STATE OF WASHINGTON
KITSAP COUNTY SUPERIOR COURT

STATE OF WASHINGTON, DEPARTMENT OF ECOLOGY, Plaintiff, v. KITSAP COUNTY, a political subdivision of the State of Washington, and WASTE MANAGEMENT OF WASHINGTON, INC., a Washington corporation, Defendants.	No. 95-2-03005-1 AMENDED CONSENT DECREE

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I. INTRODUCTION

A. Pursuant to Section XV of the Consent Decree Re: Hansville Landfill in Kitsap County, Washington (Site), entered by this Court on October 4, 1995 (the 1995 Decree), Plaintiff, State of Washington, Department of Ecology (Ecology), and Defendants Kitsap County and Waste Management of Washington, Inc. (Defendants), hereby stipulate to amend the 1995 Decree. Waste Management of Washington, Inc., is the successor by merger to Kitsap County Sanitary Landfill, Inc., a Defendant in the 1995 Decree. Waste Management of Washington, Inc., is hereby substituted in this Amended Consent Decree for Kitsap County Sanitary Landfill, Inc.

B. The mutual objective of the State of Washington and the Defendants under these amendments to the 1995 Decree is to provide for remedial action at a facility where there has been a release or threatened release of hazardous substances. Individually, Ecology and each Defendant is a Party, collectively, they are the Parties. This Consent Decree (Decree) requires Defendants to perform the remedial action(s) at the Hansville Landfill in Kitsap County, Washington, in accordance with the Cleanup Action Plan (CAP) attached as Exhibit B to this Decree.

Ecology has determined that these actions are necessary to protect human health and the environment.

C. The Complaint in this action was filed with the Kitsap County Superior Court on October 4, 1995. An Answer has not been filed, and there has not been a trial on any issue of fact or law in this case. The Parties resolved the issues raised by Ecology's Complaint through the entry of the 1995 Decree by this Court.

D. The Defendants and Ecology will file a stipulation with the Court documenting the closure of the 1995 Decree and the survival of the Contribution Protection and Covenant Not to Sue under the 1995 Decree prior to entry of this Decree.

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E. By signing this Decree, the Parties agree to its entry and agree to be bound by its terms.

F. By entering into this Decree, the Parties do not intend to discharge non-settling parties from any liability they may have with respect to matters alleged in the Complaint. The Parties retain the right to seek reimbursement, in whole or in part, from any liable persons for sums expended under this Decree.

G. This Decree shall not be construed as proof of liability or responsibility for any releases of hazardous substances or cost for remedial action nor an admission of any facts; provided, however, that Defendants shall not challenge the authority of the Attorney General and Ecology to enforce this Decree.

H. The Court is fully advised of the reasons for entry of this Decree, and good cause having been shown:

Now, therefore, it is HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

II. JURISDICTION

A. This Court has jurisdiction over the subject matter and over the Parties pursuant to the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

B. Authority is conferred upon the Washington State Attorney General by RCW 70.105D.040(4)(a) to agree to a settlement with any potentially liable person (PLP) if, after public notice and any required hearing, Ecology finds the proposed settlement would lead to a more expeditious cleanup of hazardous substances. RCW 70.105D.040(4)(b) requires that such a settlement be entered as a consent decree issued by a court of competent jurisdiction.

C. Ecology has determined that a release or threatened release of hazardous substances has occurred at the Site that is the subject of this Decree.

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D. Ecology has given notice to Defendants of Ecology's determination that Defendants are PLPs for the Site, as required by RCW 70.105D.020(21) and WAC 173-340-500.

E. The actions to be taken pursuant to this Decree are necessary to protect public health and the environment.

F. This Decree has been subject to public notice and comment.

G. Ecology finds that this Decree will lead to a more expeditious cleanup of hazardous substances at the Site in compliance with the cleanup standards established under RCW 70.105D.030(2)(e) and Chapter 173-340 WAC.

H. Defendants have agreed to undertake the actions specified in this Decree and consent to the entry of this Decree under MTCA.

III. PARTIES BOUND

This Decree shall apply to and be binding upon the Parties to this Decree, their successors and assigns. The undersigned representative of each party hereby certifies that he or she is fully authorized to enter into this Decree and to execute and legally bind such party to comply with this Decree. Defendants agree to undertake all actions required by the terms and conditions of this Decree. No change in ownership or corporate status shall alter any Defendant's responsibility under this Decree. Defendants shall provide a copy of this Decree to all prime contractors retained to perform work required by this Decree, and shall ensure that all work undertaken by its agents, contractors, and subcontractors complies with this Decree.

IV. DEFINITIONS

Unless otherwise specified herein, all definitions in RCW 70.105D.020 and WAC 173-340-200 shall control the meanings of the terms in this Decree.

A. Landfill: Refers to the solid waste disposal area, the demolition waste disposal area, and the septage disposal area located on the Landfill Property.

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B. Landfill Property: Refers to the area encompassed by the Landfill property boundary, including the Landfill, the Recycling and Garbage Facility, and all other facilities within the property boundary located at 7791 NE Ecology Road, Section 9, Township 27 North, Range 2 East, approximately 4.5 miles south of the community of Hansville on the northern most reach of the Kitsap Peninsula.

C. Site: Refers to the Landfill Property plus the extent of contamination of groundwater and surface water impacts from the Hansville Landfill on Port Gamble S'Klallam tribal property. The Site is more particularly described in Exhibit A to this Decree which is a detailed site diagram. The Site constitutes a facility under RCW 70.105D.020(5).

D. Parties: Refers to the State of Washington, Department of Ecology, Kitsap County, a municipal corporation organized under the laws of the State of Washington, and Waste Management of Washington, Inc., a Washington corporation.

E. Defendants: Refers to Kitsap County and Waste Management of Washington, Inc.

F. Consent Decree or Decree: Refers to this Consent Decree and each of the exhibits to this Decree. All exhibits are integral and enforceable parts of this Consent Decree. The terms "Consent Decree" or "Decree" shall include all exhibits to this Consent Decree.

V. FINDINGS OF FACTS

Ecology makes the following findings of fact without any express or implied admissions of such facts by Defendants.

A. Kitsap County owns the property currently known as the Hansville Landfill, the Landfill Property. Exhibit B contains a map showing the location of the Landfill Property and the Site.

B. The Landfill was actively used as a landfill from 1962 until 1989, and it served as a disposal area for mixed municipal solid waste, demolition waste, and septage for the

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central and northern portions of Kitsap County. A drop box facility has operated at the Landfill Property from 1989 to the present.

C. Kitsap County Sanitary Landfill, Inc., operated the Landfill by lease agreement most recently dated August 27, 1979, ending on May 16, 1994. Kitsap County Sanitary Landfill, Inc., was later known as Olympic View Sanitary Landfill, Inc. Olympic View Sanitary Landfill, Inc., was merged into Waste Management of Washington Inc., on December 26, 2001. Waste Management of Washington, Inc., was the successor of the merger, and was neither a party to any lease, nor operator of the Landfill.

D. Hazardous substances—vinyl chloride, 1,1-dichloroethane, and arsenic—were identified at the Landfill Property by Parametrix, Inc., in data collected from onsite monitoring wells in 1993. (*Hansville Landfill Groundwater, Surface Water, and Landfill Gas Monitoring Program, 1993 Annual Report*, Parametrix Inc., April 1994.) In addition, the following leachate indicator parameters were detected in downgradient monitoring wells at levels that were statistically elevated with respect to water quality in the upgradient monitoring well: barium, iron, manganese, specific conductance, chloride, total organic carbon, chemical oxygen demand, nitrate nitrogen, nitrite nitrogen, sulfate (*1993 Annual Monitoring Report, Hansville Landfill*, CH2M HILL, Inc., April 1994).

E. The Hansville Landfill is located on a 73-acre +/- parcel adjacent to the eastern property boundary of the Port Gamble S'Klallam Reservation. The primary groundwater flow direction is west and southwest. Potential receptors that may be affected by the release of these hazardous substances include drinking water sources, surface waters, and fisheries resources.

F. Three separate disposal areas have been used at the Landfill. The primary disposal area was a 13-acre municipal landfill in the central portion of the Site that accepted municipal solid waste. In the northeastern portion of the Site, a 4-acre demolition landfill

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accepted construction, demolition, and land clearing waste. Septage waste was disposed of in this area prior to demolition debris. The third disposal area was a 1/3-acre septage lagoon located between the two landfills.

G. In November 1988, a temporary cover was placed over much of the Landfill. By late 1989, passive gas collection systems were installed in both the municipal and demolition landfills and in the adjacent native soils. The gas collection system consisted of a network of slotted pipe connected to a flare on the surface. The slotted pipes were placed below the cover material in gravel trenches. By December 1990, a permanent cover was installed over each of the three disposal areas. The cover includes a high density polyethylene (HDPE) geomembrane, HDPE geonet composite, 18 inches of native sand, and six inches of topsoil. Covers were placed over each of the three disposal areas. In 1991–92, an active gas extraction system was installed. In 1993, the gas collection system was modified to separate the perimeter gas wells from the in-refuse gas wells to provide more efficient landfill gas collection within the refuse. By June 1993, methane concentrations in the perimeter wells had declined to non-combustible levels, so it became necessary to close the perimeter wells to ensure that the flare had enough high quality gas to burn continuously and efficiently. Additional modifications to the gas system were completed June 8, 1994. These modifications separated the perimeter gas extraction well flow from the in-refuse gas extraction well and trench flow. The two gas streams entered the flare at different points. Additional modifications were made in 1995 because methane concentrations in the perimeter wells were consistently non-detectable. In 2003, a downsized flare was installed to accommodate the reduced gas flows typical of an older closed landfill.

H. To monitor leachate migration from the Landfill, six monitoring wells (MW-l through MW-6) were installed. Selected wells have been sampled periodically since 1982. Five gas probes (GP-l through GP-5) were installed to monitor the migration of gases away

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from the Landfill. In addition, three surface water stations were monitored. Prior to commencing the remedial investigation (RI), three additional groundwater monitoring wells (two in 1988, one in 1990), one additional gas migration probe (1994), and one additional surface water monitoring station were added to the environmental monitoring program. During and after the remedial investigation, groundwater and surface water were monitored quarterly.

I. In 1995, the Defendants and Ecology entered into a Consent Decree (Kitsap County Superior Court No. 95-2-03005-1). The 1995 Decree required the Defendants to perform a Remedial Investigation and Feasibility Study (RI/FS) of the Hansville Landfill. The RI/FS's purpose was to delineate the nature and extent of contamination in groundwater, surface water, soil, and sediment at the Site; the extent of landfill gas migration at the Site; and recommend a clean up action.

J. In July 2007, the Defendants completed the Remedial Investigation Report (RI) for the Site. The following is a summary of the results of the RI assessment of Landfill impacts:

- Groundwater: arsenic, bis(2-ethylhexyl)phthalate, copper, lead, manganese, nickel, nitrate, silver, vinyl chloride, and zinc exceeded screening criteria and were evaluated further in the Feasibility Study (FS). Vinyl chloride and manganese in the upper aquifer were found at highest concentrations adjacent to the waste disposal areas at the Landfill. Concentrations of these chemicals decrease downgradient, to the west and southwest, and beyond the property boundary, where groundwater from the upper aquifer discharges to surface water. Although the highest detected concentrations of arsenic occur in the monitoring wells immediately adjacent to all three disposal areas, arsenic also occurs naturally in the upper aquifer.

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- Landfill Gas: on-site and off-site exposure pathways are effectively eliminated by the active landfill gas extraction and flaring system. The landfill gas is combusted and destroyed within the landfill gas flare. Continued operation of this system (until landfill gas is depleted) will keep this exposure pathway incomplete. The active landfill gas collection and flaring system has also been effective in removing gas that previously migrated into the surrounding soils, as confirmed by gas pressure and gas sampling data from multi-depth perimeter gas probes. Landfill gas was not found to be migrating beyond the property boundary.
- Surface Water: groundwater in the upper aquifer that is hydraulically downgradient of the waste disposal areas at the Landfill discharges to Middle Creek and its tributaries, Creek B, and possibly to Creek A, and is the source of base flow to those streams. Chemicals that exceeded screening criteria at the discharge to stream headwaters or at downstream sampling stations were arsenic, copper, vinyl chloride, and zinc.
- Sediment: surface water in the streams downgradient of the Landfill is in contact with sediments in the stream beds. The following chemicals in sediment exceeded screening criteria: antimony, arsenic, chromium, manganese, nickel, and silver.

For a more detailed description of the RI's analysis and findings, refer to the 2007 Hansville Landfill Remedial Investigation/Feasibility Study, Remedial Investigation Report, Parametrix, July 2007.

K. In June 2009, the Defendants completed the Final FS Report for the Site. The FS presented a risk assessment of the chemicals identified in the RI as indicator hazardous substances, evaluate cleanup action alternatives, and recommend a preferred remedial alternative. For a more detailed description of the FS's risk assessment and evaluation of

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remedial alternatives, refer to the Final Feasibility Study Report, Hansville Landfill Remedial Investigation/Feasibility Study, Remedial Investigation Report, Parametrix, June 2009.

VI. WORK TO BE PERFORMED

This Decree contains a program designed to protect human health and the environment from the known release, or threatened release, of hazardous substances or contaminants at, on, or from the Site.

A. The final FS was completed in June 2009. Based on the information in the RI and FS reports, a draft CAP was prepared (attached in Exhibit B). The Defendants shall perform all tasks set forth in the final CAP and implement the CAP in accordance with the CAP's schedule.

B. Defendants agree not to perform any remedial actions outside the scope of this Decree unless the Parties agree to modify the CAP to cover these actions. All work conducted by Defendants under this Decree shall be done in accordance with Chapter 173-340 WAC unless otherwise provided herein.

VII. DESIGNATED PROJECT COORDINATORS

A. The project coordinator for Ecology is:

Name: John Keeling
Address: Department of Ecology-NWRO
3190 160th Avenue SE
Bellevue, WA 98008-5452
Telephone: (425) 649-7052

B. The project coordinator for Defendant Kitsap County is:

Name: Keli McKay-Means
Address: Kitsap County
614 Division Street, MS-27
Port Orchard, WA 98366
Telephone: (360) 337-5665

C. The project coordinator for Defendant Waste Management of Washington, Inc., is:

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Name: Charles Luckie
Address: Waste Management of Washington, Inc.
9300 SW Barney White Road
Bremerton, WA 98312
Telephone: (360) 415-2754

D. Each project coordinator shall be responsible for overseeing the implementation of this Decree. Ecology's project coordinator will be Ecology's designated representative for the Site. To the maximum extent possible, communications between Ecology and Defendants and all documents, including reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Decree shall be directed through the project coordinators. The project coordinators may designate, in writing, working level staff contacts for all or portions of the implementation of the work to be performed required by this Decree.

E. Any Party may change its respective project coordinator. Written notification shall be given to the other Parties at least ten (10) calendar days prior to the change.

VIII. PERFORMANCE

A. All geologic and hydrogeologic work performed pursuant to this Decree shall be under the supervision and direction of a geologist licensed in the State of Washington or under the direct supervision of an engineer registered in the State of Washington, except as otherwise provided for by Chapters 18.220 and 18.43 RCW.

B. All engineering work performed pursuant to this Decree shall be under the direct supervision of a professional engineer registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

C. All construction work performed pursuant to this Decree shall be under the direct supervision of a professional engineer or a qualified technician under the direct supervision of a professional engineer. The professional engineer must be registered in the State of Washington, except as otherwise provided for by RCW 18.43.130.

D. Any documents submitted containing geologic, hydrologic, or engineering work shall be under the seal of an appropriately licensed professional as required by Chapter 18.220 RCW or RCW 18.43.130.

E. Defendants shall notify Ecology in writing of the identity of any engineer(s) and geologist(s), contractor(s) and subcontractor(s), and others to be used in carrying out the terms of this Decree, in advance of their involvement at the Site.

IX. ACCESS

Ecology or any Ecology-authorized representative shall have full authority to enter and freely move about the Landfill Property at all reasonable times for the purposes of, *inter alia*: inspecting records, operation logs, and contracts related to the work being performed pursuant to this Decree; reviewing Defendants' progress in carrying out the terms of this Decree; conducting such tests or collecting such samples as Ecology may deem necessary; using a camera, sound recording, or other documentary type equipment to record work done pursuant to this Decree; and verifying the data submitted to Ecology by Defendants. Defendants shall make all reasonable efforts to secure access rights for those properties within the Site not owned or controlled by Defendants where remedial activities or investigations will be performed pursuant to this Decree. Ecology or any Ecology-authorized representative shall give reasonable notice before entering any Landfill Property owned or controlled by Defendants unless an emergency prevents such notice. Any person who accesses the Site pursuant to this Section shall comply with any applicable Health and Safety Plan(s). Ecology employees and their representatives shall not be required to sign any liability release or waiver as a condition of Site property access.

X. SAMPLING, DATA SUBMITTAL, AND AVAILABILITY

A. With respect to the implementation of this Decree, Defendants shall make the results of all sampling, laboratory reports, and/or test results generated by it or on its behalf

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available to Ecology. Defendants must submit data to Ecology using Ecology's Environmental Information Management (EIM) database. Defendants must also submit data and statistical analysis to Ecology in their native formats. Pursuant to WAC 173-340-840(5), all sampling data shall be submitted to Ecology in both printed and electronic formats in accordance with Section XI (Progress Reports), Ecology's Toxics Cleanup Program Policy 840 (Data Submittal Requirements), and/or any subsequent procedures specified by Ecology for data submittal.

B. If requested by Ecology, Defendants shall allow Ecology and/or its authorized representative to take split or duplicate samples of any samples collected by Defendants pursuant to the implementation of this Decree. Defendants shall notify Ecology seven (7) days in advance, or as soon as possible, of any such sample collection or remedial action at the Site. Ecology shall, upon request, allow Defendants and/or their authorized representatives to take split or duplicate samples of any samples collected by Ecology pursuant to the implementation of this Decree, provided that doing so does not interfere with Ecology's sampling. Without limitation on Ecology's rights under Section IX (Access), Ecology shall notify Defendants prior to any sample collection activity unless an emergency prevents such notice.

C. In accordance with WAC 173-340-830(2)(a), all hazardous substance analyses shall be conducted by a laboratory accredited under Chapter 173-50 WAC for the specific analyses to be conducted, unless otherwise approved by Ecology.

XI. PROGRESS REPORTS

Defendants shall submit to Ecology written quarterly Progress Reports as part of the Quarterly Monitoring Reports that describe the actions taken during the previous quarter to implement the requirements of this Decree. The Progress Reports shall include the following:

A. A list of on-site activities that have taken place during the quarter;

B. Detailed description of any deviations from required tasks not otherwise documented in project plans or amendment requests;

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C. Description of all deviations from the CAP (Exhibit B) during the current quarter and any planned deviations in the upcoming quarter;

D. For any deviations in schedule, a plan for recovering lost time and maintaining compliance with the schedule;

E. All raw data (including laboratory analyses) received by Defendants during the past month and an identification of the source of the sample; and

F. A list of deliverables for the upcoming quarter if different from the schedule.

All Progress Reports shall be submitted within sixty (60) days after the end of the quarter in which they are due after the effective date of this Decree. Unless otherwise specified, Progress Reports and any other documents submitted to Ecology's project coordinator pursuant to this Decree may be submitted by regular mail or electronically as directed by Ecology's project coordinator.

