



## **Periodic Review**

Norseland Mobile Estates  
8651 St Hwy 3 SW  
Port Orchard, WA

Facility Site ID#: 2627  
Cleanup Site ID#: 761

Prepared by:  
NWRO Region Office  
Toxics Cleanup Program

May 2017

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|---|-----------|
| <b>1.0 INTRODUCTION.....</b>  | <b>1</b>  |
| <b>2.0 SUMMARY OF SITE CONDITIONS .....</b>   | <b>3</b>  |
| 2.1 Site History .....  | 3         |
| 2.2 Site Investigations .....   | 3         |
| 2.3 Cleanup Levels and Points of Compliance .....   | 6         |
| 2.4 Remedial Actions.....   | 6         |
| 2.5 Environmental Covenant .....  | 7         |
| <b>3.0 PERIODIC REVIEW.....</b>   | <b>9</b>  |
| 3.1 Effectiveness of completed cleanup actions .....  | 9         |
| 3.2 New scientific information for individual hazardous substances for mixtures present at the Site ..... | 9         |
| 3.3 New applicable state and federal laws for hazardous substances present at the Site .....              | 9         |
| 3.4 Current and projected Site use .....  | 10        |
| 3.5 Availability and practicability of higher preference technologies .....                               | 10        |
| 3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels .....       | 10        |
| <b>4.0 CONCLUSIONS.....</b>   | <b>11</b> |
| 4.1 Next Review.....  | 11        |
| <b>5.0 REFERENCES.....</b>  | <b>11</b> |
| <b>6.0 APPENDICES.....</b>  | <b>13</b> |
| 6.1 Vicinity Map .....  | 14        |
| 6.2 Site Plan .....   | 15        |
| 6.3 TPH-Dx Concentration Map.....   | 16        |
| 6.4 Environmental Covenant .....  | 17        |
| 6.5 Photo log .....   | 28        |

## 1.0 INTRODUCTION

This document is a review by the Washington State Department of Ecology (Ecology) of post-cleanup Site conditions and monitoring data to assure human health and the environment are being protected at the Norseland Mobile Estates (Site). Cleanup at this Site was implemented under the Model Toxics Control Act (MTCA) regulations, Chapter 173-340 Washington Administrative Code (WAC).

Cleanup activities at this Site were completed under Consent Decree No.:00 2 02071 8, State of Washington, Department of Ecology v. Kitsap County and Port of Bremerton. The cleanup actions resulted in concentrations of chloride, sulfate, nitrate, cyanide, ammonia, iron, manganese, beryllium, methane, and chloromethane remaining at the Site that exceed MTCA cleanup levels. The MTCA cleanup levels for soil are established under WAC 173-340-740. The MTCA cleanup levels for groundwater are established under WAC 173-340-720. WAC 173-340-420(2) requires Ecology to conduct a periodic review of a Site every five years under the following conditions:

1. Whenever the department conducts a cleanup action
2. Whenever the department approves a cleanup action under an order, agreed order or consent decree
3. Or, as resources permit, whenever the department issues a no further action opinion,
4. and one of the following conditions exists at the site:
  - (a) Institutional controls or financial assurance are required as part of the cleanup;
  - (b) Where the cleanup level is based on a practical quantitation limit; or
  - (c) Where, in the department's judgment, modifications to the default equations or assumptions using Site-specific information would significantly increase the concentration of hazardous substances remaining at the Site after cleanup or the uncertainty in the ecological evaluation or the reliability of the cleanup action is such that additional review is necessary to assure long-term protection of human health and the environment.

When evaluating whether human health and the environment are being protected, the factors Ecology shall consider include [WAC 173-340-420(4)]:

- (a) The effectiveness of ongoing or completed cleanup actions, including the effectiveness of engineered controls and institutional controls in limiting exposure to hazardous substances remaining at the Site.
- (b) New scientific information for individual hazardous substances of mixtures present at the Site.
- (c) New applicable state and federal laws for hazardous substances present at the Site.
- (d) Current and projected Site use.
- (e) Availability and practicability of higher preference technologies; and.
- (f) The availability of improved analytical techniques to evaluate compliance with cleanup levels.

Ecology shall publish a notice of all periodic reviews in the Site Register and provide an opportunity for public comment.

