

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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November 25, 2014

Le Rodenberg, President
Gig Harbor Sportsman's Club
9721 Burnham Drive NW
Gig Harbor, WA 98332

Re: Notice of Potential Liability under the Model Toxics Control Act for the Release of Hazardous Substances at the following Hazardous Waste Site:

- Name: Gig Harbor Sportsman's Club
- Address: 9721 Burnham Drive NW, Gig Harbor, WA 98322
- Facility/Site No.: 2566095

Dear Mr. Rodenberg:

Under the Model Toxics Control Act (MTCA), chapter 70.105D RCW, which governs the cleanup of hazardous waste sites in Washington State, the Department of Ecology (Ecology) may identify persons that it finds are liable for the release of hazardous substances at a site. Before making such a finding, Ecology must provide persons with notice and an opportunity to comment on the proposed finding. Any person whom Ecology finds, based on credible evidence, to be liable is known as a "potentially liable person" or "PLP".

Proposed Finding of Liability

Based on credible evidence, Ecology is proposing to find the Gig Harbor Sportsman's Club (GHSC) liable under RCW 70.105D.040 for the release of hazardous substances at the Gig Harbor Sportsman's Club facility (Site). This proposed finding is based on the following evidence:

1. GHSC is an "owner or operator" as defined in RCW 70.105D.020(22) of a "facility" as defined in RCW 70.105D.020(8). GHSC has had ownership of the facility since the mid to late 1940s. The facility contains a shotgun range, including seven trap fields, and a 100-yard combination rifle and pistol range. These activities have been well-documented to contribute to contamination of soil, groundwater, and surface water at similar facilities nationwide.
2. The Tacoma-Pierce County Health Department (TPHCD) conducted an initial investigation¹ (II) between April and September 2002. Water samples were

collected from two points in North Creek where it flowed across the southeast section of the GHSC property. Dissolved lead concentrations ranged from 19.5 micrograms per liter ($\mu\text{g/L}$) to 231 $\mu\text{g/L}$, exceeding the Washington State aquatic

life chronic criteria of 0.237 $\mu\text{g/L}$ (adjusted for water hardness). Soil samples were also collected during the II. Results of the soil investigation indicated exceedances of MTCA soil cleanup levels for arsenic, lead, naphthalene, and carcinogen polycyclic aromatic compounds (cPAHs) at various locations on the GHSC property.

3. On two dates in April 2008, Ecology's Environmental Assessment Program sampled three surface water locations along North Creek, and two locations along Donkey Creek for lead and copper concentrations. Water quality results were consistent with the II performed in 2002. The reportⁱⁱ concluded that GHSC was the source of the observed lead contamination and that North Creek should be retained as Category 5 (impaired waterbody) of the federal Clean Water Act Section 303(d) list for lead and copper.
4. From December 2009 through March 2010, Ecology's Environmental Assessment Program conducted a study of toxicityⁱⁱⁱ in North Creek. Similar to previous investigations, concentrations of dissolved lead downstream of GHSC's property exceeded Washington State aquatic life chronic criteria by a factor of over 1,000. Bioassay testing using daphnids and trout did not conclude acute toxicity during this study; however, further research into chronic effects was necessary before ruling out chronic toxicity. High dissolved organic carbon concentrations from decaying leaves and plant matter in North Creek are likely buffering lead toxicity in North Creek. Analysis of periphyton native to North Creek revealed that the periphyton community in the creek is impacted downstream of GHSC. Several metrics point to the possibility that lead may be impacting the health of the periphyton community.

Opportunity to Respond to Proposed Finding of Liability

In response to Ecology's proposed finding of liability, you may either:

1. Accept your status as a PLP without admitting liability and expedite the process through a voluntary waiver of your right to comment. This may be accomplished by signing and returning the enclosed form or by sending a letter containing similar information to Ecology;
2. Challenge your status as a PLP by submitting written comments to Ecology within thirty (30) calendar days of the date you receive this letter; or
3. Choose not to comment on your status as a PLP.

Please submit your waiver or written comments to the following address:

Jason Landskron
SWRO, Toxics Cleanup Program
PO Box 47775
Olympia, WA 98504-7775

After reviewing any comments submitted or after 30 days if no response has been received, Ecology will make a final determination regarding your status as a PLP and provide you with written notice of that determination.

