

Green Cove Defense Committee

QUESTIONS FOR ECOLOGY

1. Why does Ecology state that the site was only a sand and gravel mine and log yard when it was also an unpermitted and illegal hazardous and solid waste dump from the 1940's until 2015, when the current owner was told by Ecology to not dump any more materials on the site. What assurance does the public have that Ecology is not continuing to cover up what happened at this site?

2. There is ample photographic and documentary evidence from DNR and Ecology reports and eyewitness testimony of materials being brought on the site. Why does Ecology now characterize this known fact by stating "Some areas were likely backfilled with soil, garbage, construction and woody debris and large logs."

Why doesn't Ecology tell it like it is?

3. What plans does Ecology have to look for unconfirmed hazardous substances at the site. At present, Ecology is only confirming hazardous substances brought to the site by its current owner, who dumped 400-500 10 yard dump loads there in 2015, as can clearly be seen on a 2015 aerial photo, and who also was using it for mining materials and refilling the mined excavations with other toxic waste from the Port since 2005 .

How will Ecology look for the materials present on the site from the previous 65 years of dumping that took place under Ted Sundberg's ownership?

4. Why is there not a sign posted at the site that identifies it as being on the Confirmed and Suspected Contaminated Site List (CSCSL) list to warn people from coming on the site, since Mr. Dierker, who lives nearby, has reported health issues from being on the site and it is known to have hazardous substances that threaten the public health? Who is responsible for posting these signs and why haven't they been notified?

5. Mr. Mahan, one of the principals who owns Green Cove, signed a quit claim deed in 2005 which included the reclamation permit. Mr. Mahan is also the principal behind the previous LLC's that were registered as owners of the site. Documents verify that Mr. Mahan's responsibility for this site extends back more than 20 years. For Ecology to state that the properties were purchased in 2014 minimizes Mr. Mahan's culpability for the site. As stated above, the quit claim deed included the reclamation permit. We do appreciate that Ecology has identified Mr. Mahan as the PLP, and not some legal fiction, but believe his ownership since 2005 should be clarified.

Why does Ecology say Green Cove purchased the properties in 2014?

Is the misstatement on dates of purchase an oversight or deliberate?

6. The site is actually larger than 53 acres. Besides the main pit area, waste was also dumped on the 5 acres recently bought by the City of Olympia for a future "park." Neighbor Mike Gwinn who lives adjacent to this property has testified that extensive dumping occurred there while Ted Sundberg owned the property. Why haven't signs been posted on this public property to warn people that hazardous waste was dumped there? Who is responsible for posting signs and why haven't they been notified?

There is also a large amount of debris that was moved onto the neighboring property to the north where an illegal stormwater ditch was made to drain contaminated stormwater off the main pit site for the last 20 years. There is now a house and family living on this land.

What plans does Ecology have to ensure that the materials that were dumped on this family's property and on the City property is removed?

What are Ecology's plans to clean up these areas where the illegal stormwater ditch drains contaminated stormwater outside the 53 acres?

7. In 2020, Ecology met with the Green Cove Defense Committee and other neighbors who have lived next to the site for 20 years and who have documented years of dumping with photos of rusting metal drums, concrete, solidified resin and asphalt. We gave you a map with areas marked where these materials had been found. The map of proposed explorations that is part of this plan does not include many of these known areas with waste. WHY?

Does Ecology plan to test ALL the areas identified where waste has been deposited?

On what basis did Ecology select the few areas on the site that it does plan to test?

8. No testing has ever been done below 15' bgs. DNR documents report the gravel mine extended to a depth of at least 35' and eyewitnesses report the mine was dug much deeper to obtain the #2 pit run material used to build roadbeds. This material is found 50' below the level of Mike Gwinn's house on 28th Ave, according to well logs, and the house stands about 70' below the top of the hill. A 1995 DNR inspection reports an eastern face of 100'. We also know that Mr. Mahan is responsible for dumping up to 15' of fill at the site, which DNR has directed him to remove under the reclamation permit.

Why have no enforcement actions been taken for violations of the reclamation permit?

What plans does Ecology have to test below the level of this fill to sample the waste from 65 years of dumping under Ted Sundberg?

9. DNR has issued dozens of violations for this site. How is Ecology working with DNR to clear the mountain of violations that have never been corrected which require at least the removal of all non-native materials, and to fulfill the purpose of the reclamation permit that has been outstanding since 1972?

10. The runoff from this site is documented as draining into federal tidal waters. What steps has Ecology taken to coordinate this cleanup with the relevant federal authorities, including the Squaxin Island Tribe, NOAA and the National Marine Fisheries who are responsible for the survival of endangered orcas and salmon in Puget Sound?

Will Ecology be completing a NEPA for this site since Ecology is acting in loco parentis for the federal agencies and since this project will impact federal resources, endangered species and tribal treaty rights that are under federal authority?

11. This site is in an extremely sensitive aquifer recharge area in hydraulic continuity with the Strategic Groundwater Reserve of the State Capitol and several neighboring and city drinking water wells. The Green Cove Comprehensive Plan was created to protect this most sensitive area and Olympia's best salmon bearing stream in 1998. DNR has documented that there is an exposed water table on the 1972 reclamation plan. There are currently several exposed ponds in the old pit area created by Mr. Mahan's excavations. A 2002 DNR report states there is a pierced aquifer which

would allow contamination to flow down into deeper layers that are used as drinking water aquifers.

How will Ecology ensure that contamination from this site is prevented from reaching our critical drinking water resources, including neighboring wells and the Strategic Reserve?

Who at Ecology is responsible for overseeing the integrity of the Strategic Reserve?