## 2.0 SUMMARY OF SITE CONDITIONS

### 2.1 Site History

From 1942 through 1948 the U.S. Navy occupied the Property and operated Camp Christies which included barracks, officer's quarters and several out-buildings. All buildings and debris was removed from the site or demolished before the Property was transferred to Kitsap County. Puget Service Company leased the land and operated a landfill from 1950 through 1961. Most of the time the landfill was operated as a burn dump. In 1962 the County leased the land to a developer who created Norseland Mobile Estates. In 1963 the County transferred the Property to the Port of Bremerton. In 1991, the Department of Ecology received reports of transitory odors from the Site as well as reports of health issues among the residents. The issues at the Site were believed to originate from the former landfill Site operations. In 1997, the County and Port decided to close the Norseland Mobile Estate Site and to relocate the residents to a new mobile home park.

The properties adjacent to the Norseland Mobile Estates are, to the north and the west is undeveloped land, the property to the northwest consists of light industrial buildings, and the property to the east and south is the Bremerton National Airport. Washington State Highway 3 is also at the east and south, between the Norseland Property and the airport.

The regional geology of the area near the Norseland Site consists of glacial till from glacial advance and outwash gravels and sand that were deposited during glacial recession. Geologic materials from the boreholes at the Site consist of compact to dense silt, fine to medium sand, and gravel to a depth of 60 feet.

Groundwater was observed in two zones during drilling operations. A thin perched zone located between 15 to 20 feet and a deeper zone located at 40 to 60 feet. Groundwater production within wells in the area range from 6 to 20 gallons per minute. Groundwater contours through the Site indicate that water flows to the northwest, consistent with the ground surface topography.

There are two small streams located about one half mile north and south of the Property. Both streams discharge to the Union River located about two miles west of the Site. There are wetlands in the area, although none directly on the property.

### 2.2 Site Investigations

**Initial Investigation (Ecology 1991b).** As a result of the odor and health complaints, in October 1991 Ecology performed an initial investigation to attempt to determine the source of the odors (Ecology 1991b). No conclusions were reached with regard to the source of odors (whether on site from the former Puget Service Company Landfill or offsite); however, Ecology determined that a number of 55-gal drums have been stored at the site and some of them have reportedly been emptied onto the soil and used as burn barrels. An estimated 800 ft<sup>2</sup> area of oil stained soil was identified at the old drum storage area.

**Site Hazard Assessment (Ecology 1992).** Based upon information gathered during the Initial Investigation, the site was added to Ecology's list of Confirmed and Suspected Contaminated Sites as a suspected site. In November 1991, the site was selected for a Site Hazard Assessment and ranking using the Washington Ranking Method (WARM). The SHA (Ecology 1992) was conducted in December 1991 by Ecology.

Ecology conducted air monitoring and collected soil and water samples as part of the SHA. The highest readings for organic compounds in air were observed at the eastern boundary of the OVSL where concentrations of methane measured approximately 70 ppm. Ecology collected soil samples of the "blue clay" fill material and from oil-stained soils in the former drum storage area. Water samples were collected from storm sewer drains.

Ecology concluded in the SHA that the primary concern at the site is the odor problem and its potential health impacts. There was some concern regarding contamination at one exposed location of blue clay and the oily soil area. No firm source of the odor was identified. The site was given a ranking of 2 through the WARM scoring process. The scoring was based on the relative toxicity of the lead detected in the "blue clay," the proximity of the site to populated areas and fishery resources, and the lack of runoff control, cover or vapor recovery for the petroleum-impacted and "blue clay" areas.

**Washington State Department of Health Survey (DOH 1992a).** In February and March 1992 the Washington State Department of Health (DOH) conducted a health survey of residents at the mobile home park (DOH 1992a). The survey consisted of a questionnaire mailed to 108 residents of the mobile home park and was conducted to assess the health status of the residents as well as gather information about the odors. Over half of the residents responded that they had first detected the odor between April and November 1991. The residents most frequently indicated that they detected the odor on a daily basis. Sixty-six percent of the respondents indicated that they had experienced one or more health symptoms. The study concluded that there was no evidence of an acute health threat posed by the site. The residents may have an increased reporting of respiratory complaints; however, other symptoms appeared to be within the normal range. Additional investigation and characterization of the site was recommended to identify compounds which could be causing the reported odors (Ecology 1994a; DOH 1992a).

**U.S. Navy Records Search. (Navy 1992).** In 1992, the US Navy conducted an historical records search regarding past Navy ownership, operation and waste disposal activities at the Norseland site, in particular whether the Navy disposed of the so-called "blue clay" at the site. The report concludes that the Navy was not the source of the "blue clay" used as fill at the site, and there was no evidence to support allegations that the Navy disposed of Illateral at the site.

