and there isn't a law that says that we should spend our money on that, but we do recognize as scientists that it's a health issue. You're not the only naturally-occurring asbestos affected community, but all of our science says that, natural or no, it is a problem. But, for now, we have constraints on what we can do about that.

MS. BEAN: Elly?

MS. HALE: Yes.

MS. BEAN: Would it be possible to repeat whatever it is that EPA has committed to?

MS. HALE: Yeah, I was going to get to that. I was going to try and explain, we have this year spent a little bit of money on contractors who went after the dredging and applied the sticky stuff on the surface, which is to prevent dust from mobilizing. I thank you for -- I see that that doesn't really sound like much to you, but that's something that we could do because of the material that was moved in the process of dredging. We also added to that some of the riprap supports to protect the banks in one area.

And on a day-to-day basis, I am very involved with trying to coordinate among all these agencies and we've done sampling. So we are doing what we can, but, as you can see, none of these agencies are necessarily regulatorily situated or financially situated to fix this problem with the stroke of a pen. It's going to take a lot of work, a lot of collaboration, and we are really understanding that this is a major problem that needs a major solution and we are doing everything we can.

MS. BEAN: Kelli.

MS. LINVILLE: Okay. I have two more questions. First of all, I remember in the mid-'90s we passed a bill that would allow us to do preventive work if we anticipated there would be flooding. We didn't have to wait for the flood to do something. And, of course, we passed the bill and then it becomes implemented and I'm wondering if we still -- if the County still has access to that. Two questions.

MR. GROUT: There's -- I don't need it. You can all hear me, can't you? The -- that's the flood control assistance program. The amount has been declining every year for a number of years, but the County still does get money. Ecology administers that fund. The legislature makes the money available, Ecology administers it, and the County does still get money from that fund. I don't know how much last year.

MS. LINVILLE: But the authorization is still available if the amount of money --

MR. GROUT: Right, yes.

MS. LINVILLE: Okay.

MR. GROUT: I think that primarily gets used on the main stem of the Nooksack River.

MR. PITTMAN: Correct.

MS. LINVILLE: The second question, and Luke is going to write it down, we do change policies, I mean, at the State level, if there's something that prevents us from fixing a problem because it's what the -- the law says is always appropriate when agencies come forward and ask us to change this 'cause this is a problem. Is any move afoot to change the law that would allow us to take care of a problem? Because the truth is, whether it's naturally occurring or not, it's a problem. And looking at performance-based regulations, we'd like to think that how it got there isn't as important as that it is there, if, in fact, it's going to restrict what people can do or cause any kind of concerns for -- for people's property values or their health.

MR. GROUT: I'm going to do what Martha just did and ask your patience for about five minutes 'cause that's part of what I'm supposed to talk about just a little bit farther on, if that's all right with you, Kelli.

MS. LINVILLE: Okay. Are you going to answer for them?

MR. GROUT: I'm going to answer. I think I'm going to answer the question you asked 'cause we're coordinating that.

MR. ALLEN: If not, I'll be happy to.

MR. GROUT: For the Corps. I'm not going to answer for the Corps.

MS. LINVILLE: I'm pointing over here.

MS. BEAN: Let me make sure I captured what we're going to do. We're going to come back to Dave in the next section, we're going to make sure you either hear about or get your questions answered to what's coming up, and that's -- that's the third part of the agenda and Richard is also going to speak to that. So I think we're ready to go on to that now unless there are any other questions for what's just been spoken about.

Okay. All right. It's Paul again.

MR. PITTMAN: I'm going to try to get to the question. I didn't catch your name in the jacket sorry.

MS. STAAL: Beverly Staal.

MR. PITTMAN: I'm going to try to get to your question about a million dollars plus or minus, reiterate what Jon talked about. We've kind of hit reality where sediment can't leave the site. We can't afford to dredge anymore. We're going to have to start looking alternatives and the

alternatives we looked at are a lot of money and you heard there isn't a lot of money forthcoming. So what we are in this process of doing is looking at money we can get, which might be a million-ish, and trying to develop a project. What's the best thing to do with that million dollars? And we've been trying to assess, look at some alternatives and what's the least [costly?] way we can try and reduce the risk of

flooding and spreading this material around the site?

We have some ideas that are kind of in concept form and here's where we're at with that. Some form of setback levees or dikes where that makes sense, some sort of acquisition of some places where that makes sense, and maybe limited dredging on occasion in places where that makes sense. Trying to use bailing wire to kind of keep this project or keep this creek in its banks and kind of get to the long-term solution.

We are still going to continue to ask for money from the Army Corps, from the feds, and we're going to continue to ask for State money. But these moneys, if we get them, we have to kind of keep the project going along as best we can with whatever resources we get.

Is that everything before I lead into your presentation and --

MR. GROUT: Yes.

MR. PITTMAN: -- talking a little more about the laws.

MR. GROUT: I don't want a mic.

MR. PITTMAN: Okay.

MR. GROUT: Okay. So we've been talking, all of the agencies, about how are we going to try and deal with this, because I think you've heard tonight there's no simple solution, there's no inexpensive solution. So how are we going to deal with this? And what Paul is talking about, it's just the kind of a conceptual plan at this point is this notion of the setback levees and trying to keep the creek contained while we can figure out what's the longer-term solution, if there is one. We know when -- when my boss, Jay Manning, was in a meeting with the other agency heads, he made it very clear the only way you get money in the legislature is if you go in with a very specific proposal that they can see what you're going to do with the money, because their job is to be responsible with the taxpayers' money. So what we are planning and Ecology's role in this because we don't do flood fighting, we don't do emergency response, that's not part of what our laws tell us to do. Our role is to try to coordinate the effort at the state level to find money to deal with this.