XII. RETENTION OF RECORDS

During the pendency of this Decree, and for ten (10) years from the date this Decree is no longer in effect as provided in Section XXVIII (Duration of Decree), Defendants shall preserve records that are adequate for documenting the implementation of this Decree, including factual information or data; relevant decision documents; and any other relevant, site-specific documents or information. Defendants shall insert a similar record retention requirement into all contracts with prime contractors retained to perform work required by this Decree. Upon request of Ecology, Defendants shall make all records available to Ecology and allow access for review within a reasonable time. Nothing in this Decree is intended by either Defendant to waive any right it might have under applicable law to limit disclosure of documents protected by the attorney work product and/or attorney-client privilege.

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XIII. TRANSFER OF INTEREST IN PROPERTY

A. No voluntary conveyance or relinquishment of title, easement, leasehold, or other interest in any portion of the Site shall be consummated by Defendants without provision for continued operation and maintenance of any containment system, treatment system, and/or monitoring system installed or implemented pursuant to this Decree.

B. Prior to Defendant's transfer of any interest in all or any portion of the Site, and during the effective period of this Decree, Defendants shall provide a copy of this Decree to any prospective purchaser, lessee, transferee, assignee, or other successor in said interest; and, at least thirty (30) days prior to any transfer, Defendants shall notify Ecology of said transfer. Upon transfer of any interest, Defendants shall restrict uses and activities to those consistent with this Consent Decree and notify all transferees of the restrictions on the use of the property.

XIV. RESOLUTION OF DISPUTES

A. In the event a dispute arises as to an approval, disapproval, proposed change, or other decision or action by Ecology's project coordinator, or an itemized billing statement under Section XXIV (Remedial Action Costs), the Parties shall utilize the dispute resolution procedure set forth below.

1. Upon receipt of Ecology's project coordinator's written decision, or the itemized billing statement, Defendants have fourteen (14) days within which to notify Ecology's project coordinator in writing of its objection to the decision or itemized statement.

2. The Parties' project coordinators shall then confer in an effort to resolve the dispute. If the project coordinators cannot resolve the dispute within fourteen (14) days, Ecology's project coordinator shall issue a written decision.

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3. Defendants may then request regional management review of the decision. This request shall be submitted in writing to the Northwest Region Toxics Cleanup Program Section Manager within seven (7) days of receipt of Ecology's project coordinator's written decision.

4. Ecology's Regional Section Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of Defendant's request for review.

5. If Defendants find Ecology's Regional Section Manager's decision unacceptable, Defendants may then request final management review of the decision. This request shall be submitted in writing to the Toxics Cleanup Program Manager within seven (7) days of receipt of the Regional Section Manager's decision.

6. Ecology's Toxics Cleanup Program Manager shall conduct a review of the dispute and shall endeavor to issue a written decision regarding the dispute within thirty (30) days of either Defendant's request for review of the Regional Section Manager's decision. The Toxics Cleanup Program Manager's decision shall be Ecology's final decision on the disputed matter.

B. If Ecology's final written decision is unacceptable to either Defendant, said Defendant(s) has the right to submit the dispute to the Court for resolution. The Parties agree that one judge should retain jurisdiction over this case and shall, as necessary, resolve any dispute arising under this Decree. In the event either Defendant presents an issue to the Court for review, the Court shall review the action or decision of Ecology on the basis of whether such action or decision was arbitrary and capricious and render a decision based on such standard of review.

C. The Parties agree to only utilize the dispute resolution process in good faith and agree to expedite, to the extent possible, the dispute resolution process whenever it is used.

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Where any Party utilizes the dispute resolution process in bad faith or for purposes of delay, the other party may seek sanctions.

D. Implementation of these dispute resolution procedures shall not provide a basis for delay of any activities required in this Decree, unless Ecology agrees in writing to a schedule extension or the Court so orders.

XV. AMENDMENT OF DECREE

A. The project coordinators may agree to minor changes to the work to be performed without formally amending this Decree. Minor changes will be documented in writing by Ecology.

B. Substantial changes to the work to be performed shall require formal amendment of this Decree. This Decree may only be formally amended by a written stipulation among the Parties that is entered by the Court, or by order of the Court. Such amendment shall become effective upon entry by the Court. Agreement to amend the Decree shall not be unreasonably withheld by any party.

C. Defendants shall submit a written request for amendment to Ecology for approval. Ecology shall indicate its approval or disapproval in writing and in a timely manner after the written request for amendment is received. If the amendment to the Decree is a substantial change, Ecology will provide public notice and opportunity for comment. Reasons for the disapproval of a proposed amendment to the Decree shall be stated in writing. If Ecology does not agree to a proposed amendment, the disagreement may be addressed through the dispute resolution procedures described in Section XIV (Resolution of Disputes).

XVI. EXTENSION OF SCHEDULE

A. An extension of schedule shall be granted only when a request for an extension is submitted in a timely fashion, generally at least thirty (30) days prior to expiration of the

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deadline for which the extension is requested, and good cause exists for granting the extension. All extensions shall be requested in writing. The request shall specify:

1. The deadline that is sought to be extended;

2. The length of the extension sought;

3. The reason(s) for the extension; and

4. Any related deadline or schedule that would be affected if the extension were granted.

B. The burden shall be on the Defendant requesting the extension to demonstrate to the satisfaction of Ecology that the request for such extension has been submitted in a timely fashion and that good cause exists for granting the extension. Good cause may include, but is not limited to:

1. Circumstances beyond the reasonable control and despite the due diligence of Defendants including delays caused by unrelated third parties or Ecology, such as (but not limited to) delays by Ecology in reviewing, approving, or modifying documents submitted by Defendants; or

2. Acts of God, including fire, flood, blizzard, extreme temperatures, storm, or other unavoidable casualty; or

3. A disputed issue has been submitted in good faith by either Defendant for review pursuant to Section XIV (Resolution of Disputes) and Ecology agrees that the resolution of the disputed issue impacts the deadline sought to be extended; or

4. Endangerment as described in Section XVII (Endangerment).

However, neither increased costs of performance of the terms of this Decree nor changed economic circumstances shall be considered circumstances beyond the reasonable control of Defendants.

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C. Ecology shall act upon any written request for extension in a timely fashion. Ecology shall give Defendant written notification of any extensions granted pursuant to this Decree. A requested extension shall not be effective until approved by Ecology or, if required, by the Court. Unless the extension is a substantial change, it shall not be necessary to amend this Decree pursuant to Section XV (Amendment of Decree) when a schedule extension is granted.

D. An extension shall only be granted for such period of time as Ecology determines is reasonable under the circumstances. Ecology may grant schedule extensions exceeding ninety (90) days only as a result of:

1. Delays in the issuance of a necessary permit which was applied for in a timely manner; or

2. Other circumstances deemed exceptional or extraordinary by Ecology; or

3. Endangerment as described in Section XVII (Endangerment).

XVII. ENDANGERMENT

A. In the event Ecology determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment, Ecology may direct Defendants to cease such activities for such period of time as it deems necessary to abate the danger. Defendants shall immediately comply with such direction.

B. In the event either Defendant determines that any activity being performed at the Site is creating or has the potential to create a danger to human health or the environment, that Defendant may cease such activities. The Defendant making such determinations shall notify Ecology's project coordinator as soon as possible, but no later than twenty-four (24) hours after making such determination or ceasing such activities. Upon Ecology's direction, that Defendant shall provide Ecology with documentation of the basis for the determination or

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cessation of such activities. If Ecology disagrees with Defendants' cessation of activities, it may direct Defendants to resume such activities.

C. If Ecology concurs with or orders a work stoppage pursuant to this Section, Defendants' obligations with respect to the ceased activities shall be suspended until Ecology determines the danger is abated, and the time for performance of such activities, as well as the time for any other work dependent upon such activities, shall be extended, in accordance with Section XVI (Extension of Schedule), for such period of time as Ecology determines is reasonable under the circumstances.

D. Nothing in this Decree shall limit the authority of Ecology, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

XVIII. COVENANT NOT TO SUE

A. Covenant Not to Sue: In consideration of Defendants' compliance with the terms and conditions of this Decree, Ecology covenants not to institute legal or administrative actions against Defendants regarding the release or threatened release of hazardous substances covered by this Decree.

This Decree covers only the Site specifically identified in the Site Diagram (Exhibit A) and those hazardous substances that Ecology knows are located at the Site as of the date of entry of this Decree. This Decree does not cover any other hazardous substance or area. Ecology retains all of its authority relative to any substance or area not covered by this Decree.

This Covenant Not to Sue shall have no applicability whatsoever to:

1. Criminal liability;

2. Liability for damages to natural resources; and

3. Any Ecology action, including cost recovery, against PLPs not a party to this Decree.

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If factors not known at the time of entry of the settlement agreement are discovered and present a previously unknown threat to human health or the environment, the Court shall amend this Covenant Not to Sue.

B. Reopeners: Ecology specifically reserves the right to institute legal or administrative action against Defendants to require them to perform additional remedial actions at the Site and to pursue appropriate cost recovery, pursuant to RCW 70.105D.050 under the following circumstances:

1. Upon Defendants' failure to meet the requirements of this Decree, including, but not limited to, failure of the remedial action to meet the cleanup standards identified in the Cleanup Action Plan (CAP) (Exhibit B);

2. Upon Ecology's determination that remedial action beyond the terms of this Decree is necessary to abate an imminent and substantial endangerment to human health or the environment;

3. Upon the availability of new information regarding factors previously unknown to Ecology, including the nature or quantity of hazardous substances at the Site, and Ecology's determination, in light of this information, that further remedial action is necessary at the Site to protect human health or the environment; or

4. Upon Ecology's determination that additional remedial actions are necessary to achieve cleanup standards within the reasonable restoration time frame set forth in the CAP.

C. Except in the case of an emergency, prior to instituting legal or administrative action against either Defendant pursuant to this Section, Ecology shall provide Defendants with fifteen (15) calendar days notice of such action.

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XIX. CONTRIBUTION PROTECTION

With regard to claims for contribution against Defendants, the Parties agree that Defendants are entitled to protection against claims for contribution for matters addressed in this Decree as provided by RCW 70.105D.040(4)(d).

XX. LAND USE RESTRICTIONS

The Defendants shall cause to be recorded a Restrictive Covenant affecting the Landfill Property. Defendants shall record a Restrictive Covenant of similar form and substance as that Restrictive Covenant provided in Exhibit D attached hereto with the office of the Kitsap County Auditor within ten (10) days of the completion of the remedial action. The Restrictive Covenant shall restrict future uses of the Landfill Property. Defendants shall provide Ecology with a copy of the recorded Restrictive Covenant within thirty (30) days of the recording date.

XXI. FINANCIAL ASSURANCES

Pursuant to WAC 173-340-440(11), Defendants shall maintain sufficient and adequate financial assurance mechanisms to cover all costs associated with the operation and maintenance of the remedial action at the Site, including institutional controls, compliance monitoring, and corrective measures.

Within sixty (60) days of the effective date of this Decree, Defendants shall submit to Ecology for review and approval an estimate of the costs that it will incur in carrying out the terms of this Decree, including operation and maintenance, and compliance monitoring. Within sixty (60) days after Ecology approves the aforementioned cost estimate, Defendants shall provide proof of financial assurances sufficient to cover all such costs in a form acceptable to Ecology.

Defendants shall adjust the financial assurance coverage and provide Ecology's project coordinator with documentation of the updated financial assurance for:

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A. Inflation, annually, within thirty (30) days of the anniversary date of the entry of this Decree; or if applicable, the modified anniversary date established in accordance with this Section, or if applicable, ninety (90) days after the close of Defendant's fiscal year if the financial test or corporate guarantee is used; and

B. Changes in cost estimates, within thirty (30) days of issuance of Ecology's approval of a modification or revision to the CAP that result in increases to the cost or expected duration of remedial actions. Any adjustments for inflation since the most recent preceding anniversary date shall be made concurrent with adjustments for changes in cost estimates. The issuance of Ecology's approval of a revised or modified CAP will revise the anniversary date established under this Section to become the date of issuance of such revised or modified CAP.

XXII. INDEMNIFICATION

To the extent allowed by law, Defendants agree to indemnify and save and hold the State of Washington, its employees and agents harmless from any and all claims or causes of action for death or injuries to persons or for loss or damage to property to the extent arising from or on account of acts or omissions of said Defendant, its officers, employees, agents, or contractors in entering into and implementing this Decree. However, neither Defendant shall indemnify the State of Washington nor save nor hold its employees and agents harmless from any claims or causes of action to the extent arising out of the negligent acts or omissions of the State of Washington, or the employees or agents of the State, in entering into or implementing this Decree.

XXIII. COMPLIANCE WITH APPLICABLE LAWS

A. All actions carried out by Defendants pursuant to this Decree shall be done in accordance with all applicable federal, state, and local requirements, including requirements to obtain necessary permits, except as provided in RCW 70.105D.090. The permits or other

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federal, state, or local requirements that the agency has determined are applicable and that are known at the time of entry of this Decree have been identified in the CAP.

B. Pursuant to RCW 70.105D.090(1), Defendants are exempt from the procedural requirements of Chapters 70.94, 70.95, 70.105, 77.55, 90.48, and 90.58 RCW and of any laws requiring or authorizing local government permits or approvals. However, Defendants shall comply with the substantive requirements of such permits or approvals. The exempt permits or approvals and the applicable substantive requirements of those permits or approvals, as they are known at the time of entry of this Decree, have been identified in the CAP (Exhibit B).

Defendants have a continuing obligation to determine whether additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Decree. In the event either Ecology or a Defendant determines that additional permits or approvals addressed in RCW 70.105D.090(1) would otherwise be required for the remedial action under this Decree, it shall promptly notify the other Parties of this determination. Ecology shall determine whether Ecology or one or both of the Defendants shall be responsible to contact the appropriate state and/or local agencies. If Ecology so requires, Defendants shall promptly consult with the appropriate state and/or local agencies and provide Ecology with written documentation from those agencies of the substantive requirements those agencies believe are applicable to the remedial action. Ecology shall make the final determination on the additional substantive requirements that must be met by Defendants and on how Defendants must meet those requirements. Ecology shall inform Defendants in writing of these requirements. Once established by Ecology, the additional requirements shall be enforceable requirements of this Decree. Defendants shall not begin or continue the remedial action potentially subject to the additional requirements until Ecology makes its final determination.

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C. Pursuant to RCW 70.105D.090(2), in the event Ecology determines that the exemption from complying with the procedural requirements of the laws referenced in RCW 70.105D.090(1) would result in the loss of approval from a federal agency that is necessary for the State to administer any federal law, the exemption shall not apply and Defendants shall comply with both the procedural and substantive requirements of the laws referenced in RCW 70.105D.090(1), including any requirements to obtain permits.

XXIV. REMEDIAL ACTION COSTS

A. Defendants shall pay to Ecology costs incurred by Ecology pursuant to this Decree and consistent with WAC 173-340-550(2). These costs shall include the cost of work performed by Ecology or its contractors for, or on, the Site under Chapter 70.105D RCW, including remedial actions and Decree preparation, negotiation, oversight, and administration. These costs shall include work performed both prior to and subsequent to the entry of this Decree. Ecology's costs shall include costs of direct activities and support costs of direct activities as defined in WAC 173-340-550(2). Defendants shall pay the required amount within (90) days of receiving from Ecology an itemized statement of costs that includes a summary of costs incurred, an identification of involved staff, and the amount of time spent by involved staff members on the project. A general statement of work performed will be provided upon request. Itemized statements shall be prepared quarterly. Pursuant to WAC 173-340-550(4), failure to pay Ecology's costs within ninety (90) days of receipt of the itemized statement of costs will result in interest charges at the rate of twelve percent (12%) per annum, compounded monthly.

B. In addition to other available relief, pursuant to RCW 70.105D.055, Ecology has authority to recover unreimbursed remedial action costs by filing a lien against real property subject to the remedial actions.

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XXV. IMPLEMENTATION OF REMEDIAL ACTION

A. If Ecology determines that Defendants have failed without good cause to implement the remedial action, in whole or in part, Ecology may, after notice to Defendants, perform any or all portions of the remedial action that remain incomplete. If Ecology performs all or portions of the remedial action because of Defendants' failure to comply with its obligations under this Decree, Defendants shall reimburse Ecology for the costs of doing such work in accordance with Section XXIV (Remedial Action Costs), provided that Defendants are not obligated under this Section to reimburse Ecology for costs incurred for work inconsistent with or beyond the scope of this Decree.

B. Except where necessary to abate an emergency situation, Defendants shall not perform any remedial actions at the Site outside those remedial actions required by this Decree, unless Ecology concurs, in writing, with such additional remedial actions pursuant to Section XV (Amendment of Decree).

XXVI. PERIODIC REVIEW

As long as the remedial action, including groundwater monitoring, continues at the Site, the Parties agree to review the progress of the remedial action at the Site, and to review the data accumulated as a result of monitoring the Site as often as is necessary and appropriate under the circumstances. At least every five (5) years after the initiation of the cleanup action at the Site, the Parties shall meet to discuss the status of the Site and the need, if any, for further remedial action at the Site. At least ninety (90) days prior to each periodic review, Defendants shall submit a report to Ecology that documents whether human health and the environment are being protected based on the factors set forth in WAC 173-340-420(4). Ecology reserves the right to require further remedial action at the Site under appropriate circumstances. This provision shall remain in effect for the duration of this Decree.

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XXVII. PUBLIC PARTICIPATION

A Public Participation Plan (Exhibit C) is required for this Site. Ecology shall review any existing Public Participation Plan to determine its continued appropriateness and whether it requires amendment. Ecology shall maintain the responsibility for public participation at the Site. However, Defendants shall cooperate with Ecology, and shall:

A. If Ecology agrees, develop appropriate mailing list, prepare drafts of public notices and fact sheets at important stages of the remedial action, such as the submission of work plans, remedial investigation/feasibility study reports, cleanup action plans, and engineering design reports. As appropriate, Ecology will edit, finalize, and distribute such fact sheets and prepare and distribute public notices of Ecology's presentations and meetings.

B. Notify Ecology's project coordinator prior to the preparation of all press releases and fact sheets, and before major meetings with the interested public and local governments. Likewise, Ecology shall notify Defendants prior to the issuance of all press releases and fact sheets, and before major meetings with the interested public and local governments. For all press releases, fact sheets, meetings, and other outreach efforts by Defendants that do not receive prior Ecology approval, Defendants shall clearly indicate to its audience that the press release, fact sheet, meeting, or other outreach effort was not sponsored or endorsed by Ecology.

C. When requested by Ecology, participate in public presentations on the progress of the remedial action at the Site. Participation may be through attendance at public meetings to assist in answering questions, or as a presenter.

D. When requested by Ecology, arrange and/or continue information repositories at the following locations:

1. Little Boston Library
   Port Gamble S'Klallam Tribe
   31980 Little Boston Road NE

ATTORNEY GENERAL OF WASHINGTON
Ecology Division
PO Box 40117
Olympia, WA 98504-0117
(360) 586-6770

Kingston, WA 98346
(360) 297-2670

2. Department of Ecology
Northwest Regional Office
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-7000

3. Kitsap County Public Works
8600 SW Imperial Way
Bremerton, WA 98312
(360) 337-5777

At a minimum, copies of all public notices, fact sheets, and press releases; all quality assured monitoring data; remedial actions plans and reports, supplemental remedial planning documents, and all other similar documents relating to performance of the remedial action required by this Decree shall be promptly placed in these repositories.

