

Protect the Peninsula's Future 2016 Newsletter

October 2016



Save the date—

PPF ANNUAL MEETING: THURSDAY, NOVEMBER 10, 2016

No-host dinner: 6:00 PM Annual Meeting: 7:00 PM

Dynasty Restaurant, 380 Washington Street, Sequim

RSVP to Kjersti Reed—Phone: 360-504-2423 Email: kj.art@hotmail.com

Another Year's Efforts:

—Steve Koehler

This issue summarizes some of Protect the Peninsula's Future's (PPF's) successes as well as continuing challenges. Dr. Eloise Kailin reports on achievements in PPF struggles over issues of Critical Areas Ordinances—pg. 1, Port Angeles water fluoridation—pg.3, and dealings with a large commercial failing septic system on Sequim Bay—pg.10. Darlene Schanfeld updates us on Port Angeles Harbor cleanup—pg.2 and sewage sludge and effluent use—pg. 10. Janet Marx and Darlene provide up to date info on the Navy's efforts to militarize the Olympic Peninsula—pg.6. Judy Larson reports on her role as PPF's representative on the Dungeness River Management Team—pg. 9. Thanks to all of you who support PPF in its efforts to safeguard our home for the children.

BALANCING FARMING WITH CRITICAL AREA PROTECTION

—Eloise Kailin

PPF 's goals include both supporting local food production and provision of habitat for anadromous fish. Our earliest settlers developed readily accessible lowland areas including wetlands and small streams with homesteads and farms. Developments became vested interests. Continuance of agriculture was one objective; residential and commercial development was another.

Regulating land use by 1995 with the County Comprehensive Plan was contentious. PPF Board Member George F. Hudson protested that too few acres were designated as Agricultural. Later, in 1999, PPF jumped in, challenging a proposed Clallam County Critical Areas Ordinance (CAO) which provided a blanket exemption for "existing and on-going agriculture". Clallam County designated only 6,194 acres as "Agricultural Resource Lands", but some 12,260 acres were identified by the tax assessor as Open Space/ Agricultural Lands". Forget "no net loss" Forget buffers for fish and wildlife.

PPF appealed the CAO to the Growth Management Hearings Board (GMHB) and defended its favorable (to us) rulings first in Superior Court, then in Court of Appeals. Appeals Court ruled that Clallam's CAO did not meet Growth Management Act requirements and the case was returned to GMHB. But before this happened, a major conflict embroiled the state legislature. Agriculture is important to this state. Buffers and preserved wetlands use up acres commonly used for livestock and crops. Farmers were screaming. Fishery, environmental, and recreational interests were screaming back. The state legislature declared a moratorium on CAO regulations and set up a stakeholder committee to draft a compromise.

When the moratorium finally ended, new legislation had been adopted and, most surprisingly, Clallam County was cited in the law itself as possessing a CAO that could be copied by certain other rural areas as a model of compliance. This turned on a human error.

A clerk at the GMHB erroneously posted our non-compliant case on the GMHB website, signaling all readers to (wrongfully) assume that Clallam County was fully compliant. A further result of the moratorium was that GMHB members familiar with the case were retired; the all-new GMHB ruled

against us. So we went back to court. Superior Court ruled against us although admitting the legislature made a mistake. Appeals Court however again agreed. The ordinance was remanded again to the GMHB. The County is re-writing the ordinance and after seventeen years of litigation, we celebrate the outcome.

The new ordinance will contain a new definition for ongoing agriculture. Critical areas will be better defined, better identified (mapped, photographed) and most importantly will be assessed periodically for wetland and aquatic values. If benchmark environmental values are exceeded over time there will be prescribed measures taken to find and reverse the sources of degradation. The concept is "adaptive management." The emphasis is on voluntary compliance. But in the end, state rules for degradation of streams must prevail.

It has been a very long and expensive trip to get to this point. We herewith extend our thanks for grants from Horizons Foundation, Brainerd Foundation, Northwest Fund for the Environment, and support from Sara Lee O'Connor, George Hudson and most of all to our attorney Gerald Steel for work way beyond the call of duty.

