



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Avenue SE • Bellevue, Washington 98008-5452 • (425) 649-7000

April 19, 2005

ANDREW K. SEITZ
7415 STIBGEN RD NW
OLYMPIA, WA 98502

Dear Mr. Seitz:

Re: Cleanup of contaminants and potential development near Brian Lane NW,
Silverdale (Parcels 082501-4-025-2001 and 082501-4-026-2000)

Enclosed is the Early Notice Letter for the above property, informing you that this property is being listed on Ecology's Confirmed and Suspected Contaminated Sites List.

Contamination issues should be addressed prior to, or concurrent with property redevelopment activities. This ensures the protection of the human health of the future occupants of the property.

Please review the enclosed Ecology fact sheet on Private Right of Action. Ecology strongly recommends that you get legal counsel to assist you with cost recovery against former potentially liable person(s).

Feel free to contact me at (425) 649-7136 if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Donna K. Musa".

Donna K Musa
Initial Investigations Team Lead
Toxics Cleanup Program

Enclosures: 3



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April 19, 2005

CERTIFIED MAIL
7001 1940 0000 8888 7054

ANDREW SEITZ
7415 STIBGEN RD NW
OLYMPIA, WA 98502

Dear Mr. Seitz:

Re: **EARLY NOTICE LETTER** Site #6865393
Seitz Property
Brian Ln NW
Silverdale, WA 98383
Tax Parcel #'s: 082501-4-025-2001 and 082501-4-026-2000

This letter is sent to you concerning information that the Department of Ecology (Ecology) has gathered regarding the above referenced property. As part of the process under the Model Toxics Control Act (MTCA), Ecology maintains a list of known or suspected contaminated sites. Based on available information in the department's files, it is Ecology's decision to add this property to the list as a site known to be contaminated by hazardous substances.

Enclosed is a data summary report containing information we believe reflects the current site status. A legend is also enclosed to help interpret codes used in this report. Please note that inclusion on the list **does not** mean that Ecology has determined you to be a potentially liable person responsible for cleanup under the MTCA. However, this letter is a notification that an area(s) of contamination exists on this property. Further investigation or cleanup action will need to be done to comply with Washington State laws and regulations.

Because of considerable potential liability, please be advised to carefully consider any investigation or cleanup actions and to carefully document steps taken independent of Ecology's involvement. Guidance documents to help conduct an independent cleanup are available if you are interested in this option. In proceeding with an independent cleanup, please be aware there are requirements in State law which must be met. Some of these requirements are addressed in WAC 173-340-120(8)(B) and -300(4). Ecology will use the appropriate requirements contained throughout this chapter in its evaluation of the adequacy of any independent remedial (cleanup) actions performed.

Ecology has a strong commitment to work cooperatively with individuals to accomplish prompt and effective investigations and site cleanups. However, due to limited resources and requirements in State law, we are not able to provide all the assistance requested. Your cooperation in planning or conducting a cleanup action is not an admission of guilt or liability.

If an independent cleanup action is undertaken, and a formal review of the work is desired, a report may be submitted to Ecology through the Voluntary Cleanup Program. This program was established in response to the public's need for Ecology to more rapidly review cleanup actions. A fee has been established to support this review process. Guidance documents to help conduct an independent cleanup are available if you are interested in this option.

If a cleanup action is undertaken and a formal review of the work is not desired at this time, then the information should be submitted to Ecology in order to document any assessment or cleanup activities. If no report is available, but work is in progress or anticipated, a letter describing these plans would be helpful in updating the site record.

If an independent cleanup action does not occur on this property, Ecology will conduct a more detailed inspection at a future time that may include testing for contamination. After that, Ecology will assess what action is needed and establish a priority for that work under the formal MTCA cleanup process. At that time, the potentially liable person(s) would be determined and would be responsible for cleanup costs, including State oversight.