So I mentioned this, Kelli, right before the meeting, what we're looking towards doing is setting up meetings with our legislative delegation here in the county and some other key legislators in December to kind of do, to put it simply,

a dog and pony show about what this problem is so that they understand the scope of it, the magnitude of it, and what we're trying to deal with, and talk about funding requests and potentially, Kelli, changes to the law that -- that might make it easier for us to deal with this. We're going to try to do that in December, so when those key legislators go into session in January, they've already been briefed on this, they already understand kind of what the game is here and what we're hoping to accomplish. And that's where we are at this point. So next month we're hoping to do that.

MS. BEAN: You want to put the gentleman from the Army Corps (gets microphone).

MR. ALLEN: I'm not sure if I need that, so tell me if I do.

MS. BEAN: I think you do.

MR. ALLEN: Okay. Now I've got it, I'll try and answer your question as far as the Corps and what we have done to pursue that. There's several different parts of the Corps of Engineers. We have our flood response part and if you have specific questions about that, and that is probably our most immediate and available authority when the water rises, the County requests it, we can come in and do something during the flood. Beyond that, we have our regulatory role, which some of you are familiar with I'm sure. That's more or less stable and static as far as what we can do from the

standpoint of handling the problem or working with the problem. We have been talking with our congressional and senatorial folks and explaining to them what the current rules we operate under will allow us to do and won't allow us to do. We're not able to actually specifically request the law be changed, but we do make it clear to the colonel, currently the law states we believe this; however, we can do work through the federal government, we have done this through the president's

budget, which is the state process. We have put in a request for funds to study the problem, not to solve the problem, but to do a thorough analysis and come up with potential solutions.

So that's where the Corps is going at this time. We haven't received those funds or that authorization, but our request has gone forward. I can't speak to what will happen now as far as budget goes. Does that answer your question?

MS. LINVILLE: I mean, yeah, I think it does, it answers part of my question. The part that I guess I was asked when I was responding to what Elly had said was, if you can't use -- you know, you can't -- you don't have tools to deal with naturally-occurring asbestos, is there any plan afoot to change the those rules?

MR. ALLEN: Well --

MS. BEAN: And Elly can say.

MR. ALLEN: Then I'll take it back.

MS. LINVILLE: All right.

MS. HALE: We probably should arrange a further discussion with people that -- who are up to speed on that, but this is a kind of field emerging more and more. There's an asbestos work group, Julie is representing our region on the national work group and there is policy in -- policy makers in Washington, D.C., who have taken this question on, but our understanding is, it's a long time from any kind of regulatory creation. That would be my -- that would be my understanding, and I think we probably would give more details if we can.

MS. LINVILLE: I'd like to know.

MS. BEAN: Actually have more details for Representative Kelli and also there may be rule changes, but it's a long time coming. Julie is going to say more.

MS. WROBLE: It's -- naturally-occurring asbestos is a hot potato. In the sand and gravel industry, there's a lot of industry opposition, because asbestos is present even as contaminant in some of the products, you can imagine these industries don't want to be regulated, so it is something that there has been a lot of discussion. As you know, may know, California has large areas with naturally-occurring asbestos. There's some on the East Coast and construction was stopped in Maryland because of naturally-occurring asbestos.

This is a site that's not in the Pacific Northwest. It's all over the country and I do think we're going to see some policy and regulatory changes, but the process is slow.

MS. BEAN: Okay. A question for Julie and then back to Matt.

MAN: Is it not true this is only place in the nation that we're aware of where naturally-occurring asbestos is moving hydraulically?

MS. WROBLE: I know that that was something that the colonel from the Corps spoke to that in their research in looking that they had not found another system like this, although I know in -- I know in Lake Michigan that there's some movement of sediments that are contaminating waters like in Illinois, Illinois beaches, Chicago beaches, there's some question about movement there. And also Lake Superior there were some mining operations. So it's unique from the standpoint of the kind of sediment and the flood management issues, but it has been in water in other situations.

MS. BEAN: Okay. So back to Matt, and what do you have to say about it?

MR. ALLEN: I wanted to follow up and clarify that the Corps' actions would not necessarily -- the asbestos is definitely part of the problem from the Corps' standpoint. If we were directed to deal with the issue, we could do that. We don't have -- I mean, we would not be waiving any

asbestos regulations, we'd be working within them. That might increase the cost of the action, but that would just be the nature of dealing with the material. So from the Corps' standpoint, the asbestos is something that we can manage. The management of it may increase costs, but it's not that we can't do anything because there's asbestos, because we work on a project-by-project basis. So if that's the nature of the project, we work on it. I just wanted to clarify that.

MS. BEAN: Okay. The gentleman in the back.

BILL: My name is Bill (*?*). I have a property just north of South Pass Road and Oat Coles Road. Six-percent asbestos in some of these samples, that's the kind of contaminant that also economically mineable. So compared to those things, it doesn't make much sense. I get the impression that the lack of will to do any funding for cleaning this up is partly because everything is just a one-year temporary fix. Even if all of that asbestos were hauled out of there and there was some management and cover to it, over the next year

there would be new asbestos coming down. It seems to me there's got to be a way to get around that and I don't know.

A lot of people may know that back about a century ago the Nooksack River was flowing into Canada. Now it flows into the Pacific Strait. There used to be a big lake just north of the border here. Now it's all farmland. People a

century ago were moving things hydraulically that were very large compared to what's required now. It seems to me the Corps of Engineers, for example, would be after the study to do some well-placed rock explosive charges and redirect that flow away from that asbestos rock site. And then perhaps have a -- a catchment ditch or something for whatever water still does flow there for the sediment to settle in so that a redirected Swift Creek could carry clean water. And so that if that could be made to happen, then once and for all the asbestos-laden sediments that are down here, maybe they can't all be moved, but maybe they could be covered over and maybe clean fill could be brought in and a couple of feet deep everywhere on top of the contaminated, that would solve the problem. There wouldn't be any need to remove the material.