XXVIII. DURATION OF DECREE

The remedial program required pursuant to this Decree shall be maintained and continued until Defendants have received written notification from Ecology that the requirements of this Decree have been satisfactorily completed. This Decree shall remain in effect until dismissed by the Court. When dismissed, Section XVIII (Covenant Not to Sue) and Section XIX (Contribution Protection) shall survive.

XXIX. CLAIMS AGAINST THE STATE

Defendants hereby agree that they will not seek to recover any costs accrued in implementing the remedial action required by this Decree from the State of Washington or any of its agencies; and further, that Defendants will make no claim against the State Toxics Control Account or any local Toxics Control Account for any costs incurred in implementing this Decree. Except as provided above, however, Defendants expressly reserve their respective right to seek to recover any costs incurred in implementing this Decree from any other PLP.

This Section does not limit or address funding that may be provided under Chapter 173-322 WAC.

XXX. EFFECTIVE DATE

This Decree is effective upon the date it is entered by the Court.

XXXI. WITHDRAWAL OF CONSENT

If the Court withholds or withdraws its consent to this Decree, it shall be null and void at the option of any party and the accompanying Complaint shall be dismissed without costs and without prejudice. In such an event, no party shall be bound by the requirements of this Decree.

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

_____
JAMES PENDOWSKI
Program Manager
Toxics Cleanup Program
(360) 407-7177

Date: _____

For Kitsap County

By: _____
Charlotte Garrido, Chair

By: _____
Robert Gelder, Commissioner

By: _____
Josh Brown, Commissioner

Date: _____

ROBERT M. MCKENNA
Attorney General

_____
JOHN A. LEVEL, WSBA # 20439
Assistant Attorney General
(360) 586-6753

Date: _____

ATTEST:

By: _____
Dana Daniels, Clerk of the Board

ATTORNEY GENERAL OF WASHINGTON
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PO Box 40117
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RUSSELL D. HAUGE
Kitsap County Prosecuting Attorney

Lisa Nickel, WSBA # 31221
Deputy Prosecuting Attorney
(360) 337-4974

Date: _____

WASTE MANAGEMENT OF WASHINGTON, INC.

Robert E. Longo
Vice President and Assistant Secretary
(480) 624-8473

Date: _____

ENTERED this _____ day of _____ 2011.

JUDGE
Kitsap County Superior Court

ATTORNEY GENERAL OF WASHINGTON
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PO Box 40117
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EXHIBIT A

SITE DIAGRAM

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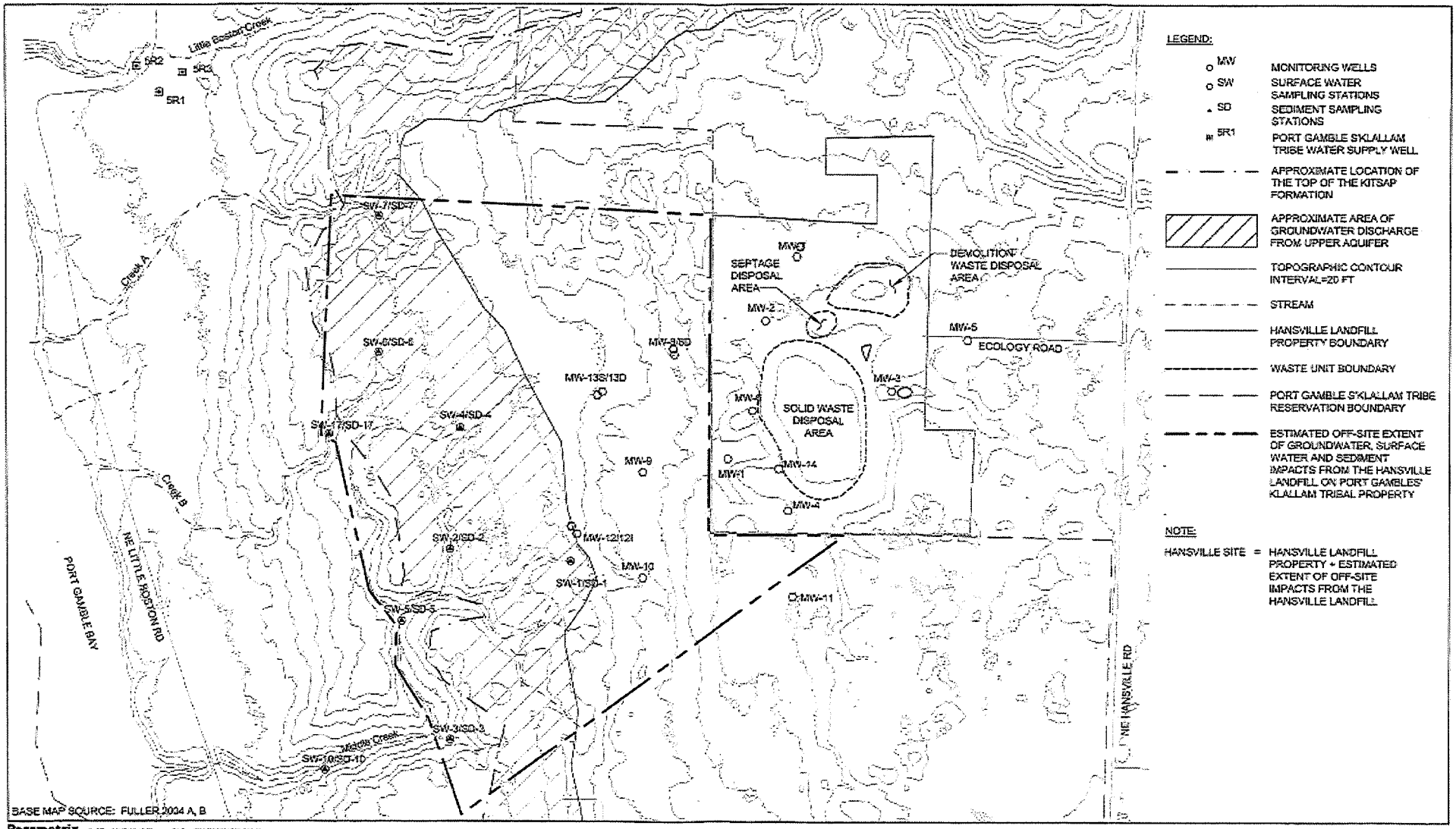

EXHIBIT A SITE DIAGRAM

Hansville Landfill Site Boundary

EXHIBIT B

CLEANUP ACTION PLAN

ATTORNEY GENERAL OF WASHINGTON
Ecology Division
PO Box 40117
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June 2011

CLEANUP ACTION PLAN HANSVILLE LANDFILL
KITSAP COUNTY, WASHINGTON

Ecology Facility Site Identification Number: 2605

DECLARATIVE STATEMENT

Consistent with the Model Toxics Control Act, Chapter 70.105D RCW, as implemented by the Model Toxics Control Act Cleanup Regulation, Chapter 173-340 WAC, it is determined that the selected cleanup actions are protective of human health and the environment, attain federal and state requirements that are applicable or relevant and appropriate, comply with cleanup standards, provide for compliance monitoring, use permanent solutions to the maximum extent practicable, provide for a reasonable restoration timeframe, and consider public concerns raised during public comment.

John Keeling — Date
Site Manager
Toxics Cleanup Program
Northwest Regional Office

Robert W. Warren, P.Hg., MBA — Date
Regional Section Manger
Toxics Cleanup Program
Northwest Regional Office

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APPENDICES

FIGURES

TABLES

1. EXECUTIVE SUMMARY

The Hansville Landfill operated as a municipal landfill serving the northern portion of Kitsap County from about 1962 until June 1989. The landfill is divided into three separate areas: a 13-acre municipal solid waste landfill; a four-acre demolition landfill that accepted construction, demolition, and land clearing wastes; and a one-third acre septage lagoon that accepted septic tank pumping waste. The remaining landfill property consists of access roads, a soil borrow area and wooded land. All three landfill units are capped with a final cover system. In addition, the Potentially Liable Parties (PLPs) installed an active landfill gas extraction and flaring system within the municipal solid waste and demolition landfill units to control the migration of landfill gas (methane).

Currently a groundwater plume with elevated contaminant concentrations flows across the landfill boundary, and on to the adjacent Port Gamble S'Klallam Reservation. The preferred cleanup alternative is natural attenuation of groundwater contaminants with Enhanced Monitoring and Institutional Controls on landfill property and the adjacent tribal lands.

2. INTRODUCTION

2.1 Purpose

This Cleanup Action Plan (CAP) describes the cleanup action proposed by the Department of Ecology (Ecology) for the cleanup of contamination at the Hansville Landfill Site, which is located in the northern Kitsap Peninsula, south of the town of Hansville, Washington (Figure 1-1). The plan was developed using information presented in the final Remedial Investigation (RI) Report (Parametrix 2007) and the final Feasibility Study (FS) Report (Parametrix 2009), submitted by Waste Management of Washington, Inc. and Kitsap County, the PLPs for the Site. This document was prepared to satisfy the requirements of the Model Toxics Control Act (MTCA), Chapter 70.105D Revised Code of Washington (RCW), administered by Ecology under the MTCA Cleanup Regulation, Chapter 173-340 Washington Administrative Code (WAC).

The Final FS Report (Parametrix 2009) documents the details of the selected cleanup action presented in this CAP. This CAP meets the requirements specified in Chapter 173-340 WAC, the Model Toxics Control Act (MTCA). The State Environmental Policy Act (SEPA) checklist (Appendix A) was completed per the requirements of MTCA and Chapter 197-11 WAC the SEPA regulations. Kitsap County, the lead agency, issued a Determination of Non-Significance (DNS) for the actions selected in this CAP. The DNS is included as Appendix B.

3. SITE BACKGROUND

3.1 Site Description and History

The Hansville Landfill is a 73-acre parcel in the northeast quarter of Section 9, Township 27 North, Range 2 East. Bordering the Landfill to the south and west is land owned by the Port Gamble S'Klallam Tribe (Tribe). Surrounding areas to the north and south are zoned low-density residential, rural wooded or light industrial and are sparsely developed. The area directly east of the Landfill has been developed for light industrial use. The nearest permanent residence is located approximately 1,500 feet east of the solid waste disposal area of the Landfill. The Hansville Landfill background is summarized in Table 3-1.

Table 3-1. Hansville Landfill Background Summary

	Hansville Landfill	Surrounding Area
Size	73 acres. Three (former) Disposal Areas: Mixed solid waste (13 acres); construction/demolition/ septage waste (4 acres); and a domestic septage lagoon (1/3 acre). Remaining area is comprised of access roads, a recycling and garbage facility, a soil borrow area, and wooded land.	Sparsely populated, primarily forested land.
Ownership/ Operators	Kitsap County is the owner of the landfill. Multiple landfill operators managed the site under a lease from the County. These operators were Hudson Disposal Co., Inc.; North Sound Sanitation; and Kitsap County Sanitary Landfill, Inc. (KCSL). The name Kitsap County Sanitary Landfill, Inc. was changed to OVSL, Inc. which was merged into Waste Management of Washington, Inc. in 2001. Waste Management of Washington, Inc. did not operate the landfill. Kitsap County did not operate the landfill.	Bordering the landfill to the south and west is Port Gamble S'Klallam tribal land. Adjacent properties to the north and east are owned by private firms or individuals.
Past Use	1962 – Landfill began operation as an open dump under a lease from Kitsap County. 1973 – New state regulations led to improvements at the Landfill to comply with requirements for handling and disposal of mixed municipal solid wastes, construction/demolition waste, and domestic septage waste. Three disposal areas were designated for these waste categories. 1982 – Landfill ceased receiving domestic septage waste; groundwater monitoring began. 1989-90 – Landfill ceased all waste disposal activities and constructed final cover system on disposal areas. A transfer station was constructed. 1990 – Monitoring of downstream surface water stations began.	Residential and recreational uses. Management and utilization of forests on surrounding private and Port Gamble S'Klallam tribal lands.
Current Use	Since 1989, the Landfill has been closed to receipt of refuse. All disposal areas have been capped. An active gas extraction system operates to remove and destroy landfill gas generated from the refuse. Monthly and quarterly monitoring of groundwater and surface water has been conducted. Landfill gas and soil gas have	Primarily residential and recreational uses to the north, west, south, and northeast. New industrial development on the adjacent parcel east of the Landfill. Management and utilization of forests on surrounding private and tribal lands. Port Gamble S'Klallam Tribe finfish and shellfish harvesting in

	also been monitored. The transfer station continues to operate as a recycling and garbage facility for residential and business self-haulers.	Port Gamble Bay, located approximately 4,000 feet west of the Landfill.

When operating, the Landfill consisted of three separate disposal areas (Figure 3-1):

- A 13-acre municipal solid waste disposal area in the central portion of the Landfill which accepted mixed municipal solid waste.
- A 4-acre demolition disposal area in the northeast corner of the Landfill, which accepted construction, demolition, and land clearing wastes.
- A 1/3-acre septage lagoon located southwest of the demolition disposal area, which accepted residential septic tank waste from the north county area until 1982, when other disposal options became available.

A second septage disposal area was located in the northeast corner of the demolition disposal area. This area stopped receiving septage waste when the septage lagoon was opened. The remaining area of the Landfill is currently comprised of access roads, a Recycling and Garbage Facility (formerly a solid waste transfer station), a soil borrow area, and wooded land.

Concurrent with the closure of the disposal areas at the Landfill, Kitsap County constructed a solid waste transfer station adjacent to the Landfill to allow for continued service for north county residents. The transfer station accepted waste from self-haulers and commercial haulers in the North Kitsap County area. The facility continues to operate as a Recycling and Garbage Facility for North Kitsap County residential and business self-haulers.

3.2 Remedial Actions Completed to Date

The PLPs have closed the Landfill according to the requirements of Chapter 173-304 WAC. The following closure actions, which are considered interim remedial actions, were implemented at the Landfill:

- The final cover system, including a 50-mil HDPE (plastic) layer and a surface water management system, was completed in 1990 greatly reducing leachate generation and preventing stormwater ponding and infiltration.

- An active landfill gas extraction and flaring system was installed in November 1991. System upgrades completed in 1993 proved effective in controlling landfill gas migration from the solid waste disposal area and in removing landfill gas that had previously migrated into the surrounding soils.

These two systems have helped reduce concentrations of indicator parameters (arsenic, manganese, and vinyl chloride) in groundwater beneath and downgradient of the Landfill. Maintenance of the cover system and operation of the landfill gas collection and flaring system will continue until Ecology concludes that these measures are no longer necessary.

4. DESCRIPTION OF THE SELECTED CLEANUP ACTION

Natural Attenuation of Groundwater with Enhanced Monitoring and Institutional Controls was the cleanup action proposed in the Final FS Report (Parametrix 2009) and selected in this Cleanup Action Plan. This is the second of the nine cleanup alternative for this Site discussed in section 6 of this document. This alternative includes institutional controls on the Site to restrict access to affected groundwater and surface water. These legal restrictions will be implemented on both the Landfill Property and on the adjacent tribal property. Existing source control and natural attenuation processes will continue to reduce concentrations of indicator hazardous substances. The PLPs will implement monitoring to quantitatively measure the progress of natural attenuation, and to assure that cleanup standards are met within a reasonable timeframe.

4.1 Natural Attenuation of Groundwater Contaminants

The selected cleanup alternative relies upon natural attenuation processes to achieve Site cleanup levels. Over time, natural attenuation reduces the concentrations of chemicals introduced into the environment using natural biological and chemical processes. Natural attenuation has been shown to effectively reduce the concentrations of inorganic and organic contaminants in groundwater at landfills and other contaminant release sites.

Natural attenuation as a cleanup alternative is most appropriate for sites where the following criteria are met:

- Source control is concurrently and effectively applied;
- Human health and the environment are protected;
- Site-specific remediation objectives can be achieved in a reasonable timeframe;
- Migration of groundwater is limited;
- Transformation of contaminants into more mobile or more toxic substances is unlikely;
- Transformation processes are irreversible;
- Effectiveness of attenuation processes can be supported with site-specific data;
- Methods to monitor remediation progress are available; and
- Backup or contingency plans are available

The natural attenuation remedial alternative selected for the Hansville Landfill meets these criteria as described below in Table 4-1.

Table 4-1. How the Hansville Landfill Meets the Criteria Listed Above

Natural Attenuation Site Criteria	Hansville Landfill Site
Source control is concurrently and effectively applied.	The existing cap and gas control system provide source control, resulting in declining releases of indicator hazardous substances to groundwater over time.
Protects human health and the environment.	Institutional controls will prevent exposure to indicator hazardous substances in impacted groundwater and surface water.
Achieve cleanup standards in a reasonable timeframe.	Meets the remedial objectives for protectiveness. The restoration time frame is 23 years. The time required to achieve the cleanup standards is estimated to be up to

	23 years based on projections using historical data. Releases of indicator hazardous substances to groundwater may continue for several years, during which time the aquifer would remain unusable as a drinking water source.
Limit the migration of groundwater.	Migration of groundwater is limited by aquifer outcropping west of the site. Groundwater flow is well characterized.
Transformation of contaminants into more mobile or more toxic substances is unlikely.	Vinyl chloride degrades to ethene which is not considered hazardous. Mobility of both vinyl chloride and ethene are not expected to be significantly influenced by the sand matrix of the aquifer.
	Oxidation and precipitation processes for manganese and arsenic result in less mobile and less toxic substances, and hence lower concentrations in surface and groundwater.
Transformation processes are irreversible.	Attenuation processes for vinyl chloride are irreversible. Attenuation processes for arsenic and manganese are potentially reversible; however, oxidizing conditions in the upper aquifer off the Landfill Property favor irreversibility.
Effectiveness of attenuation processes can be thoroughly and adequately supported with site-specific data.	Effectiveness of existing source controls and natural attenuation are evident from RI data that show declining concentrations of indicator hazardous substances with time and lower concentrations of indicator hazardous substances in the Landfill Property wells, tribal property wells and tribal property surface water stations, relative to concentrations within Landfill Property boundaries.
Methods to monitor remediation progress are available.	A program for monitoring landfill gas, groundwater, and surface water can be established based on data collected in the 20 years since closure.
Backup or contingency plans are available.	Contingencies that trigger further remedial actions are described in Appendix D Section 4.4. Evaluation of the remedy will be conducted by Ecology at a minimum of every 5 years to assess the effectiveness of natural attenuation. Possible backup plans include using active treatment systems described in Table 6-1.

4.2 Institutional Controls

Institutional controls in the selected alternative have been implemented and incorporate property use restrictions (including restrictions on the use of groundwater and surface water) on the tribal lands, per the agreement of the Tribe and the PLP Group (Kitsap County and Waste Management of Washington, Inc.) executed on May 2, 2007. Institutional controls will remain in place until concentrations of indicator hazardous substances in groundwater beneath tribal property fall below Site cleanup levels. Using data from the ongoing groundwater monitoring program, property use restrictions will be reviewed at a minimum of at least 5-year intervals to determine whether additional restrictions are warranted, or whether previously enacted restrictions could be eliminated or reduced in the area.