Identification of Other Potentially Liable Persons

If you are aware of any other persons who may be liable for the release of hazardous substances at the Site, Ecology encourages you to provide us with their identities and the reason you believe they are liable. Ecology also suggests you contact these other persons to discuss how you can jointly work together to most efficiently clean up the Site.

Responsibility and Scope of Potential Liability

Please note that Ecology may either conduct or require PLPs to conduct remedial actions to investigate and clean up the release of hazardous substances at a site. PLPs are encouraged to initiate discussions and negotiations with Ecology and the Office of the Attorney General that may lead to an agreement on the remedial action to be conducted.

Please also note that each liable person is strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release of hazardous substances at a site. If Ecology incurs remedial action costs in connection with the investigation or cleanup of real property and those costs are not reimbursed, then Ecology has the authority under RCW 70.105D.055 to file a lien against that real property to recover those costs.

Next Steps in Cleanup Process

In response to the release of hazardous substances at the Site, Ecology intends to conduct the following actions under MTCA:

1. Ecology intends to require GHSC to conduct a remedial investigation and feasibility study as described in WAC 173-340-350 in a manner that complies with all requirements of the MTCA Cleanup Regulation, Chapter 173-340 WAC.
2. Ecology invites GHSC to enter negotiations for an Agreed Order that will govern the conduct of the aforementioned remedial investigation and feasibility study.

For a description of the process for cleaning up a hazardous waste site under MTCA, please refer to the enclosed fact sheet.

Ecology's policy is to work cooperatively with PLPs to accomplish the prompt and effective cleanup of hazardous waste sites. Please note that your cooperation in planning or conducting remedial actions at the Site is not an admission of guilt or liability.

Contact Information

If you have any questions regarding this letter or if you would like additional information regarding the cleanup of hazardous waste sites, please call me at 360-407-6388. Thank you for your cooperation.

Sincerely,



Jason Landskron, P.E.
Cleanup Project Manager
SWRO Toxics Cleanup Program

JL/ksc:GHSC Prelim PLP Status ltr

Enclosures: 2

- (1) FOCUS: MODEL TOXICS CONTROL ACT CLEANUP REGULATION: PROCESS FOR CLEANUP OF HAZARDOUS WASTE SITES (Pub. No. #94-129)
- (2) VOLUNTARY WAIVER OF RIGHT TO COMMENT FORM

By certified mail: (91 7199 9991 7031 7908 4825

ⁱ Bell, S., 2002. Site Hazard Assessment – Initial Investigation Report – Gig Harbor Sportsman Club. Tacoma-Pierce County Health Department, Tacoma, WA. April 25, 2002.

ⁱⁱ Golding, S., 2008. Lead and Copper Concentrations in North Creek, Gig Harbor. Washington State Department of Ecology, Olympia, WA. Publication No. 08-03-038.
<https://fortress.wa.gov/ecy/publications/summarypages/0803038.html>

ⁱⁱⁱ Era-Miller, B., S. Collyard, and R. Marshall, 2011. Assessment of Aquatic Toxicity in North Creek, Gig Harbor. Washington State Department of Ecology, Olympia, WA. Publication No. 11-03-022.
<https://fortress.wa.gov/ecy/publications/SummaryPages/1103022.html>

PLP WAIVER

Le Rodenberg, President
Gig Harbor Sportsman's Club
9721 Burnham Drive
Gig Harbor, WA 98332

Pursuant to WAC 173-340-500 and WAC 173-340-520(1)(b)(i), I, Le Rodenberg, a duly authorized representative of the Gig Harbor Sportsman's Club, do hereby waive the right to the thirty- (30) day notice and comment period described in WAC 173-340-500(3) and accept status of the Gig Harbor Sportsman's Club as a Potentially Liable Person at the following site:

- Site Name: Gig Harbor Sportsman's Club
- Address: 9721 Burnham Drive NW, Gig Harbor, WA 98332
- Facility/Site No.: 2566095

By waiving this right, the Gig Harbor Sportsman's Club makes no admission of liability.

Signature

Date

Relation To The Site: Owner and Operator

Date: December 9, 2014

Jason Landskron:

The following is in response to your December 9, 2014 request for delivery information on your Certified Mail™ item number 9171999991703179084825. The delivery record shows that this item was delivered on December 2, 2014 at 1:45 pm in GIG HARBOR, WA 98332. The scanned image of the recipient information is provided below.

Signature of Recipient :

NO	Thom Halley
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Address of Recipient :

NY	9724 Birch Ave
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Thank you for selecting the Postal Service for your mailing needs.

If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,
United States Postal Service