UPDATE: Rayonier-Port Angeles Harbor Hazardous Waste Cleanups



—Darlene Schanfeld

The Rayonier Mill-Port Angeles Harbor cleanups have had two successes.

KPly/PenPly

The former KPly/PenPly Mill area on Port of Port Angeles property is cleaned—toxic waters pumped up, toxic soil removed, replaced clean topsoil. New monitoring wells are in. There will be periodic water checks over the next few years to insure there is no recontamination. The liable parties are the Port of Port Angeles and Rayonier, Inc.

One cleanup down and several to go! And they did it right.

Sediment Background Study

The second completion is WA State Department of Ecology's sediment background study from Bellingham to Port Townsend. Ecology was able to distinguish the background contaminants from the polluters' contaminants.

Rayonier Mill—Upland/Marine

The Rayonier cleanup action plan is scheduled for public review in early 2017. Yes, it is years behind. We can only hope this schedule will be met.

Western Port Angeles Harbor

Ecology anticipates having a revised draft White Paper in 2016 and a public review draft Remedial Investigation/Feasibility Study in mid-2017 from the liable parties—Georgia Pacific, Merrill & Ring, City of Port Angeles, WA State Department of Natural Resources, Port of Port Angeles, and Nippon Paper Industries.

Additionally, Ecology is negotiating Natural Resource Damage settlements with both Rayonier and the Western Port Angeles Harbor Group. Ecology doesn't have an estimate for when documents will be available yet.

Marine Trades Area

The Draft Cleanup Action Plan (DCAP) and order are still under negotiation. A public comment period is expected in 2017. The liable parties are the Port of Port Angeles and Chevron. The properties are where the Westport Shipyard and Platypus Marine Inc., and Petit Oil are situated.

Unocal Bulk Plant #0601

Ecology has begun working with Chevron, the liable party, on a supplemental investigation at this site.

Anyone wanting a pictorial brochure of the sites along with some history of the waterfront, contact Darlene Schanfald, darlenes@olympus.net. You will be sent a hard copy, so send me your mailing address.

Link to relevant Rayonier documents:

http://www.ecy.wa.gov/programs/tcp/sites_brochure/rayonier/rayonier_hp.htm

Link to other Harbor cleanup sites:

http://www.ecy.wa.gov/programs/tcp/sites_brochure/psi/portAngeles/psi_portAngeles_bay.html

PORT ANGELES FLUORIDATED WATER—WHERE WE ARE TO DATE

—Eloise Kailin

Starting in winter of 2002, Clallam County Health Officer Dr. Thomas Locke opened up a pro-fluoride campaign by first enlisting local pediatricians and hospital staff to his cause. Support from the Port Angeles City's Utility Committee was easily gained—a committee with little public oversight or participation in their meetings. This committee then recommended fluoridating the City's drinking water to the City Council.



A public hearing on Feb. 18, 2003 was a marathon lasting from 6 PM to past 11 PM. A solid block of pro-fluoride speakers, stage-managed by a hospital commissioner, complete with power point, presented an uninterrupted show for almost two hours. They told us again and again that fluoridation is perfectly safe, of unquestioned benefit, and "Trust us! We are the experts." "Poor children will suffer if this is not adopted." "Our hospital emergency room is overloaded with dental emergencies." Multiple endorsements were paraded, but no documentary citations were offered to support extravagant claims of efficacy and safety.

Opponents were accused of offering "pseudoscience." Finally, we, the unorganized and dazed opponents, lined up and were heard. We formed opposition coalitions on the spot, crystallizing around alternative medicine practitioners and chiropractors. We had one dentist, one physician, a naturopath and a couple of acupuncturists opposing over 60 traditional doctors and dentists.

A nonprofit organization, the Washington Dental Services Foundation (WDSF) had offered a "gift" to pay for construction of the fluoridation facility. Actually this "gift" was secured by a contract requiring a ten-year continuous period of fluoridation. All risk of use of the product was to be borne by the City and NO burden of risk to be carried by the Foundation. If fluoridation is stopped short of ten years, the city would re-pay the foundation \$420,000.00.