Should you have any questions regarding this letter or if you would like a copy of Chapter 70.105D RCW (The Model Toxics Control Act), the implementing regulations, Chapter 173-340 WAC, that detail these requirements, or a guidance document, please contact me at (425) 649-7136. Thank you in advance for your cooperation.

Sincerely,



Donna K. Musa
Initial Investigator
Toxics Cleanup Program

DKM:njw

**DEPARTMENT OF ECOLOGY -- TOXICS CLEANUP PROGRAM
 INTEGRATED SITE INFORMATION SYSTEM
 SITE DATA SUMMARY AS OF 04/19/2005**

FACILITY SITE ID: 6865393 **SITE NAME:** SEITZ PROPERTY

SITE LOCATION INFORMATION

ADDRESS: BRIAN LN NW	DEGREES	MINUTES	SECONDS	TOWNSHIP	RANGE	SECTION
	LATITUDE: 47	40	9.93	0	0	0
CITY: SILVERDALE	LONGITUDE: 122	41	51.00			
ZIP CODE: 98383				LEGISLATIVE DISTRICT #:	0	
COUNTY: KITSAP	TAX PARCEL #: 08250140252001			CONGRESSIONAL DISTRICT #:	0	

SITE STATUS INFORMATION

ENTERED DATE: 4/19/2005
LAST UPDATE DATE: 4/19/2005

ECOLOGY STATUS: 1 Awaiting SHA
INDEPENDENT STATUS:
PROGRAM PLAN:
 STATUTE: 2 MTCA only
 WARM BIN #: **RESTRICTIVE COVENANT REQ:**
 LUST ID: **BROWNFIELDS:**
PROJECT CODE:
 ERTS ID: 547121
RESPONSIBLE UNIT: NORTHWEST
SITE MANAGER: NORTHWEST REGION

NFA CODE:
NFA DATE:

VCP INFORMATION

SITE COMMENTS

TWO FIVE-ACRE PARCELS, PROPERTY CLASS IS SINGLE FAMILY RESIDENCE. NO SITE ADDRESS ASSIGNED TO THIS PARCEL. EAST END OF BRIAN LN NW.

ACTIVITIES

ACTIVITY	STATUS	START DT	COMPLETION DT	LEGAL MECHANISM	ACTIVITY LEAD
Site Discovery/Report Received	Completed	3/14/2005	3/23/2005		COUNTY HEALTH-NW
Initial Investigation	Completed	3/25/2005	3/25/2005		COUNTY HEALTH-NW
Early Notice Letter(s)	Completed	4/19/2005	4/19/2005		MUSA, DONNA

AFFECTED MEDIA AND CONTAMINANTS INFORMATION

MEDIA	STATUS	#1	#2	#3	#4	#5	#6	#7	#8	#9	#10	#11	#12	#13	#14	#15	#16	#17	#18	#19	#20	DW TYPE:	
4 Soil	C		S	S				C		S													
1 Groundwater	S		S	S				S		S													
2 Surface Water	S		S	S				S		S													

#1 = Base/Neutral Organics
 #2 = Halogenated Organic Compounds
 #3 = Metals-Priority Pollutants
 #4 = Metals-Other
 #5 = PCB

#6 = Pesticides
 #7 = Petroleum Products
 #8 = Phenolic Compounds
 #9 = Non-Halogenated Solvents
 #10 = Dioxins

#11 = PAH
 #12 = Reactive Wastes
 #13 = Corrosive Wastes
 #14 = Radioactive Wastes
 #15 = Conventional Contaminants, Organic

#16 = Conventional Contaminants, Inorganic
 #17 = Asbestos
 #18 = Arsenic
 #19 = MTB
 #20 = Unexploded Ordnance (UXO)



Private Right of Action

The following information is for individuals:

- ❖ Who are either currently doing or planning to do an independent cleanup (remedial) action at a hazardous waste site in Washington State, and
- ❖ Who are intending to recover some of the cleanup costs from others who also contributed to the contamination of the site.

The right to recover cleanup costs from others is known as a Private Right of Action or Private Right of Contribution.