**Site Investigation at Norseland Mobile Estates (SAIC 1992).** Prompted by complaints of odors and environmental concerns, Science Applications International Corporation (SAIC) conducted a study for the Port of Bremerton in April/May 1992 involving an historical records search, soil gas survey, and ambient air sampling (SAIC 1992). The US Army and Navy, Kitsap County, City of Bremerton, past park owners and private garbage haulers were identified as

potential contributors to the former landfill. However, no written records of disposal activities were found in the study. The exact source of the site odors was not identified in the study; however, it was stated that both an off-site (Olympic View Sanitary Landfill) and an on-site subsurface source (potentially the former Puget Service Company landfill) are likely present. Odor episodes were correlated with calm or low wind conditions. Soil gas, and on-site and off-site ambient air sampling suggested that a variety of organic compounds (including benzene, toluene, ethylbenzene, and xylene (BTEX)) are present in the subsurface at Norseland and in the ambient air at Norseland and OVSL. Low levels of methane and sulfide compounds were detected at OVSL but not at Norseland. Several compounds detected in ambient air samples at Norseland and OVSL exceeded MTCA air standards. The report recommended additional investigations to confirm the presence of soil contamination, additional ambient air sampling, and a geophysical survey to delineate the extent of disposal areas at the Norseland site. This information could be evaluated in the context of a human health risk assessment.

**PETREX Soil Gas Survey (AGI 1993a).** Applied Geotechnology Inc. (AGI) conducted a soil gas survey at the mobile home park during December 1992. PETREX soil gas samplers were placed at five locations associated with past landfill operations. The samplers were placed at specific locations of suspected contamination. AGI did not detect any volatile organic compounds or semi-volatile organic compounds which might indicate soil gas contamination in any of the samplers. The report concluded that the data suggest that soil gas does not substantially contribute to odor events.

**Air Sampling Results (AGI 1993b)** AGI personnel conducted ambient air sampling during an "odor event" on April 21, 1993. Samples were collected from three outside locations and one inside location (inside one of the site mobile homes). Sample analysis was performed for volatile organics compounds (VOCs), fixed gases, sulfur compounds, and aldehydes. No VOCs, sulfur compounds, or aldehydes were detected in the outdoor samples collected at the site. Low concentrations of several compounds were detected in an air sample collected from inside a home.

**Site Radiation Survey at Norseland (DOH 1993).** A radiation survey of the Norseland neighborhood and open field adjacent to the site was made by DOH radiation personnel. No elevated readings were observed.

**Drinking Water Study (DOH 1992b).** The Washington State Department of Health tested the drinking water supplied to the mobile home park and found it to be of good quality and satisfactory for use. The results indicated that there was no evidence of contamination of the water system from leaching of organic or inorganic chemicals through the water distribution system at the site.

**Additional Soil Sampling (Ecology 1993).** Ecology conducted additional sampling of the petroleum-contaminated soils and so-called "blue clay" to determine whether additional action was warranted with regards to these materials. The results of the blue clay sampling, which included the collection of 20 samples for chemical testing and statistical analysis of results, indicated that lead and chromium are below MTCA cleanup levels for these soils and no further

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action is warranted. The petroleum-contaminated soils contained Total Petroleum Hydrocarbon (TPH) concentrations of 360 and 600 mg/kg. The TPH is most likely lube oil or heavy motor oil. The petroleum-contaminated soils at Norseland represent a small, isolated surface staining of soils (approximately 800ft<sup>2</sup>) identified and sampled by Ecology. These soils are specifically excluded from the RI/FS per the Consent Decree. Remediation of these soils is to be done independently by the potentially liable person.

**Odor Monitoring Network Report (BKCHD 1995).** The study consisted of a compilation of observations made at six locations in the area over the period April 1993 to March 1994. The observations were made utilizing a standardized system for recording odor observations. Odors occurred throughout the period of the study. The majority of the strong odors occurred during early morning or late evening when air mixing is lowest. Odors decreased during periods of increased wind. The OVSL was identified as the most likely source of the odors. The presence of the odors indicated the need for continued gas control improvements at OVSL and the use of best available technology to minimize odor impacts from the landfill.

**Landfill Boundaries (Geophysical Survey Results 1996).** An EM-31 and GPR survey were performed at the Site to delineate the boundaries of the former Landfill. The electromagnetic survey was successful in identifying the west boundary of the landfill. A ground penetrating radar survey was completed along the sites streets and several other locations in order to define the eastern boundary of the landfill debris. The GPR survey indicated that several lots in the west-central portion of the site are partially or wholly underlain by landfill debris.