MS. BEAN: So you have some very specific ideas that you and your neighbors -- I think I see some nods here, that have thought about that, gosh, why can't we just get out there and do that? But you didn't really ask a question, you offered these ideas. Would you like these folks to just know that those are good ideas? Do you have a question about why that isn't happening?

BILL: Well, I pointed in this way of a question if anybody methodically examined that possibility.

MR. PITTMAN: The answer is, methodically, no, but we

have a list of good ideas, a lot of them have come from the community out here. Some have come from studies that were done back in the '70s. The problem we have is, with the resources we have, to pursue those long-term projects would require funds and staff resources. In the meantime, the creek at least taking care of short-term stuff when the creek is flooding across the farmland, we're torn by choosing what things we put the resources in. The minute we put it into one, something else gets away. It's like putting out spot fires.

We'd love to get into the long-term stuff. We're asking the Corps to come along and do the study. They like building big things and they could do it big. So, you know, and meanwhile this million dollars sort of project we just mentioned is really just to kind of keep the creek in a spot until the Corps could come with the big project and do something. We know that's going to take them awhile. The Corps likes to do their projects. It's hard to get money, it takes awhile. That could be a decade out until they're actually moving dirt.

MAN: You have to -- if the answer that doesn't work is the only one that can be done and we've got to use the answer that doesn't work before we get to the answer that might work, it seems sort of counterproductive.

MR. PITTMAN: Yeah, I agree.

MAN: But it seems to me that one guy may be a hydraulics guy, you know, fund it for six months or something, do a proper assessment of what's up there, and come up with some answers for minimal money.

MR. PITTMAN: Yeah, and some of these --

MS. HALE: Here's the guy.

MR. PITTMAN: -- wouldn't take long and wouldn't be much money, but, again, we've got just three marbles in our project, it takes 100 marbles, we don't know how to distribute our marbles and keep the creek in the channel. That's one of the struggles we have and frustrations. We can't get to the long-term stuff because we're preoccupied with the short-term stuff. The minute it floods, we'll be preoccupied with that as well as we're really limited in money and what it takes to pursue all the different angles.

WOMAN: I have a question. You mentioned they have studies from the '70s. What is your definition of a long-term study?

MR. PITTMAN: You know, oddly enough, we know from the 1976 study there could be a big basin up there and the basin would be filling with sediment and we probably wouldn't be having this meeting. But the cost in 1976 was \$10 million and they thought it was too much money, so they didn't do it. That was -- it was let go and here we are.

WOMAN: I'm not educated in flow, water and everything, but

I can figure out that with a minimal amount of water coming down that stream the minimal amount of sediment flows into this creek, so it doesn't take a rocket scientist, it doesn't take all the strategists. It takes -- I mean, we can figure that out. And so, if it's a minimal amount of sediment that needs to be minimally exposed, then the minimal amount of water carrying it would be a solution.

MS. BEAN: So --

WOMAN: So I can't figure out why these educated people and all these departments are still trying to study a solution when the solution is pretty evident that we need to minimize the amount of flow of this sediment. So if that is a solution and you took that solution and then you worked that solution, then what's the problem? I mean, we keep having meetings.

MS. BEAN: Some of you have ideas about what you could do if you could get on a bulldozer...

WOMAN: We had a meeting a year ago. Why is this still happening and everybody is talking about asbestos? We all know that. Okay. Let's go to Stage II.

MS. BEAN: Who of you wants to take the real direct question? Why isn't anything happening right now?

WOMAN: No, that's not my question. Why isn't there a solution fix on getting less water down this stream, which is starting up higher, and why is it that if -- why isn't, it's

been studied since the '70s, which is probably quite a while ago, you know, and it's been occurring since the '20s, so we know that we need to minimize the asbestos, so why isn't the the project put, okay, this is a solution, let's see how much this costs to get it stopped up there and then we'll deal with the trickling down here?

MS. BEAN: Richard is going to take it.

MR. GROUT: I'm not an expert in this area. What I can tell you is, we heard that idea of diverting the stream and routing the water, you know, at a meeting I think a year ago and it's part of what we -- we looked at in general and talked and what's the potential, but understand, part of the problem is, you have this huge area, that slide area the rain falls on. That water has to go somewhere. If you redirect the water somewhere else, it's going to carry that sediment and all it does is take it to a new area.

So when we looked at what -- what are the resources we're likely to be able to get our hands on and what can we go to try to buy some time that has the highest likelihood that we can actually pull it off and that it would keep the creek from spilling over, that's what we've been focusing on so far; that's what the concept is.

I mean, the idea of redirecting the water in a completely different direction is to do that without -- without adequate study on that issue, and I don't think everything

in the '70s really looked at that.

WOMAN: Well, what's your definition of buying time?
What is time, how much time do you need?

MR. GROUT: To look at the big solution, and Matt can talk about that, is that they're out five to ten years on that, so we're looking at time before stuff happens on the ground when they do these general investigations. So we're looking at, what can we do to try to manage this situation in the meantime as best we can? And knowing we're not going to get 30 or 40, \$50 million to do this. So --

MS. BEAN: So let's let --

MR. ALLEN: Under the G.I. investigation --

MS. BEAN: G.I.?

MR. ALLEN: General investigation for the Corps that normally take four to five years, and the idea behind the study is, the first thing the Corps would do would be funding and, at this point, we're not we're constantly gathering information, if -- and I've have not studied the information myself on the 1970s study, if there is a huge volume of information that could potentially shorten the amount of time we have to study the problem before we can make a recommendation, but the recommendation does have to be forwarded through the chief engineers up into Congress, so just the simple getting the information, getting it in the manner it's supposed to be in and doing the technical

analysis behind it does take an amount of time even though the significant amount of information has already... Does that help?

WOMAN: How much time is significant time?

MR. ALLEN: It normally takes four to five years once funded.

WOMAN: So we have one year in the hopper or do we have to --

MR. ALLEN: We haven't started. We made the budget request forward to the president's.

WOMAN: So how many years does it take you to get started?