Councilman Williams asked that a vote on fluoridation be deferred a week so he could study materials submitted by the public. His motion died for lack of a second. The vote to adopt fluoridation, **conditionally** accepting the Dental Foundation's offer, passed six to one.

Protect the Peninsula's Future called for an environmental review— requesting a full Environmental Impact Statement (EIS). Another local group, Clallam County Citizens for Safe Drinking Water (CCCSDW), joined us. Our attorney was Gerald Steel. The City issued a Declaration of Non Significance (DNS) [under the State Environmental Policy Act \(SEPA\)](#). City water is purchased by a Public Utility District to serve customers living outside city limits. PUD submitted testimony bolstering our case. At one point the DNS was withdrawn (thanks to PUD) but it was re-issued. We

appealed, but lost in both Superior and Appeals courts. [The Appeals court found fluoridation categorically exempt from SEPA.](#)

Approximately three years had passed. With the SEPA issue concluded, in 2006 the city proceeded to construction.

Citizens led by CCCSDW, and especially Paul Lamoureux and Ronnie Flake, gathered over 4,000 petition signatures to gain local powers of initiative and referendum. With this many signatures no election would be required. Clallam County Auditor Cathleen McKeown validated the petition signatures and forwarded it to the Port Angeles City Clerk Becky Upton on Feb. 16, 2006. The City took five months to write the necessary implementing ordinance. Two political action committees were immediately formed.

One committee, Protect Our Waters, sponsored The Water Additives Safety Act. Specific standards were specified for any substance intended to act on the mind or body of people and added to public drinking water. FDA approval is required. No component of the additive may cause water to exceed existing federal standards determined to protect the health of everyone, all ages, for a lifetime. Chemicals added to water to make water safe or potable were excluded.

The second committee was Our Water Our Choice! This sponsored the Medical Independence Act that prohibited medicating people through public drinking water while allowing treatment of water to make it safe and potable. It proclaimed: "People claim the right to control what medication is given to them and a right to their fair share of public water supply which is free of medication."

About 2,500 signatures were quickly gathered for each initiative and returned to City Clerk in early September. The City delayed sending them to the County Auditor for certification until we [filed in Court to require submittal to the Auditor.](#) It was October of 2006 before the auditor returned her certification.

State law provided that the proposed initiative ordinances must then be passed by City Council or submitted to voters. The City refused to do either. We spent the next several years in court trying to bring the initiatives to the voters. Finally we reached the Washington State Supreme Court where our hopes were dashed by a 5 to 4 vote declaring that [in Port Angeles](#), the initiatives were administrative, not legislative in nature, and thus not a matter subject to [Port Angeles](#) initiative review.

The initiative process could provide no relief. One final blow to the democratic application of the powers of initiative and referendum is that unlike state initiatives, language within local initiatives are subject to judicial review *before* the voters have acted. Only in statewide initiatives is a reviewing judge informed of the voted will of the people as he/she reviews the citizen request to be heard.

Citizens were stopped, but only temporarily. It was clear that the purpose of fluoridation was to treat or prevent dental disease. Both State and Federal agencies define a drug as "any substance used to treat or prevent disease." There is no question that water fluoridation is claimed to [treat and prevent](#) dental disease. FDA was enforcing claims that tart cherries were a drug when growers were marketing tart cherries to treat or prevent arthritic disease. *Intent of use* is what matters. So we challenged the use of fluoride based on drug statutes.

A stumbling block was a 1954 Washington State Supreme Court case (Kaul v. Chehalis) in which a five to four decision included a statement that [the decision to fluoridate was within the police power of a City and that a challenge that the City was selling drugs was not well taken.](#) The Appeals Court interpreted the statement about not selling drugs as a ruling by the State Supreme Court that must be followed by the Appeals Court that fluoridated waters are not drugs. Appeals Court considered it reasonable for us to ask for review of the 5 to 4 decision half a century ago and refused to sanction

us for filing a frivolous suit, but the current Supreme Court refused to hear our case and awarded some attorney fees to the Respondents.