**Test Pit Observations (Golder Assoc., 1996).** The test pit excavations confirmed the results of the geophysical surveys in delineating the landfill debris.

## 2.3 Cleanup Levels and Points of Compliance

[summary of cleanup standards here]

## 2.4 Remedial Actions

During the Remedial Investigation (RI) and Feasibility Study (FS), four alternative remedies were developed. The four remedies are (1) No Action, (2) Institutional Controls and Monitoring, (3) Permeable Soil Cap, and (4) Low Permeability Cap.

After evaluation of the alternatives based on the seven criteria in WAC 173-340-360 that include (1) Protectiveness, (2) Permanence, (3) Cost, (4) Effectiveness over the long term, (5) Management of short term risk, (6) technical and administrative implementability, and (7) Consideration of public concerns, alternative 3 was selected as the best remediation option.

The alternative three remedy consists of (1) a permeable soil cap that is 18 inches thick and is overlain by 6 inch thick vegetated topsoil layer. The vegetated layer will promote evapotranspiration and decrease potential erosion of the cap.



The underlying 18 inch soil layer will be graded to even out the topography and serve as a base to the vegetated topsoil. Since the soil layer is relatively uniform, it will provide a more homogeneous area for any landfill gasses to diffuse through the full area (11 acres) covered by the cap. This diffusion is intended to mitigate buildup of gas pockets beneath the soil cap. Because of the simplicity of the cap, little maintenance will be required to maintain this remedy. The cap also provides a barrier to direct contact with landfill debris. In the event that the capped area is ever developed with buildings, landfill gas control measures, such as passive venting would be required.

Requirements for this remedy included cap maintenance, surface water control, groundwater and ambient air compliance monitoring, and restricted land use. A restrictive covenant was recorded on the Site on August 9, 2000. Because there was no exceedance of the ambient air or groundwater monitoring contaminant levels, the Site was removed from the Washington State Confirmed or Suspected Contaminated Sites List after a public notice and comment response during 2011.

## **2.5 Environmental Covenant**

Based on [pick applicable wording] the Site use, surface cover and cleanup levels, it was determined that the Site was eligible for a 'No Further Action' determination if an environmental covenant (Covenant) was recorded for the property. A Covenant was recorded for the Site in August 9, 2000 that imposed the following limitations:

1. The owner shall not disrupt the integrity of the cap required by the cleanup action plan in any manner that will expose waste materials or create a new exposure pathway to the environment without prior written approval from Ecology. However, maintenance or minor temporary alterations of the cap may be permitted so long as appropriate health and safety protocols are followed and the cap is repaired in a manner consistent with the Cleanup Action Plan. In addition, excavation or other activities connected with the site development are permitted so long as appropriate health and safety protocols are followed, Ecology is given prior notice of development activities and a cap of equivalent protectiveness is provided following development.
2. Unless authorized by the Cleanup Action Plan or this Restrictive Covenant, 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.
3. Unless authorized by the Cleanup Action Plan or this Restrictive Covenant, 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.
4. Unless authorized by the Cleanup Action Plan, the Owners will not withdraw groundwater from the Property.
5. Residential use, agricultural use, child daycare, educational institutions, and overnight recreational use on the Property is prohibited without prior approval by Ecology.

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6. Subject to Section 5 herein, following remediation, any activity listed for an industrial zone by Kitsap County Zoning Ordinance Section 370, Industrial Zone (IND), dated June 22, 1998 (See Appendix D of the Cleanup Action Plan) is permitted.
  7. The owner of the Property must give thirty (30) day's advanced written notice to Ecology of the Owners 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.
  8. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all leases of the restrictions on the use of the Property.
  9. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.
  10. For the duration of the Consent Decree which requires the Remedial Action, the Owner shall allow Ecology, it's employee's, agent's, contractor's, and authorized representatives an irrevocable right to enter upon the property with reasonable notice and at any reasonable time for purposes from following Ecology to monitor and enforce compliance with the decree, including, but not limited to: (1) inspecting records, operations logs, and contracts related to work being performed pursuant to the Decree; (2) reviewing the Owners progress in carrying out the terms of the Decree; (3) conducting such tests or collecting such samples as Ecology may deem necessary; (4) using a camera, sound recording or other documentary type equipment to record work done pursuant to the Decree; (5) verify the data submitted to Ecology by the Owner. Consistent with Ecology's responsibility under state law, Ecology, and any person acting for it, shall use reasonable efforts not to interfere with the operations of Owner or Owner's lessee by any such entry. In the event Ecology agrees that it shall provide reasonable notice to the Owner of any planned activity, as well as schedules and locations of activities at the Property. Ecology further agrees to consider any request to modify its scheduled entry or activities at the Property. Notwithstanding any provision of this Restrictive Covenant, Ecology retains all access authorities and access rights, including enforcement authorities related hereto, under applicable law.
  11. The Owners of the Property reserves the right under WAC 173-340-440 to record and instrument that provides that this Restrictive 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.