Institutional controls already instituted on tribal property prohibit use of surface water in the upper reach of the northern tributary of Middle Creek as a source of drinking water. The existing and continuing surface water institutional controls do not affect existing water supply wells in the lower aquifer. Currently, surface water from the upper segments of Middle Creek and from the other streams on tribal property is not used as a source of drinking water. Surface water institutional controls will remain in place until concentrations of indicator hazardous substances in surface water fall below Site cleanup levels. Figure 4-1 illustrates the area to be protected by institutional controls.

4.3 Compliance Monitoring

The key components of the Compliance Monitoring Plan (groundwater and surface water monitoring station locations, water quality parameters to be tested, and monitoring frequency) to be implemented at the Site are described in Appendix C. These components will be incorporated into a Compliance Monitoring Plan (a requirement of the future Cleanup Action Consent Decree) that will include a Sampling and Analysis Plan (SAP with an integral Quality Assurance Plan that meets requirements specified in WAC 173-340-820 and -830), and an updated Health and Safety Plan.

A critical element of any remedial action is a groundwater and surface water monitoring program designed to assess the progress toward achievement of cleanup action objectives and cleanup standards. In order to demonstrate natural attenuation per regulatory requirements [WAC 173 340 370(7)(d)] and technical guidance in the literature pertaining to the indicator hazardous substances at the Site, the monitoring program for the selected cleanup alternative includes testing of groundwater and surface water samples for chemicals indicative of natural attenuation, and selection of existing groundwater and surface water sampling stations to provide optimal spatial coverage to monitor natural attenuation processes.

4.4 Evaluation of Monitoring Data

When natural attenuation (sometimes referred to as monitored natural attenuation), and institutional controls constitute the remedy for a site it is important to know whether the concentration of contamination is declining at a rate which will achieve cleanup levels within a reasonable restoration timeframe as provided by WAC 173-340-360(4). The approach to evaluation of monitoring data for the landfill uses several statistical methods to evaluate the effectiveness of natural attenuation as a remedial action (Appendix D). Ecology will conduct periodic reviews at a minimum of every five years in accordance with MTCA. If the data and statistical analysis demonstrate that the site cleanup levels will probably not be met within the remediation time frame, Ecology will evaluate possible additional remedial actions at the Site. Possible actions include those evaluated in the FS but not chosen. Other actions can also be considered.

5. SITE CLEANUP STANDARDS

5.1 Overview of Cleanup Standards

Cleanup standards for an environmental medium of concern (i.e., groundwater, surface water, and sediments) consist of the following components:

- Cleanup Levels: Hazardous substance concentrations that protect human health and the environment [WAC 173-340-700(2)]; and

- Points of Compliance: Locations where cleanup levels must be attained [WAC 173-340-720(8)(a)]. Point of compliance includes conditional points of compliance [WAC 173-340-720(8)(c), (d)].

5.2 Applicable or Relevant and Appropriate Requirements (ARARS)

ARARs are regulatory requirements that apply to a cleanup action because of the nature of the hazardous substances, the type of action, the location of the site, or other circumstances at the site. ARARs include legally applicable requirements promulgated under state or federal law, and relevant and appropriate requirements that, while not legally applicable, address problems or situations at the site. Table 5-1 is a summary of the ARARs for Hansville Landfill.

Table 5-1. ARARS

FEDERAL
Clean Air Act: New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Ambient Air Quality Standards • 42 USC 7401-7642 • 40 CFR Subpart 50, 60, 61, 63
Endangered Species Act: • 16 USC 1531 et seq. • 50 CFR 200, 402
Resource Conservation and Recovery Act (RCRA): Hazardous Waste Management Act (HWMA) • 42 USC 6902 et seq. • 40 CFR 241, 251, 261, 262, 263, 264, 268 • 49 CFR 171, 172, 173, 177
Safe Drinking Water Act: • 42 USC 300f et seq. • 40 CFR 141, 143
Water Pollution Control Act (a.k.a. Clean Water Act): National Pollutant Discharge Elimination System (NPDES) • 33 USC Sec. 303, 304, 320-330, 1251-1387 • 40 CFR Part 122, 125, 230
Water Pollution Control Act: Surface Water Quality Standards • 33 USC Sec. 303, 304 • 40 CFR 131. Quality Criteria for Water
U.S. Fish and Wildlife Coordination Act • 16 USC 661 et seq.

PORT GAMBLE S'KLALLAM TRIBE
Port Gamble S'Klallam Tribe Water Quality Standards for Surface Water

STATE OF WASHINGTON

Clean Air Act: Source Registration, Emissions Limits, Air Quality Standards RCW 70.94 WAC 173-400
Clean Air Act: Controls for Air Toxics RCW 70.94 WAC 173-460
Disposal Requirements and Land Disposal Restrictions, Solid Waste Disposal Facilities: WAC 446-50
Hazardous Waste Management Act: RCW 70.105 WAC 173-303
Hydraulics Act: RCW 75.20 WAC 220-110
Minimum Functional Standards for Solid Waste Handling: WAC 173-304
Criteria for Municipal Solid Waste Landfills WAC 173-351 – These regulations are relevant, but not applicable because of the date on which the landfill closed.
Model Toxics Control Act (MTCA) RCW 70.105D WAC 173-340
Puget Sound Clean Air Agency (PSCAA), Source Registration, Emission Limits, Air Quality Standards, Regulations I and III
Shoreline Management Act RCW 90.58 WAC 173-27
State Environmental Policy Act (SEPA) RCW 43.21C WAC 197-11
Transportation of Hazardous/Dangerous Waste WAC 446-50
Water Code and Water Rights RCW 90.03, 90.04 WAC 173-150, 173-154
Water Pollution Control Act: Water Quality Standards for Surface Waters of the State of Washington RCW 90.48 WAC 173-201A
Water Pollution Control Act: NPDES Regulations RCW 90.48 WAC 173-220
Water Pollution Control Act: Water Quality Standards for Groundwaters of the State of Washington RCW 90.48 WAC 173-200 These regulations are relevant, but not applicable see WAC 173–200–010(c)
Minimum Standards for Construction and Maintenance of Wells RCW 18.104 WAC 173-160

KITSAP COUNTY
Solid Waste Regulations Kitsap County Board of Health Ordinance 2004-2
Kitsap County Local Development Ordinances KCC Title 12

5.3 Cleanup Levels for Indicator Hazardous Substances

The Final FS Report (Parametrix 2009) describes the process for evaluating the indicator hazardous substances in the risk assessment, resulting in the identification of the following remaining indicator hazardous substances that must be addressed by the selected cleanup action at the Site:

- Arsenic in groundwater;
- Manganese in groundwater; and
- Vinyl chloride in groundwater.

The risk assessment in the Final FS Report did not identify any other indicator hazardous substances in any of the three media (groundwater, surface water, or sediments) for further consideration in evaluation of the proposed cleanup action.

The Final FS Report also included development of Site cleanup levels. The Site cleanup levels and their origins are shown in Table 5-2.

Table 5-2. Site Cleanup Levels

Chemical	Media	Site Cleanup Level (µg/ℓ)	Origin of cleanup level
Vinyl Chloride	Groundwater	0.025	EPA Human Health 2004
Arsenic	Groundwater	5	Background
Manganese	Groundwater	2240	Method B Formula Value
Vinyl Chloride	Surface Water	0.025	EPA Human Health 2004
Arsenic	Surface Water	5	Background

5.4 Points of Compliance

The following are the conditional points of compliance (CPOC) for the Hansville Site:

1. The Upper Aquifer at the Landfill Property boundary;
2. The Upper Aquifer downgradient of the Landfill Property boundary and upgradient of the creek headwaters on tribal property; and
3. Groundwater discharge to surface water at the headwaters of Creek A, Creek B, and Middle Creek on tribal property.

CPOC #1 is established per WAC 173-340-720(8)(c). Points of Compliance #2 and #3 are off property conditional CPOCs, per WAC 173-340-720(8)(d)(ii). The Tribe has accepted the CPOCs.

6. Summary of Alternatives Considered

A total of nine cleanup alternatives were evaluated in the Final FS Report (Parametrix 2009). Descriptions and rating results for these cleanup alternatives are summarized in Table 6-1, along with the results of the disproportionate cost analysis from Section 10.2 of the Final FS Report. The cost-benefit relationship of the selected alternative (Alternative 2) and the other cleanup alternatives are illustrated by Figure 6-1.

Table 6-1. Summary of Alternatives

#	Alternative Description	Estimated Capital Cost	Estimated Annual O&M Cost	Estimated Present Worth Cost	~Time yr[a]	Cost/ Benefit[b]
1	**NO ADDITIONAL ACTION WITH NATURAL ATTENUATION** (except compliance with state landfill regulations)	$5,000	$51,000	$638,000	23	1.0
2	**NATURAL ATTENUATION OF GROUNDWATER WITH ENHANSED MONITORING AND INSTITUTIONAL CONTROLS** Reductions in concentrations of indicator hazardous substances through natural processes. Prohibition on use of affected groundwater and surface water as drinking water.	$5,000	$64,000	$1,180,000	23	1.3
3	**GAS EXTRACTION SYSTEM ENHANCEMENTS** implemented at the Landfill to control releases of vinyl chloride to groundwater.[c]	$637,000	$148,000	$2,909,000	23	3.6
4	**AIR SPARGING SYSTEM** implemented along the west Landfill Property boundary to extract vinyl chloride from groundwater and oxygenate the aquifer to precipitate arsenic and manganese.[c]	$1,985,000	$202,000	$5,094,000	23	6.1
5	**GROUNDWATER PUMP AND TREAT SYSTEM** implemented at the west Landfill Property boundary to extract contaminants from groundwater, with treatment by greens and filtration for arsenic and manganese, and air stripping for vinyl chloride. Discharge of treated water to surface water (Middle Creek).[c]	$1,687,000	$298,000	$6,269,000	23	5.9
5 + RTA	**GROUNDWATER PUMP AND TREAT SYSTEM** at the Landfill. Same as Alternative 5, except with return of treated water to the aquifer upgradient of the Landfill rather than discharge to surface water.[c]	$1,714,000	$325,000	$6,705,000	23	8.1
6	**GROUNDWATER PUMP AND TREAT SYSTEM** implemented at the west Landfill Property boundary (as per Alternative 5) and downgradient of the Landfill to extract contaminants from groundwater. Groundwater treatment would be as described for Alternative 5. Discharge of treated water to surface water would occur at several creek locations to prevent flow reductions caused by groundwater extraction.[c]	$2,694,000	$332,000	$7,799,000	18	6.6
6 + RTA	**GROUNDWATER PUMP AND TREAT SYSTEM** at the Landfill and downgradient. Same as Alternative 6, except with return of treated water to the aquifer upgradient of the Landfill rather than discharge to surface water.[c]	$2,527,000	$286,000	$6,925,000	18	7.4
7	**WASTE EXCAVATION AND OFF THE LANDFILL PROPERTY DISPOSAL**. Excavation would remove waste for transport by truck and rail to an existing landfill in southern Washington or northern Oregon.	$62,532,000	—	$62,532,000	2 (waste only)	75.7

[a] Estimated time for remedial alternative to meet cleanup levels; includes time of remedial system operation (where pertinent) plus time for monitoring to confirm attainment of cleanup levels at the Landfill Boundary conditional point of compliance.

[b] See Final FS Report (Parametrix 2009), Sec. 10.2, and attached Figure 6-1.

[c] Includes Alternative 2 (Natural Attenuation of Groundwater Contaminants with Monitoring).

7. JUSTIFICATION OF THE SELECTED CLEANUP ACTION

7.1 Compliance with MTCA Requirements

The Site cleanup levels will be met at the specified CPOCs by the selected cleanup action protecting human health and the environment. The following discussion summarizes the analysis and evaluations presented in detail in Section 8 (Chemical Screening) of the Final RI Report (Parametrix 2007) and Section 10 (Detailed Evaluation of Remedial Alternatives), Table 10-1, of the Final FS Report (Parametrix 2009) required by WAC 173-340-360.

7.1.1 Threshold Requirements

- Protect human health and the environment
  The selected cleanup action provides for protection of human health through institutional controls to prevent use of groundwater and surface water as water supplies and future attainment of cleanup standards that are based on protection of human health. None of the completed off-Landfill Property exposure pathways evaluated for the environmental risk (e.g., drinking surface water, sediment ingestion, dietary) poses a risk to exposed receptors.

- Comply With Cleanup Standards
  The selected cleanup action complies with the cleanup standards presented in Table 5-2 of this CAP.

- Comply with State and Federal Laws
  The selected cleanup action complies with all applicable State and Federal Laws. *See* Table 5-1.

- Provide Compliance Monitoring
  The compliance monitoring program is discussed in Section 4.3 of this CAP, and described in Appendix C.

7.1.2 Compliance with Other MTCA Requirements

The selected cleanup action complies with other requirements listed in WAC 173-340-360(2)(b) as follows:

- Use Permanent Solutions to the Maximum Extent Possible
  The selected cleanup action provides a permanent solution; at the end of the restoration timeframe the contamination will be attenuated to below cleanup levels.

- Provide a Reasonable Restoration Timeframe
  The estimated restoration timeframe for the selected cleanup action is 23 years. This timeframe is considered reasonable by Ecology for former landfills using natural attenuation, and considering the institutional controls in place.

- Consider Public Concerns
  The draft CAP was subjected to a 30-day public comment period, per the requirements of WAC 173 340-600(14). Comments will be reviewed and incorporated into the final CAP. The draft CAP public comment period was conducted in conjunction with the public comment period for

the SEPA Mitigated Determination of Non-significance (MDNS), which is a companion document to the CAP.

7.2 Compliance Monitoring

WAC 173-340-410 specifies the following types of compliance monitoring regarding cleanup actions:

Protection Monitoring: Confirm that human health and the environment are adequately protected during construction, operation, and maintenance of the cleanup action.

Performance Monitoring: Confirm that the cleanup action has attained cleanup standards and other appropriate performance standards.

Confirmational Monitoring: Confirm the long-term effectiveness of the cleanup action once cleanup standards and other appropriate performance standards have been attained.

Ecology considers monitoring at sites that use natural attenuation to be of first importance. These sites require a monitoring network that covers the areal extent of possible contamination. The monitoring wells must be sampled frequently enough to develop the robust data set needed for the statistical analysis needed to determine if natural attenuation is working.

The key components of the Compliance Monitoring Plan (groundwater and surface water monitoring station locations, water quality parameters to be tested, and monitoring frequency) to be implemented at the Site are included in Appendix C. The monitoring plan meets these compliance monitoring requirements. These components will be incorporated into a Compliance Monitoring Plan that will include a Sampling and Analysis Plan (SAP) with an integral Quality Assurance Plan that meet requirements as specified in WAC 173-340-820, -830, and -840.

Data sent to Ecology will also be sent to the Tribe and the Kitsap County Health District.

8. IMPLEMENTATION OF THE SELECTED CLEANUP ACTION

8.1 SEPA Checklist and Determination of Non-Significance

The SEPA checklist for the selected cleanup action at the Hansville Landfill site is attached as Appendix A to this CAP. This checklist was prepared in accordance with Chapter 197-11 WAC. The Determination of Non-Significance associated with the SEPA checklist is attached as Appendix B to this CAP.

8.2 Public Participation

The Public Participation Plan for Hansville Landfill is included as Appendix E, to show that this CAP meets the requirements of WAC 173-340-600(9).

8.3 Monitoring Program

Monitoring of the selected cleanup action will be conducted per the Compliance Monitoring Plan, as described above in Section 4.3 and Appendix C.

8.4 Preliminary Schedule

The preliminary project schedule for implementation of the selection cleanup action at the Hansville Landfill is presented in Appendix F.

9 REFERENCES

Parametrix, Inc. 2007. Final remedial investigation report, Hansville Landfill remedial investigation/feasibility study. Prepared for Kitsap County, Washington and Waste Management of Washington, Inc. July 13, 2007.

Parametrix, Inc. 2009. Final feasibility study report, Hansville Landfill remedial investigation/feasibility study. Prepared for Kitsap County, Washington and Waste Management of Washington, Inc. June 15, 2009.