We were stuck with ten years of water fluoridation.

After nine years of fluoridation, Dr. Eloise Kailin, representing PPF, started attending every Port Angeles City Council meeting, offering fluoridation informational materials in the three-minute public comment period and submitting documentation for the new materials. She had a lot of good stuff, including statistics from the hospital emergency room showing increased visits for dental diagnoses following start up of fluoridation. The purveyor of fluorosilicic acid submitted Material Safety Data Sheets showing lack of supposedly required toxicological tests. Stan Hazen's sworn deposition admitted absence of required toxic reports. Washington State Department of Health admitted they were unable to do independent testing of the fluoride solution that was in use and were unwilling to do analyses of chemicals in the fluoridation mixture. Smile Surveys carried out county wide showed more cavities in areas receiving community-fluoridated water than in areas without. Some of the City Council and staff caught on.

The City Manager and City Council set up informational forums including pro and con views and designed an advisory vote on fluoridation. The ballot went to rate-payers, one for each of 9,762 residences, and included 1,500 residences served City water through PUD. Recipients were asked whether fluoridation should be continued past the 10-year date when the contract with the dental foundation ended. The survey was taken in November 2015. Results: Ballots returned: 4,204 of which 2,381 or **56.6% voted no**, while 71 had no opinion and 14 were invalid. Only 1,735 (41%) favored fluoridation.

The City Council on Dec. 15, 2015 split 4 to 3, voting to continue fluoridation for another ten years. Four refused to be guided by results of the advisory vote and declared they were elected to do what they thought best. Oh Boy! It is outrage time. Even people convinced that fluoride was beneficial joined in protest. This is now an issue not of the merits of fluoride, but of respect for a democratic voting process.

The City Council chambers for several following Council meetings are packed; the crowd is loud. The "fluoride four" are catching heat with numerous telephone calls and emails. Calls for ethics Board investigations were filed because at one City Council meeting, citizen speech was cut off with a pounding gavel and the meeting abruptly ended by the pro fluoride Deputy Mayor clearly overwhelmed by the demeanor of the angry crowd. For the mid-January Council meeting, the City manager prepared a memo with options to address the disaffection, noting that the City residents were so upset they were considering a change of government. And indeed, we were doing just that, asking for a return to the earlier form of governance where more power is given to citizens and less to city administration.

In 1971, the City voted to change its form of government from a second-class city with a city manager to a non-charter code city with a City Manager. A main difference is that the code city government has "all powers possible", while citizens have fewer rights and less control over administrative decisions. Citizens can effect this change in much the same way as powers of initiative and referendum are exercised. If the petition request is passed by voters, the entire City council is up for election. This could assure election of councilpersons who will listen to constituents.

Our Water Our Choice drew up the petition and gathered signatures. People, many very angry over disregard of their voice on fluoridation, were eager to sign. Only 467 signatures were required. Over a thousand were gathered and submitted to the City Clerk, transmitted to the County Auditor, and certified as sufficient on June 1, 2016. The Council, feeling a need for extra time to debate the issue, chose an election date—the next scheduled municipal election on November of 2017. The next step

is for the City Attorney to issue a ballot title for Change of Government.

Meanwhile, unrest continues. Finally the Mayor, one of the “fluoride four” and a staunch opponent of change of government, realized that city business was being hampered by the fluoride controversy and offered a compromise.

The Mayor offered to vote to stop fluoridation until a new vote could be taken on fluoridation in the general election of November 2017. Participation would be limited to City residents. The fluoridation vote would be an advisory vote, but those accepting the Mayor's proposal measure must (and did) promise to be bound by it. The fluoridation vote of November 2015 was exempted from [Election Law](#) reporting because advisory means only a poll, and is not treated as an election binding in effect. With passage of the Mayor's proposal, we are left with two elections — [stop fluoridation and change form of government](#), both to occur with the general election of November 2017. The election of 2017 also puts four City Council seats up for election, and we believe angry citizens will be fully motivated to run on citizen rights and anti-fluoridation platforms. If they win, the advisory vote may not matter in the end. Citizens will prevail. We are grateful we are presently free of fluoridation.