The Covenant is available as Appendix 6.3.

## **3.0 PERIODIC REVIEW**

### **3.1 Effectiveness of completed cleanup actions**

The Covenant for the Site was recorded and is in place. This Covenant prohibits activities that will result in the release of contaminants at the Site without Ecology's approval, and prohibits any use of the property that is inconsistent with the Covenant. This Covenant serves to ensure the long term integrity of the remedy.

Based upon the Site visit conducted on April 28, 2016, the cover and institutional controls at the Site continue to eliminate exposure to contaminated soils by ingestion and contact. The cover appears in satisfactory condition and no repair, maintenance, or contingency actions have been required. The Site is undeveloped land. A photo log is available as Appendix 6.5.

Soils with chloride, sulfate, nitrate, manganese, and beryllium concentrations higher than MTCA cleanup levels are still present at the Site. However, the remedy prevents human exposure to this contamination by ingestion and direct contact with soils. The Covenant for the property will ensure that the contamination remaining is contained and controlled.

### **3.2 New scientific information for individual hazardous substances for mixtures present at the Site**

There is no new scientific information for the contaminants related to the Site.

### **3.3 New applicable state and federal laws for hazardous substances present at the Site**

The cleanup at the Site was governed by Chapter 173-340 WAC (1996) provides that,

“A release cleaned up under the cleanup levels shall not be subject to further cleanup action due solely to subsequent amendments to the provision in this chapter on cleanup levels, unless the department determines, on a case-by-case basis, that the previous cleanup action is no longer sufficiently protective of human health and the environment.”

Although cleanup levels changed for petroleum hydrocarbon compounds as a result of modifications to MTCA in 2001, contamination remains at the Site above the new MTCA Method A and B cleanup levels. Even so, the cleanup action is still protective of human health and the environment. A table comparing MTCA cleanup levels from 1991 to 2001 is available below.

#### **Example CUL Comparison Table**

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| <b>Analyte</b> | <b>1991 MTCA Method A Soil Cleanup Level (ppm)</b> | <b>2001 MTCA Method A Soil Cleanup Level (ppm)</b> | <b>1991 MTCA Method A Groundwater Cleanup level (ppb)</b> | <b>2001 MTCA Method A Groundwater Cleanup Level (ppb)</b> |
|----------------|--|--|---|---|
| Cadmium        | 2  | 2  | 5   | 5   |
| Lead           | 250  | 250  | 5   | 15  |
| TPH            | NL   | NL   | 1000  | NL  |
| TPH-Gas        | 100  | 100/30   | NL  | 1000/800  |
| TPH-Diesel     | 200  | 2000   | NL  | 500   |
| TPH-Oil        | 200  | 2000   | NL  | 500   |

**MTCA = Model Toxics Control Act**

**NL = None listed**

**ppb = parts per billion**

**ppm = parts per million**

**TPH = total petroleum hydrocarbons**

### **3.4 Current and projected Site use**

The Site is currently used for [insert use, like: commercial and industrial] purposes. There have been no changes in current or projected future Site or resource uses.

### **3.5 Availability and practicability of higher preference technologies**

The remedy implemented included containment of hazardous substances, and it continues to be protective of human health and the environment. While higher preference cleanup technologies may be available, they are still not practicable at this Site.

### **3.6 Availability of improved analytical techniques to evaluate compliance with cleanup levels**

The analytical methods used at the time of the remedial action were capable of detection below selected Site cleanup levels. The presence of improved analytical techniques would not affect decisions or recommendations made for the Site.

## 4.0 CONCLUSIONS

- The cleanup actions completed at the Site appear to be protective of human health and the environment.
- Soils cleanup levels have not been met at the standard point of compliance for the Site; however, the cleanup action has been determined to comply with cleanup standards since the long-term integrity of the containment system is ensured, and the requirements for containment technologies are being met.
- Institutional controls in the form of a covenant are in place at the Site and will be effective in protecting public health and the environment from exposure to hazardous substances and protecting the integrity of the cleanup action.