FIGURES

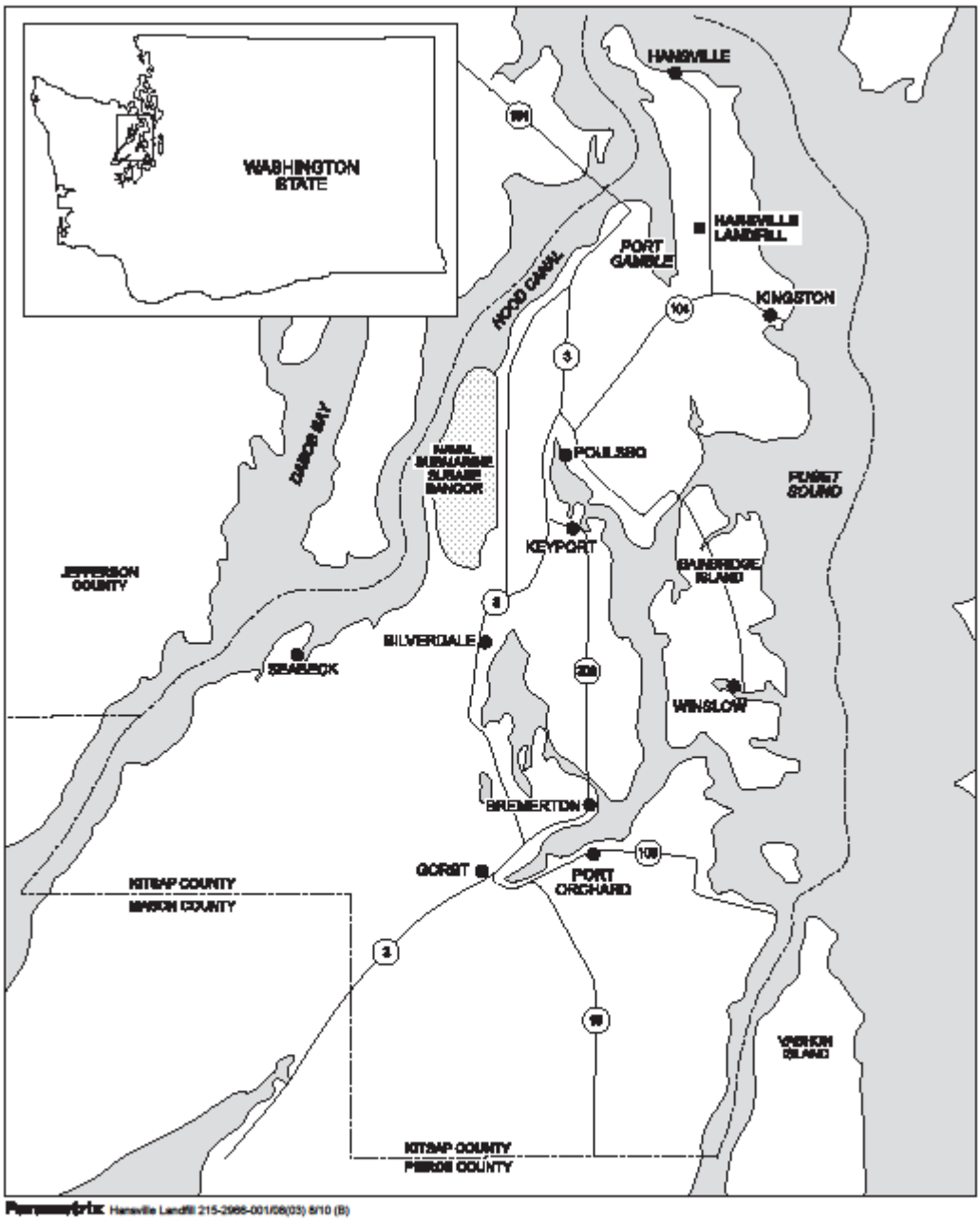


Figure 1-1
Vicinity Map
Hansville Landfill
Cleanup Action Plan

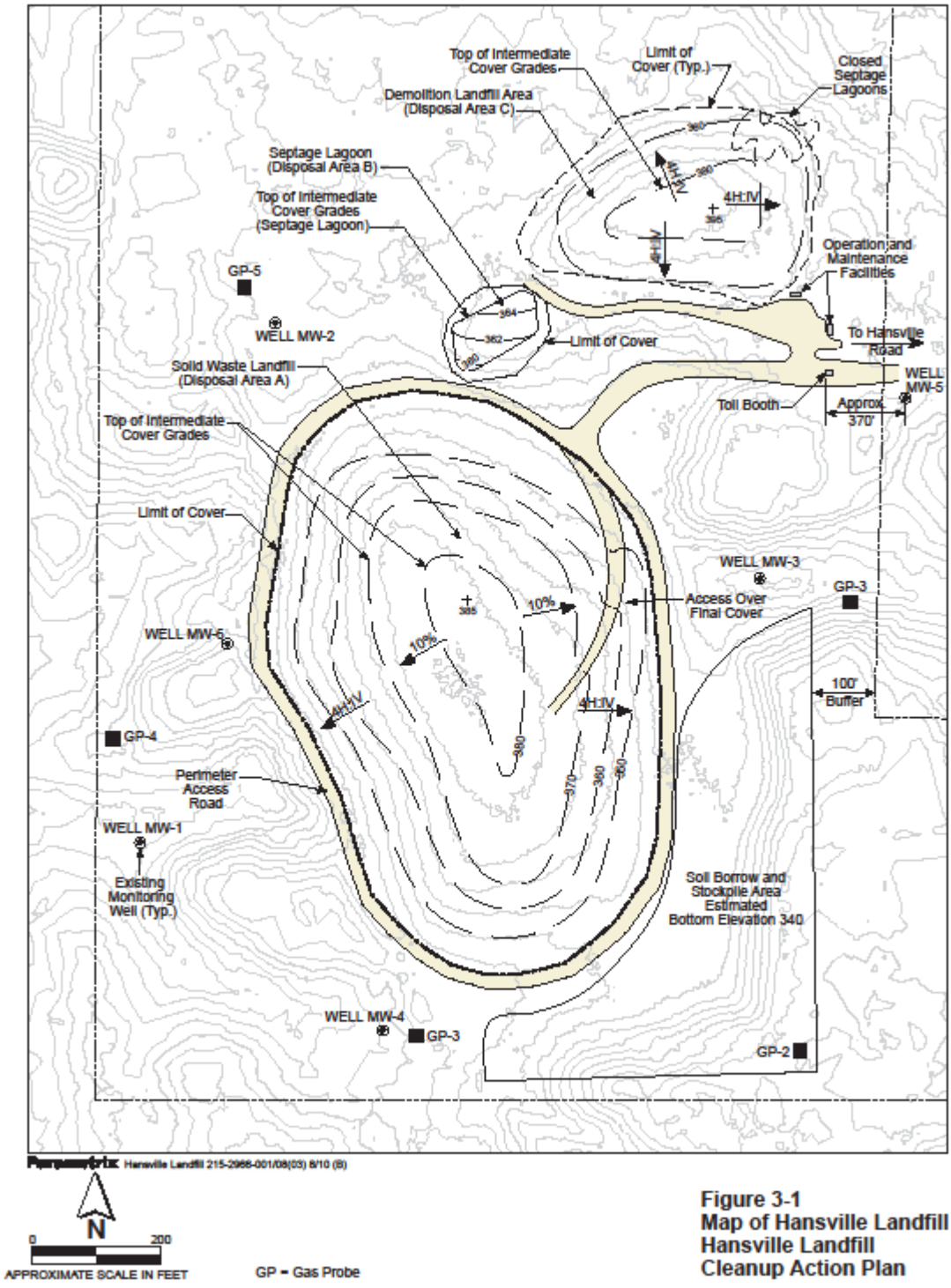


Figure 3-1
Map of Hansville Landfill
Hansville Landfill
Cleanup Action Plan

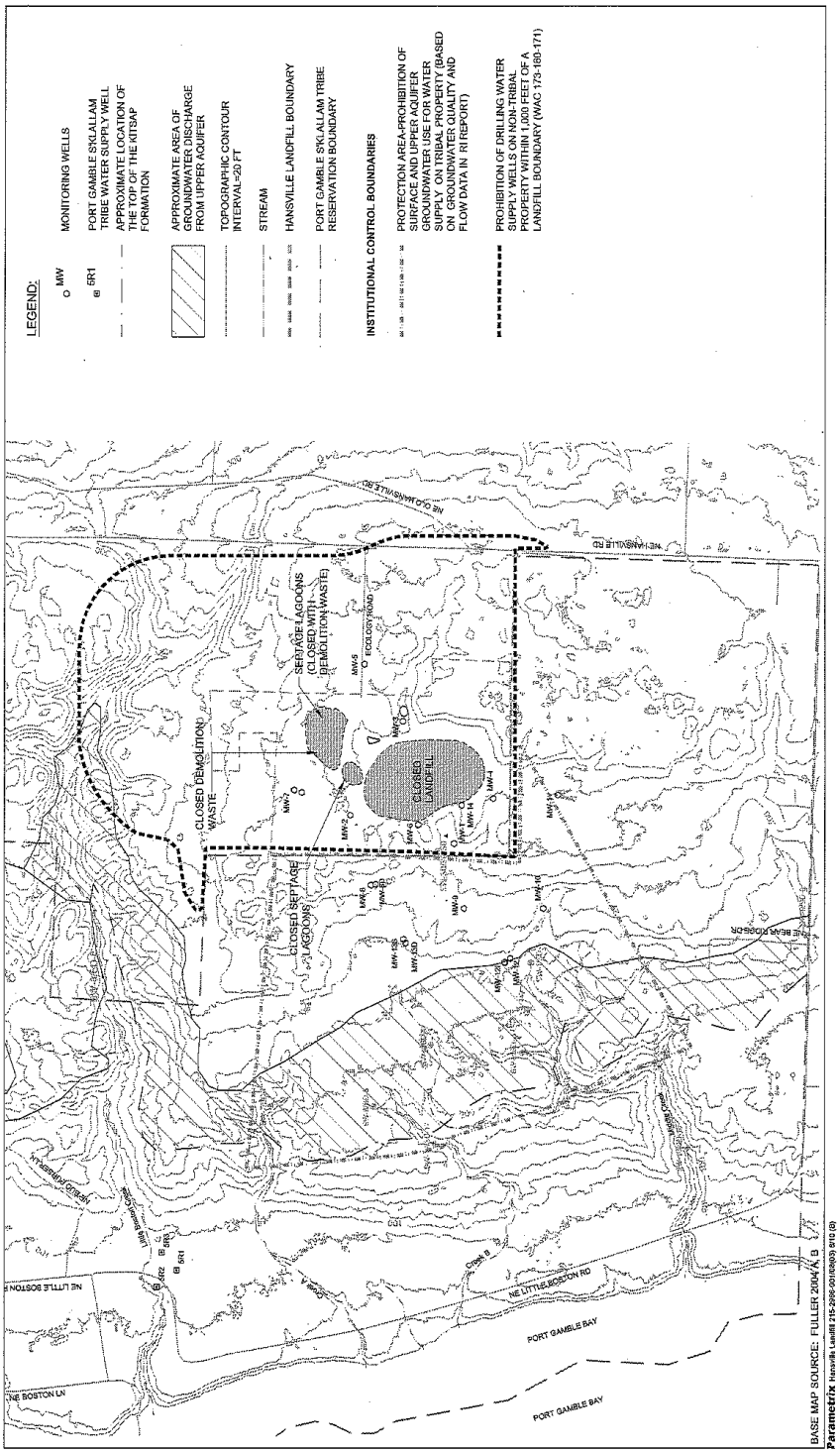


Figure 4-1
Institutional Controls
Hansville Landfill
Cleanup Action Plan

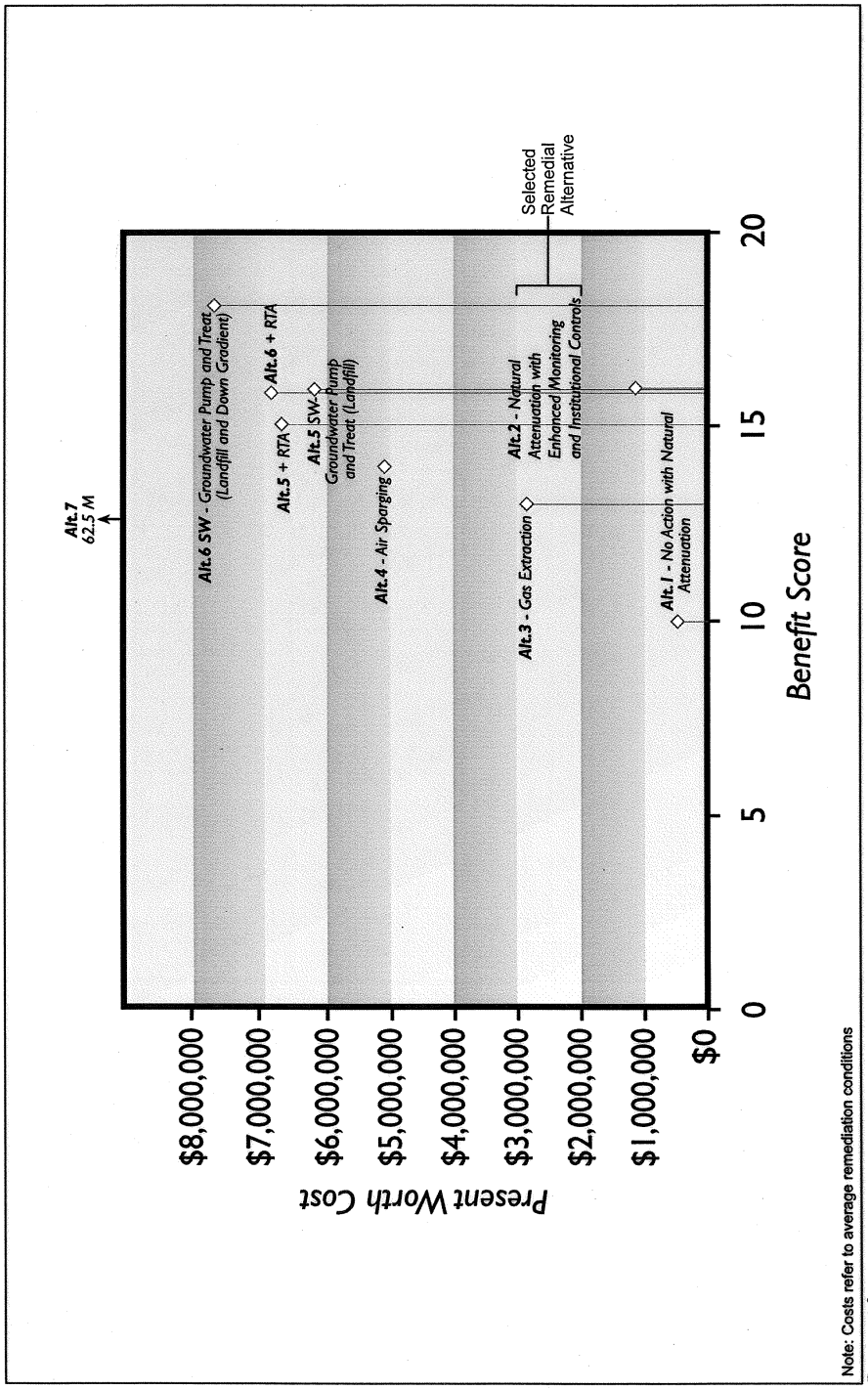


Figure 6-1
Cost Benefit Relationship of the Cleanup Alternatives
Hansville Landfill
Cleanup Action Plan

APPENDIX A

SEPA CHECKLIST – HANSVILLE LANDFILL

HANSVILLE LANDFILL - CLEANUP ACTION PLAN

SEPA CHECKLIST

Prepared by:

Kitsap County

September 2010

ENVIRONMENTAL (SEPA) CHECKLIST

Purpose of Checklist:

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An Environmental Impact Statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you, other agencies, and the Department of Community Development (DCD) identify impacts from your proposal and to reduce or avoid impacts from the proposal, if it can be done, and to help the lead agency decide whether an EIS is required.

Instructions for Applicants:

This Environmental Checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases you should be able to answer the questions from your own observations or project plan without the need to hire experts. If you really do not know the answer or if a question does not apply to your proposal, write "do not know" or "does not apply". Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. If you have problems answering these questions, please contact the appropriate governmental agencies for assistance.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your answers or provide additional information reasonably related to determining if there may be any significant adverse impact.

Supplemental Sheet for Non-project Proposal:

Complete the supplemental sheet for Non-project proposals only, even though questions may be answered "does not apply." Please contact DCD, ER Division (360) 337-7181, for the Supplemental Questions for Non-project Activities (Part D).

For Non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be reads as "proposal," "proposer," and "affected geographic area," respectively.

EVALUATION FOR AGENCY USE ONLY

FOR OFFICIAL USE ONLY

Received by: _____

Receipt #: _____

ENVIRONMENTAL (SEPA) CHECKLIST

A. BACKGROUND

1. **Name of proposed project, if applicable:**
   Hansville Landfill Remedial Action Project under the Model Toxics Control Act (MTCA)

2. **Name of applicant:**
   Kitsap County

3. **Address and phone number of applicant and contact person:**
   614 Division Street MS-27
   Port Orchard, WA 98367
   Contact: Pat Campbell – (360) 337-4626
   Keli McKay-Means – (360) 337-5665

4. **Date checklist prepared:**
   September 27, 2010

5. **Agency requesting checklist:**
   Kitsap County

6. **Proposed timing or schedule (including phasing, if applicable):**

   The project consists of the implementation of the approved remedial action at the closed Hansville Landfill (Landfill). The remedial action for the Landfill is scheduled to commence upon issuance of the Final Cleanup Action Plan by the Washington State Department of Ecology and continue until the site has been stabilized. The exact timeframe for the approved remedial action to be completely effective and for stabilization of the Landfill is unknown at this point in the project. The approved Final Feasibility Study (FS) Report conducted for the Landfill estimated that the remedial action may take on the order of 23 years.

7. **Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.**
No.

   Kitsap County intends to fulfill the remediation requirements set by the Department of Ecology. When the requirements have been met, other uses for the property may be considered. Appropriate permit applications would be submitted for each proposed activity. Deed restrictions and land conveyances will remain in effect for the property.

8. **List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.**

   Kitsap County and Waste Management of Washington, Inc. are the potentially liable parties for the remedial action of the Hansville Landfill. Documents that have been prepared on behalf of Kitsap County and Waste Management of Washington, Inc. are required under the State Model Toxics Control Act (MTCA) (Chapter 70.105D Revised Code of Washington [RCW]) and include: Consent Decree Number No. 952030051, the Final Remedial Investigation Report, and the Final Feasibility Study Report. All of these documents have been reviewed and approved by the Department of Ecology and have gone through a public review process. The Department of Ecology has prepared the Cleanup Action Plan. In conjunction with the Cleanup Action Plan, a Consent Decree will direct the implementation of the Cleanup Action Plan and approved remedial action. This SEPA Checklist addresses implementation of the selected remedial action chosen in the Final Feasibility Study and Cleanup Action Plan.

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.**

   No other applications are known to be pending.

10. **List any government approvals or permits that will be needed for your proposal, if known.**

    While this project is exempt from the administrative requirements of obtaining permits for activities under the remedial action (RCW

70.105D.090), all activities will be conducted in accordance with the substantive requirements of all applicable or relevant and appropriate requirements (ARARs) and federal, state, or local standards, requirements, criteria, or limitations. The ARARs are identified in the approved Final Feasibility Study Report and the Cleanup Action Plan.

11. **Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat these answers on this page. (Lead agencies may modify this form to include additional specific information on project description).**

The closed Hansville Landfill is located in northern Kitsap County east of Port Gamble Bay approximately 4 ½ miles south of the community of Hansville (Figure 1). The property is situated on a 73-acre parcel owned by Kitsap County (Figure 2). Three separate waste disposal areas were formerly operated within the property. The disposal areas consist of a closed 13-acre municipal solid waste disposal area, which accepted mixed municipal solid waste, located in the central portion of the property; a closed 4-acre demolition disposal area which accepted construction, demolition, and land clearing waste; and a closed 1/3-acre septage lagoon which accepted residential septic tank waste from the north County area until 1982 (Figure 3). The Landfill was closed and stopped accepting waste in 1989.

As part of the closure activities, a final cover was constructed in accordance with the Minimum Functional Standards for Solid Waste Handling Chapter 173-304 Washington Administrative Code (WAC). All three disposal areas are capped with a cover system that is compliant with Chapter 173-304 WAC. In addition to the cover system, an active landfill gas extraction system currently operates to remove refuse-generated landfill gas from the Landfill. Part of the existing closure systems includes a stormwater management and conveyance system and a groundwater and surface water monitoring network. The monitoring networks are used to characterize water quality conditions at the Landfill and adjacent property owned by the Port Gamble S'Klallam Tribe (Tribe).

The proposed project implements the approved remedial action at the Hansville Landfill in accordance with the Ecology-approved Final Feasibility Study Report and the Ecology-issued Cleanup Action Plan. In addition to the existing closure systems, the remedial action consists of:

- Natural attenuation
- Monitoring of groundwater and surface water
- Institutional controls

Natural Attenuation

Natural attenuation is the process by which concentrations of chemicals introduced into the environment are reduced over time by natural insitu physical, biological, and chemical processes. Natural attenuation has been shown to effectively reduce the concentrations of inorganic and organic contaminants in groundwater. Natural attenuation does not include any active remediation such as moving soils or grading activities. The remedial action consists of the monitoring and institutional controls discussed below.

Monitoring of Groundwater and Surface Water

Monitoring consists of a groundwater and surface water monitoring program designed to assess the progress toward achievement of cleanup action objectives and cleanup standards. In order to demonstrate natural attenuation, the monitoring program for the remedial action will include analysis of groundwater and surface water for chemicals indicative of natural attenuation processes. Existing groundwater monitoring wells and surface water monitoring stations will be utilized to provide optimal coverage to monitor natural attenuation processes.

Institutional Controls

Institutional controls will incorporate property use restrictions, including restrictions on the use of groundwater and surface water on Port Gamble S'Klallam Tribe property located adjacent to the County property. Institutional controls on Tribal land were established per the agreement executed on May 2, 2007 between the Port Gamble S'Klallam Tribe, Kitsap County, and Waste Management of Washington, Inc. Institutional controls will remain in place until concentrations of indicator hazardous substances in groundwater beneath Tribal property fall below the designated site cleanup levels established in the Cleanup Action Plan.