The proposition to change the form of city government reverts to the form this town lived under for 25 years, prior to 1972, which limits powers delegated to city government to those named in state statutes and provides that all committees must allow public comment. Our opponents are leaning on the title “second class City” as a pejorative descriptor for the older form. Our response is yes; we prefer a second class city government, which yields to first class citizen powers. The Change of Government issue really got attention and is a tool useful we think to other citizen activists. We wait to see the next move from the City. Will they ever issue a ballot title? Will they try to keep the measure off the ballot using a court challenge? *For more information visit: <http://www.yes4cleanwater.org/>*

An Assault on the Peninsula

—Janet Marx and Darlene Schanfeld

We are being invaded by our own military which has no respect for the Olympic National Park, our unique environment, our marine resources, endangered species, or the health and well-being of the occupants of the North Olympic Peninsula. *We need your help. (See end of article.)* What follows is a brief update on some of the Navy's proposed projects.



Northwest Training & Testing (NWTT)

This project covers a huge offshore area along the Strait and portions of Puget Sound. For the North Olympic Peninsula, this would include deployment of up to 720 buoys emitting sonar signals, 30 underwater bombing exercises a year and air-to-surface missile exercises. The Navy has issued a Final Environmental Impact Statement (FEIS). This in the face of hundreds of comments from organizations and individuals protesting the lack of current science, the extensive “taking” of marine mammals, and the destruction of sensitive marine environments.

In July of this year, the US Fish and Wildlife Service (USFWS) issued a Biological Opinion (BiOP) on the NWTT and Electronic Warfare Range combined. The federal Endangered Species Act requires the BiOP. A federal agency that carries out, or otherwise authorizes activities that may affect a listed species, must consult with the USFWS to ensure that its actions are not likely to jeopardize the continued existence of any listed species. This is followed by permits for incidental “takes.” The Navy will then issue a Record of Decision (ROD).

The BiOP is a complicated 573-page document. It includes a “concurrence” that the reviewed endangered species are dependent on the requirement that Navy jets fly at a 6,000 ft. elevation

above sea level. Many residents of Sequim and the west side of Port Angeles can attest that the Navy has not, to-date, respected this height restriction. Furthermore, the BiOP asks, but does not require guarantees, that explosive ordinance training occurs during times of lower salmon populations. The Navy has also refused to allow independent observers during underwater training operations.

Northwest Electronic Warfare Range (EWR)

The Navy has issued an Environmental Assessment (EA) for a US Forest Service Special-Use Permit to use Forest Service roads and areas for a permanent warfare training range. Jet formations would take off from Whidbey Island searching the west side USFS lands for randomly placed mobile units emitting electromagnetic signals. The EA allows for aircraft flights 12 to 16 hours a day for 260 days each year and also provides for accommodating growth in future training exercises. The EA does not address noise impacts, harm to wildlife, effects on local economies and other issues.

The Navy's Final EA issued September 2014 resulted in over 3,000 comments against the USFS granting the Navy a Special-Use Permit. According to the USFS, their Draft Decision Notice on the Special-Use Permit was scheduled for September 19; however, as usual, they have repeatedly delayed issuance of the Permit, so don't hold your breath

EA-18G Growler Airfield Operations at Naval Air Station (NAS) Whidbey Island

In October 2014, while the public was trying to understand the ramifications of NWTT and the EWR, the Navy issued scoping information and had meetings on increasing the number of EA-18G jets at Whidbey Island. The scoping document included vague comments and inadequately addressed the noise measurements and health effects of adding 36 of the loudest military jets to date to its fleet of 82 existing Growlers at Naval Air Station Whidbey Island. Information to date does not reveal their intended flight paths. At some unknown date, the public will be notified when the Draft EIS is available for review. It will include a public comment period and public meetings (hopefully more than their usual "open house" style of meeting which does not include much information or recorded comments).