MR. ALLEN: Once funded, if I will -- if we received funding in the 2010 physical budget, we normally get those funds end of December/January time frame. If you started in December or January in 2009/2010, you're looking four to five years from that. Now, that's based upon the assumption you would get funding.

MS. BEAN: Okay, Dave. Am I correct there's a person from the press here? Do we have a member of press here? No.

Dave.

DAVE: This gentleman here said they've studied the feasibility of directing the water.

MR. GROUT: That isn't exactly what I said, but go ahead.

DAVE: You know, to me, sometime you guys really anger me sitting and blowing a bunch of smoke. You haven't looked at the project. You say you have, but, to me, the way you're saying you're not. You have three other streams that feed into the base of the slide, there's Gold Creek to the north and I forgot the name of the other stream to the south. Iron Mine Creek. If you were to take the area that Gold Creek drains, which is clean water, and take it to the Breckenridge, divert that amount of water to another source where it still ends up in Sumas Creek, you would take away over 50 percent of the water. That's my estimation on the amount of acreage that Gold Creek drains compared to what Swift Creek drains. You take away 50 percent of the water and flow carrying material down the stream, then you'll have a chance of not controlling the slide, but you'll have a chance of controlling the material being flushed down the river. Now, your study, to me, you haven't studied anything. That's my statement.

MS. BEAN: So that's information for you all to take into account.

MR. PITTMAN: Actually, I could address that a little bit.

MS. BEAN: You bet.

MR. PITTMAN: We've heard that idea and we looked at it. It's actually an idea that came up in 1988 also, diverting

that water. The problem we run into again is money 'cause to divert that creek, we need to keep it separated from Swift Creek. That's pretty cheap. That's a bulldozer. Then what we have to do is now divert that creek where there isn't a creek across people's yards who didn't have a creek and maybe they don't want a creek, so we have to work this out now, put a bridge over South Pass Road and maybe Goodwin Road. It costs about \$3 million these days to put up a bridge. There's at least \$3 million for a bridge, so now it's a \$5 million project that we don't have \$5 million bucks for. We've got a million bucks. You haven't addressed Swift Creek. Not that it's a bad idea. We just don't have the money.

DAVE: I understand the money, but part of the long-range solution as part of you and I talked about the creek many, many times about the same thing, this guy stands up and says we've studied it. I hear nothing about this. I'd also like to know where the Fisheries Department is at. If you were to take those streams and turn them into fish-bearing streams, which they are, Breckenridge Creek and other streams come up the Massey Road, they're all salmon-bearing streams. If you were to get the fisheries involved, they have money. Maybe they have money to help with this project. But --

MR. PITTMAN: We asked them.

DAVE: You're trying to control the amount of water coming down that stream and trying to control the sediment by bailing it out. And not being able to go anywhere with any of the material. You guys are hammered.

MS. BEAN: Dave, I'm going to respectfully say --

DAVE: I got to quit.

MS. BEAN: Not that you've got to quit. You offered a lot of good ideas for these folks.

DAVE: I've brought these ideas up in the last meeting and the meeting before, and here I got a guy that says, no, we don't know anything about it.

MS. BEAN: Well, you all know that you've got that information to feed in when you start doing your hard work and continue doing your hard work, and I know you've said it before.

Other questions?

MAN: Yeah, and guessing, you know, I don't know, between 4 and \$10,000 you could get the Iron Mine Creek with the 200 excavator down the Massey Road there. It always floods in high water anyways and the slope is -- all you need to do is start a channel and that would go -- you could put that. I'm sure the mushroom plant owns it and I don't think they would be a hassle to get just a little ways. I mean, as far as an easement through there, it wouldn't hurt them if Iron Mine Creek, but that is about 50 percent of it. And in the

summertime, I don't think the Iron Mine Creek would. It just stays in the ground, because that's all an alluvial fan. Now the Iron Mine Creek or the Gold Creek that used to flow in the Breckenridge and they changed it in the '40s, maybe you know more of the history of it. I was too young then. But -- but the dropoff going down the South Pass, you wouldn't need an easement more than, oh, ten feet and how deep to take the water, because of if you lined it, now that you're talking money, put that down precast, too, and then shoot it across that way (pointing). It's just a little ways to dig there or tunnel it through before it gets down into the slide area for safety purposes.

MR. PITTMAN: He's got the ideas of the creeks.

MAN: The sediment off of that was always piling up wherever the creek run until the Gold Mine Creek hit it and then it goes like that (pointing), and I haven't been out there for a couple years.

MS. BEAN: Would you like a response from Paul about that idea or did you just want him --

MAN: I think you're making a suggestion, because that thing there doesn't make sense, because how are you going to keep it out of the creek? It's going to be -- if it ever gets down there and plugs the creek, it's going right down the Main Street of Everson, because that's quite a slope off of there to the river, and that isn't -- that isn't a good

plan at all.

MS. BEAN: So let's hear what Paul has to say about how that could work.

MR. PITTMAN: Well, I just want to say, we do take these ideas very seriously. Anybody who brings ideas to us, we'll take very seriously. And Dave's idea, we've asked Fisheries if they do have some sort of habitat money and they can look at this. So it's not a done deal, but it's just on a different burner at the moment. So, you know, our focus has been all over the place 'cause we got a lot of burners going, but it's not that it's gone. It's just on the back burner.

MAN: It would be some good thought about that way if you did the creek right going out the South Pass and then you could get right away along the South Pass to get them up into somebody else's place on, but --

MR. PITTMAN: Right.

MS. BEAN: Any other questions?

WOMAN: In your estimation, how many people are working on this?

MR. PITTMAN: Let's see. I would say the County, I've been on this full time for at least a year. Jeff Hegedus might be on this halftime these days or quarter time. In term of directors getting involved, the executive gets involved. EPA has at least one person on it almost full

time.

MS. HALE: Halftime.

MR. PITTMAN: Matt Allen here just drew a short straw.