Site use restrictions will be reviewed at approximately 5-year intervals to determine if additional restrictions are warranted, or if previously enacted restrictions should be eliminated or reduced in the area.

12. **Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

The Landfill property is located approximately 4½ miles south of the community of Hansville in northern Kitsap County, WA (Figure 1). Located approximately 1,500 feet west of Hansville Road NE, the Landfill is accessed through the Kitsap County Hansville Recycling and Garbage Facility located at 7791 NE Ecology Road, Hansville, WA.

The Landfill property consists of a 73-acre parcel bordered on the south and west by land owned by the Port Gamble S'Klallam Tribe. Approximately 17-1/3 acres of the parcel were used for waste disposal. The property is comprised of the waste disposal areas, access roads, the Kitsap County Hansville Recycling and Garbage Facility, and wooded land.

The areas located to the north and south of the Landfill property are zoned low-density residential, rural-wooded, or light industrial. The area directly east of the property is currently being used for light industrial use. The area is sparsely developed. The Landfill property is located approximately 4,000 feet east of Port Gamble Bay (Figure 2).

The legal description for the parcel as listed in the Kitsap County Auditors records is:

> The South ½ of the N.W. ¼ of the N.E. ¼, together with the North ½, of the S.W. ¼, of the N.E. ¼, all located in

Section 9, Township 27 North, Range 2 East, Western Meridian, Kitsap County, Washington.

The parcel tax account number is: 092702-1-005-2007.

B. ENVIRONMENTAL ELEMENTS

1. Earth

a. General description of the site (check one):

flat √ *rolling* hilly
steep slopes mountainous
other:_____

b. What is the steepest slope on the site (approximate percent slope)? 25% – 30%

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

According to the Soil Survey of Kitsap County Area, Washington (United States Department of Agriculture, 1980), the soils in the area consist predominantly of fine sand loam of the Poulsbo-Ragnar complex. This soil is typically found on terraces and broad uplands and is deep and well drained and formed from glacial outwash.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
No.

e. Describe the purpose, type, and appropriate quantities of any filling or grading proposed. Indicate source of fill.
Does not apply as there will be no filling or grading with the remedial action.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
Does not apply.

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or building)?

None.

By way of background, as part of the remedial action, an impermeable cap was placed over the solid waste disposal area, demolition waste disposal area, and septage disposal area. The final cover system consists of a cover for the refuse, overlain by a subgrade layer that provides a base for a geomembrane liner. The geomembrane liner consists of a 60 mil HDPE geomembrane that is overlain by a geosynthetic drainage net to provide soil stability to the geomembrane layer. A low permeability sand layer protects the geomembrane layer. A top soil layer amended with biosolids overlays the cap to facilitate vegetation growth.

h. **Proposed measures to reduce or control erosion, or other impacts to the earth, if any.**
Does not apply.

2. **Air**

a. **What types of emissions to the air would result from the proposal (i.e., dust, automobile odors, industrial wood smoke) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.**

The proposed project will not result in emissions to the air. A landfill gas collection and extraction system is currently operating at the Landfill property. The existing system controls the gas reservoir within the Landfill and offsite migration of landfill gas. The facility operates continuously under current landfill conditions and ensures combustion of the landfill gas. The landfill gas system will continue to operate until gas is no longer being extracted from the disposal area.

b. **Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.**
None.

c. **Proposed measures to reduce or control emissions or other impacts to air, if any.**
Does not apply.

3. **Water**

a. **Surface:**

1) **Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal**

streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

The Landfill is located near the crest of the ridge that bisects the Kitsap Peninsula, on the western side of the drainage divide. Several small creeks originate as springs and seeps downgradient of, but not on, the Landfill property. The springs and seeps are formed from the upper aquifer where this formation outcrops at its contact with the underlying Kitsap Formation.

The headwaters of streams located to the north, west, and south of the Landfill occur at approximate elevations of 160 to 290 feet above sea level. The known perennial streams are Middle Creek and Little Boston Creek (Figure 4). Intermittent streams are unnamed and were designated in the Remedial Investigation Report as Creeks A, B, and C. Middle Creek, Creek A and Creek B originate at seeps and springs west of the Landfill property and flow west into Port Gamble Bay.

Three small creeks, Middle Creek, Creek A, and Creek B originate at seeps and springs west of the Landfill property and flow west into Port Gamble Bay. The headwaters of these creeks are formed between approximately 160 and 225 feet above sea level. These headwater areas remain wet all year. Since the creeks are primarily fed by groundwater rather than surface water, flows appear to be relatively constant.

2) **Will the project require any work over, in, or adjacent to (within 200 feet) of the described waterways? If yes, please describe and attach available plans.**
No.

3) **Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.**
None.

4) **Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.**
No.

5) **Does the proposal lie within a 100-year floodplain? If so note location on the site plan.**
No.

6) **Does the proposal involve any discharges or waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.**

The Landfill closure system was designed to promote drainage away from the capped waste disposal areas. Runoff from the closed solid waste disposal area is collected in a perimeter ditch, located inside the perimeter access road and is discharged into a siltation basin where it evaporates or infiltrates at the western boundary of the Landfill property. During large storm events, surface water is discharged to a channel west of the basin where it infiltrates into native soils. Surface water entering the Landfill property from the east is routed to a siltation basin located east of the Landfill.

Because surface water runoff from the property infiltrates to the ground, there is no direct overland flow connection between the waste disposal areas and the downgradient streams.

b. Ground

1) **Will ground water be withdrawn, or will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.**
No.

2) **Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals…; agricultural; etc.) Describe the general size of the system, the number of such systems, the number of houses to be served if applicable), or the number of animals or humans the system(s) are expected to serve.**

The Landfill property currently contains three closed waste disposal areas designated as the Landfill. The remedial action is being implemented to address the potential for contamination due to the presence of the Landfill. The Landfill contains closure control measures installed to minimize potential environmental or public health impacts due to the presence of the Landfill. The closure systems will remain in place throughout the duration of the remedial action.

c. Water Runoff (including storm water):

1) **Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.**

Because surface water runoff from the property infiltrates to the ground, there is no direct overland flow connection between the waste disposal areas and the downgradient streams. See also Section B(3)(a)(6) above.

2) **Could waste materials enter ground or surface waters? If so, generally describe.**

The remedial action is being implemented to address the presence of a landfill at the County property. Closure systems already existing at the property were designed to minimize leachate production and to mitigate potential negative environmental and public health impacts associated with a closed solid waste landfill. Implementation of the remedial action will further reduce the potential for contamination to enter ground or surface waters.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:
None. The existing controls will remain in place throughout the implementation of the remedial action.

4. Plants

a. Check types of vegetation found on the site:

deciduous trees: √ alder √ maple
aspen other_____

evergreen trees: √ fir √ cedar
pine other_____

√ shrubs
√ grass
pasture
crop or grain

wet soil plants: cattail buttercup
bullrush skunk cabbage
other_____

water plants: water lily eelgrass
milfoil other_____

other types of vegetation: _____

b. What kind and amount of vegetation will be removed or altered?
None.

c. List threatened or endangered species known to be on or near the site.

There are no known threatened or endangered plant species on or near the property.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any.
Does not apply.

5. Animals

a. Check box for any birds and animals which have been observed on or near the site or are known to be on or near the site:

Birds: √ hawk heron √ eagle
√ songbirds
√ other: osprey

Mammals: √ deer √ bear elk
beaver

√ other: coyote

Fish: bass salmon bull trout
shellfish herring
other:_____

b. List any threatened or endangered species known to be on or near the site.

The only endangered, threatened, or State species of concern in the Washington Department of Fish and Wildlife (WDFW) Priority Habitats and Species Database known to occur within 1 mile of the Landfill property is an osprey nest approximately 0.9 mile southwest of the property boundary near the shoreline of Port Gamble Bay. The nearest bald eagle nesting territory is approximately 2 miles from the Landfill property and should not be affected by the remedial action.

Chinook salmon and bull trout, both listed species, do not occur in any of the downgradient streams. Listed winter steelhead may occur in the downstream reaches of Creek C. Creek C, which is also downgradient from the property, is reported to support resident and anadromous fish downstream of Little Boston Road NE. The marine waters of Port Gamble Bay support spawning sand lance, surface smelt, and herring as well as hardshell clams.

c. Is the site part of a migration route? If so, explain:
No.

d. Proposed measures to preserve or enhance wildlife, if any.
Does not apply.

6. Energy and Natural Resources

a. What kinds or energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

No energy sources are required for the implementation of the remedial action. Electricity is currently supplied onsite to operate the existing landfill gas system motor blowers. Operation of the landfill gas system will continue until gas is no longer being extracted from the disposal area.

b. **Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.**
No.

c. **What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any.**
Does not apply.

7. **Environmental Health**

a. **Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? If so describe.**

Historically, groundwater and surface water contamination has been detected at the Landfill property and downgradient on the adjacent Port Gamble S'Klallam Tribe property. Contamination detected on Tribal property has been limited to groundwater immediately downgradient of the Landfill, short reaches of streams discharging from the groundwater, and sediment at the stream headwaters.

Implementation of the remedial action will address groundwater and surface water contamination on the property and adjacent property over the long term. Groundwater and surface water are monitored on a regular basis to assess water quality conditions and determine potential environmental and public health risks. Institutional controls are in place to minimize potential risks on and off the Landfill property. A landfill gas system currently operates to collect landfill gas generated by decomposing refuse. Continued monitoring and institutional controls will continue as part of the remedial action to be implemented. Operation of existing control systems will continue until gas is no longer being extracted from the disposal area.

1) **Describe special emergency services that might be required.**
Does not apply.

2) **Proposed measures to reduce or control environmental health hazards, if any:**
Does not apply.

b. Noise

1) **What types of noise exist in the area which may effect your project (for example: traffic, equipment, operation, other)?**
None.

2) **What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.**

The landfill gas extraction and flaring system contains a motor blower/flare facility that combusts the collected landfill gas. Two 7.5-horsepower blowers alternate in service to induce a vacuum on the system and draw landfill gas to the open flare where combustion takes place. Currently, the system operates continuously. The system will continue to operate until gas is no longer being extracted from the disposal area.

Vehicle use will be minimal. The monitoring consists of use of one vehicle for two days during each quarter.

3) **Proposed measures to reduce or control noise impacts, if any:**
Does not apply.

8. **Land and Shoreline Use**

a. **What is the current use of the site and adjacent properties?**
The property contains a closed landfill. The closed landfill is located on approximately 17 1/3 acres of the 73 acre parcel. A portion of the property currently is used as the Kitsap County Hansville Recycling and Garbage Facility. The property is currently zoned rural protection (1 dwelling unit/10 acres), but no residential use exists on the property. The remainder of the property is undeveloped.

Adjacent land zoning includes rural protection to the northeast, interim rural forest to the north and northeast, and industrial to the east. The industrial land to the east includes an industrial park and inert landfill approved by the Kitsap County Health District (KCHD). Lands adjacent to the Landfill property are generally

used for forestry with some residential and light industrial land use to the east."

Property to the west and southeast is owned by the Port Gamble S'Klallam Tribe. No County zoning regulations are in effect for Tribal lands. The Tribe has indicated that this land is currently used for forestry.

b. **Has the site been used for agriculture? If so describe.**
No.

c. **Describe any structures on the site.**
A small toll booth is located on the property for the operation of the Kitsap County Hansville Recycling and Garbage Facility.

The Landfill contains a landfill gas system that includes extraction wells and trenches in the refuse, a motor blower/flare facility that extracts and combust the collected landfill gas, and a condensate collection system. The trenches and pipes are located primarily located underground. The motor blower/flare facility is located above ground east of the solid waste disposal area in a fenced off compound.

d. **Will any structures be demolished? If so, what?**
No.

e. **What is the current zoning classification of the site?**
Rural Protection (1 dwelling unit/10 acres).

f. **What is the current comprehensive plan designation of the site?**
Public Facility.

g. **If applicable, what is the current shoreline master program designation of the site?**
Does not apply.

h. **Has any part of the site been classified as "environmentally sensitive" area? If so, specify.**
No.

i. **Approximately how many people would reside or work in the completed project?**

None. There are on the Landfill Property, however, existing personnel employed by Kitsap County at the Hansville Recycling and Garbage Facility.

j. **Approximately how many people would the completed project displace?**
None.

k. **Proposed measures to avoid or reduce displacement impacts, if any:**
Does not apply.

l. **Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any;**

There are currently no plans to change the existing land use. Changes in land use would require approval from the Department of Ecology. Existing covenants and institutional controls assigned to the property would continue to be implemented.

9. **Housing**
   a. **Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.**
   None.

   b. **Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.**
   None.

   d. **Proposed measures to reduce or control housing impacts, if any:**
   Does not apply.

10. **Aesthetics**
   a. **What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?**
   Does not apply.

   b. **What views in the immediate vicinity would be altered or obstructed?**
   None.

c. **Proposed measures to reduce or control aesthetic impacts, if any:**
Does not apply.

11. Light and Glare

a. **What type of light or glare will the proposal produce? What time of day would it mainly occur?**
None.

b. **Could light or glare from the finished project be a safety hazard or interfere with views?**
Does not apply.

c. **What existing off-site sources of light or glare may affect your proposal?**
None.

d. **Proposed measures to reduce or control light and glare impacts, if any:**
Does not apply.

12. Recreation

a. **What designated and informal recreational opportunities are in the immediate vicinity?**

There are no designated or informal recreational opportunities in the immediate vicinity of the Landfill property.

b. **Would the proposed project displace any existing recreational uses? If so, describe.**
No.

c. **Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:**
Does not apply.

13. Historic and Cultural Preservation

a. **Are there any places or objects listed on, or proposed for, national, state or local preservation registers known to be on or next to the site? If so generally describe.**

There are no known places or objects listed on or proposed on or next to the Landfill property. The property is bordered on the west

and southeast by property owned by the Port Gamble S'Klallam Tribe (Tribe). The Tribe has indicated this land is currently used for forestry.

b. Generally describe any landmarks or evidence of historic archaeological, scientific, or cultural importance known to be on or next to the site.

There are no known landmarks or evidence of historic archaeological, scientific, or cultural important known to be on or next to the Landfill property. The property is bordered on the west and southeast by property owned by the Port Gamble S'Klallam Tribe.

c. Proposed measures to reduce or control impacts, if any:
Does not apply.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

The Landfill property is served by NE Ecology Road to the east of the property. NE Ecology Road is served by Hansville Road. No additional access is proposed for the property.

b. Is site currently served by public transit? If no, what is the approximate distance to the nearest transit stop?
Does not apply.

c. How many parking spaces would the completed project have? How many would the project eliminate?
Does not apply.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).
No.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so generally describe.
No.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.
Does not apply.

g. Proposed measures to reduce or control transportation impacts, if any:
Does not apply.

15. Public Services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.
No.

b. Proposed measures to reduce or control direct impacts on public services, if any.
Does not apply.

16. Utilities

Check utilities currently available at the site:

√	Electricity		Natural gas	√	Water
√	Refuse system	√	Telephone		Sanitary sewer
√	Septic system		other_____		

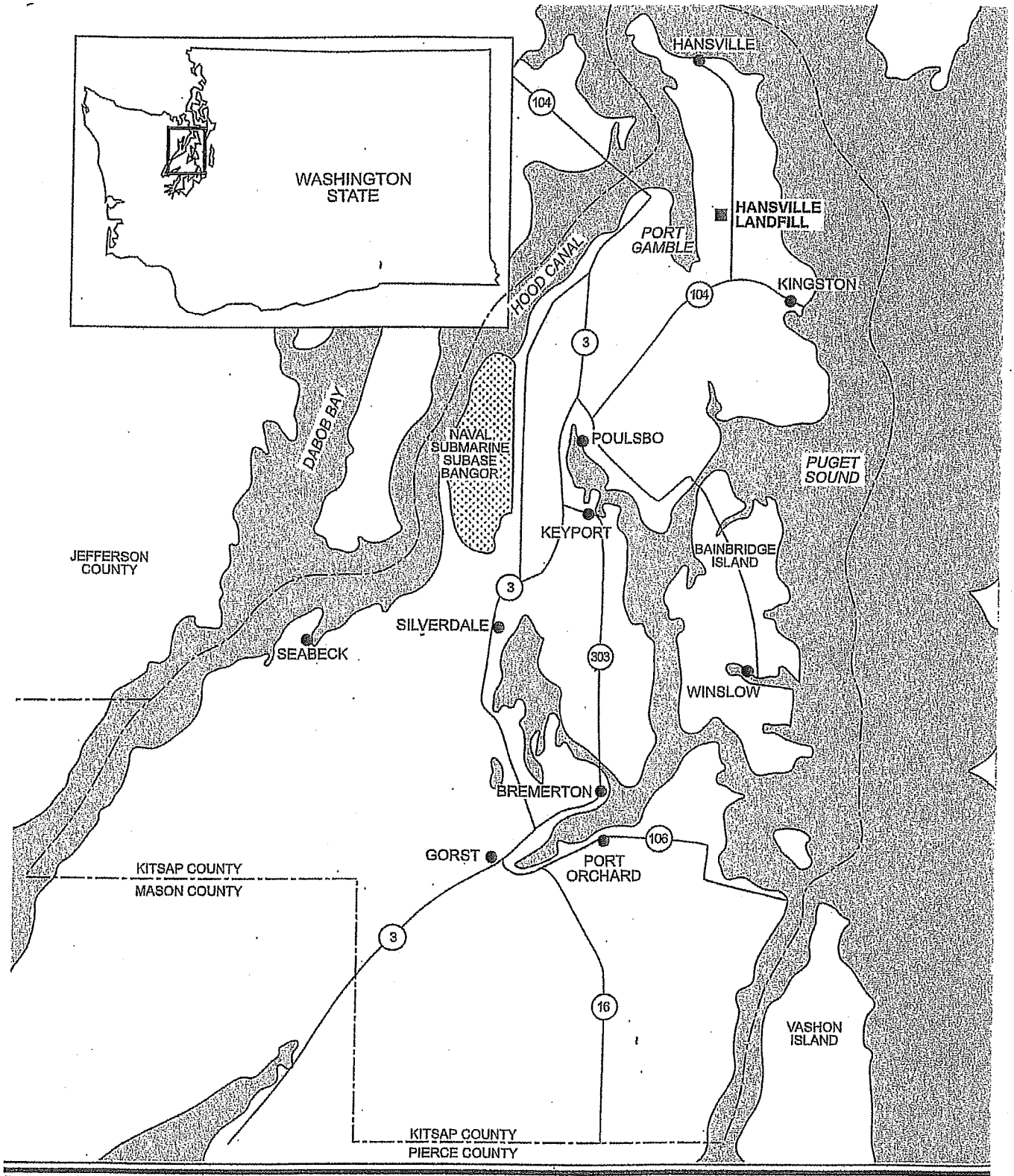
Electricity, water, refuse, telephone, and septic system utilities are available at the Kitsap County Hansville Recycling and Garbage Facility located on the east side of the property. Electricity is provided to the landfill gas blower/flare system adjacent to the waste disposal areas. The remaining portion of the Landfill property does not have utilities available.