Based on this periodic review, Ecology has determined that the requirements of the Covenant are being followed. No additional cleanup actions are required by the property owner. It is the property owner's responsibility to continue to inspect the Site to assure that the integrity of the remedy is maintained.

### 4.1 Next Review

The next review for the Site will be scheduled five years from the date of the site visit for this periodic review. In the event that additional cleanup actions or institutional controls are required, the next periodic review will be scheduled five years from the completion of those activities.

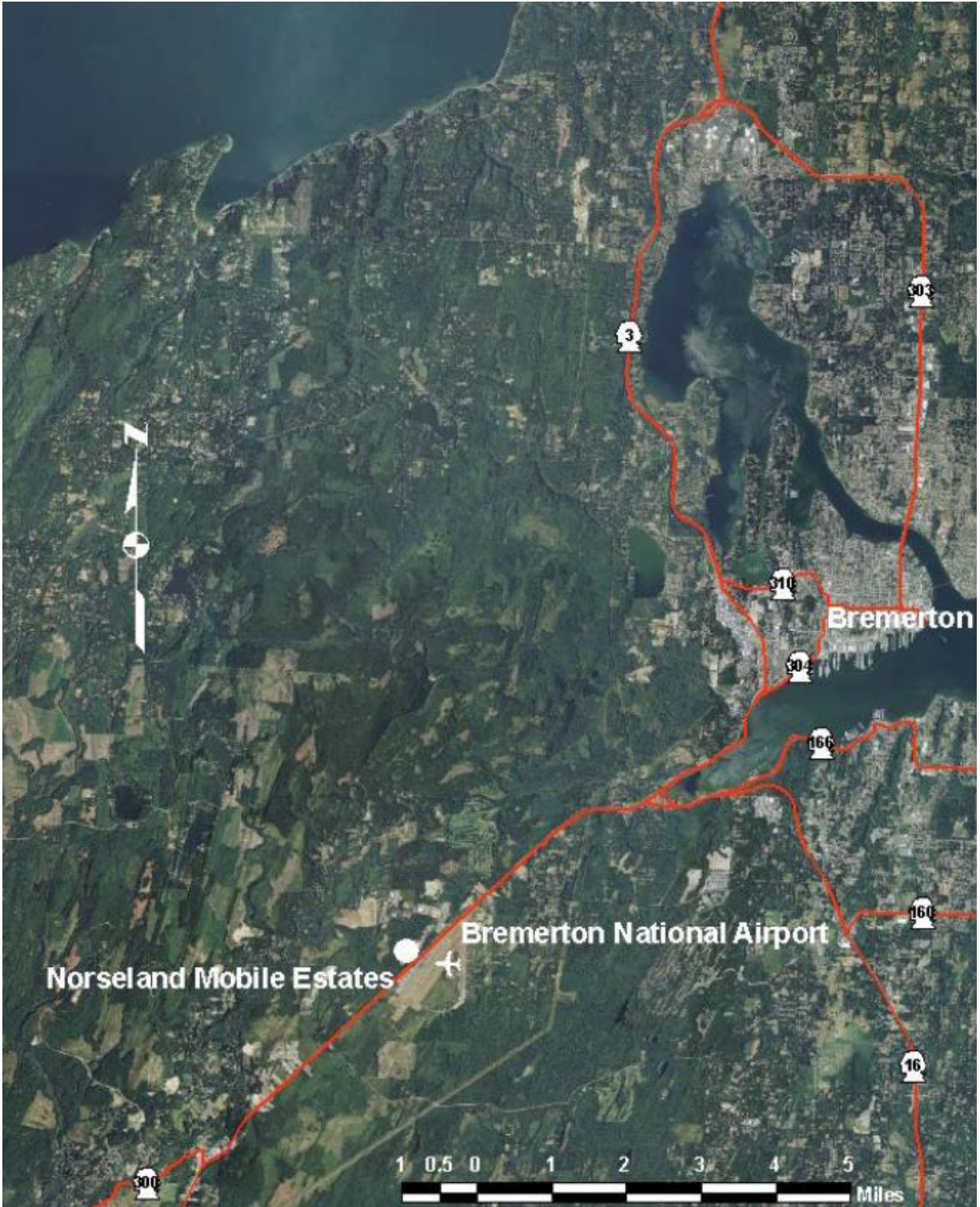
## 5.0 REFERENCES

- 1- Golder and Associates, Draft Final Remedial Investigation and Feasibility Study for the Norseland Mobile Estates. December 4, 1996.
- 2- Port of Bremerton, Restrictive or *Environmental Covenant*. August 9, 2000
- 3- Ecology, Site Visit, April 2011.
- 4- Ecology, Periodic Review and Proposed Removal from the Hazardous Sites List Fact Sheet, June 2011.
- 5- Ecology. *Site Visit*. April 28, 2016