Navy Pier and Support Facilities intended for Port Angeles Harbor

The U.S. Navy plans to build a pier 0.4 miles into Port Angeles Harbor from the tip of Ediz Hook. It will build hotel style living conditions for 50 personnel, a munitions storage building and a diesel-holding tank. Seven (7) large vessels will be stationed inside the Harbor. (1)

The Navy's stated project purpose is to ready military personnel to escort submarines entering the Strait of Juan de Fuca from the Pacific Ocean closer to dive points. There are reasons for serious concern.

- The Navy does not audit itself and does not have to justify need. The Navy doesn't say how many or where the dive points are. Service personnel accrue as many training hours leaving from the Bremerton or the Neah Bay base at the Pacific-Strait entrance point. Wherever they leave from and return to will be the same round trip distance and number of training hours.
- Per the Navy's Final Environmental Assessment (EA), pier pile driving will cause birds to avoid the area, mask Marbled Murrelet vocalizations, expose fish and marine mammals to levels of underwater noise that can affect behavior and cause injury, and cause miles wide echoing over an 18 month period.
- The Navy is not using the most advanced pile driving, noise reduction technology able to reduce sound by 80-90%.
- Juvenile Chinook will be forced from their nearshore feeding and safety area into deeper, predator waters.

- The Navy will have a Marine Mammal Protection Act **exemption**. There will be no biological opinions from the National Marine Fisheries Service and US Wildlife Service for many of the resident and migrating sea life, including endangered and threatened marine mammals.
- Public access to much of the lower third of Ediz Hook will be reduced.
- The building of hotel grade facilities for 50 personnel, the munitions storage building and the diesel fuel holding tank will cover a good portion of the area.
- Increased stormwater runoff into the Harbor will follow the spreading of Impervious pavement along the Hook.
- Stationing and constant vessel fueling and admitted spillage of seven large vessels in the Harbor can have devastating consequences to the areas air and water; hence, to recreationists, nearby residents and wildlife.
- Permanent increase in overwater coverage of approximately 25,465 ft. is harmful to animals and eelgrass.
- The Navy failed to include long-term cumulative harms, both for the pier piling and for the permanent activities.
- The project is *inconsistent* with WA State's Department of Ecology's long term and ongoing attempt to have the Harbor cleaned up of its pollution. Millions of public dollars have been and will continue to be spent on this effort; meanwhile the Navy will pollute these waters.

But, according to the Navy, all this "will have no significant impact." Therefore, the Navy believes an environmental impact study (EIS) is unnecessary. Its nine page Finding Of No Significant Impact (FONSI) can be read at:

http://www.navfac.navy.mil/content/dam/navfac/NAVFAC%20Atlantic/NAVFAC%20Northwest/PDFs/About%20Us/Environmental_Planning_Documents_NEPA/nw_TPS_PtAngeles_FONSI_24Aug16.pdf
(See citations 2 and 3 for the full documents)

Others may not agree with the Navy. Whereas the S'Klallam Tribes gained a few mitigations from the Navy, out of the other 21 individual comments, all respondents but four opposed the project. Two of the four were from the WA State Departments of Ecology and Natural Resources who listed their regulatory obligations. The public, at large, was opposed. Some of these asked for an EIS. Even the Clallam County Commissioners asked for an EIS. (4)

Our Strait of Juan de Fuca and the connecting Strait of Georgia are protected waters for the southern resident Orcas. Several other species of whales swim these waters, as do other marine mammals, six federally listed fish species, migratory birds and, again, the federally listed, high density of Marbled Murrelets using the Harbor & all types of their feed.

The National Marine Fisheries Service (NMFS) sees no need for a biological opinion (BiOP) of marine mammals, based on information the Navy submitted. This may be true, too, of the US Fish and Wildlife Service – no BiOP. As of this writing, no in-water hydraulic permit has been seen.

The Navy did not include the public comments on the Draft EA in its Final EA. Thus, the community voice is unknown. Neither did the Navy directly address those comments. Instead, they wrote one of the author's:

... the responses were integrated into the final EA by revising the EA or expanding the EA.

A full EIS is warranted due to the significant impacts the project and permanent military base will have on marine life, air, water, sediments, land based wildlife and humans, and loss of recreational area.