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Patricia A. Campbell

Date Submitted: 9/27/10



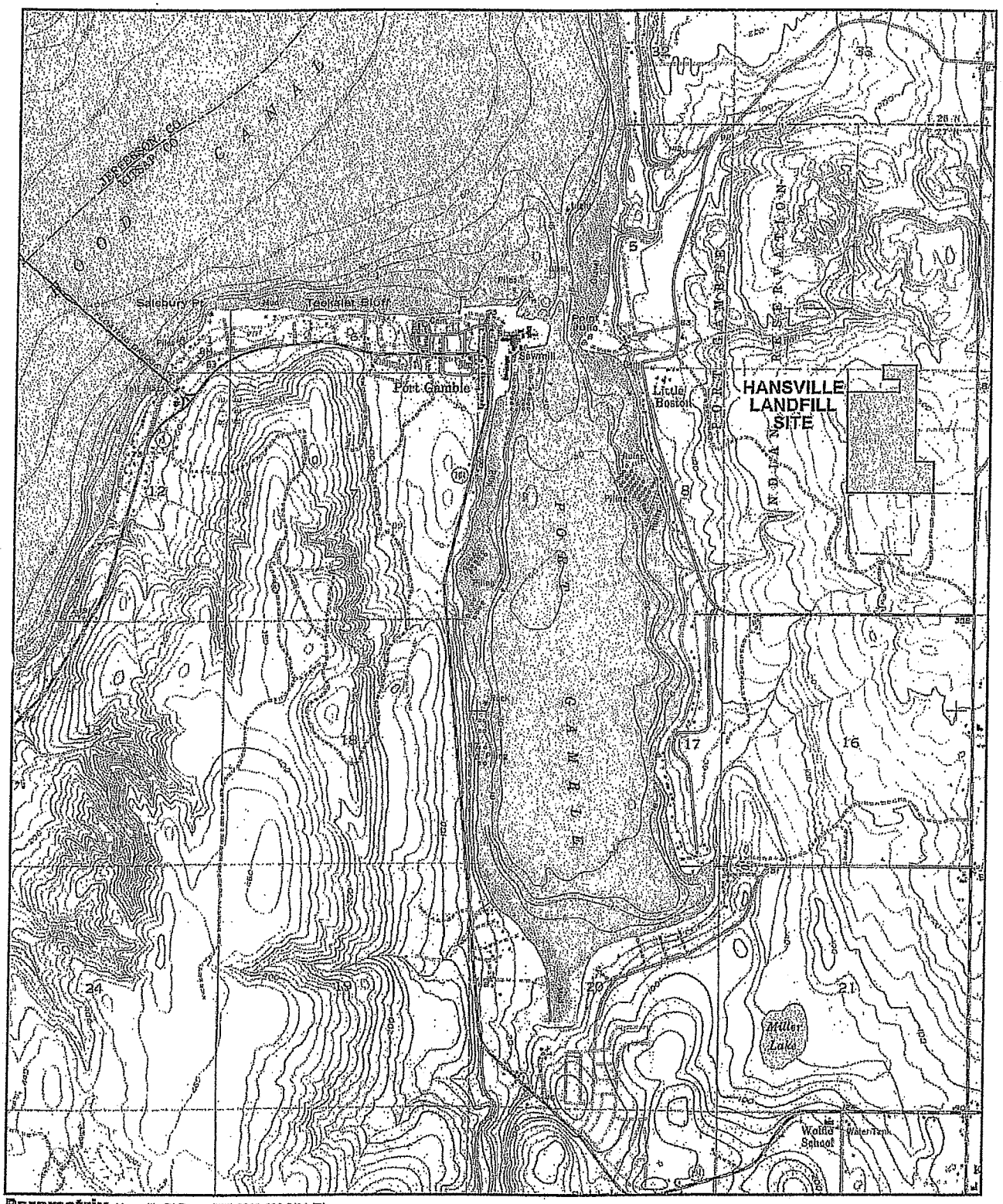
Parametrix Hansville Landfill RI Report 555-2966-002/01(03A) 6/05 (B)

N

SCALE IN FEET

0 5,000 10,000

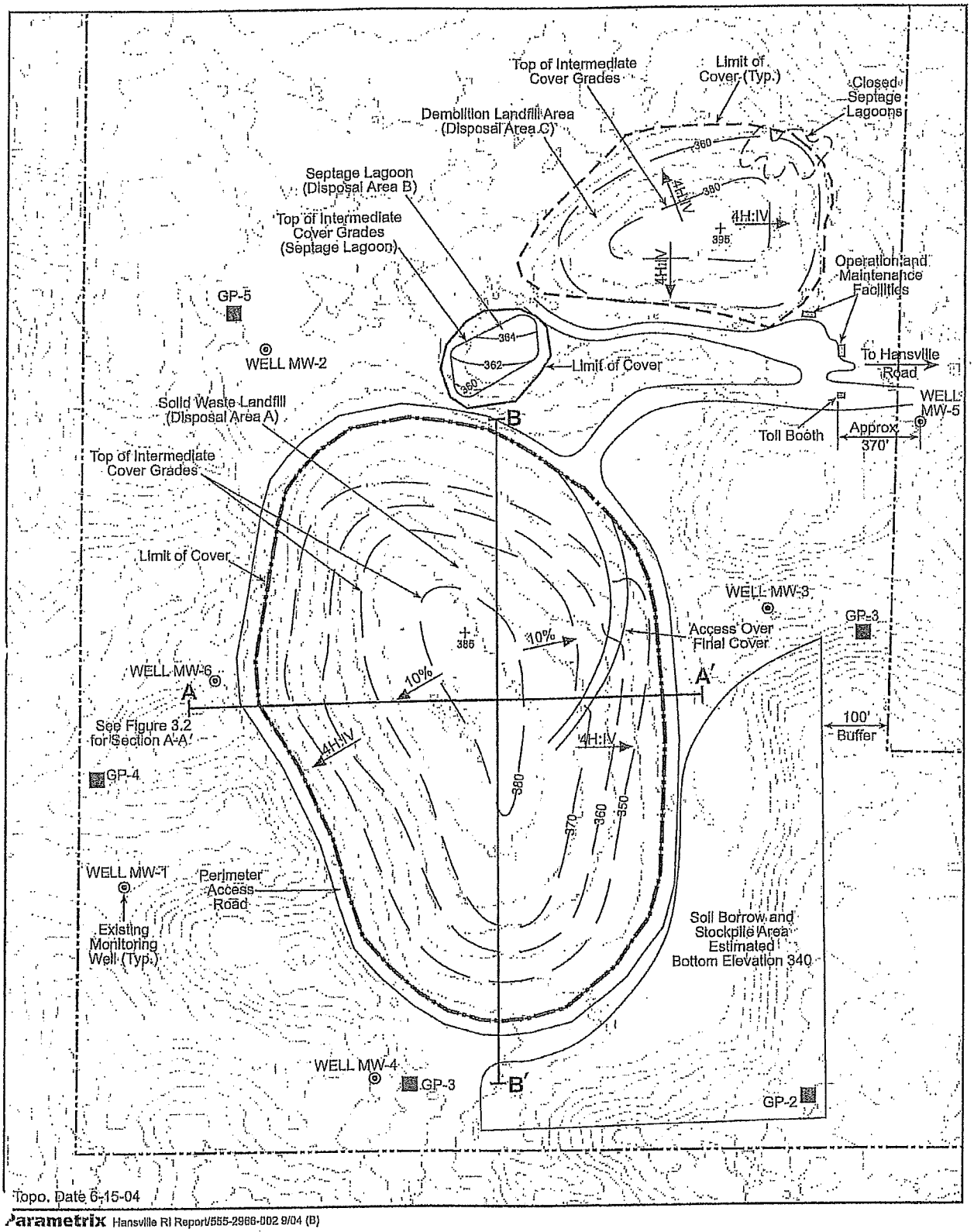
Figure 1
Site Location Map
Hansville Landfill RI/FS



Parametrix Hansville RI Report/555-2966-002 9/04 (B)

N

Figure 2
Site Vicinity Map
Hansville Landfill RI/FS



Parametrix Hansville RI Report/555-2966-002 9/04 (B)

0 N 200'

APPROXIMATE SCALE IN FEET

GP = Gas Probe

Figure 3
Landfill Site Plan
Hansville Landfill RI/FS

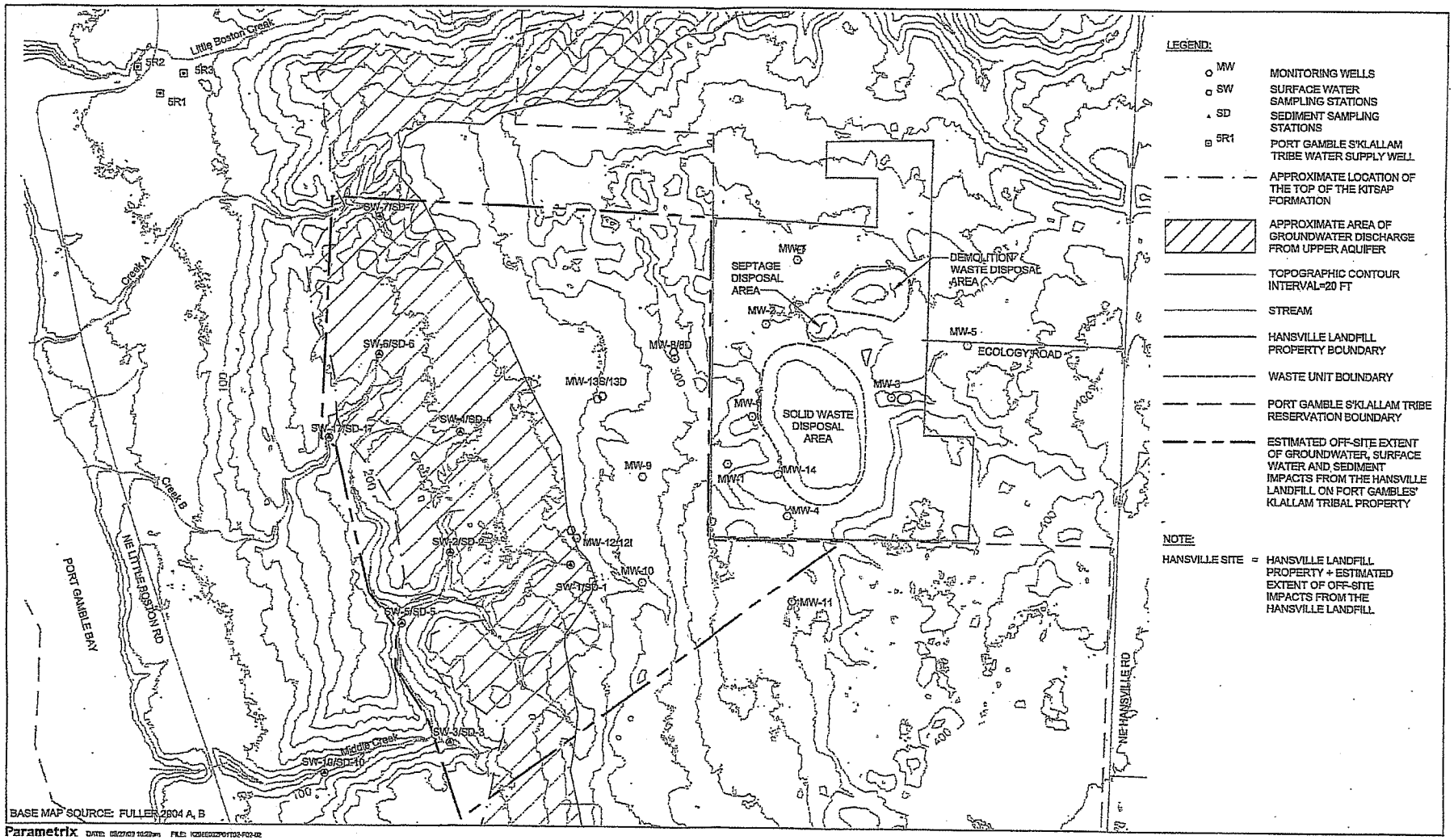


Figure 4
Hansville Landfill Site Boundary
Hansville Landfill FS Report

APPENDIX B

SEPA DETERMINATION OF NON-SIGNIFICANCE – HANSVILLE LANDFILL

KITSAP COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

614 DIVISION STREET MS-36, PORT ORCHARD WASHINGTON 98366-4682 LARRY KEETON, DIRECTOR
(360) 337-5777 FAX (360) 337-4925 HOME PAGE - www.kitsapgov.com/dcd/

MITIGATED DETERMINATION OF NONSIGNIFICANCE

Description of Proposal: **Hansville Landfill Remedial Action Project –** The project consists of the implementation of a Department of Ecology approved remedial action plan at the closed Hansville Landfill site pursuant to the Model Toxics Control Act. The cleanup work is occurring on a 73 acre parcel owned by Kitsap County and is anticipated to take approximately 23 years to complete.

Proponent: Kitsap County

Lead Agency: KITSAP COUNTY

Location of proposal, including street address, if any: The site is 1,500 feet west of Hansville Road, and is accessed via the Hansville Recycling and Garbage Facility at 7791 NE Ecology Road, Hansville, North Kitsap County.

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

☒ This DNS is issued under 197-11-340(2). At the request of the Department of Ecology, Kitsap County is extending the typical 14 day SEPA comment period to 30 days. Comments must be submitted by: **June 13, 2011**.

COMMENTS:
The former disposal areas consisted of a 13-acre municipal solid waste disposal area, a 4-acre demolition disposal area, and a 1/3-acre septage lagoon which accepted septic waste until 1982. The landfill was closed and stopped accepting waste in 1989. A final cover was constructed in accordance with the Minimum Functional Standards for Solid Waste Handling Chapter of the Washington Administrative Code (WAC 173-304). A landfill gas extraction system, a stormwater conveyance system, and a groundwater and surface water monitoring network are currently in operation at the remediation site.

MITIGATION:
The proposed project implements the approved remedial action at the landfill in accordance with the Ecology approved Final Feasibility Study Report and the Ecology issued Cleanup Action Plan. In combination with the existing systems described above, implementation of the approved plans is anticipated to mitigate both short-term and long-term adverse impacts resulting from prior landfill activities.

Responsible Official / Contact Person: Steve Heacock
Position/Title: SEPA Administrator, Dept. of Community Dev. Phone: (360) 337-5777
Address: 614 Division Street, Port Orchard, WA 98366

DATE: **May 13, 2011** Signature: Steve Heacock

You may appeal this determination to the Dept. of Community Development, at 614 Division Street, MS-36, Port Orchard WA 98366, no later than (date) **6/13/2011** in writing, with a $500.00 appeal fee.

You should be prepared to make specific factual objections. Contact Steve Heacock to read or ask about the procedures for SEPA appeals.

APPENDIX C

KEY ELEMENTS OF THE COMPLIANCE MONITORING PLAN

As described in Section 4.3 of this Cleanup Action Plan, a post-CAP Compliance Monitoring Plan will be prepared per the requirements of the future Cleanup Action Consent Decree, and will include all of the elements required by WAC 173-340-820 and -830. The following key elements of the Compliance Monitoring Plan for the selected cleanup action (Natural Attenuation of Groundwater with Enhanced Monitoring and Enhanced Institutional Controls) are included as follows for monitoring of groundwater and surface water:

- Monitoring locations,
- Monitoring frequency, and
- Monitoring parameters.

Monitoring locations and frequency are described in Table C-1 and monitoring parameters are listed in Table C-2. Monitoring locations are shown on Figure C-1.

Monitoring locations and frequency were chosen to provide areal coverage, and to provide the robust data set needed to determine if natural attenuation continues to be an effective remediation strategy. Parameters were chosen based on the list of indicator hazardous substances and on the list of monitoring parameters in Chapter 173-304 WAC an applicable regulation.

All test methods will be sufficient to measure the analyte of interest at the lowest regulated concentration in the matrix of interest.

Table C-1. Compliance Monitoring Network

Station	Function	Frequency	Description
Groundwater Monitoring Wells			
MW-5	Upgradient	Quarterly	Adjacent to the Recycling and Garbage Facility
MW-6	Downgradient	Quarterly	Adjacent to Landfill
MW-7	Downgradient	Quarterly	Adjacent to septage area
MW-12I	Downgradient	Quarterly	On Tribal Property
MW-13D	Downgradient	Quarterly	On Tribal Property
MW-14	Downgradient	Quarterly	Adjacent to Landfill
Surface Water Stations			
SW-1	Downgradient	Quarterly	On Tribal Property
SW-4	Downgradient	Quarterly	On Tribal Property
SW-6	Downgradient	Quarterly	On Tribal Property
SW-7	Downgradient	Quarterly	On Tribal Property

Table C-2. Surface Water and Groundwater Sampling Parameters

Field Parameters (all events):

Quarterly:

Groundwater levels

Oxidation-Reduction Potential (REDOX)*

Dissolved Oxygen (DO)*
pH
Specific Conductance
Temperature

Laboratory Parameters:

Quarterly:

Arsenic
Manganese
Chloride
Ammonia
Nitrate
Nitrite
Bicarbonate
Carbonate
Alkalinity
Sulfate*
Orthophosphate*
Volatile Organics:
Vinyl Chloride by SIM** (all events)
Other (all events):
Total Organic Carbon (TOC)*

Annually:

All Method 8260 compounds

* Parameters indicative of natural attenuation processes
** The three indicator chemicals identified in the FS Report (Parametrix 2009)

Table C-3. Landfill Gas Monitoring:

Quarterly:

Gas Probe temperature
Pressure
% Methane
% Oxygen
% CO_2

Data from gas extraction well balancing will be provided, including Blower CFM, temperature, pressure, methane, oxygen, and CO_2.

Data supplied to Ecology will also be sent to Kitsap County Health, and the Port Gamble S'Klallam Tribe.

APPENDIX D
EVALUATION OF MONITORING DATA

1. Statistical Analysis Methods

The purpose of this procedure is to determine by statistical methods whether the groundwater monitoring data from the Hansville Landfill are falling within limits that show progress towards achieving site cleanup levels specified in the Cleanup Action Plan (CAP). The procedures outlined below generally employ a weight of evidence approach that considers the following:

1) statistically derived trend analysis which helps identify and maintain downward trends,

2) statistical curve fitting which enables a projection of hypothetical clean-up time frames, and

3) confidence limit comparison which ultimately determines the end of corrective action. Each of these procedures is described below.

Chemical Parameters to be Evaluated Statistically

Two of the indicator chemicals from the Feasibility Study (FS), vinyl chloride and arsenic, will be evaluated by the statistical methods described below. Manganese, the third indicator chemical, has a secondary maximum contaminant level (MCL), and does not impact cleanup decisions at the Hansville Landfill site (Ecology 2004). Therefore, manganese will not be evaluated by these statistical methods.

Comparison to Standards (Quarterly/Annually)

- Compare each data value to the corresponding site cleanup level (Table 5-2) to check for exceedances.

- If the groundwater monitoring data exceeds the site cleanup levels, apply trend analysis methods to the data to determine if current downward trends in concentrations are continuing.

Trend Analysis and Time Series Plots (Quarterly/Annually)

The data for vinyl chloride and arsenic for each downgradient monitoring well will be plotted versus time. Statistical trend analysis methods (Mann-Kendall and Sen's Slope tests) will be applied to determine if there is a statistically significant trend and to verify that current downward trends in concentrations are continuing. Significant downward slopes confirm that the chemicals' concentration trends continue to decrease over time.

Trend Projection (Quarterly/Annual)

An exponential decay or attenuation curve will be fit to each set of groundwater data with a significant downward trend to qualitatively evaluate the convergence of the data towards the cleanup level. This procedure involves least squares regression methods and the resulting trend lines will be extended forward in time (several years) as far as is feasible given the data.