To pursue a Private Right of Action, the individual doing or planning to do the cleanup usually files suit and asks the court to:

1. Allocate cleanup costs (among those responsible for the contamination) for a completed cleanup action, or allocate costs before cleanup begins.
2. Find that the cleanup is or will be the substantial equivalent of a department-conducted or department-supervised cleanup action. This means that the cleanup should be about the same as a cleanup conducted or supervised by the Department of Ecology.

The Substantial Equivalent...

To be the substantial equivalent of an Ecology conducted or supervised cleanup, an independent cleanup action must meet specific criteria in the following four areas:

- ❖ Reporting Requirements;
- ❖ Public Notice;
- ❖ Department Concurrence; and
- ❖ Method of Cleanup.

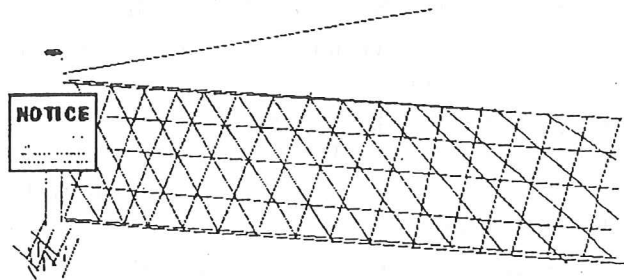
Cleanups done under an order or consent decree automatically qualify as substantially equivalent cleanup actions.

The remainder of this fact sheet provides more specific information on each of the four areas listed above.

Reporting Requirements

Information about the site and any actions done at the site must be reported to Ecology. Guidance on reporting requirements is available from Ecology (see "For More Information" section).

The Model Toxics Control Act and its implementing regulation, Chapter 173-340-545 WAC is intended to facilitate private rights of action and minimize department staff involvement in these actions by providing guidance to potentially liable persons and the court on what cleanup actions the department would consider the substantial equivalent of a department-conducted or department-supervised cleanup action.



Public Notice

Advance public notice must be provided.

An individual planning to clean up a site must provide public notice before beginning any cleanup action, unless it's an emergency action.

- ❖ Public notice may be combined with notices under any other law.
- ❖ Public notice requirements apply only to interim actions or cleanup actions after December 25, 1993.
- ❖ For interim actions or cleanup actions prior to December 25, 1993, public notice requirements will be determined on a case-by-case basis.
- ❖ Public notice is not normally required for pre-cleanup activities such as site investigations or studies.

Unless the court determines otherwise, the following actions are adequate for public notice.

1. Send a written notice.

You must send a written notice (at least 15 days before beginning the cleanup action) to the last known address of:

- ❖ The Department of Ecology. Ecology will publish a summary of the notice in its Site Register. Send the notice to: The Site Register, Toxics Cleanup Program, PO Box 47600, Olympia, WA 98504-7600;
- ❖ The local jurisdictional health department/district;
- ❖ The town, city or county with land use jurisdiction;
- ❖ The land owners identified by the tax assessor at the time the action is begun; and
- ❖ Any persons you know of who are potentially liable under RCW 70.105D.040.

