

From: Jan Ehrlichman <janeln@mac.com>
Subject: final draft
Date: November 3, 2012 9:08:15 AM PDT
To: Jan Ehrlichman <janeln@mac.com>



My name is Jan Ehrlichman, ~~and I am a resident of Orcas Island.~~ ^{at 57 Twin Moles, Olga.} I am the co-founder of OrcasNOCOALition. ~~My husband and I are owners of a small cabinet business~~ ^{with Donna Riardon.}

^{my husband} ~~and I~~ moved to ^{Olga} Orcas Island several years ago, making a conscious choice to live in one of the most beautiful, naturally pristine places on this earth.

~~I want to~~ ^{out} thank you for being here today to hear the concerns ~~of many of our~~ community members about the proposed Cherry Point coal shipping terminal. This shipping terminal threatens the quality of our life, and I have many concerns about it, only one of which I will address here.

At Cherry Point, there is a population of Pacific herring that is essential to the feeding patterns of the coho salmon. This particular herring hatches in the spring, and thus is the last hatch of the season for the coho to feed upon. The Orca whales feed on the coho, and as we all know, the Orca Killer whale is listed as an endangered species under the Endangered Species Act.

This proposed terminal at Cherry Point will create havoc to the marine life in the Salish Sea with its 1) increased shipping traffic of close to a thousand supersized export vessels; 2) ballast water from these ships; 3) possible devastating oil spills and 4) very real, ever-present coal dust. I request that you consider what impact all four of these aspects will have on the Pacific herring, the coho and the Orcas, ^{and other marine species.}

An SSA Marine spokesperson has said that this proposed terminal will not harm this particular spawning ground. Unfortunately, we can't take SSA's word for this because of its track record on environmental compliance. I have a copy of a letter from the Department of Ecology to Pacific International Terminals, Inc, a subsidiary of SSA Marine, about a violation of the Clean Water Act in August, 2011. I will attach it to my comment.

In review, my question is how is SSA going to mitigate irreparable harm to the ecology of the Salish Sea?



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Bellingham Field Office • 1440 10th Street, Suite 102 • Bellingham, Washington 98225
(360) 715-5200 • FAX (360) 715-5225

August 4, 2011



Your address
is in the
Nooksack
watershed

CERTIFIED MAIL

7010 2780 0000 6712 9026

Ari Steinberg
Pacific International Terminals, Inc.
1131 SW Klickitat Way
Seattle, WA 98134

RE: Gateway Pacific Terminal site conducting construction activity without coverage under Ecology's NPDES Construction Stormwater General Permit

Dear Mr. Steinberg:

On August 2, 2011 the Department of Ecology completed a compliance inspection regarding the Gateway Pacific Terminals site located at Cherry Point, WA between Henry and Lonseth Roads. During this inspection we identified the following:

- Construction activities were occurring on the Gateway Pacific Terminal site without receiving written coverage under Ecology's NPDES Construction Stormwater General Permit (permit).
- Construction stormwater discharges have a substantial potential to leave the site and enter other surface waters (on or off-site).
- Conducting construction activity (one acre or greater) without the permit is in violation of Washington State's Water Pollution Control Act (RCW 90.48) and the federal Clean Water Act.
- Obtaining written coverage from Ecology is necessary to prevent additional violations of RCW 90.48 and the Clean Water Act.
- During the interim time between applying for and receiving written coverage under the permit, appropriate actions must be taken to prevent pollution of state waters and to ensure compliance with RCW 90.48.

Please submit the following information to Ecology's Bellingham Field Office, by August 15, 2011, to demonstrate appropriate actions will be taken at the Gateway Pacific Terminal site to prevent pollution of state waters and to ensure compliance with Washington State's Water Pollution Control Act (RCW 90.48) and the Clean Water Act:

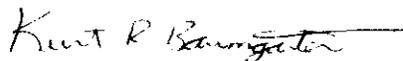
1. Date you have started clearing and grading areas on site
2. Total area you intend to disturb (number of acres)
3. Date you will submit a complete application (no later than August 15, 2011) - (NOI) - for Coverage under the Dept of Ecology Construction Stormwater General Permit for this project (a complete application includes a SEPA determination).
4. A written statement that specifically indicates:
 - a. During the time period when construction activity begins and when the Gateway Pacific Terminal site receives NPDES permit coverage from Ecology (via written letter); Pacific International Terminals, Inc. will prevent all discharges of construction stormwater to all surface waters (e.g., wetlands, ditches, or streams) on or off-site.
 - b. During the time period when construction activity begins and when Pacific International Terminals, Inc. receives NPDES permit coverage from Ecology (via written letter), Pacific International Terminals, Inc. will comply with all NPDES Construction Stormwater General Permit requirements (e.g., SWPPP, Monitoring, Reporting, etc.)
 - c. Pacific International Terminals, Inc. understands that its failure to meet (a) and (b) above, may result in the Dept of Ecology citing Pacific Terminals Internationals, Inc. for violation of Washington State's Water Pollution Control Act (RCW 90.48), which could result in issuance of formal enforcement actions that may include penalties up to \$10,000 per day, per violation.

Use the following link to access the Permit application (NOI):

<http://www.ecy.wa.gov/biblio/ecy02085.html>

Please confirm receipt of this letter and enclosed documents by contacting me using one of the following methods: telephone - (360) 715-5210; email - kuba461@ecy.wa.gov; fax - (360) 715-5225.

Sincerely,



Kurt Baumgarten
Water Quality Specialist
Bellingham Field Office

ec: Whatcom County; AMEC; Iverson Earthworks; and GeoEngineers
cc: BFO Central Files: Gateway Pacific Terminal
BFO Reading Files

Enclosures