MR. ALLEN: It's been pretty minimal.

MS. BEAN: Did you all hear that?

MR. ALLEN: The Corps' work on this to date has been very minimal, because we have no funding or authorization to do this, so we do not have a full body on it.

MR. PITTMAN: And Ecology has Pete.
Yeah at least probably five.

WOMAN: How much does that cost?

MR. KREMEN: Your point is well-taken. There's a lot of wages, salaries, focused attention devoted to this at various levels. I think the County probably is spending the most time. We have -- I mean, we have legal counsel from the prosecutor's office. There's several people from Public Works, even, you know, Dr. Stern, the director of the Health Department, Regina Delahunt and Jeff.

Paul, by the way, I want to take this opportunity to specifically recognize Paul for not only all the work that he's devoted to this, but the quality of the work and the genuineness and I think expert and very productive from the County's side work with this community to try to come up with a solution that will alleviate or at least enable us to extricate ourselves from this box that we're in.

DAVE: I'll agree with you.

MR. KREMEN: Thank you.

(Applause.)

MS. BEAN: The gentleman in the back, you had a question.

MR. PITTMAN: I won't quit.

MS. HALE: He won't quit.

BILL: Bill again. I heard from a pretty reliable source in the logging industry that there's plans to log and clear-cut directly above the slide area, and am I the only one that's heard it?

MR. PITTMAN: I can't answer that I've heard that, because I haven't. I know that that's DNR property, their school property. They would have to undergo the forest practice rules and -- and I'm thinking the DNR probably would shy away from that, knowing that slide's there, and that might not be well to move an inch.

MS. HALE: We'll follow up on that question.

MS. BEAN: Okay. The gentleman here.

MAN: I have a question in regard to that. I've been looking up at that hillside and there's that slide, no matter how it happens. Obviously, the hillside is failing. Partly it was man or partly it wasn't man or whatever. But wouldn't it be nice if we could go back to before it started and have done something proactively? So I look up there now and then the canyon directly to the north of the slide

area's there and it's really steep, and I don't know how many of you know the Selig Road and where the cabin is up on the hill, but there's a road that DNR put in just to the north of the Selig Road. It goes up the hill, it goes up past the cabin. Actually, it has to turn south. It turns south toward the slide, and their intent apparently is to log all of that really steep canyon. And so, if we can't go back and stop that slide from happening on Swift Creek, what is our responsibility as far as this new canyon they want to log? They can log much more quickly and it would be full. So when I came in tonight, I asked a couple of the people, the agency people in the back, don't know their names, none of them up here know anything about it. And so, of course, they said yeah, we were going to look into that. But the one thing I notice in all the lists with the agencies and I don't see a hell of a lot of cooperation. It seemed like this agency, there's that one and the other one. But here this could be an opportunity to prevent something big about another Swift Creek slide.

MAN: If I may, that canyon is already steeped out, and as far as the other ones, you can see the rocks and so on and those at one time, that's what built this alluvial fan or what we're sitting on now, that was near the top, too. This one that we're worried about and you can see the woods coming down and, in time, it's five mountains in a circle

there and they're all moving, and there's a new slide on -- oh, what's the name of this creek up there where -- I can't see it now, but it happened several years ago on that -- well, anyway, up the next big creek up and then there's the new slide there just above the gold mine that is going and the mountains keep on. This is a living organism that keeps moving and changing and so on, and the elevation from one end of the Great Western to the road, there was 20 feet or something like that. And when I was working and they put a level on it, and this is all the same material that is coming down now, but it's all sitting underneath us, you know. And but anyway.

MS. BEAN: So we have another suggestion to make sure to look into that issue of just the canyon just -- the area just north of Swift Creek.

MAN: Yeah, I'd say that, you know, if the agencies can contact DNR and they can give them enough assurance that this really is never going to happen again.

MS. BEAN: Okay. And I see that that's going to be in the summary for sure for somebody to have as an action item.

MR. WESTERGREEN: I'm Tom Westergreen. I was going to make a comment on some of the forestry concerns is one thing for the community the keep in mind is, just like we're very critical of the agencies not talking to each other, I would remind all of us that maybe we need to be talking, too. I

sit in this office right next door here and a lot of questions you're asking I could answer very quickly, and so that might be something. You can give me a call and talk about some of these things. I could help with that quite a bit. So I think there's probably some communication within ourselves to answer some of those before something gets carried away with hypothetical, so I would hold myself up to bat for that.

MS. BEAN: So DNR doesn't have any plans, what's the question?

MAN: Well, and I'd be glad to take care of rumors about what's going on.

MS. BEAN: So I hear Tom inviting you all to do something that perhaps your elected officials are happy to hear you thinking about doing, which is talking with each other to figure out how your collective desires could also help the cooperation that these folks are working hard to have among themselves in a pretty complicated situation.

Are there other comments? Elly.

MS. HALE: Yeah, I don't know if the letter went to the same 100 households group that we sent the invitation to this meeting about, but we did send I think in September a letter that said that EPA does have a, you know, in the way of pockets of money, there's a small fund they have I believe for hiring a facilitator or somebody to help the community

work together. So if, for example, you guys wanted to have that, you could direct this in a way that would be useful to you. For example, if you thought you had the right solution to a problem, a facilitator could get a meeting together where you sit around a map and propose things and she or he organizes the next step. It might be something for you to consider. I haven't heard a response from anybody and I don't expect to, but if you decide to work together as a community and give us your technical thoughts in a structured way other than a public meeting, we have resources. Maybe Paul could come to a meeting and give you a detailed analysis of the topography, et cetera. I'm guessing that could be arranged, so I'm offering that out of turn, Paul hasn't said he would do this, but I think it could be one good way to work together on a solution if you think that you're thinking of things that we haven't thought of or haven't heard.

MS. BEAN: So an idea for you. Organize potentially. Other questions or comments? Let me make -- before you all raise your hand, I'm going to ask you a question. We can be in this room for a good hour yet. Am I right about that?

