



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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May 17, 2011

Michael Verhaar
The Boeing Company
PO Box 3707
7555 E Marginal Way
Seattle, WA 98124-2207

Dear Mr. Verhaar,

On May 28, 2010, the Boeing Company (Boeing) spilled an estimated 300 gallons of jet fuel to the Duwamish River. The Washington State Resource Damage Assessment (RDA) Committee held a preassessment screening for this incident on September 8, 2010. At this screening, Boeing presented the Boeing Plant 2 Fuel Spill – Restoration and Enhancement Project report (report) to the RDA Committee for approval as compensation for natural resource damages. At the time, the RDA Committee requested that Boeing provide more information on the proposal.

After several conversations with Steven Tochko, I received some cost figures for consulting and engineering support, construction, and waste disposal. In the report there is a description of emergency response that discusses:

- Removal of 1,700 square feet of concrete dock
- Removal of 1,600 cubic yards of intertidal soil/sediment and riprap/concrete debris
- Recontouring/filling excavated area
- Replacing a section of NPDES-permitted stormwater outfall
- Replacing 600 square feet of batter boards on new face of concrete deck.

Mixing response costs with restoration costs is of concern to the RDA Committee. Many of the costs presented were response related and cannot be considered restoration for the purposes of natural resource injury compensation.

However, after the conversations with Steven, there are some activities that Boeing completed which can be considered restoration for the purpose of compensating the State for injury to its natural resources. The regrading and back filling down the entire beach face with clean sand and removing and disposing of the creosote pilings both qualify.



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The RDA Committee still questions the restorative value of placing large rocks on the upper intertidal area. Had Boeing contacted the RDA Committee and obtained approval for their project, as required by law, settling the NRDA would have proceeded smoother and been more transparent to the citizens of Washington State whom the trustee agencies serve.

In the report's introduction, Boeing cites WAC 173-183-260(4). If the project proponents had looked at WAC 173-183-260(5), they would have realized they needed RDA Committee approval before initiating any projects. We hope that there are no future spills from Boeing, but if there are, Boeing must first get approval from the RDA Committee before starting a project if they want NRDA restoration credit.

However, as for the status of this damage assessment, the RDA Committee has made a one-time case-specific exemption from the pre-approval requirement and approved portions of the activities described in the report as meeting the requirements set forth in WAC 173-183-260. Boeing has met their Natural Resource Damage Assessment obligation and no further activity or compensation related to the May 28, 2010 jet fuel spill is required from Boeing.

Sincerely,



Rebecca Post

Chair, Resource Damage Assessment Committee

rp/bl

cc: Shayne Cothorn, DNR
Dan Doty, WDFW
Dale Jensen, Ecology
Deborah Petersen, Parks
Mark Toy, DOH
Barry Troutman, WDFW
Rob Whitlam, DAHP
Kelly Wood, ATG