

Protect the Peninsula's Future Newsletter

December 2, 2010

OUR ANNUAL MEETING: THURS. DEC. 2

The meeting will start at 6 PM as usual with a potluck supper, followed at 7 PM by a general membership meeting including a video on fluoridation. The meeting will be held at the home of Sara Lee O'Connor. From Hwy. 101 in Port Angeles, turn south on Mt Pleasant Rd. Continue all the way to the end of the road. Go through the gate—5148 Mt. Pleasant Rd. Email: saralee@olypen.com Phone: 452 5848

Please take a moment to check your address label, which indicates the year membership dues were last received. For most of you this is 2009 and covers membership to 2010. We would appreciate your continued support for the coming year. Even very small contributions are important because paid memberships are a measure of how many members we can claim to represent, and that is part of our strength. A ballot is enclosed for our Board of Directors, printed on white paper if dues are needed for the coming year and on colored paper for those who paid in 2009. Please either mail to P.O. Box 1677, Sequim, WA 98382 or bring to the Annual Meeting.

We would very much appreciate your sending us your e-mail address so we can provide emergency notices of local hearings that are really important. The intent is to keep these notices at a minimum.

President's Message—by Steve Koehler

As I sat down to prepare this year's newsletter it occurred to me that Protect the Peninsula's Future is about to begin its 37th year—quite remarkable...really! I suspect no other non-profit volunteer organization in the entire state of Washington has had more success in addressing critical issues for the local environment than PPF. Since 1973 PPF has been involved with issues ranging from opposing the establishment of a nuclear power plant on Miller Peninsula, to protecting critical habitats for endangered species, to keeping toxins out of local waters—including municipal water supplies.

In this issue Eloise Kailin informs us of the City of Sequim's long overdue acknowledgement of PPF's role in getting the City to produce reuse water. Bob Lynette reports on PPF's endorsement of a moratorium of using biomass burning to generate electricity. He also updates us on the continuing saga of the Dosewallips road. Darlene Schanfald presents the latest on her continued vigilance of the P.A. Rayonier Mill site. Finally Judy Larsen updates us on the workings of the Dungeness River Management Team, Sequim's sewage treatment plant. These summative articles barely scrape the surface in relating the activities of PPF board members over the past year, but they'll have to suffice for now. We want to thank the PPF membership for their past support and look forward to it continuing in the coming year.

Corresponding Secretary 's Report—by Eloise Kailin

At our December 2009 Annual Meeting Tyler Ahlgren, Eloise Kailin, Judy Larson and Wayne Ostlund were elected by the membership as Board Trustees for a term of 3 years. Kathleen Smith was elected as an Alternate Board Member. Harley Oien resigned from the Board late in 2010. He has been a very committed asset to this community and we thank him for the countless hours he has spent not only supporting the Growth Management Act countywide but also documenting and lobbying to clean up pollution of air and water in the area of Dry Creek. The Board appointed Kathleen Smith to fill the vacancy. She is now running for election.

The City of Sequim expanded their sewage treatment plant and held a dedication ceremony. The Mayor gave special acknowledgment to the role played by PPF in pushing Sequim to produce re-use water, which is to say water which previously was dumped into salt water over shellfish beds is now cleaned up to a high enough

degree so that it can be safely applied for many uses including irrigation, landscaping and ground water

recharge, but it is not approved for drinking water. The Mayor is proud of the water saved and praised PPF while noting that the City had had differences with PPF. This was a polite understatement given that it took 15 years and about a quarter of a million dollars in legal fees for us and about double that for the City before we were able to reach a settlement agreement with the present result. PPF was helped by grants from Harder Foundation, Horizons Foundation, Northwest Fund for the Environment, and The Reed-Henry Fund at The Seattle Foundation.

UPDATE ON PORT ANGELES INITIATIVES

By the end of year 2009 the right of citizens of Port Angeles to vote on two clean water initiatives had been refused by Superior Court and by the Court of Appeals. Both ruled that the initiatives carried out provisions of existing utility laws and thus were administrative in nature. To be valid, initiatives must be "legislative", which means they must create new law, not just follow provisions of existing law. The state Supreme Court agreed to review the case. The court session was held in the auditorium of Skagit Valley College at Mt Vernon on Feb. 24, 2010. The entire hearing, including post-hearing questions directed to the nine Justices from the large audience (mostly students) are available on DVD disc and can also be accessed by computer at www.yes4cleanwater.org. A DVD is also available for checkout in the PA library system.

The court decision came out on September 23. It was 5 to 4 against us but the minority dissent, well supported by citations to key laws concluded: "We must allow them to proceed to the ballot". Clearly both sides were passionate, which is probably why it took so long to issue their decision.

