

# Green Cove Defense Committee

Thank you for the opportunity to provide further comments on the Remedial Investigation Work Plan for the Sundberg site. We appreciate the public presentation Ecology gave on August 26 and the work it has so far done to clean up this decades old toxic site.

We would like to add these comments to inform Ecology of certain conditions and suggest that it consider these facts in the course of the Remedial investigation.

1. Findings of Fact 5.2 is not accurate. We feel the following cannot be said enough. Ecology has been sent dozens of official and unofficial documents and photos that prove the Sundberg site was an unregulated hazardous and solid waste dump site, including during the time that it was owned by Mr. Mahan. There never was a permit for dumping and the owners never paid taxes. We strongly urge Ecology to acknowledge the history of the site and conduct its investigation with this fact uppermost in mind.

2. We have read public comments submitted by Laurie Gneiding, a retired environmental toxicologist. We agree with her concerns that groundwater monitoring as planned is not sufficient. One of her suggestions recommended "the installation of monitoring wells greater than 15 feet to determine if contaminants have leached to groundwater as per Section 7.4.4 and Table 2 and the presence of highly mobile DRO and arsenic in shallow groundwater."

As we have previously said, no exploration below the level of the fill that Mr. Mahan brought onto the site has ever been done. There are decades of buried waste beneath this level that have yet to be sampled.

3. We have particular concerns because we are aware that there is a large open strike fault that runs along the north side of the property at the bottom of the hill along and just north of 28 Ave NW that lies below this site where the stormwater from this site drains into that open crack. We attach a 2016 report of a water main break at 2800 Cooper Point Rd at 28th Ave that shows a 12" water pipe ruptured. In his conversation with the repair crew, Mr. Dierker learned that the break was a clean rupture across the diameter of this 12" pipe.

We also have a photo from Mr. Dierker's property which borders 28th Ave. and Cooper Point Rd. of a deep crack in the ground showing the fault, where the crack at this point is close to a foot and a half wide. Stormwater events during heavy rains from drainage from the Sundberg site overflow into this crack, as our photos from the January 12, 2021 ERTS complaint shows. The presence of the fault in this area would make contamination of the deeper aquifer foreseeably likely as stormwater from this site would lead into deeper groundwater aquifers in this area through this large crack at the base of the hill.

Along the base of the hillside where the waste enters Mr. Dierker's pond and the crack, there are also sulphur springs along the open crack of the fault line which indicate a hydraulic continuity between deep sulphur springs water-bearing aquifers, which are used by the City and others for

their drinking water, and these and other springs in the area of the pond. The water in these springs eventually drain into Puget Sound through both subsurface movement, as well as via surface movement downstream through Butler Creek. Since the sulphur springs indicate a hydraulic continuity channel into deeper aquifers and these springs are along the creek, the pond and the fault line, and since these are receiving much of the stormwater from the toxic waste site which flows into those sulphur spring areas and that open fault that descends we don't know how far, we suggest the Department test the fault line and downstream from this area along Butler Creek, not only because it drains directly to Budd Inlet, but because people are drinking it, since this area is in the Allison Springs capture zone and the Strategic Groundwater Reserve of the State Capitol.

The pond on Mr. Dierker's property, which connects to Butler Creek, is not shown on Ecology's map. We suggest that Ecology correct this, as the pond, which is habitat for wildlife, directly receives stormwater runoff from the site across the street and uphill.

4. As we have requested in the past, Ms. Gneiding also recommended offsite "sentinel" wells to monitor the groundwater to determine if contaminants have migrated offsite.

Mr. Dierker's January 12, 2021 ERTS complaint was omitted from the Remedial Plan, and appears to not have been entered into Ecology's website and not been considered. We request that this ERTS complaint and its accompanying photo evidence be included in the Remedial Investigation. It includes photos of muddy water leaving the site, draining downhill into Mr. Dierker's pond, continuing down Butler Creek and emptying into Butler Cove of Budd Inlet. We request that Ecology ensure this ERTS complaint is properly included in its system. We will resend the photos and the email with the ERTS complaint to Ms. Groven's email.

