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site req. 2/2/09

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FOSTER PEPPER PLLC

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January 27, 2009

CAPT. Robert D. Schlesinger
Commanding Officer
Naval Facilities Engineering Command
NAVFAC Northwest
1101 Tautog Circle
Silverdale, WA 98315-1101

Re: Notice of Independent Remedial Action at Kitsap County VIP Landfill Site, 600
Oyster Bay Avenue, Bremerton, Washington

Dear Captain Schlesinger:

We represent the Housing Authority of the City of Bremerton (BHA). BHA owns property located at the VIP Landfill Site, 600 Oyster Bay in Bremerton, Washington. In or about April 2009, BHA plans to begin to construct a fire station and/or commercial developments near the landfill. During construction, BHA also will be implementing remedial action at the property.

This notice is provided in accordance with RCW 70.105D, the Model Toxics Control Act (MTCA), and its implementing rule, WAC 173-340-545(3)(a)(v), which require a private party conducting an independent remedial action to notify persons potentially liable of the proposed cleanup. A copy of the MTCA Notice that will be posted at the site is attached.

BHA intends to implement remedial action at the property, in accordance with applicable environmental laws. Specifically, the proposed cleanup action for the site consists of the following elements:

- **In-place containment of affected soil** – Contaminated soils will be graded and compacted as needed for site redevelopment under the direction and oversight of appropriately trained construction personnel, and demarcated and capped as indicated below.
- **Isolation and demarcation of contaminated soils with a geotextile fabric** – A permeable geotextile fabric will be placed over the entire final graded site to demarcate the vertical extent of contaminated soils. This will include trenches for

utilities which will be excavated prior to installation of the fabric. Any utility bedding material, road base, and/or other construction or landscaping fill or material will be imported and placed above the geotextile fabric. The building will be situated on pin-pile footings that will be pushed through the geotextile fabric in order to prevent generating any soil cuttings and prevent accidental human contact with contaminated soils. Additionally, the root wads of any landscaping vegetation (e.g., trees or bushes) will be containerized in pots or self-contained planter boxes to prevent root penetration through the geotextile fabric.

- **Surface capping to contain contaminated soils** – The entire site will ultimately be capped by impervious surfaces including asphalt and concrete paving and buildings/structures, providing a physical barrier to human contact and enhancing protection of groundwater through minimizing contact with groundwater (i.e., infiltrating precipitation).
- **Development of institutional controls** - Deed restrictions will be developed to limit and control disturbance of the cap and subsurface soils, a soil management plan will be developed as a contingency to address any necessary future disturbance or contact with subsurface soils, and a long term cap inspections and maintenance program will be developed and implemented to ensure adequate monitoring of the integrity of the cap materials. These institutional controls will be designed to prevent accidental exposure to contaminated soil and properly manage soil where contact for future construction (or other unforeseen reasons) is necessary.

Our investigation shows that the United States Navy and United States Department of Defense may be liable under MTCA for costs of the cleanup being conducted. The VIP site was historically operated as an unpermitted landfill between the 1930s and late 1970s. See attached Site Inspection Report prepared by Ecology and Environment, Inc. in January 1987 for U.S. EPA Region X. Between 1974 and 1975, the Puget Sound Naval Shipyard reportedly used the site for disposal of 5,000 cubic yards of sandblasting grit. The sandblasting grit was reportedly derived from ASARCO copper smelting slag and contains high levels of copper, arsenic and lead. In addition, the used sandblast grit may also contain mercury, tin, and zinc from anti-fouling paint residues. There are also reports that the shipyard may have also disposed of paint wastes, solvents, and hydraulic fluid with the sandblast grit. Id.

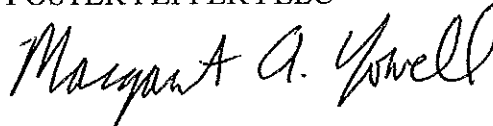
If you are aware of any other person who may be potentially liable for soil or groundwater contamination at the property, please provide that information to us.

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Please contact me if you have any questions.

Sincerely,

FOSTER PEPPER PLLC



Margaret A. Yowell

MAY

Enclosures

cc: ~~Robert~~ Robert Warren, Wa. Department of Ecology, Northwest Regional Office
Cindy L. O'Hare PE, ER Supervisor (WA/ID/OR/MT/UT/CO), NAVFAC Northwest
Kitsap County Health
Nancy Harney, USEPA Region 10, Project Manager
Andrea Spencer, Director of Community Development, City of Bremerton
Nancy Austin, HOPE VI Development Manager (w/notice only)
Stuart Monson, Senior Development Manager, Marathon Development, Inc. (w/notice only)
Jennifer W. Wynkoop, Senior Scientist, Landau Associates (w/notice only)

**NOTICE OF PRIVATE RIGHT OF ACTION CLEANUP
FORMER VIP LANDFILL SITE/ WESTPARK REDEVELOPMENT PROJECT
600 Oyster Bay, Bremerton, Washington**

1. Property Identification:

Tax Parcels 37480010140003 and 37480010130004. Located in Bremerton, Washington on the west shore of Puget Sound near the southeast corner of Oyster Bay Boulevard and Kitsap Way. The site occupies approximately two acres in Section 15, Township 24 North, Range 1 East. Latitude is 47° 34' 04" and longitude is 122° 40' 15".