## **6.0 APPENDICES**

## 6.1 Vicinity Map

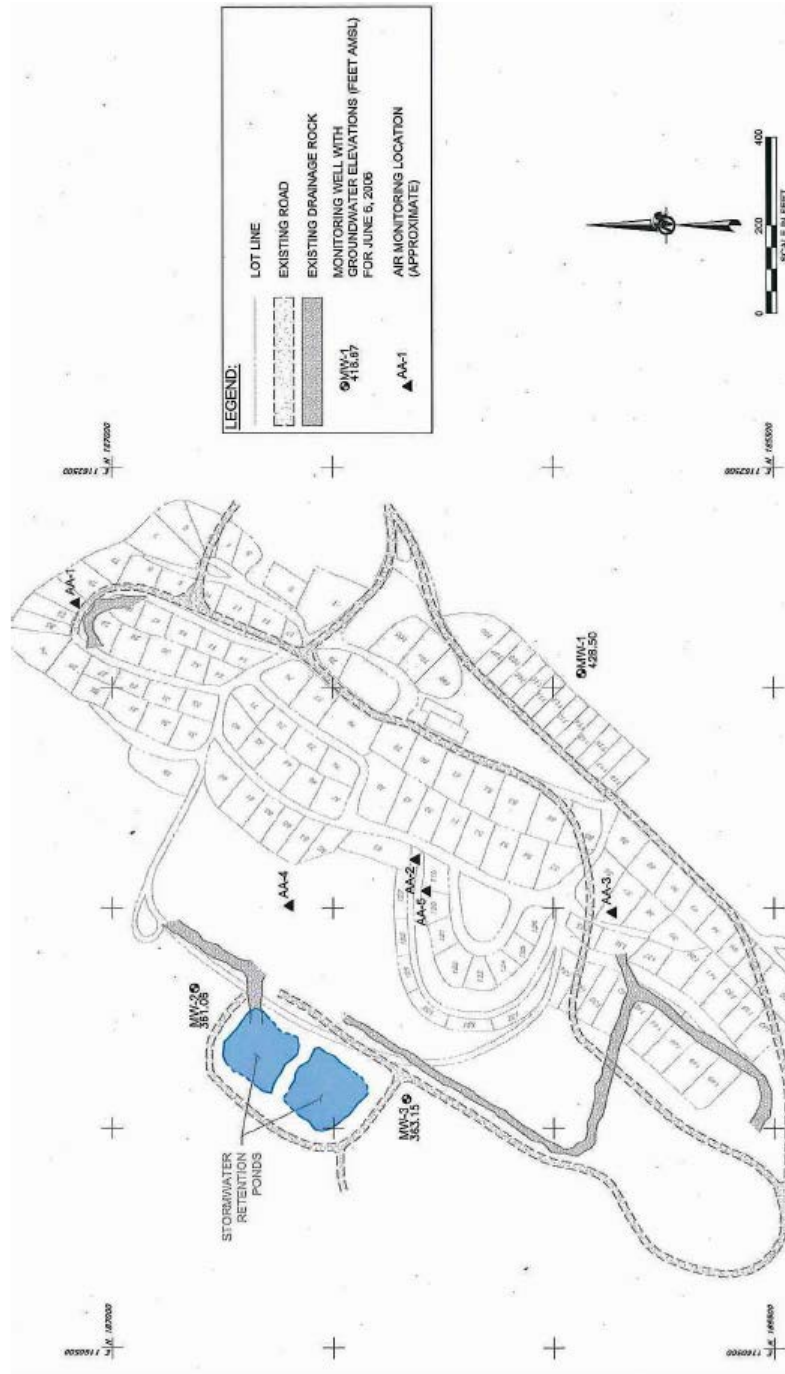




## 6.2 Site Plan



### 6.3 Concentration Map



### 6.4

## Environmental Covenant

**AFTER RECORDING MAIL TO:**

William F. Joyce  
Ogden Murphy Wallace, P.L.L.C.  
1601 Fifth Avenue, Suite 2100  
Seattle, WA 98101-1686