MR. KREMEN: 8 o'clock.

MS. BEAN: We should be moving out by 8:30 so that those of you who are cleaning up can get it cleaned up in time. But so for 45 minutes, my sense is it might be good for us

to stop this sort of formal part, for the agency folks to stay here, for you to know who they all are, and get with them one-on-one and be able to make more of your comments to them, and maybe get some more of your questions answered. Is there anybody who would rather not do that? Would anybody really like to stay in this format just a little longer? Okay, sure.

MAN: I have one point, I guess more of a hypothetical question. Over the past few years, the dredging of the sediment out of the creek down here and piling it up and then the removal of it to other sites has provided us with a space to put more material as it's dredged out. Then the EPA comes up and says, oh, we can't -- can't do this, you can't move it off site. So, in the last couple years, I haven't heard the figures of what this last expense cost, but I assume it's probably approximately a quarter million dollars range.

MR. PITTMAN: Last year?

MAN: Last year.

MR. PITTMAN: It's shy of 500,000.

MAN: So in the last two years, we're talking what, \$750,000?

MR. PITTMAN: Yeah, pretty close to that, yes.

MAN: That's just to Band-Aid. Okay. Now you're talking we've got to come up with any kind of solution or any kind

of an action, we're talking maybe five years, so how much more money are you going to put into this thing as a Band-Aid for the next few years? And the main question I've got is, you know, property owners are getting pretty fed up. At some point, if the property owners that are affected the worst were to say, hey, we're going to give this stuff away. We don't care who says what, people start coming and taking this out, how long would it take the EPA to come in and leg -- levy some kind of fine or an arrest or action against the property owners?

MS. BEAN: You know, I have to intervene here, because I can't ask them to put themselves at that risk legally of telling you that, estimating what --

MAN: They know what kind of actions, how long does it take?

MS. BEAN: They can answer the question about how would you respond if that happened?

MAN: Right, that's what I'm saying, how would the EPA respond?

MS. BEAN: Okay. The EPA's been asked.

MS. HALE: Well, can you repeat the question, please?

MAN: Say a property owner got so fed up he says, forget it, I'm going to start moving this stuff off my property and making more room to dig more out, because in another three, four, five years, you're not going to have a place to put

that material while they're trying to figure out how to mitigate this and take care of the problem. If a property owner says, forget it, I'm going to start letting people come in and dig out, haul this stuff off, what would be your action as the person, the regulatory authority that put the stop to this, what would be your action or reaction to that happening?

MS. HALE: Okay. So I can't answer that question in the way that you want me to, which is to give you a date or a time frame.

MAN: No, how would you --

MS. HALE: I'm going to try to answer it, I'm going to say that it wouldn't be a good idea to do that. I can't give you a timeline. I can't say that EPA would be on your doorstep the next day. I can't say that we would ever be on your doorstep, but would that be the solution you would want to take? I would say, think very carefully about what you're doing.

MAN: Why wouldn't the EPA think carefully about regulating the way they're regulating to cause the problem to accelerate in the manner you have? You have no care about the people, how it impacts the people here and the potential impact down the road. All you're concerned about is, oh, we have the possible potential that somebody may be harmed from this, but you have no proof they have ever been harmed.

That's what these people are probably upset most about. If you want to regulate --

MS. HALE: I hear that.

MAN: You have to prove it. You cannot provide any kind of evidence that this has --

MS. BEAN: Let's let her answer.

MAN: I mean, that's why they're frustrated over this.

MS. HALE: I think I understand the question. I also understand the frustration. I do. I think that you don't want us to regulate your environment so that when you start having an impact, if you get sick, that's when we appear. You don't want us to do that. That's not what we're asked to do by our collective government laws that we're implementing, so I guess I understand the frustration, but we're not going to wait for people to show up sick. We do the things that we do with public interest in mind and that's our job. So I really, I do think that it looks to you very much like we have come in and we've stirred a pot and made your life difficult.

MAN: You have.

MS. HALE: I see that your lives have become difficult as a result of information that we brought to light. And I'm really sorry, I am really sorry that it's been turning out this way. I don't -- I don't think we can unsay the truth about what we know, and what we can do is try and

participate fully in answering the question in the way that it is protective of the larger community, not just you, but the people who might have used this in their driveways or people who might in the future occupy houses. And okay, I'll stop now and somebody knows better how to answer that question...

MS. BEAN: All right. Other questions? Yes, Tom.

MR. WESTERGREEN: I just -- what he said, Elly, I probably should know this. What is the specific rule or regulation to keep us from moving this material off site other than study the statement in the study basically that says if you move it you may be liable, there may be health risks? Other than just those statements, what is the specific rule that says that can't happen?

MS. BEAN: And, Elly, if you don't know it, you might know it, but if you do know it, say it; but if you don't know it, maybe you can ask someone who does. But if you do know it, you can answer.

MS. HALE: I guess I would say that I don't know that there is anything that's crystalized that you're looking for. What we have is information about the hazardous material and we do know that there are specific regulatory limits on what you can do with asbestos-containing material, regulated kinds, and this is naturally occurring, it's in an odd category, but we do know enough about the asbestos that

it creates a reality that -- that I think makes the material undesirable, people don't want it, they don't want to buy it, they don't want to build on it, and we don't think that's a good idea.

DAVE: I do, I want to buy it, I want to build on it. I would like to build a road on it. I have it on my property.

MS. BEAN: So you don't mind having it?

DAVE: No. Well --

MS. BEAN: Tom, you've got another question?

MR. WESTERGREEN: This is what Kelli asked a little bit ago, how the regulations are changing. I mean, correct me if I'm wrong, but that the a problem is, there isn't really one. I mean, there's just this, you know, this study, the risk of liability, and that's kind of what we're taught there's nothing specific to prove or change or whatever.

