

JAN 30 2015 *[Signature]*

IN THE WASHINGTON STATE SUPREME COURT

| | | |
|--------------------------------|--------------------------------------|---------------------|
| PORT OF OLYMPIA, et al., and) | | Ronald R. Carpenter |
| WEYERHAEUSER CO.,) | Supreme Court Case No. 90973-3 | Clerk |
| Petitioners, et al.;;) | COA II Case No. 43876-3-II | |
| v.) | Superior Court Case No. 07-2-01198-3 | |
| ARTHUR S. WEST, and) | | |
| JERRY L. DIERKER JR.,) | Motion for Extension of Time | |
| Respondents.) | and Certificate of Service | |
|) | | |

1. Pro se indigent Disabled CoRespondent Jerry Lee Dierker Jr., who humbly and respectfully requests that this Court grant an Extension of Time until at least April 1, 2015, of the current Feb. 4, 2015 date for the filing of Dierker's Answer to the Port's current Petition for Discretionary Review of the COA II's Unpublished Opinion in this case, since he was extremely physically harmed by two recent Jan. 12 & 19, 2015 exposures to an extremely hazardous colorless and odorless gas coming from contaminated materials from the Port of Olympia's Swantown Boat Works dumped by Port contractors during this last year near the front gate of the illegally operated Sundberg Sand and Gravel mine site next to Dierker's home, and since Mr. Dierker will need at least another two months to even partially recuperate from the harm associated with this exposure to toxic waste illegally dumped by the Port next to Mr. Dierker's home, as noted by the attached Dept. of Ecology Complaint and as Mr. Dierker has previously noted in his recent oral pleadings to this Court's Clerks Office of this Supreme Court on this matter. (See attached).

Further, I served this pleading upon the Supreme Court and the parties in this matter.

I certify the foregoing to be true and correct to the best of my knowledge, beliefs and/or abilities, under penalty of perjury of the laws of the State of Washington and the United States of America, this 30th day of January, 2015 in Olympia, Washington.

[Signature]
 Jerry Lee Dierker Jr., Appellant
 2826 Cooper Point Road NW
 Olympia, WA 98502
 Ph. 360-866-5287

ERTS # 654104

Initial Report

External Reference #

Caller Information

Where did it happen

First Name Jerry Last Name Dierker
 Business Name
 Street Address
 Other Address
 City OLYMPIA State WA Zip
 E-mail Confidential_FL
 Phone (360) 866-5287 Ext Type Home

Berth Anchorage
 Location Name Sundberg Gravel Pit
 Street Address 2200 Cooper Point Rd NW
 Other Address
 City/Place OLYMPIA State WA Zip
 County - Region THURSTON SWRO FS ID
 WIRA #
 Waterway Type
 Latitude Longitude
 Topo Quad 1:24:000 OLYMPIA
 Direction/Landmark (mile post, cross roads, township/range)

What happened

Spills Program Oil Spill? N

Incident Date 1/15/2015 Received Date 1/15/2015 14:30

Medium SURFACE WATER-FRESH

Material OTHER - SEE NOTE

Quantity 1 Unit OTHER

Source COMMERCIAL

Cause HUMAN FACTOR - INTENTIONAL

Activity OTHER

Impact NATURAL RESOURCE DAMAGE

Vessel Name

Hull Number

Primary Potentially Responsible Party Information

First Name Last Name
 Business Name Green Cove Park LLC
 Street Address
 Other Address
 City State WA Zip
 Phone Ext Type
 E-mail

Additional Contact Information

Name Phone Ext Type

More Information

This site is proposed to develop a huge housing development (157 homes) and caller says is contaminated with hazardous waste from the Port of Olympia from 1957 - 1990. Caller says this includes wood-waste from Cascade Pole, Weyerhaeuser, fill from Swantown, LOTT Facility, it's a cesspool, diesel engines, barrels, etc. There used to be wetlands on this site that are filled or dry now and streams and springs are dry too.

Another neighboring property owner (Jim Elliott) whose family sold property back in 1930's worked for Sundberg Mine as a waste hauler, he lives on the East side on NW Corner, where they are putting 3 stormwater ponds. Canyons are filled 40' deep there. There used to be a stream on east side of Cooper Point Rd and 28th, which that stream is now dry, it was never dry before. There are Threatened and Endangered Species on this property.

Caller reports that County Staff is not allowed on this property. On the south side by little old trailer, area has old tiles made in 1927-1947 filled with creosote, acid, other chemicals. Caller said you can also contact Roger Robinson - 28th Ave NW, gave phone number as 888.4819.

