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DEPARTMENT OF ECOLOGY

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December 22, 2021

David Herrington
Director of Facilities and Operations
Bremerton School District
200 Bruenn Avenue
Bremerton, WA 98312-3108
(david.herrington@bremertonschools.org)

Re: Crownhill Garden and Fence Posts

- **Site Name:** Bremerton School District Crownhill Elementary School Site
- **Site Address:** 1500 Rocky Point Road NW, Bremerton, WA 98312-2652
- **Cleanup Site ID:** 4487
- **Facility/Site ID:** 99722456

Dear David Herrington:

Thank you for reporting the unauthorized installation of fence posts in a garden at the South Landfill Area of the site, and for working to provide the Washington State Department of Ecology (Ecology) the additional information I requested to verify the details of the incident.

This letter provides Ecology's conclusions based on the additional details provided to me in an email dated November 22, 2021 from your environmental consultant Matthew M. Lewis with Aspect Consulting, LLC. Ecology assessed the specific activities and locations that were reported (gardening and fence post installation) with respect to the terms of the environmental covenant recorded for the site.

Use of the property for gardening

Section 2a of the environmental covenant states that the following restrictions shall apply within the north and south landfill and surrounding areas (*italics mine*): "Any activity on the Property that will compromise the integrity of the cap including: drilling, *digging*; piercing the cap with sampling device, *post, stake or similar device*; grading; excavation, etc.". It also states, "In addition, the Grantor shall not alter or remove the existing structures on the Property in any manner that would expose contaminated soil and waste materials, result in a release to the environment of contaminants, or *create a new exposure pathway, without prior written approval of Ecology*". See also Section 1b.

Ecology believes the gardening and post installation activities have the potential to disturb or breach the soil cap. Gardening activities over the soil cap area have the potential to create a new exposure pathway unintentionally or inadvertently.

Installation of fence posts around the garden

No notification was provided to Ecology that a garden and fence posts would be built in the area of concern. The fence posts were verified to have been installed within one foot of the land surface, and did not penetrate further below the soil cap or through the geotextiles installed as part of the site remedy.

However, Ecology believes the fence posts are not an authorized activity under the terms of the environmental covenant as explained above, and by not notifying Ecology of the activities to the soil cap, Ecology was not provided an opportunity to assess the risks and legal requirements of this activity under the cleanup.

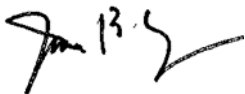
Next Steps

Ecology recommends that the garden beds and fence posts be removed to ensure the original containment portion of the remedy (soil cap with institutional controls) remains protective of human health and the environment. The raised beds should be removed and the original soil cap restored to bring it back to its original condition before the garden was cultivated. The fence posts should be removed and clean soil returned to the post holes. The school district may propose alternatives for the garden such as a container garden, in which plants are grown in soil that is completely contained, where neither garden soil nor roots will contact the ground.

Please understand that Ecology understands the benefits of gardens to the well-being of its users and to the community. However, the portion of land where the activities occurred is still subject to the land use restrictions of the environmental covenant, which is part of the agreed-upon remedy to address the contamination issues of the site.

Please do not hesitate to contact me by phone at (425) 466-8732 or by email at jerome.cruz@ecy.wa.gov.

Respectfully yours,



Jerome B. Cruz
Site Manager
Toxics Cleanup Program, NWRO

cc: Matthew Lewis, LHG, Aspect Consulting, LLC (mlewis@aspectconsulting.com)
Kara Tebeau, Office of the Attorney General (Kara.Tebeau@atg.wa.gov)
Robert Warren, Ecology (bob.warren@ecy.wa.gov)
Ecology Site File