1) <http://www.peninsuladailynews.com/news/navy-awards-25-6-million-contract-for-port-angeles-pier/>
Watts-Orion Joint Venture of Gig Harbor to start construction by the end of October on approach trestle and pier at Coast Guard station.

(2) Volume 1

http://www.navfac.navy.mil/content/dam/navfac/NAVFAC%20Atlantic/NAVFAC%20Northwest/PDFs/About%20Us/Environmental_Planning_Documents_NEPA/nw_FinalEA_TPS_PtAngeles_Aug16.pdf.

(3) Volume 2 - Appendices

http://www.navfac.navy.mil/content/dam/navfac/NAVFAC%20Atlantic/NAVFAC%20Northwest/PDFs/About%20Us/Environmental_Planning_Documents_NEPA/nw_FinalEA_Appendices_TPS_Pt%20Angeles_Aug16.pdf

(4) <https://olyopen.net/2016/06/02/clallam-county-commissioners-seek-environmental-impact-study-on-navy-pier-project-in-port-angeles-pdn/> Clallam County Commissioners asked for an EIS.

WE NEED YOUR INVOLVMENT

Write, call or email our federally elected representatives. Tell them a combined comprehensive EIS is needed for the four Navy actions. *Tell them to stop the Port Angeles pier project until a full EIS is done and submitted for public comment.*

Senator Patty Murray: <https://www.murray.senate.gov/public/index.cfm/contactme> (202) 224-2621

Senator Maria Cantwell: <https://www.cantwell.senate.gov/contact/email/form> (202) 224-3441

Representative Derek Kilmer: <http://kilmer.house.gov/contact/email-me> (202) 225-5916

For more extensive information, visit West Coast Action Alliance at <http://westcoastactionalliance.org> and contact a local group for action items.

Clallam County: Save the Olympic Peninsula (STOP) at savetheolympicpeninsula.org;

Jefferson County: protectolympicpeninsula.org; Sierra Club North Olympic Group at northolympicgroupsc@gmail.com

Summary Report

—Judy Larson

In 2015-16, I have again had the pleasure and responsibility for attending Dungeness River Management Team (DRMT) meetings as the delegate on behalf of PPF, and have also been elected by the DRMT to serve on its Executive Committee for the last 3 years. DRMT meetings are typically scheduled for 2-5pm on the 2nd Wednesday of each month, and are usually held at the Dungeness River Audubon Center in Sequim. At PPF Board meetings, I provide synopses of topics that have been presented which seem most germane to PPF's mission. At the DRMT meetings I often ask questions that may reveal more details pertinent to PPF concerns. At every DRMT meeting, the presenters share information about issues of vital pertinence to our watershed. The DRMT also conducts special field trips to important restoration project areas. High quality written meeting agendas and minutes, plus valuable resource materials/reference links can be reviewed at the DRMT website, which has had a BIG "makeover" and new BIG change in its name/address:

<http://www.dungenesswc.s3-website-us-west-2.amazonaws.com> . (If you don't want to write this down, just search "Dungeness River Management Team.") Also, Shawn Hines, a Jamestown S'Klallam Tribe Watershed Planner, may be able to answer questions about DRMT website materials; her contact information is: 1.360.681.4664 or shines@jamestowntribe.org.



Ecology's Approval of Sewage Sludge and Effluent Re-use Expanding

—Darlene Schanfeld

I've been informing you in past PPF Annual Newsletters about wastewater treatment plant and industrial sewage allowed for the spreading on land. Regardless of the 80,000 – 90,000 contaminants and a string of pathogens – which treatment can't always kill – in the solids sold for commercial compost and fertilizer, spread on farm lands, and dumped in forest lands, and the uptake into the food chain of some contaminants, all this would go to a hazardous waste landfill if it could not be claimed that the eight or nine metals in this toxic brew were “beneficial” for soils. Efforts are ongoing in WA State to get sewage sludge contaminated food and compost labeled.