Entry Person JUNEAU, CONNIE

Entry Date 1/15/2015

ERTS # 654104

Initial Report

External Reference #

Caller Information

Where did it happen

First Name Jerry
 Last Name Dierker
 Business Name
 Street Address 2826 Cooper Point Rd N
 Other Address
 City OLYMPIA State WA Zip
 E-mail Confidential_FL
 Phone (360) 866-5287 Ext Type Home

Berth Anchorage
 Location Name Sundberg Gravel Pit
 Street Address 2200 Cooper Point RdNW
 Other Address
 City/Place OLYMPIA State WA Zip 98502
 County - Region THURSTON SWRO FS ID
 WIRA #
 Waterway Type
 Latitude Longitude
 Topo Quad 1:24:00 OLYMPIA
 Direction/Landmark (mile post, cross roads, township/range)

What happened

Spills Program Oil Spill? N

Incident Date Received Date 1/22/2015 12:17
 Medium SOIL
 Material UNKNOWN
 Quantity Unit

Primary Potentially Responsible Party Information

Source OTHER
 Cause HUMAN FACTOR - IMPROPER PROCEDURES
 Activity OTHER
 Impact SOIL CONTAMINATION
 Vessel Name
 Hull Number

First Name Last Name
 Business Name Green Cove Park LLC
 Street Address
 Other Address
 City State WA Zip
 Phone Ext Type
 E-mail

Additional Contact Information

Name Phone Ext Type

More Information

Mr. Dierker called at 09:07 on 1/20/15 and again today 1/22/15 at 12:17 to say that he was on the property on 1/20/15 to try to get photos of area where blocks of Styrofoam, have been placed.

It was a bit warmer on Monday (1/20/15) and some odorless/colorless toxic chemical gas was boiling out of these blocks that are covered with concrete, about 8-10 of them, size 4' x 6' x 12'. These were used at Swantown Boatworks and they function as big sponges, they may have been treated with some other chemical because when he got within 300' of them his throat started burning. The entire inside of his mouth is burned almost blistered and Mr. Dierker has COPD so this really also affected his breathing.

These were placed there within the last 4-5 months so they (Port of Olympia) is still placing material at this site. This was just inside the gate right next to the old mobile home and metal building on site. He said he could only get to the edge of road then had a COPD attack. He also spoke with others that are using the site as a dog-walking area and reported that lots of people are being hurt by this dump site.

With the warmer whether the polymeric were boiling off. Mr. Dierker spoke with the Port of Olympia this morning regarding this issue, didn't say who he talked with. He has recently been in court with the Port about dumping waste in the area.

He also stated that piles were removed off Port site to 30-40 different places in the county, not just from 1957-2006 but is continuing to dump at site. He went on to report about sediment from East Bay and that studies of the lower Puget Sound found 3 areas that didn't have any life form and that was in Budd Inlet. Someone needs to do something about this otherwise people will be real sick, we need to protect them.

If you go to site he recommends you were a full respirator.

RECEIVED
1/27/15

Jan. 27, 2015

To: Port of Olympia

From: Jerry Lee Dierker Jr., 2826 Cooper Point Road NW, Olympia, WA 98502

RE: Continuing Public Records Request pursuant to the U.S. Patriot Act, the numerous International Treaties on Human Rights and Environmental Justice, the First Amendment to the U.S. Constitution, Article I of the Washington State Constitution, the U.S. Freedom of Information Act Title 5 USC 551a, the Washington State Public Records Act RCW 42.56, the Washington State Environmental Policy Act (SEPA) RCW 42.21C & WAC 197-11, the Washington State Administrative Procedures Act RCW 34.05, the Washington State Civil Procedures Act RCW 4, the Washington State and U.S. Court Rules, the various doctrines of discovery, the Discovery Rule Doctrine, the Doctrine of Fraudulent Concealment, the Clean hands Doctrine, and other pre-litigation discovery standards in such "public-rights-to-know" and "citizen suit" laws within the Washington State and U.S. regulations, statutes, and Constitutions, and/or such other applicable state, federal, international, or common laws requiring the release of such information held by government to the public making such requests for information on their governments' actions affecting them and others, et seq., et al., many of which have been made so that the People can have access to all relevant evidence about their governments' actions, so that the People can have the "notice" of and all relevant evidence about their governments' actions before the People can make any reasonable consideration of appropriateness of their governments' actions, so that the People can act to control the of their U.S., Washington State and local governments actions taken by the government in the name of the People, using the People's own legal authority granted to these governments by their People through those Constitutions, which are since, despite their governments' claims, court decisions, and/or actions to the contrary, the People of this State have not given up their fundamental rights to control the actions of their governments in this State.