**NUMBERS 1 - 19 CORRESPOND TO THE
CONTAMINANT NUMBERS ON THE ATTACHED REPORT**

B = Confirmed below MTCA

C = Confirmed above MTCA

S = Suspected above MTCA

1. **Base/Neutral/Acid Organics:** Hazardous substances typically included in the Base/Neutral/Acid fraction of EPA's priority pollutant compound list. Examples are: Acenaphthene; Hexachlorobenzene; Fluoranthene; 2,4-dinitro-toluene; Isophorone.
2. **Halogenated Organic Compounds:** Organic compounds, typically solvents, with one or more of the halogens (e.g., Chlorine, Bromine, Fluorine) incorporated into their structure. Examples are: Carbon Tetrachloride; Chloroform; Vinyl Acetate; 1,1,2,2-tetrachloroethane; freons.
3. **EPA Priority Pollutants - Metals and Cyanide:** Metals included in EPA's priority pollutant compounds list. Examples are: Antimony, Arsenic, Beryllium, Cadmium, Chromium, Copper, Cyanide, Lead, Mercury, Nickel, Selenium, Silver, Thallium, and Zinc.
4. **Metals - Other:** Other non-priority pollutant metals. Examples are: Aluminum, Barium, Cobalt, Iron, Manganese, and Tin.
5. **Polychlorinated biPhenyls (PCBs):** A specific "family" of aromatic chlorinated organic compounds often referred to as "AROCLOR." Common types are: AROCLOR-1016, AROCLOR-1221, AROCLOR-1260.
6. **Pesticides:** Chemical agents used to control pests such as: fungicides, herbicides and insecticides. Examples are: Aldrin, Chlordane, Endrin, Diazinon, Folex, Malathion.
7. **Petroleum Products:** Crude oil and any fraction thereof. Each of these materials may consist of many specific chemical compounds. Examples are: Gasoline, diesel fuel, mineral oil.
8. **Phenolic Compounds:** Hazardous substances typically included in the acid extractable fraction of EPA's priority pollutant compound list. Examples are: 2,4,6-trichloro-phenol; Phenol; Cresols; Pentachlorophenol; Benzoic Acid.
9. **Non-Halogenated Solvents:** Organic solvents, typically volatile or semi-volatile, not containing any halogens. Examples are: Acrolein; Benzene; Toluene, Acetone; 4-Methyl-2-pentanone.
10. **Dioxin:** A family of more than 70 compounds of chlorinated dioxins. Examples: 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD); P-dioxin; Hexachlorodibenzo-p-dioxin; Polychlorinated dibenzo-para-dioxin (PCDD).
11. **Polynuclear Aromatic Hydrocarbons (PAH):** Hydrocarbons composed of two or more benzene rings. Examples are: Benzo-Fluorathene; Chrysene; Anthracene; Acenaphthene.
12. **Reactive Wastes:** Wastes that react violently upon contact with other substances (especially air or water) as defined by the Dangerous Waste Regulation (WAC 173-303-090(7)). They explode easily or are otherwise unstable. Examples: Peroxides; Metallic Sodium.
13. **Corrosive Wastes:** Wastes that are highly corrosive as defined by the Dangerous Waste Regulation (WAC 173-303-090(6)). Substances with very high (base) or very low (acid) pH. Examples: Nitric Acid, Sodium Hydroxide.
14. **Radioactive Wastes:** Wastes that emit more than background levels of radiation. Examples are: High and low level nuclear wastes; mixed nuclear wastes; Uranium mine tailings.
15. **Conventional Contaminants, Organic:** Unspecified organic matter that imposes an oxygen demand during its decomposition. This is reflected by elevated Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD) and/or Total Organic Carbon (TOC). Typically a component of municipal solid waste leachates, septage, food wastes, wood waste leachate and similar organic wastes.
16. **Conventional Contaminants, Inorganic:** Non-metallic inorganic substances or indicator parameters that may indicate the existence of contamination if present at unusual levels. Examples are: Chloride, Sulfur compounds, Nitrogen compounds, pH, conductivity, hardness, and alkalinity.
17. **Asbestos:** Name given to group of six different fibrous minerals. Used for a wide range of manufactured goods: mostly in building materials (roofing shingles, ceiling and floor tiles, paper products, etc), friction products (automobile clutch, brake, and transmission parts), heat-resistant fabrics, packaging, some vermiculite or talc products, etc.
18. **Arsenic:** Naturally occurring element; inorganic forms are known to be carcinogenic. Inorganic arsenic compounds are mainly used to preserve wood. Organic arsenic compounds are used as pesticides, primarily on cotton plants.
19. **Methyl Tert-Butyl Ether (MTBE):** Flammable liquid used since the 1980s as an additive in unleaded gasoline to achieve more efficient burning.