2. Description of Property:

The property is owned by the Bremerton Housing Authority and consists of two parcels constituting the Kitsap/VIP Landfill located on the western edge of the city of Bremerton at 600 Oyster Bay Avenue on the Kitsap Peninsula.

3. Summary of Site History and Releases:

The VIP site was historically operated as an unpermitted landfill between the 1930s and late 1970s (Ecology and Environment Inc. 1987). Between 1974 and 1975, the United States military reportedly used the site for disposal of 5,000 cubic yards of sandblast grit. The sandblast grit was reportedly derived from ASARCO copper smelting slag and contains high levels of arsenic and lead.

4. Summary of Planned Corrective Action:

The proposed cleanup action for the site consists of the following elements:

☐ **In-place containment of affected soil** – Contaminated soils will be graded and compacted as needed for site redevelopment under the direction and oversight of appropriately trained construction personnel, and demarcated and capped as indicated below.

☐ **Isolation and demarcation of contaminated soils with a geotextile fabric** – A permeable geotextile fabric will be placed over the entire final graded site to demarcate the vertical extent of contaminated soils. This will include trenches for utilities which will be excavated prior to installation of the fabric. Any utility bedding material, road base, and/or other construction or landscaping fill or material will be imported and placed above the geotextile fabric. The building will be situated on pin-pile footings that will be pushed through the geotextile fabric in order to prevent generating any soil cuttings and prevent accidental human contact with contaminated soils. Additionally, the root wads of any landscaping vegetation (e.g., trees or bushes) will be containerized in pots or self-contained planter boxes to prevent root penetration through the geotextile fabric.

☐ **Surface capping to contain contaminated soils** – The entire site will ultimately be capped by impervious surfaces including asphalt and concrete paving and buildings/structures, providing a physical barrier to human contact and enhancing protection of groundwater through minimizing contact with groundwater (i.e., infiltrating precipitation).

□ **Development of institutional controls** - Deed restrictions will be developed to limit and control disturbance of the cap and subsurface soils, a soil management plan will be developed as a contingency to address any necessary future disturbance or contact with subsurface soils, and a long term cap inspections and maintenance program will be developed and implemented to ensure adequate monitoring of the integrity of the cap materials. These institutional controls will be designed to prevent accidental exposure to contaminated soil and properly manage soil where contact for future construction (or other unforeseen reasons) is necessary.

Temporary erosion and sedimentation control (TESC) measures will also be implemented during site remedial actions. The contaminants of concern at the site are nonvolatile in nature, therefore, dust monitoring may be employed, but other air monitoring is not anticipated.

5. Schedule of Planned Cleanup Actions:

Site remediation activities are expected to begin in April, 2009 and continue until completed. The current estimate for the completion date is 2010.

6. Statement of Potential Liability:

PURSUANT TO RCW CH. 105D.040 (WASHINGTON MODEL TOXICS CONTROL ACT ("MTCA")), PERSONS WHO OWNED OR OPERATED THE ABOVE IDENTIFIED SITE, OR TRANSPORTED HAZARDOUS WASTE TO THE ABOVE-IDENTIFIED SITE, ARE HEREBY PLACED ON NOTICE OF THEIR POTENTIAL JOINT AND SEVERAL LIABILITY FOR THE COSTS OF THE CLEANUP ACTIONS BEING CONDUCTED.

7. Noticed Parties:

Washington Department of Ecology
Site Register, Toxic Cleanup Program,
PO Box 47600
Olympia, WA 98504-7600

Robert Warren
Washington Department of Ecology
Northwest Regional Office
3190 – 160th Avenue SE
Bellevue, Washington 98008-5452

Kitsap County Department of Health
345 6th Street, Suite 300
Bremerton, Washington 98337

Andrea Spencer
Director of Community Development
City of Bremerton
345 6th Street, Suite 600
Bremerton, Washington 98337

United States Department of Defense and United States Navy
c/o Captain Robert D. Schlesinger
Commanding Officer
NAVFAC Northwest
1101 Tautog Circle
Silverdale WA, 98315-1101

Cindy L. O'Hare PE
ER Supervisor (WA/ID/OR/MT/UT/CO)
NAVFAC Northwest
1101 Tautog Circle
Silverdale WA, 98315-1101

Nancy Harney, Project Manager
USEPA REGION 10
1200 Sixth Avenue, Suite 900
Mail Code: ECL-115
Seattle, WA 98101

Any persons known to be potentially liable under RCW 70.105D.040

8. For More Information:

Nancy Rees Austin
Development Manager/
HOPE VI Grant Manager
Bremerton Housing Authority
Norm Dicks Government Center
345 - 6th Street, Suite 200
Bremerton, WA 98312
(360) 616-7104