Greetings;

I am requesting that I be allowed to review and/or get copies all records held by the Port and its Thurston County Economic Development Council (EDC) related to the following actions:

- 1) all Port/EDC contracts, communications, etc., with the current and/or past owners and/or operators of the former Sundberg Sand and Gravel mine property located at 2200 Cooper Point Rd. NW, Olympia, Washington 98502 dating from at least the present back to 2006;
- 2) all Port projects using gravel, sand or fill soils taken from former Sundberg Sand and Gravel mine property dating from at least the present back to 2006
- 3) all disposals of Port waste at Ted Sundberg's former Sundberg Sand and Gravel mine property dating from at least the present back to 2006, especially when such waste comes from the Port, the Port's development projects on the super-contaminated Port properties, and/or from Weyerhaeuser's and other "Port Partners" operations on the Port;
- 4) all of the Port EDC's "development partners" uses of gravel, sand or fill soils taken from Ted Sundberg's former Sundberg Sand and Gravel mine property and all of the Port EDC's "development partners" disposals of waste at this site dating from at least the present back to 2006;
- 5) all Port contracts, communications, etc., with the past owners and/or operators of the former Ted Sundberg's former Sundberg Sand and Gravel mine property, which must include all information on use of Sundberg Sand and Gravel mine property for disposal of Port waste and the

Port's use of gravel, sands, and fill products from this site dating from at least 2006 back to 1956;

6) all Port contracts, communications, etc., with Weyerhaeuser concerning the "log storage" use of parts of Ted Sundberg's former Sundberg Sand and Gravel mine property located at 2200 Cooper Point Rd. NW, Olympia, Washington 98502 dating from at least 2006 back to 1956; and

7) all Port held records related to disposal of waste from the Port, the Port's development projects and from Weyerhaeuser's operations at the Port Marine Terminal area and the Port's and Weyerhaeuser's operations at Ted Sundberg's former Sundberg Sand and Gravel mine property for "log storage" of Weyerhaeuser's export trees and for disposal of Weyerhaeuser's "Agent Orange" contaminated bark from Weyerhaeuser Trees stored for the Port on Ted Sundberg's former Sundberg Sand and Gravel mine property for about 30 years, dating from before 2005 back to 1956;

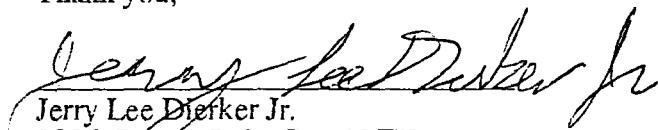
8) all records related to the Port's continuing unwritten policy of using development and such mines for "cover-up" and concealing of the Port's disposal of development and hazardous waste in Thurston County, Washington, where Port often uses its EDC "development partners" to aid the Port to conceal the Port's disposal of Port hazardous waste by using building development throughout Thurston County, Washington over the top of this concealed Port hazardous waste;

9) all records related to the Port's past, continuing, and current written and/or unwritten policy of "secretly" using this site next door to Mr. Dierker's home and other such sites for the Port's disposal of toxic hazardous waste from the Port, its clients, and/or its development projects; and

10) all records related to the Port's current use of this site next door to Mr. Dierker's home for the Port's disposal of waste from the Port and/or its development projects, like Mr. Dierker has just discovered has occurred on this site next to Mr. Dierker's home since at least 1957 through the present, and since Mr. Dierker just got contaminated on Martin Luther Kings Birthday Jan. 19, 2015 by the Port's Feb. 2014 disposal of Port extremely toxic hazardous waste from the Swantown Boat Works' (several "floating docks") dumped right near the front gate of this site on busy Cooper Point Road, where only a single breath of air almost 300 feet away from this pile of waste on this site caused sever chemical burns in Mr. Dierker's mouth, throat, and tongue, etc., which continues to burn with every breath more than a week later, and which continues to cause him vertigo, a loss of proper speech, and a loss of the ability to properly think and converse with others about anything, and where several other persons have also been sicken by toxic air pollutants coming from the direction of this Port waste, and this Port contamination of Mr. Dierker and this site is now one of the subjects of a Dept. of Ecology Toxic Spill Complaint Mr. Dierker has filed recently.

Please respond in writing with 5 days to this request.

Thank you,


Jerry Lee Dierker Jr.
2826 Cooper Point Road NW
Olympia, WA 98502
Ph. 360-866-5287