We also attach the February 2021 guidelines from the National Marine Fisheries Service which states,

" Expect a formal consultation if your project discharges stormwater to surface waters draining to waters with ESA-listed species. "

We believe Ecology is required to coordinate with the NMFS and other federal entities, including the Squaxin Tribe, responsible for endangered marine life as it is clear that this site discharges stormwaters draining to waters with ESA-listed species, which is true here. However, there is no evidence in the record on this action to show that Ecology has been consulting with NMFS on this matter as required by law.

Further, as the Department administers the NPDES program and also supervises the MTCA program which is the State's implementation of the federal CERCLA program, the State is also acting in loco parentis for the federal agencies for cleanup of toxic waste in this State, and so it clearly appears there needs to be a full NEPA/SEPA EIS environmental review of this matter by an agency that has both federal and state jurisdiction over such toxic waste cleanup matters. We suggest that at the appropriate time, Ecology conduct that review, and not the City of Olympia which does not have the required expertise.

5. Weyerhaeuser used the site for a log storage yard from about 1960-1990.

Attached is a letter from neighbor Jim Elliot who lived there all his life who witnessed the logs drying and debarking.

We believe Ecology should conduct DNA testing of the chemicals found in the buried bark to determine if there are military grade Agent Orange-type chemicals. It is possible that Weyerhaeuser

used military stores of these chemicals when the military discarded them after the end of the Vietnam War. Identification of these materials could result in Department of Defense aid in cleanup.

6. Findings of Fact 5.4-5.7 cite previous investigations done by Mr. Mahan's consultants. None of these investigations sampled from below the 20 feet of fill Mr. Mahan himself dumped there. They only went down 12 feet. The Ages 2015 Environmental Site Assessment states that it makes "no warranty...as to completeness or accuracy or suitability for any purpose whatsoever" and does not guarantee the site is free of hazardous or potentially hazardous materials or conditions, and admits it did not interview neighbors. We request Ecology disregard all of Mr. Mahan's consultant reports as inaccurate and improper, as they do not contain any real evidence to support Mr. Mahan's claims about the lack of contamination on this site, and should therefore be considered irrelevant to Ecology's legal responsibility here.

7. We note for the record that the following information in Findings of Fact 5.9 was edited during the course of negotiations on the Agreed order with the PLP to state only "Reports made to the Environmental Report Tracking System (ERTS) between January 2015 and February 2020 (ERTS #654104, #654938, #687561, and #696417) allege improper storage of hazardous materials and illegal dumping on the subject property"

Prior to negotiation, it read as follows:

"Reports made to the Environmental Report Tracking System (ERTS) between January 2015 and February 2020 (ERTS #654104, #654938, #687561, and #696417) Observations allege improper storage of hazardous materials and, reports of alleged illegal dumping on the subject property, and photographs provide additional evidence of potential releases. ERTS reports #654104, #654938, #687561 and #696417, submitted between January 2015 and February 2020, provide third-party complaints, observations, and photos of potential releases at the site. These reports contain allegations from citizens about hazardous and toxic waste contamination; treated wood storage; the presence of engines, barrels and "tiles...filled with creosote, acid, and other chemicals"; Styrofoam blocks with "...odorless/colorless toxic chemical gas..." boiling out of them; spraying and dumping of Agent Orange by the military; fill from unknown sources; illegal dumping; and, lack of stormwater controls and potentially contaminated stormwater runoff into wetlands. ERTS report #687561 documents results of an Initial Investigation conducted by Ecology, dated 3/28/2019, which concluded that there was no evidence of soil contamination, and no further actions were warranted; however, a second Initial Investigation, dated 3/05/2020, conducted by Ecology following ERTS report #696417 resulted in Ecology listing the site on the Confirmed and Suspected Contaminated Sites List."

Finally, because of the ample evidence that numerous local jurisdictions and agencies either used the site to dump hazardous materials or ignored the operations there, failing over the course of decades to properly regulate operations at the site, we suggest Ecology follow the strictest protocols and operate with maximum transparency to assure the public that all applicable laws and regulations are faithfully executed, and that Ecology require all parties who dumped waste on this site be found to be potentially liable parties who are also jointly and severally liable and responsible for the

cleanup of the solid and/or hazardous waste that they dumped on this property historically, like that of the City of Olympia which dumped excavation material from the crosstown gas main. Clearly, people who dump litter are responsible for cleanup.

We incorporate by this reference all of our prior comments, concerns, questions, etc. concerning this project that we have submitted over the last several years, including the comments that the City of Olympia has on this project site from us and others.