The two initiative committees, which were plaintiffs, in this case have now asked for reconsideration, citing errors of interpretation of the initiatives and errors of law. No mention was made in either majority or minority opinions that a savings clause is embedded in each initiative which allows any questioned portion to be removed without sacrificing the entire initiative. We look forward to a new majority opinion, which will allow at least one of the initiatives to be voted on.

The cases were filed by attorney Gerald Steel with plaintiffs being the two initiative committees, one committee representing each of the initiatives. These committees have now asked the Supreme Court to reconsider its decision.

PPF has joined six other organizations in supporting the initiative committees' request for reconsideration. Two of them, Fluoride Action Network and International Academy of Oral Medicine and Toxicology are international in scope. One is Oregon Citizens for Safe Drinking Water, two in Washington state are Washington Action Network and Whidbey Environmental Action Network, and two are in Clallam County, Protect the Peninsula's Future and Clallam County Citizens for Safe Drinking Water. These seven groups are asking leave of the Court to file as amici (Friends of the Court). Chief Justice Barbara Madsen has accepted filing of their briefs. The Supreme Court as a whole will consider this matter further on January 4, 2011. Attorneys for the Amici are Gerald Steel and James Robert Deal.

PPF Endorses Moratorium on the Peninsula for Using Wood Biomass Burning to Generate Electricity—by Bob Lynette

Consistent with the precautionary principal, there should be a moratorium on all planned wood biomass electric generation plants on the Olympic Peninsula until the following issues are understood and fulfilled by careful evaluation of the best available science and the performance of biomass burning plants elsewhere.

- That removing the wood required to fuel these plants will not adversely impact overall forest health, with sufficient slash wood left on the forest floor for sustaining the future generations of healthy trees.
- Biomass must not induce additional logging. The state must measure the available biomass within an economically viable geographic area around any plant and ensure that sufficient biomass exists for both proposed and existing plants.
- That the processing and delivery of wood fuel will not significantly increase particle and pollution emissions that have a significant impact on human health, fresh and salt water pollution or the global climate by increasing CO₂ and other greenhouse gas emissions.
- That operation of the plants will not have an adverse impact on human health by degrading air quality both at the plant itself, the surrounding area, including downwind, nor will it degrade Class I airsheds. Proposed plants must incorporate the best available air pollution control technologies.
- That wood from construction waste must not be incinerated if it is contaminated with heavy metals or other toxins.
- That the water needed to operate the plants will have no significant impact on stream biota and that sufficient river flows to support human, salmon, and other wildlife needs will be maintained. All such water needs will be carefully metered to assure that these requirements are achieved.
- That the water and waste heat discharged from the plant will be monitored to ensure that there is no adverse impact on aquatic life or ambient air quality at the site of the plant and downwind.
- That such proposed plants are sited in appropriate locations to minimize traffic, noise, smell, light pollution and visual impacts.

Dosewallips Road Saga Goes On—by Bob Lynette

The upper Dosewallips road washed out in January of 2002, ten miles in from Highway 101 and five miles below the park service campground. The washout cut off motorized access to two campgrounds as well as the trail head to Anderson and Hayden passes and the way trail to Lake Constance.

Since then, repeated floods have widened the washout to more than 600 feet. Another washout occurred on a lower portion of the road and was repaired. This is an obviously an hydraulically unstable roadway. Olympic Park Associates (OPA), Olympic Forest Coalition (OFCO), Olympic Audubon Society, The Mountaineers, and other environmental groups have urged the Forest Service and Park Service to decommission the road at the washout and convert the upper road to a recreational forest trail.

Both agencies have refused to consider that option. The problem is that road reconstruction poses unacceptable costs to endangered species, old-growth forest habitat, watershed dynamics, and fish.

Just recently the Forest Service released what they hope will be the final EIS for the road, but they didn't issue a Record of Decision (ROD) that would set the stage for implementing their decision, which conservationists believe will be to rebuild the road. A number of conservation groups have vowed to appeal the decision if the Forest Service decides to go ahead and rebuild the road.

Rayonier Mill Cleanup—by Darlene Schanfald

THE CLEANUP PROCESS MOVES FORWARD

In January, Rayonier signed an Agreed Order (AO) with the WA State Dept. of Ecology (Ecology). The AO covered what Rayonier agreed to cleanup on their mill property and in the Strait of Juan de Fuca. This may not be all Rayonier will be responsible to clean up; it is just what they agreed to clean up. The AO also includes an *enforceable* schedule. Not meeting particular milestones by particular dates will cost Rayonier fines.

Currently, Rayonier is meeting those time lines early. Their Cleanup Action Plan (CAP) is scheduled to be released in 2013. Meanwhile, Rayonier continues to sample its property for additional pollution. Stay tuned, as there will be public input opportunities between now and the CAP.

HARBORWORKS IS NO MORE

The second major event was the dissolution of the Port Angeles HarborWorks Development Authority (PDA). Rayonier announced in June they were no longer interested in working with HarborWorks to transfer land and liability to the PDA. The PDA worked to convince Rayonier to continue negotiations, Rayonier was uninterested.