Calculation of Upper and Lower Confidence Limits (Annually)

On an annual basis, chemical data from the quarterly groundwater sampling for the two indicator chemicals (vinyl chloride and arsenic) will be statistically evaluated in accordance with ASTM D7048 – 04, Standard Guide for Applying Statistical Methods for Assessment and Corrective Action Environmental Monitoring Programs (ASTM 2004). The purpose of this analysis is to quantitatively verify that current downward trends in concentrations are continuing. The steps in this process are summarized as follows:

- Sample size (N) decision – Since the number of samples (N) will be less than 7 (the last year of data will be used, so N = 4), the path on the flow chart to the left is followed to compute the 95% Normal Upper Confidence Limits (UCLs) and Lower Confidence Limits (LCLs). Note that there are two pathways starting with "Comparison to Standards" but both follow the same steps until the final calculation of UCL or LCL.

- Adjustment for non-detections – Set non-detects to one-half the minimum detection limit (MDL).

- Compute means, UCLs, and LCLs – Calculate the mean, 95% UCL and LCL from the last year (4 quarters) of sampling data.

- Compare to Site Cleanup Levels (SCL) – The UCL and LCL are then compared to the SCLs to determine the position of the UCL and LCL relative to the SCL (above or below) and whether the confidence limits are still converging and approaching the SCL. If a downward trend in the groundwater data is present, the mean, UCL and LCL will trend downward.

2. Chemical Methods (Quarterly/Annually)

The water quality parameters indicative of natural attenuation given in Appendix C will be evaluated to provide evidence of natural attenuation processes. The relative magnitude and trends of such parameters as dissolved oxygen, total organic carbon, and sulfate will provide insights into mechanisms of natural attenuation that are occurring in groundwater at the site.

3. References

American Society for Testing and Materials [ASTM]. 2004. Standard Guide for Applying Statistical Methods for Assessment and Corrective Action Environmental Monitoring Programs. ASTM Designation: D 7048 04. Philadelphia, PA.

Ecology (Washington State Department of Ecology). 1991. Technical Information Memorandum 91-1, Interim Implementation Policy, Chapter 173-200 WAC. From Thomas Eaton, Program Manager, Solid and Hazardous Waste Program, to All Health Districts and Ecology Staff. July 31, 1991.

Ecology. 2000. Proposed Revisions to Groundwater and Surface Water Monitoring Program, Hansville Landfill RI/FS. Letter from Brian Sato, Ecology, to Mike Warfel, Parametrix, Inc. April 3, 2000.

Ecology. 2004. Response to Proposed Approach for Completion of the RI Report, Hansville Landfill RI/FS. Letter from Brian Sato, Ecology, to Mike Warfel, Parametrix, Inc. April 27, 2004.

Parametrix, Inc. 1998. June 1998 – Quarterly Monitoring, Hansville Landfill RI/FS. Letter from Mike Warfel, Parametrix, Inc. to Brian Sato, Ecology. June 15, 1998.

Parametrix, Inc. 1999. Proposed Revisions to Post-Closure Groundwater and Surface Water Monitoring Program, Hansville Landfill. Letter from Mike Warfel, Parametrix, Inc. to Brian Sato, Ecology. November 29, 1999.

Parametrix, Inc. 2007. Final Remedial Investigation Study Report, Hansville Landfill Remedial Investigation/Feasibility Study. Prepared for Kitsap County, Washington and Waste Management of Washington, Inc. July 13, 2007.

Parametrix, Inc. 2009. Final Feasibility Study Report, Hansville Landfill Remedial Investigation/Feasibility Study. Prepared for Kitsap County, Washington and Waste Management of Washington, Inc. June 15, 2009.

United States Environmental Protection Agency (USEPA). 1998. Technical Protocol for Evaluating Natural Attenuation of Chlorinated Solvents in Ground Water. EPA/600/R-98/128. Washington D.C. September 1998.

USEPA. 2009. Statistical Analysis of Groundwater Monitoring Data at RCRA Facilities, Unified Guidance. EPA 530-R-09-007. Washington D.C. March 2009.

APPENDIX E

PUBLIC PARTICIPATION PLAN

DEPARTMENT OF ECOLOGY
State of Washington

Public Participation Plan

Hansville Landfill Site
Hansville, Washington
May 2011

Prepared by:
Washington State Department of Ecology
3190 160th Avenue SE., Bellevue, WA 98008

TABLE OF CONTENTS

INTRODUCTION

The Washington State Department of Ecology (Ecology) is committed to providing public participation opportunities during the investigation and cleanup of hazardous waste sites. The Public Participation Plan is intended to promote understanding of Ecology's responsibilities, planning activities, and remedial activities at hazardous waste sites under the Washington State Model Toxics Control Act (MTCA) (Chapter 70.105D RCW and Chapter 173-340-WAC); the regulations that guide site cleanup. This plan outlines and describes the tools that Ecology uses to inform the public about site activities and identifies opportunities for the community to become involved.

This Document is the Public Participation Plan for the following three actions concerning the Hansville Landfill:

1. The Hansville Landfill Amended Consent Decree.
2. The Hansville Landfill Cleanup Action Plan (CAP).
3. The Mitigated Determination of Nonsignificance (MDNS) under the State Environmental Policy Act (SEPA).

SITE BACKGROUND

Hansville Landfill is 4½ miles south of the community of Hansville,WA on the northernmost reach of the Kitsap Peninsula. The Hansville Landfill is a 73-acre parcel in the northeast quarter of Section 9, Township 27 North, Range 2 East. Bordering the Landfill to the south and west is land owned by the Port Gamble S'Klallam Tribe (Tribe). Surrounding areas to the north and south are zoned low-density residential, rural wooded or light industrial and are sparsely developed. The area directly east of the Landfill has been developed for light industrial use. The nearest permanent residence is located approximately 1,500 feet east and upgradient of the solid waste disposal area of the Landfill.

The Hansville Landfill operated as a municipal landfill serving the northern portion of Kitsap County from about 1962 to 1989. The landfill is divided into three separate units: a 13-acre municipal solid waste landfill; a four-acre demolition

landfill that accepted construction, demolition, and land clearing wastes; and a one-third acre septage lagoon that accepted septic tank pumping waste. The remaining landfill property consists of access roads, a soil borrow area and wooded land. All three landfill units are capped with a final cover system. In addition, an active landfill gas extraction and flaring system was installed within the municipal solid waste and demolition landfill units to control the migration of landfill gas (methane).

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As part of the draft Consent Decree, the Cleanup Action Plan describes the remedial actions that will be undertaken by Kitsap County and Waste Management of Washington, Inc. These actions are proposed as part of the

groundwater and surface water cleanup activities to protect human health and the environment.

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Ecology has chosen an offsite conditional point of compliance on Tribal property with the Tribe's consent as specified in WAC 173-340-720.

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The purpose of this Public Participation Plan is to promote public understanding and participation in the Model Toxics Control Act (MTCA) cleanup activities planned for this site. This section of the plan addresses how Ecology will share information and receive public comments and community input on the site activities.

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Fact Sheet

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Mailing List

Ecology has compiled and maintained a list of interested parties, organizations and residents living near the cleanup site. This list will be used to disseminate information via mail (fact sheets, site updates, public notices, etc.). If you are not on the mailing list for this site and wish to be added, please contact Nancy Lui at nancy.lui@ecy.wa.gov or at 425-649-7117. In the subject line, please indicate "**Hansville Landfill Site**" mailing list.

Newspaper Display Notification

Ecology will place a notification in the newspaper to announce public comment periods, public meetings or hearings for the site.

PUBLIC PARTICIPATION GRANTS AND TECHNICAL ASSISTANCE

Additionally, citizen groups living near contaminated sites may apply for public participation grants during open application periods. These grants help citizens receive technical assistance in understanding the cleanup process and create additional public participation avenues. For more information about the public participation grant, please go to Ecology's website at: http://www.ecy.wa.gov/programs/swfa/grants/ppg.html

Ecology currently does not have a citizen technical advisor for providing technical assistance to citizens on issues related to the investigation and cleanup of the Site.

GLOSSARY

Cleanup: Actions taken to deal with a release, or threatened release of hazardous substances that could affect public health and/or the environment. The term "cleanup" is often used broadly to describe various response actions or phases of remedial responses such as the remedial investigation/feasibility study.

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Information Repository: A file containing current information, technical reports, and reference documents available for public review. The information repository is usually located in a public building that is convenient for local residents such as a public school, city hall, or library.

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- Determine detailed site characteristics and define the extent and magnitude of contamination at a site;
- Evaluate potential impacts on human health & the environment and establish cleanup criteria; and
- Evaluate cleanup alternatives.

Responsiveness Summary: A summary of oral and/or written public comments received by Ecology during a comment period on key documents, and Ecology's responses to those comments.

Site: Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

Site Register: Publication issued every two weeks of major activities conducted statewide related to the study and cleanup of hazardous waste sites under the Model Toxics Control Act. To receive this publication, please call (360) 407-7200. It is also available on Ecology's web site at: http://www.ecy.wa.gov/programs/tcp/pub_inv/pub_inv2.html

APPENDIX F
PRELIMINARY PROJECT SCHEDULE

CAP Implementation	
Begin quarterly monitoring and other activities required by the Consent Decree	Within six months of execution of the consent decree; current monitoring activities to remain in effect until that time
Quarterly Monitoring	Ongoing
Quarterly and Annual Reporting	Ongoing

Periodic Review	Every 5 years

APPENDIX G
ACRONYMS AND GLOSSARY

ARARS	Applicable or Relevant and Appropriate Requirements
CAP	Cleanup Action Plan
DNS	Determination of Non-Significance
FS	Feasibility Study
HWMA	Hazardous Waste Management Act
KCSL	Kitsap County Sanitary Landfill, Inc.
MTCA	Model Toxics Control Act
PCLs	preliminary cleanup levels
POC	points of compliance
RCRA	Resource Conservation and Recovery Act
RI	Remedial Investigation
SAP	Sampling and Analysis Plan
SEPA	State Environmental Policy Act
Tribe	Port Gamble S'Klallam Tribe
WAC	Washington Administrative Code

Hansville Landfill (also referred to as "the Landfill"): Refers to the solid waste disposal area, the demolition waste disposal area, and the septage disposal area.

Hansville Landfill Property (also referred to as "the Property"): Refers to the area encompassed by the Landfill Property boundary, which includes the closed disposal areas (solid waste disposal area, demolition waste disposal area, and septage disposal area), the transfer station, and all other facilities and features within the Property boundary. The closed disposal areas are generally defined by the limits of the final cover system constructed in 1989.

Hansville Landfill Site (also referred to as "the Site"): Refers to the Hansville Landfill Property plus the estimated off-site extent of groundwater, surface water, and sediment impacts from the Hansville Landfill on Port Gamble S'Klallam Tribal property. This definition is consistent with the definition of "Site" in the Consent Decree and WAC 173 340.

Study Area: Refers to the Site and areas beyond the Site that were examined as part of the RI, generally including areas north of Little Boston Road NE and west of Hansville Road NE.

"On-site" and "off-site": Refers to areas on the Landfill Property and off the Landfill Property, respectively, as convenient references to areas of Landfill impacts. These terms should not be confused with "Site" as previously defined above.

EXHIBIT C

PUBLIC PARTICIPATION PLAN

ATTORNEY GENERAL OF WASHINGTON
Ecology Division
PO Box 40117
Olympia, WA 98504-0117
(360) 586-6770

DEPARTMENT OF ECOLOGY
State of Washington

Public Participation Plan

Hansville Landfill Site
Hansville, Washington
May 2011

Prepared by:
Washington State Department of Ecology
3190 160th Avenue SE., Bellevue, WA 98008

TABLE OF CONTENTS

INTRODUCTION

The Washington State Department of Ecology (Ecology) is committed to providing public participation opportunities during the investigation and cleanup of hazardous waste sites. The Public Participation Plan is intended to promote understanding of Ecology's responsibilities, planning activities, and remedial activities at hazardous waste sites under the Washington State Model Toxics Control Act (MTCA) (Chapter 70.105D RCW and Chapter 173-340-WAC); the regulations that guide site cleanup. This plan outlines and describes the tools that Ecology uses to inform the public about site activities and identifies opportunities for the community to become involved.

This Document is the Public Participation Plan for the following three actions concerning the Hansville Landfill:

1. The Hansville Landfill Amended Consent Decree.
2. The Hansville Landfill Cleanup Action Plan (CAP).
3. The Mitigated Determination of Nonsignificance (MDNS) under the State Environmental Policy Act (SEPA).

SITE BACKGROUND

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EXHIBIT D

RESTRICTIVE COVENANT

ATTORNEY GENERAL OF WASHINGTON
Ecology Division
PO Box 40117
Olympia, WA 98504-0117
(360) 586-6770

Restrictive (Environmental) Covenant

After Recording Return to:
John Keeling
Department of Ecology
Northwest Regional Office
3190 160th SE, Bellevue WA

Environmental Covenant

Grantor: Kitsap County
Grantee: State of Washington, Department of Ecology
Legal:
Section 09 Township 27N Range 2E
E1/2 NE1/4 NW1/4 NE1/4 & NW1/4 NE1/4 NW1/4 NE1/4 & S1/2 NW1/4 NE1/4 & N1/2 SW1/4 NE1/4 & SW1/4 NE1/4 EXC N1/2 & W1/2 SW1/4 SE1/4 NE1/4 PER VOL 149/423
Tax Parcel Nos.: 092702-1-005-2007

Grantor, Kitsap County, hereby binds Grantor, its successors and assigns to the land use restrictions identified herein and grants such other rights under this environmental covenant (hereafter "Covenant") made this ____ day of _____, 2011 in favour of the State of Washington Department of Ecology (Ecology). Ecology shall have full right of enforcement of the rights conveyed under this Covenant pursuant to the Model Toxics Control Act, RCW 70.105D.030(1)(g), and the Uniform Environmental Covenants Act, 2007 Wash. Laws ch. 104, sec. 12.

This Declaration of Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by Kitsap County its successors and assigns, and the State of Washington Department of Ecology, its successors and assigns (hereafter "Ecology").

A remedial action (hereafter "Remedial Action") occurred at the property that is the subject of this Covenant. The Remedial Action conducted at the property is described in the following document:

Cleanup Action Plan Hansville Landfill Kitsap County, Washington, dated June, 2011. This document is on file at Ecology's Northwest Regional Office.

This Covenant is required because the Remedial Action resulted in residual concentrations of vinyl chloride which exceed the Model Toxics Control Act Method B Cleanup Level(s) for groundwater established under WAC 173-340-720(4) and the Site Cleanup Levels for arsenic and vinyl chloride specified in Consent Decree No. 95-2-3005-1 and because a conditional point of compliance has been established for groundwater

The undersigned, Kitsap County, is the fee owner of real property (hereafter "Property") in the County of Kitsap, State of Washington, that is subject to this Covenant. The Property is legally described as follows:

Section 09 Township 27N Range 2E
E1/2 NE1/4 NW1/4 NE1/4 & NW1/4 NE1/4 NW1/4 NE1/4 & S1/2 NW1/4 NE1/4 & N1/2 SW1/4 NE1/4 & SW1/4 NE1/4 EXC N1/2 & W1/2 SW1/4 SE1/4 NE1/4 PER VOL 149/423
.

Kitsap County makes the following declaration as to limitations, restrictions, and uses to which the Property may be put and specifies that such declarations shall constitute covenants to run with the land, as provided by law and shall be binding on all parties and all persons claiming under them, including all current and future owners of any portion of or interest in the Property (hereafter "Owner").

Section 1. No groundwater may be taken from the property for domestic, agricultural, or industrial use except for collection of samples from monitoring wells or maintenance activities or as otherwise provided for in the Consent Decree and Cleanup Action Plan.

The Property contains three former landfill units with engineered caps. The Owner shall not alter, modify, or remove any existing cap in any manner that may result in the release or exposure to the environment contamination or create a new exposure pathway without prior written approval from Ecology.

Section 2. Any activity on the Property that may interfere with the integrity of the Remedial Action and continued protection of human health and the environment is prohibited.

Section 3. Any activity on the Property that may result in the release or exposure to the environment of a hazardous substance that remains on the Property as part of the Remedial

Action, or create a new exposure pathway, is prohibited without prior written approval from Ecology.

Section 4. The Owner of the property must give thirty (30) day advance written notice to Ecology of the Owner's intent to convey any interest in the Property. No conveyance of title, easement, lease, or other interest in the Property shall be consummated by the Owner without adequate and complete provision for continued monitoring, operation, and maintenance of the Remedial Action.

Section 5. The Owner must restrict leases to uses and activities consistent with the Covenant and notify all lessees of the restrictions on the use of the Property.

Section 6. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Covenant. Ecology may approve any inconsistent use only after public notice and comment.

Section 7. The Owner shall allow authorized representatives of Ecology the right to enter the Property at reasonable times for the purpose of evaluating the Remedial Action; to take samples, to inspect remedial actions conducted at the property, to determine compliance with this Covenant, and to inspect records that are related to the Remedial Action.

Section 8. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Covenant shall no longer limit use of the Property or be of any further force or effect. However, such an instrument may be recorded only if Ecology, after public notice and opportunity for comment, concurs.

BOARD OF COUNTY COMMISSIONERS
KITSAP COUNTY, WASHINGTON

_____
CHARLOTTE GARRIDO, Chair

_____
ROBERT GELDER, Commissioner

_____
JOSH BROWN, Commissioner

ATTEST:

_____
Dana Daniels, Clerk of the Board

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

_____

[Name of Person Acknowledging Receipt]
[Title]

Dated: _____

[INDIVIDUAL ACKNOWLEDGMENT]

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, and acknowledged that **he/she** is the individual described herein and who executed the within and foregoing instrument and signed the same at **his/her** free and voluntary act and deed for the uses and purposes therein mentioned.

_____
Notary Public in and for the State of Washington, residing at _____.
My appointment expires_____.

[CORPORATE ACKNOWLEDGMENT]

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ personally appeared before me, acknowledged that **he/she** is the _____ of the corporation that executed the within and foregoing instrument, and signed said instrument by free and voluntary act and deed of said corporation, for the uses and purposes therein mentioned, and on oath stated that **he/she** was authorized to execute said instrument for said corporation.

_____
Notary Public in and for the State of Washington, residing at
_____.
My appointment expires_____.

[REPRESENTATIVE ACKNOWLEDGEMENT]

STATE OF _____
COUNTY OF _____

On this _____ day of _____, 20__, I certify that _____ _____ personally appeared before me, acknowledged that **he/she** signed this instrument, on oath stated that **he/she** was authorized to execute this instrument, and acknowledged it as the

_____ [type of authority] of _____ [name of party being represented] to be the free and voluntary act and deed of such party for the uses and purposes mentioned in the instrument.

_____
Notary Public in and for the State of Washington, residing at _____.
My appointment expires _____.

Exhibit A
Legal Description

Section 09 Township 27N Range 2E
E1/2 NE1/4 NW1/4 NE1/4 & NW1/4 NE1/4 NW1/4 NE1/4 & S1/2 NW1/4 NE1/4 & N1/2 SW1/4 NE1/4 & SW1/4 NE1/4 EXC N1/2 & W1/2 SW1/4 SE1/4 NE1/4 PER VOL 149/423