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March 31, 2026

Janet Landesberg
15415 SE 33rd Street
Vancouver, WA 98683

Dear Ms. Landesberg:

This letter is in response to your March 23, 2026 letter to Michael Cronin, Amy Hargrove, and me. Thank you for taking the time to detail out your concerns. The discussion below will help explain Ecology's position on the issues you raised.

In that letter you set forth your basis as to why certain provisions in the Quitclaim Deed between the U.S. Army and Clark County, and the Amended Prospective Purchaser Consent Decree (Amended PPCD) for the U.S. Camp Bonneville Site (Site) should prohibit outside law enforcement agencies from gaining access to or using the "FBI firing range" at the Site. However, Ecology must disagree with your interpretation of those documents as it views the restrictions to apply to the general public and not to members of law enforcement who the County has authorized to use its property.

You note that the Quitclaim Deed, through its Exhibit C (Environmental Protection Provisions), includes public access restrictions to certain areas of the Site. Exhibit C states in part:

> **Public Access Restriction.** The GRANTEE [Clark County], its successors and assigns shall not have the right to provide access to the Property to members of the general public until such time as all remedial action necessary to protect human health and the environment with respect to hazardous substances remaining on the Property as of the date of this Deed, including munitions and explosives of concern (hereinafter "MEC"), has been taken and this restriction is modified or released by the GRANTOR [United States of America].

Quitclaim Deed Ex. C, § 1.A.(4) at page 11 (Oct. 4, 2006). Ecology recognizes that section 2 of Exhibit C states:

> The Environmental Protection Provisions in this Deed are binding on the GRANTEE, its successors and assigns and shall be included in subsequent deeds,

> shall run with the land, and are forever enforceable by the Grantor and **appropriate regulatory agencies**.

Quitclaim Deed Ex. C, § 2 at page 14 (emphasis added). Neither the Quitclaim Deed nor Exhibit C to the Deed define what state or federal agencies are "appropriate regulatory agencies." To the extent that Ecology qualifies as one of the "regulating agencies," as referenced in section 2 and can enforce the terms of Exhibit C, Ecology does not believe the language "shall not have the right to provide access to the Property to members of the general public" in Exhibit C's "Public Access Restriction" section applies to members of law enforcement using the Property/Site.

The language "members of the general public" in the "Public Access Restriction" section is not defined in Exhibit C or the Quitclaim Deed. For undefined terms in a legal document (e.g., contract) or in a statute, courts will construe words in accordance with their general dictional definition. *Seattle Tunnel Partners v. Great Lakes Reinsurance (UK) PLC*, 18 Wn. App. 2d 600, 611, 492 P.3d 843 (2021); *Yakima v. Johnson*, 16 Wn. App. 143, 146, 553 P.2d 1104 (1976). The online Oxford English Dictionary provides the following definition of "general public":

> The general public: ordinary people who are not members of a particular group or organization.

Oxford Advanced Learner's Dictionary, https://www.oxfordlearnersdictionaries.com/us/definition/english/the-general-public#google_vignette (last visited Mar. 31, 2026).

Utilizing this dictionary definition, members of law enforcement who the County has granted access to and use of a specific area at the Site for a limited purpose are members of a particular group or organization and not members of the general public. As such, from Ecology's perspective, Exhibit C's "Public Access Restriction" section does not prevent Clark County from authorizing members of law enforcement from using the property at the Site. These law enforcement groups that the County has authorized to be on the Site have been given Site specific awareness and safety training. It should be noted that the area of the Site where the firearms range is currently located is not an area where remedial actions were required by the PPCD or its amendment.

In your March 23 letter, you also raise an issue concerning a requirement in section 6 of the Quitclaim Deed that requires the County to include Exhibit C's Environmental Protection Provisions with any transfer or lease of the property, which was the subject of the Deed, or the granting of any interest, privilege, or license in that property by the County. You then describe instances where County property licenses and use agreements failed to include those Provisions. Ecology agrees with you that the County should include the Environmental Protection Provisions in any documents (e.g., contracts, leases, etc.) related to the use of the property. Ecology will be addressing this issue with the County.

You also raise an issue in your letter concerning the Endangerment section of the Amended PPCD and the United States Bureau of Alcohol, Tobacco, Firearms and Explosives storing materials in bunkers at the Site and the Portland Police Bureau's Metropolitan Explosives Disposal Unit (MEDU) detonating explosives at the Site. The Amended PPCD's Endangerment section allows Ecology to direct the County to cease any activities that Ecology determines to create a danger to human health and the environment. Amended PPCD ¶ 174, *Dep't of Ecology v. Clark Cnty*., Clark County Superior Court No. 06-2-05340-4 (May 2, 2012).

The purpose of the state's Model Toxics Control Act (MTCA) and its regulations is "to identify, investigate, and clean up sites where hazardous substances have come to be located." WAC 173-340-100. MTCA and its regulations generally do not restrict the daily business operations that take place at a MTCA cleanup site. However, if a person who operates a business at a site under a MTCA order or decree, engages in an activity that results in the release of hazardous substances, the exacerbation of existing contamination, or prohibits or interferes with the cleanup of contamination, the "Endangerment" provision in MTCA order or decree provides Ecology with the authority to require that person to cease that activity.

If the County or any of its lessees or invitees detonate or store explosives at the Site, those entities/individuals must comply with the applicable federal regulations governing the detonation or storage of explosives. If any proposed detonation or storage of explosives may result in the recontamination of the environment at the Site, Ecology will address this with the County prior to any of those actions taking place.

With regards to your concern about possible MEDU actions at the Site, the County has discussed the MEDU's planned use of the Site for simulated training explosives with Ecology. Ecology does not believe that such training exercises would pose a threat to human health and the environment.

Similarly, the County's authorizing law enforcement to use the Site's firearms range does not in and of itself create a danger to human health and the environment. However, since lead contamination was one of the types of contamination that the Cleanup Action Plans for the Site addressed, Ecology will contact the County to determine compliance with the United States Environmental Protection Agency's Best Management Practices (BMPs). EPA, Division of Enforcement and Compliance Assistance, *Best Management Practices for Lead at Outdoor Shooting Ranges* (June 2005).

The BMPs state that:

> Lead shot is not considered a hazardous waste subject to RCRA [Resource Conservation and Recovery Act] at the time it is discharged from a firearm because it is used for its intended purpose. As such, shooting lead shot (or bullets) is not regulated nor is a RCRA permit required to operate a shooting range. However, **spent lead shot (or bullets), left in the environment**, is subject to the broader definition of solid waste written by Congress and used in sections 7002 and 7003 of the RCRA statute.

BMPs at page I–8 (emphasis added). The BMPs goes on to state that "[c]ollected lead shot and bullets are excluded from RCRA regulation." *Id*. Thus, if a shooting range recovers or reclaims discharged lead shot on a regular basis, the shooting range can avoid being subject to federal or state RCRA or cleanup laws. However, as noted in the above block quote, spent lead "left in the environment" (spent lead that has been abandoned and left to accumulate over time) is subject to RCRA authority.

Ecology appreciates your concern with the actions taking place at the Site. Please let us know if you have any further questions.

Sincerely,



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JAL/ad

cc: Amy Hargrove, Toxics Cleanup Program Headquarters,
Land Cleanup Unit Supervisor
Michael Cronin, Toxics Cleanup Program Headquarters, Project Coordinator