



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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June 22, 2016

MR. ANDREW SEITZ
7415 STIBGEN ROAD NW
OLYMPIA, WA 98502

Re: Further Action at the following Site:

- **Site Name:** Seitz Property
- **Site Address:** Brian Lane NW, Silverdale, WA 98383
- **Facility/Site No.:** 6865393
- **Cleanup Site ID No.:** 1472
- **VCP Project No.:** NW3037

Dear Mr. Seitz:

The Washington State Department of Ecology (Ecology) received your request for an opinion on your independent cleanup of the Seitz Property facility (Site). This letter provides our opinion. We are providing this opinion under the authority of the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Issue Presented and Opinion

Is further remedial action necessary to clean up contamination at the Site?

YES. Ecology has determined that further remedial action is necessary to clean up contamination at the Site.

This opinion is based on an analysis of whether the remedial action meets the substantive requirements of MTCA, Chapter 70.105D RCW, and its implementing regulations, Chapter 173-340 WAC (collectively "substantive requirements of MTCA"). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination associated with the following releases:

- Arsenic and polycyclic aromatic hydrocarbons (PAHs) in soil.



- Arsenic in ground water.

Please note a parcel of real property can be affected by multiple sites. At this time, we have no information that the parcel associated with this Site is affected by other sites.

Basis for the Opinion

This opinion is based on the information contained in the following documents:

1. EnviroSound Consulting Inc., November 30, 2015, Site Soil Investigation.

The document above is kept in the Central Files of the Northwest Regional Office of Ecology (NWRO) for review by appointment only. You can make an appointment by calling the NWRO resource contact at (425) 649-7235 or sending an email to nwro_public_request@ecy.wa.gov.

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Ecology has concluded that **further remedial action** is necessary to clean up contamination at the Site. That conclusion is based on the following analysis:

1. **Characterization of the Site.**

Based on all the data collected from the Site, Ecology has determined your assessments of the Site are sufficient to select a cleanup action.

Various Site investigations conducted from 1997 to 2015 discovered PAHs and arsenic in soil at concentrations exceeding MTCA Method A cleanup levels, while arsenic with an elevated level above the cleanup level was detected in ground water in the northern portion of the Site, where there was a former drum storage area.

In 2015, a focused Site assessment was performed to characterize the soil contamination within the former drum storage area. No ground water samples, however, were collected in this study because ground water was not encountered in the soil borings. Since prior sampling data indicated arsenic in this location, the ground water conditions need to be verified.

2. Establishment of cleanup standards.

Ecology has determined the cleanup levels and points of compliance you established for the Site meet the substantive requirements of MTCA.

a. Cleanup levels.

Soil

Soil cleanup levels for unrestricted land use are suitable for this Site. For unrestricted land use, including the human direct contact and soil-to-ground water pathways, Method A cleanup levels defined in MTCA can be utilized.

Ground Water

It is also appropriate to utilize MTCA Method A ground water cleanup levels defined in MTCA for unrestricted land use at this Site.

b. Points of compliance.

Soil

The point of compliance for contaminated soil is based on the protection of ground water and it is applied Site-wide throughout the soil profile, which may extend below the water table.

Ground Water

The point of compliance for ground water is throughout the Site from the uppermost level of the perched zone to the lowest saturated aquifer which could potentially be affected by the Site.

3. Selection of cleanup actions.

Ecology has determined the cleanup action you are currently conducting at the Site does not meet the substantive requirements of MTCA for a no further action (NFA) determination.

A remedial excavation was conducted to remove and dispose of 5.5 cubic yards of contaminated soil in October 2015. The laboratory results of confirmation soil samples collected from two locations at the excavation indicated the impacted soil exceeding the cleanup levels had been eliminated.

However, no ground water samples were collected during the 2015 Site assessment. Ground water in the former drum storage area needs to be assessed for its current status of contamination.

At a minimum, in order to obtain a NFA determination for this Site:

- 1) Site plans (Figures) should be developed for demonstrating and illustrating the contaminated area(s) at this Site. The figures should also mark the locations of soil borings, monitoring wells, soil excavation boundaries and results of performance and confirmation soil sampling. Ecology needs this data to evaluate if this soil cleanup was completed.
- 2) Sufficient ground water monitoring wells (or soil borings) shall be installed at appropriate and representative locations at this portion of the Site to analyze for the chemicals of concern (COCs) and determine potential impacts to ground water. The laboratory results of the COCs shall show no exceedances of Method A cleanup levels.
- 3) Any ground water plume should be further defined and characterized if Method A exceedances are observed in ground water. The direction and magnitude of the hydraulic gradient should be determined. The ground water on the Site should be treated and/or monitored until concentrations are below Method A cleanup levels for a minimum of four consecutive quarters.

If arsenic is to be naturally occurring in this area or region, an appropriate background demonstrations need to be made.

Limitations of the Opinion

1. Opinion does not settle liability with the state.

Liable persons are strictly liable, jointly and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

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To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70.105D.040(4).

2. Opinion does not constitute a determination of substantial equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action you performed is substantially equivalent. Courts make that determination. *See* RCW 70.105D.080 and WAC 173-340-545.

3. State is immune from liability.

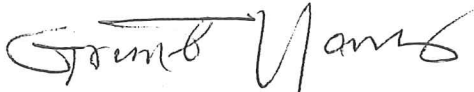
The state, Ecology, and its officers and employees are immune from all liability, and no cause of action of any nature may arise from any act or omission in providing this opinion. *See* RCW 70.105D.030(1)(i).

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have addressed our concerns, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our web site: www.ecy.wa.gov/programs/tcp/vcp/vcpmain.htm. If you have any questions about this opinion, please contact me by phone at (425) 649-7126 or e-mail at grant.yang@ecy.wa.gov.

Sincerely,



Grant Yang
Site Manager
NWRO/Toxics Cleanup Program

cc: Shawn Williams, ESC Geotechnical & Environmental Consulting Inc.
Sonia Fernandez, TCP/NWRO, Ecology
Matt Alexander, TCP/HQS, Ecology