MR. PITTMAN: I think, you know, talk about this or that, I'll try and explain it to the rest of the group. The answer is clear as mud, that it's really hard and we still don't understand it. We've asked these questions a lot and what you get is probably isn't a direct regulation that says you can't take naturally-occurring asbestos from here. What happens is, you start getting these tangential regulations that say, well, if you handle the material on site, you have to deal with OSHA. So now you've got a little glancing angle. OSHA has to address your worker safety to load that

into the truck and then there's probably got to be OSHA regulations at the site you can take it to. And then what there has to be is some sort of way that you can take it to an off-site area and get an okay from a permitting agency, because this stuff is a little unclear if it may be considered asbestos-containing material. These are some of the things that just create this uncertainty and this fear of liability that there is no direct word that you can't take it, but there are all these other things that make it muddied enough that it's complicated. So --

MS. BEAN: Okay. Greg and then Dave's got one more thing to say and should we let Dave be the one that gets the last word?

DAVE: no.

DR. STERN: I just want to address the issue of how hazardous is this and I think you're asking, where are the bodies? As I pointed out, epidemiology doesn't show the bodies in Whatcom County. We do know that asbestos is a carcinogen and people do get cancer from it and die. People that worked in shipyards with asbestosis, lung cancer mesothelioma. Steve McQueen, the actor, died of mesothelioma. The issue isn't whether asbestos is dangerous or not. We know that. The question is, at what level and what is the risk and what are our levels of what do we do when we estimate a risk of a certain level, do we ignore it

or -- or do we do something to reduce that risk. What you're getting is EPA and Ecology and Public Works and Health and everybody trying to figure out, how do we balance that real risk with the risk of allowing this to continue to happen?

And the other thing is, we don't really have a lot -- I know we're trying to figure out solutions, how do you stop a mountain from sliding down? This thing's a mile long, a half mile wide and started 50 years ago, and along the other 400 years there's going to be a lot more material coming down. That is different from a static place like El Dorado. It's in the soil. You can take measures not to disturb the soil.

Here you don't have a choice. It's going to keep washing down. If you divert the water, that asbestos goes somewhere else. It's somebody else's problem. It's still a problem. So that's the dilemma, that's the problem, and I think we do need to come to a point where rather than I know as agencies, we talked about our authority or jurisdiction. The regulations, those are all part of this fabric that tries to keep people safe and it sometimes has unintended consequences, but so does ripping up that fabric.

So this is a tough problem. It's not going to be a matter of, you know, us trying to make it hard for you. I know within the Health Department, we've had a lot of

discussions about this 'cause we know that it is that risk of cancer that we're -- this whole thing is -- is based on in trying to prevent, and we don't want people to get cancer, we don't want people to get flooded, we don't want people to lose their homes and their businesses. And I think we need to work collaboratively together, not just as agencies, but the community, try to avoid blaming or saying that you don't really know anything, and let's put the information that we do have. You guys have a lot of expertise about the local area. Listening to the knowledge about the geology and how things work around here I'm really amazed and impressed and realize we've got our knowledge from those studies. You can't see it right in front of you, but that doesn't mean it's not real. We estimate risks based on things that are real in the bigger scale that you can't only see right in front of you. I'm just asking to continue to work on this and we do recognize that this is -- this has a really real impact on your lives and your property.

MS. BEAN: Bill volunteered to have the last word.

BILL: I have just one very small question. Did you notice how that eroded today? I didn't notice it until it started to get dark and it looks pretty bad.

MR. PITTMAN: Yeah. Chuck told me about that. I start work tomorrow at 6 and it's the first place I'm going to go.

MS. BEAN: Okay. Yes, in the back, I'm so sorry.

WOMAN: I was wondering, Dr. Stern, if you could tell us if the cluster area, have you studied anything around that problem?

MS. BEAN: You may need to say what a cluster is.

DR. STERN: You came in a little after we discussed that.

WOMAN: Yeah.

DR. STERN: DOH did look at reports of mesothelioma and lung cancer in workers in trucks about the creek in Whatcom County and comparing it to Washington state, and we haven't seen increased rates over -- I can't remember what the time period was. It was over ten years. So we have not had any unusual clusters of mesothelioma or lung cancer.

WOMAN: Thanks. My apologies.

MS. BEAN: Okay. I think we may be ready to --

MR. KREMEN: No, I want to --

MS. BEAN: -- join each other back at the cookie table --
-- after Executive Kremen closes us out. Is that appropriate,
is that all right? Okay.

MR. KREMEN: I'm frustrated. I'm really frustrated, but in spite of that, I want to put it in perspective. Every one here, EPA, the Department of Ecology, the Health Department, they all care about you. They really do. And they're trying to extricate ourselves from this box that we're in. The reason I'm frustrated is that, in spite of

the good intentions and the validity of the concerns that brought this issue to the fore are real. They're real. What I'm frustrated about is the fact that before this was actually -- before this was the official position taken, I and my legal counsel tried, and some of my Health Department personnel were very concerned about opening up that box without being more deliberate and more thoughtful and more careful and judicious, because I saw the firestorm and the the box that was going to be created, that we were going to have a very difficult time and a very expensive effort to get out of.

And, as I say, Elly seems like just a great individual and she and her agency care about the environment. Health Department people, both at the state and local area here in Whatcom County, they care about your safety. But we're -- and asbestos is a bad -- it's a bad thing and it does terrible things to you. My opinion or -- or at least my belief is, is that we've been focused collectively, we, the Health Department, the EPA, everybody has been focused on asbestos without looking at the big picture. Because, yes, it causes cancer and, as I said, it's bad stuff. But there's been no consideration about the other ramifications to the community and to the health and well-being of all of you and everyone in this community.