CITIZEN ACTIONS

Last spring, the Clallam County Democratic party passed a resolution opposing the PDA. During the summer, citizens circulated a petition to insure no further funding was given to the PDA. Within a few weeks, 800 signatures were gathered. The Peninsula Daily News followed up with a poll. Over 76% of the respondents opposed further funding.

AN ACCIDENT WAITING TO HAPPEN

The City of Port Angeles negotiated with Rayonier for its 5.8M gallon tank to hold future combined sewer-stormwater overflows and 11.8 surrounding acres. The City paid Rayonier \$995,000. While the City said no public funds would be used for cleanup of the mill site, indeed, the \$995,000 Rayonier charged the City will cover the cleanup of that area.

Lastly, the City intends to build a three mile long pipeline from the Red Lion Inn eastward to the Rayonier (now the City's) tank, carrying sewage and stormwater. This is foolhardy and downright dangerous. The pipe will border the shoreline. This is a tsunami-flood area where waters are rising and strong wave action batters the shoreline and bluffs. This is an accident waiting to happen and, if it does, it will pollute the mill site, Ennis Creek and the Strait. We oppose this. If the City would collect and recycle its stormwater in natural manners referred to as low impact development (LID)—running stormwater through grass swales, disconnecting rain gutters and collecting this water in rain barrels, and other ways, as well as upgrading its existing stormwater system, neither the piping nor the tank would be needed. Write the City of Port Angeles City Council and also Ted Sturdevant, WA State Department of Ecology Director (tstu461@ecy.wa.gov) that you want the City of Port Angeles to use environmentally safe stormwater collection and recycling methods, and not spend millions of public dollars on a central collection sewage-stormwater system that could leak or break in unfriendly climes, contaminating land and water.

Summary Report from Judy Larson...

In 2010, personal interests led me to attend on behalf of or report to PPF Board Members on some issues/activities pertinent to the mission of PPF:

Dungeness River Management Team (DRMT): Judy Larson, Delegate; Tyler Ahlgren, Alternate DRMT's good work can be reviewed via the excellent records of note-taker Melissa Coughlin as posted by Susan Stark (JSKT) on: <http://www.olympus.net/community/dungenesswc/>. I found noteworthy a presentation in June by an "unaffiliated" attendee, retired scientist Philip Martin, who presented an examination of data about Dungeness River (DR) flows/water use. His analysis showed that using DOE basic assumptions about use/consumption of water by all DR watershed wells, no more than 2cfs is involved. (<1cfs for 2600wells, hence ~2cfs if there are 5000 wells total).

(Added benefits of attending in 2009: PPF now is invited to participate in Sequim's 2010 Earth Day Initiative!)

Still ongoing saga: PPF & Sequim's Sewage Treatment: In our 2009 Newsletter, I provided extensive background/review of PPF's efforts to assure that sewage treatment services provided by the City of Sequim are

consistent with the proper safeguards needed to protect public health *and* our environmental resources. When Sequim chose to pursue its staff's recommended \$11 million STP/WRF expansion, it required a temporary

NPDES permit revision, for which PPF—being a party of record—was “consulted” via a 3-02-09 letter from Gray & Osborne, Inc. (City's STP/WRF consultant). No meeting or adequate response has yet been provided by the City to PPF's “Committee on Sequim STP /WRF” (comprised of Bob Lynette, Ron Richards, and myself, Judy Larson, serving as Chair). DOE has not yet sent PPF an official notice of details about City of Sequim's pending NPDES Permit NO.WA0022349, and the City has not yet performed tests to meet its past permit modification regarding ammonia/total nitrogen acute/chronic toxicity. Since Sequim has not been timely in meeting past settlement agreements, perhaps PPF should push for having a public hearing for the City's next NPDES permit consideration. However, if the City's newest Public Works Director, Paul Haines—the third in 18 months—is willing and able to address PPF's concerns, perhaps a constructive relationship can be developed to meet beneficial goals. Sequim's current Council and new Manager have taken actions that reveal more attention to quality of life issues. Indeed, PPF was invited and participated in a Sequim-sponsored 2010 Earth Day Celebration in April, and this fall, Sequim gave positive recognition to PPF at a ceremony for the STP expansion.

On Site Septic (OSS) Regulations: All counties bordering marine waters of Puget Sound were required to adopt measures to assure for proper functioning of septic systems. Regulation details for our area can be found on the county website: www.clallam.net . Although this was to be implemented starting in 2010, there have been no legal notices about compliance sent to OSS owners, mainly because of inadequate County resources for administering, recording, and enforcing the requirements. (Residential conventional gravity OSS are to be inspected once every 3years and all other OSS systems are to be inspected.)