

Esther Kronenberg

I submit these comments on behalf of the Green Cove Defense Committee on the Port of Olympia's Amendment to the 2008 Agreed Order.

The Green Cove Defense Committee is working to ensure that the Department of Ecology properly clean up the Sundberg Gravel Mine site in West Olympia which received a large amount of waste from the Port of Olympia since the 1949 earthquake until 2015, and also was home to Weyerhaeuser's export log yard for 30 years.

Because of the close connection of the Sundberg site to the Port, we are especially aware of the extent and toxicity of the substances and chemicals present on the Port peninsula. Dioxin levels were found by Dr. Kate Jenkins of the EPA that far exceeded those from Love Canal and Tines Beach Mo. These dangerous poisons have not been removed from the site, but merely buried and covered up, and they continue to poison the waters of Budd Inlet making them hazardous for marine life and the public.

-1-The peer-reviewed research published in the Public Library of Science on Wednesday suggests 99% of the (southern resident) orcas studied had photographic evidence of skin lesions. Researchers evaluated photos from nearly 20,000 orca sightings from 2004 to 2016, finding that lesions ♦ often gray patches and gray targets on the orcas' skin ♦ generally became more prevalent over time. Another study found the occurrence and high prevalence of skin lesions in many cetacean populations are linked to environmental factors, including water salinity and temperature, as well as pollution and eutrophication. Is it any wonder that Orcas continue to decline in health and numbers? Ecology's response to this crisis is woefully inadequate and fails to fulfill the intent of the Endangered Species Act.

We note that Ecology has yet to update their TMDL list for which it recently lost a court case brought by Northwest Environmental Advocates. Pursuant to a court order based on that case, the EPA issued a determination on May 23, 2023 that Washington State's water quality standards for 9 toxic pollutants fail to protect fish and other aquatic life. This list does not even include the dioxins that we know are deadly and last for centuries.

The current plan does not adequately address the presence of these deadly toxics at the Port. It does not put scientific investigation at the forefront of planning. To really know what levels of contamination are present, Ecology must perform multiple sampling according to EPA protocols that measure DNAPL, which according to the EPA, -1-are largely undetected and yet are likely to be a significant limiting factor in site remediation.-1- Anything less than this WILL NOT achieve the cleanup the public health and aquatic life requires. It will simply continue to cover up these deadly poisons and allow them to circulate throughout lower Budd Inlet.

Further, dredging should be focused on the hot spots with the highest level of contamination. It is not an acceptable clean up plan for the Port to only dredge the

navigational areas in Budd Inlet. In fact, it is a theft of public resources for private purposes to use these cleanup funds for dredging areas that are not hot spots. There are areas in the West Bay near the old Reliable Steel Plant and areas in East Bay beyond the navigation channels that are seriously contaminated. These funds should target cleanup, not continued navigation by private vessels. This is a shameful use of public funds meant to protect aquatic and human health.

We urge you to fulfill your primary duty - PROTECTION OF THE ECOSYSTEM AND THE PEOPLE AND CREATURES WHO DEPEND ON IT.

Thank you