I submit to you that the Health Department has done an

excellent job and they've been fair and they've come up with their conclusions that they honestly and sincerely believe is in your best interests. I think that there's been such a focus on asbestos that there's been oversight or an omission of taking in other factors that affect health, because, yes, it's a carcinogen, a bad one, but also I believe and other health professionals -- I believe and health professionals believe that stress, anxiety, fear also are extremely major factors in developing cancer. That's not been taken into consideration, the anger and the frustration that you have been bearing and have over an extended period of time is a given to varying degrees, it's a given. It's not one in 10,000, it's -- I mean, everybody right here is under some degree of -- of frustration, stress, anxiety, et cetera. And that not been factored in. The -- the pros and the cons of trying to deal with the problem, and it's a problem, it's not minimal, it needs to be dealt with. The pluses and minuses have not been, in my -- in my opinion, thoroughly looked at. We're talking about jobs, we're -- there's a beleaguered timber industry out there, and we're talking about an entire industry of just on the supply side and being able to operate the facility, the only mill in Whatcom County left, an industry that at one time was the industry in Whatcom County. And it's the industry that -- that really created the -- the -- the development of Bellingham

and Whatcom County. Times change, but that's really not been totally factored in, because we've had -- collectively, we had blinders on.

And I am -- I'm committed to working with the various agencies at all levels so we can -- so we can get to some sort of -- of viable, affordable, achievable solution. So I -- I share your frustration, and but I also want to stand up for this, for the Department of Ecology, the EPA, the Corps, the Army Corps of Engineers, my Health Department, I mean, Jeff Hegedus is excellent. And he is an excellent professional, he does an excellent job, I'm proud of it. We're lucky to have him. Dr. Stern, our health -- our health officer, he is -- we are so fortunate, I couldn't replace him. I couldn't replace him if I paid double the money that he makes. And he makes about what I make. He actually makes more per hour than I do.

(Laughter.)

MAN: Is he on overtime tonight?

MR. KREMEN: He actually is a .6 FTE, so he's not full time. He gets -- his hourly wage is higher than mine. And that's based on a 40-hour week, but let's not get distracted here. The prior health officer, the person that he replaced, if he were here working, if he were the health officer of today, we would be on CNN, MSNBC, Fox News even, and it would be cataclysmic. He's very thorough, he's very

balanced and, actually, I love his demeanor. We're fortunate to have all these people. And Dr. Hutchings, he has been so devoted to trying to go to bat for you guys and for Whatcom County.

So I'm going to conclude. I know I've taken too much time, but I just want you to know that I have the resolve to continue to work toward a solution to this and please bear with us. See, and that's one thing I wanted to say. To -- to say that we're going to take your -- your suggestions and your ideas is one thing, but the thing is that these people, this community is under duress, they're under stress, and it's easy for the EPA and, albeit with great intentions, to -- to say, well, we'll just keep working until we get it. The thing is, these -- the stress that I was referring to, the uncertainty, that lowering value of their property are all real and they're all cumulative. And, again, I don't mean that in a disparaging way, but I just want to bring that to your attention. The focus has been entirely on asbestos and the big picture, and common sense has not been injected into this all. So thank you so much.

MAN: That reminds me, Pete, I don't know --

(Applause.)

MR. KREMEN: I may not get a raise.

MR. WESTERGREEN: I don't know if it's happening or not. There was a discussion that Jeff had that public notice

that's going out to all the land owners in this area, but not just this community, but all the ones all the way to Sumas as far as notifications about asbestos and all that. So has that decision been made to do that or where are you at on that?

MS. BEAN: Yes, for Jeff. Go ahead.

MR. HEGEDUS: Yeah, thanks, Tom. We actually have not just the problem of what to do with the sediment and right along Swift Creek and Sumas River, we also know that for a long time people have been taking this material, making driveways and horse arenas or walkways out of it. So, you know, one thing that government needs to do is make sure that the public has information that they need to make their own decisions about their own actions, and this group is very well-educated actually on what's going on on this site. But there's possibly a lot of people out there that have driveways made out of that sediment and kids on Big Wheels riding around on it every day. And they need to have the privilege of having the information so they can make their own decisions. So it's part of the duty of government, we're notifying people in the local area, you know, with I think it's our number five fact sheet, which is an advisory, that if they have made a driveway or walkway out of the sediment, they may want to think about some things. They may want to pave it, for example so their kid's not, you

know, crawling on it.

So next week we're going to be mailing out, you know, just to the area there Sumas to Deming and Lynden to Maple Falls, you know, just a simple mailer with a lot information that you guys already know about. And making it available to them to give us a call if they have any questions about it.

MS. BEAN: Okay. It's 10 after and I just saw that Mary O'Herron is holding it. Do you want to say what title is of that?

WOMAN: "Fact Sheet for Homeowners, What To Do in the Event of Swift Creek flooding."

MS. BEAN: So there's some more information that you were asking about is not what is the right information, but --

MR. WESTERGREEN: He just answered that's coming out --

MS. BEAN: Right.

MR. WESTERGREEN: -- to a lot more people in the community.

MS. BEAN: As we go into community, there's not coffee, there's cider and cookies. What I'd like to do is have people, there are a couple people here from different organizations who you have not heard from. I'd like you to raise your hand if you're someone from an agency that can speak to issues of either EPA or Ecology or Department of Health, things about health issues in this area. Could you

raise your hands?

(Hands raised.)

MS. BEAN: So buttonhole one of these people if you want to learn more about that. Who -- who can speak about the physical aspects of flood control in the Nooksack?

(Hands raised.)

MS. BEAN: And who can speak about what's being done regarding thinking about alternatives and concepts for how to solve this problem? Raise your hand.

(Hands raised.)

MS. BEAN: And all of you, too, right? And who can speak about how to crack open those tough nuts and get some money, who's thinking about those things?

(Hands raised.)

MS. LINVILLE: I'm not just thinking about it, I'm doing it.

MS. BEAN: Am I right that we can close up shop here now and move into our one-on-one time? There's cookies and cider in the back. Thank you.

(The formal meeting was
adjourned at 8:09 p.m.)