But pay attention this Fall. Ecology is scheduling to release a Draft rule making for public review that will allow the re-use of the wastewater plant effluent for crops, recreational grounds, and wetlands. The effluent can be as toxic as the solids, containing microbeads, pathogens, superbugs, medications, microfilaments, fire retardants, synthetic hormones, antimicrobials and so forth.

And check the beer you drink (if you drink beer). Some beer companies see the effluent as free water. They do some cleaning of it and then into the beer it goes. And are the hop fields covered with sewage sludge fertilizer? Ask the beer manufacturers about the beer ingredients. Drink safely.

Certified organic farmers cannot use wastewater treatment plant wastes.

Celebration for a LOSS

—Eloise Kailin M.D.

The Agreement: “PPF consolidated and dismissed two appeals with the U.S. Department of the Interior Office of Hearings and the Appeals Interior Board of Indian Appeals. PPF provided a letter of support for the Tribe's efforts to provide common sewage disposal for its enterprises and treat all wastewater to Class A reuse standard...The Tribe will send a notice to PPF as to the sewage disposal method for any hotel/casino expansion related to its Casino in Blyn that the Tribe is actually going to implement if and when the Tribe decides to build a sewer treatment facility that treats off-site sewage on the Galvin parcels in Blyn. Notice will be sent to PPF's counsel of record.” Legal filing with DOI Board of Indian Appeals.

The Jamestown Tribe built a casino in Blyn in 1995, shortly after establishing its reservation on the shores of east Sequim Bay. The casino was provided with a conventional drainfield on an adjacent parcel of land. The “perc” was good: too good, in fact, for heavy septic disposal and the area is now designated a Critical Aquifer Recharge Area (CARA). The casino prospered. The drainfield was over loaded within a year.

A severe drainfield failure was reported in August of 2010. A year later, nitrogen levels in the casino's drinking water well 300 feet away almost doubled, reached 9.08 mg/liter. Maximum nitrogen allowed is 10 mg/l. In June of 2011, three of four tourists consuming blue mussels from nearby Sequim Bay State Park became the first documented cases in the USA of Diarrheic Shellfish Poisoning (DSP). PPF believes that migrating sewage effluent from the casino's land that emptied into Sequim Bay fertilized the algae that produced the DSP toxin. Nutrients in the effluent would also exacerbate Sequim Bay's well known problem of oxygen depletion and be detrimental to the endangered salmonids in this Bay.

The Tribe proposed to construct a new drainfield on adjoining land but land under County jurisdiction. This meant it was subject to County Critical Area Codes, which restricted sewage discharge into a CARA. PPF entered the hearing process and asked for consideration of alternatives such as treatment of sewage effluent to Class A Re-Use Standards before discharging to ground, or disposal by transfer of effluent to the City of Sequim's wastewater treatment plant to be treated to Class A Re-

use water.

A series of legal actions took place over several years, starting with a drainfield permit given by the County and challenged by PPF. The Tribe withdrew its permit. Subsequent multiple attempts by the Tribe to convert Clallam County land to trust status for use for a drainfield which would empty into Sequim Bay has met with PPF objections through the administrative processes of Bureau of Indian Affairs.

At long last, the tribe is dealing seriously with the City of Sequim on a proposal to pipe sewage effluent to the Sequim Treatment Plant.

On January 9, 2015, the Tribe and City of Sequim announced a partnership to connect tribal facilities and businesses in Blyn to the City wastewater treatment plant using about 6.5 miles of pipe. A formal agreement is pending. PPF has now reached a settlement agreement with the Tribe. This outcome goes a long way towards restoring and protecting Sequim Bay. As we celebrate, we acknowledge and thank the generous foundations, which supported the legal efforts that were required: The Harder Foundation c/o Kay Treacle; Horizons Foundation c/o Stephan and Lucy Hadak; and The Rose Foundation c/o Tim Little.

Oh—In case you wondered about the title, LOSS is technical talk for “Large Onsite Sewage System.”

Tax deductible contributions can be made online at <http://www.protectpeninsulafuture.org> or mailed to Protect Peninsula's Future, PO Box 1677, Sequim WA 98382