12. Considering that this site has been draining contaminated water for decades, how will Ecology ensure that neighboring wells, streams and surface waters downstream of this site all the way to Puget Sound have not been contaminated, and if so, will be cleaned up to protect public and environmental health?

Water flows downhill and waterborne contaminants flow downstream. Ecology's plan to only test from the source is not sufficient to determine downstream harm caused by waterborne pollutants coming from this site on the highest point on the Cooper Point peninsula. Ecology must test the full extent of the drainage, which is less than 2 miles to Green Cove on Eld Inlet and less than 1 mile to Butler Cove on Budd Inlet. This is only a short span of discharge, not a long river watershed that needs to be evaluated.

13. Ecology omitted certain findings of fact regarding evidence of dumping found at the site at the request of Mr. Mahan's attorney. Ecology also omitted an ERTS complaint filed in January of 2021 that included video evidence of stormwater draining into neighboring properties and ultimately to Budd Inlet at Butler Cove. Why?

How can Ecology, as a government department funded by taxpayers, assure the public that it is working for the public and is not being influenced to do less of a cleanup than what is required to safeguard the public health?

14. Considering the complicity of DNR, the City of Olympia, Thurston County, Ecology and any others who turned a blind eye to the illegal activities that were occurring on this site for over 78 years or used the site themselves, how will Ecology assure the public that THIS TIME, it really is serious about cleaning up this toxic site?

How is Ecology coordinating with these jurisdictions to accomplish the clean-up as required by law? Will Ecology provide ongoing communications with the public about their coordination with other responsible jurisdictions?

15. We believe Aspect Consulting's June 2023 draft RI/WP did not list pentachlorophenol or dioxins among the semi-volatile organic compounds that should be required to be analyzed to ensure levels below the Department of Health drinking water criteria. Considering this site was a short drive to the Port of Olympia during cleanups in 1949 and the early 2000's, what plans does Ecology have to test for these chemicals known to be present at the Port and deposited at the site.

16. Weyerhaeuser used this site as a log yard for 37 years without a permit that we know of. During that time, Agent Orange type chemicals, 2-4-T and 2-4-5-D were routinely used in silviculture (See Silvicultural use of Herbicides in Pacific Northwest Forests by H. Gratkowski in 1975). Pesticides, herbicides, chemical fertilizers and deer repellants were also used that have inert ingredients which have been found to be toxic material and hazardous waste, and which the EPA has allowed to be recycled into pesticide formulations and other commodities which are picked up by the cambium layer in the bark of the tree. Canyons on the east side of the property were filled

with this contaminated bark which was taken off the export logs by Weyerhaeuser and buried.

Weyerhaeuser is also responsible for the methane on the site that comes from decomposing bark. Will Ecology assure the public it will be testing for these dangerous chemicals in log yard waste areas that are amply identified on DNR reports? If so, what is the plan and when will it be implemented? If not, why?

Will Weyerhaeuser also be held responsible as a PLP for their illegal use of this property at the peril of the public health? If so, what is the plan and when will it be implemented? If not, why?

17. The Wild Fish Conservancy documents the presence of threatened Olympic mudminnow in the vicinity of the site from which runoff enters mudminnow habitat. It states "untreated and undefined road runoff is a potential threat to the Olympic mudminnow." There is also creosote buried which has been found to be toxic to aquatic life. See this link for effects of creosote on aquatic life. <https://corpora.tika.apache.org/base/docs/govdocs1/318/318199.pdf>

How will Ecology ensure that contaminants are not reaching critical habitat, including that of threatened salmon, steelhead, shellfish and orcas, etc which inhabit or feed in areas downstream?

18. The Conceptual Site model on Page 97 of the Remedial Investigation only mentions direct exposure as an exposure pathway.

Considering the volatile chemicals, methane and air pollutants as well as stormwater pollutants flowing offsite, why aren't inhalation and ingestion being considered as exposure pathways?

19. There is also a wildlife corridor that runs through the property.

How will Ecology protect the wildlife on the property and those using the ponds from direct, inhalation and ingestion exposure pathways, as well as wildlife downstream and downwind of this toxic site?

20. Does the Department of Ecology give special privileges and immunities to housing developers such as Mr. Mahan who build on toxic waste sites, since there is an Ecology program to promote such developments on former toxic waste sites?

We expect Ecology with its jurisdictional partners to uphold and enforce all applicable federal, state and local laws, rules and policies. We expect Mr. Mahan to comply with instructions of applicable jurisdictions before being granted the right to proceed with his proposed development. To date, this has not happened. Why?

21. A fence, padlocked gate, and concrete barriers were placed between Cooper Point Rd and the property a few years ago. People who bring their refuse, garbage, asphalt and "whatever" to dump in the gravel pit no longer have access. They now use the area between Cooper Point Rd and the fence as a dumping ground. Cooper Point Rd is a high traffic street. The dumped refuse sits there for weeks, sometimes months. The City of Olympia and Mr. Mahan are responsible for cleanup. Is there a plan to remove the dumped refuse on a regular basis?

IN CONCLUSION- How can the public be confident that Ecology is properly acting in this proposed Remedial Investigation Plan when it does not acknowledge the history of this site as an illegal toxic and solid waste dump site without paying taxes, without permits and without any legitimate approvals which operated while numerous jurisdictions with authority looked the other way, and when it does not properly consider and investigate the legacy of this illegal solid and

hazardous waste dump which actually operated for more than 70 years, as clearly shown by the actual history of this site.

These are preliminary questions that do not assess the technical aspects of the Remedial Investigation. There will be follow-up questions.

SUBMITTED BY:
The Green Cove Defense Committee

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