**DOCUMENT TITLE:** Restrictive Covenant  
**GRANTOR(S):** Port of Bremerton  
**GRANTEE(S):** Washington State Department of Ecology  
**LEGAL DESCRIPTION:** Reference Attachment B  
(8651 State Hwy 3 SW, Port Orchard WA  
a portion of Section 11, Township 23N, Range 1W)  
*SE 1/4 & NE 1/4 of the SW 1/4 of SEC 11*  
**REFERENCE NUMBER:**  
**ASSESSOR'S PROPERTY TAX PARCEL/ACCOUNT NUMBER:** A portion of Assessor's #1123-01-3-001-1000

**RESTRICTIVE COVENANT  
NORSELAND MOBILE ESTATES**

This Declaration of Restrictive Covenant is made pursuant to RCW 70.105D.030(1)(f) and (g) and WAC 173-340-440 by the Port of Bremerton, 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 Restrictive Covenant. The Remedial Action conducted at the property is described in the following documents: 1) Consent Decree, dated July 6, 2000; and 2) Cleanup Action Plan, dated May 17, 2000. These documents are on file at Ecology's Northwest Regional Office (NWRO).

This Restrictive Covenant is required because the Remedial Action resulted in residual concentrations of certain hazardous substances which exceed the Model Toxics Control Act Method A Residential Cleanup Level for Soil established under WAC 173-340-740, as described in the RI/FS for Norseland Mobile Estates dated May 1997.

The undersigned, the Port of Bremerton, is the fee owner of real property (hereafter "Property") in the County of Kitsap, State of Washington, that is subject to this Restrictive Covenant. The Property boundaries are depicted in Attachment A. The Property is legally described as set forth in Attachment B. The extent of documented landfill debris at the Property is depicted on Attachment C. The extent of the permeable cap required by the Cleanup Action Plan is depicted on Attachment D.

The Port of Bremerton 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. The Owner shall not disrupt the integrity of the cap required by the Cleanup Action Plan in any manner that will expose waste materials or create a new exposure pathway to the environment without prior written approval from Ecology. However, maintenance or minor, temporary alterations of the cap may be permitted so long as appropriate health and safety protocols are followed and the cap is repaired in a manner consistent with the Cleanup Action Plan. In addition, excavation or other activities connected with site development are permitted so long as appropriate health and safety protocols are followed, Ecology is given prior notice of development activities, and a cap of equivalent protectiveness is provided following development.

Section 2. Unless authorized by the Cleanup Action Plan or this Restrictive Covenant, 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. Unless authorized by the Cleanup Action Plan or this Restrictive Covenant, 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. Unless authorized by the Cleanup Action Plan, the Owner will not withdraw groundwater from the Property.

Section 5. Residential uses, agricultural uses, child daycare, educational institutions, and overnight recreational uses on the Property are prohibited without prior approval by Ecology.

Section 6. Subject to Section 5 herein, following remediation, any activity listed for an industrial zone by Kitsap County Zoning Ordinance Section 370, Industrial Zone (IND), dated June 22, 1998 (See Appendix D of Cleanup Action Plan) is permitted.

Section 7. The Owner of the Property must give thirty (30) days' 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 8. The Owner must restrict leases to uses and activities consistent with the Restrictive Covenant and notify all lessees of the restrictions on the use of the Property.

Section 9. The Owner must notify and obtain approval from Ecology prior to any use of the Property that is inconsistent with the terms of this Restrictive Covenant. Ecology may approve any inconsistent use only after public notice and comment.



Section 10. For the duration of the Consent Decree which requires the Remedial Action, the Owner shall allow Ecology, its employees, agents, contractors and authorized representatives an irrevocable right to enter upon the property with reasonable notice and at any reasonable time for purposes for allowing Ecology to monitor and enforce compliance with the Decree, including, but not limited to: (1) inspecting records, operation logs, and contracts related to the work being performed pursuant to the Decree; (2) reviewing the Owner's progress in carrying out the terms of the Decree; (3) conducting such tests or collecting such samples as Ecology may deem necessary; (4) using a camera, sound recording or other documentary type equipment to record work done pursuant to the Decree; and (5) verifying the data submitted to Ecology by the Owner. Consistent with Ecology's responsibility under state law, Ecology, and any persons acting for it, shall use reasonable efforts not to interfere with the operations of Owner or Owner's lessees by any such entry. In the event Ecology enters the Property for reasons other than emergency response, Ecology agrees that it shall provide reasonable notice to Owner of any planned activity, as well as schedules and locations of activities on the Property. Ecology further agrees to consider any requests to modify its scheduled entry or activities at the Property.

Notwithstanding any provision of this Restricted Covenant, Ecology retains all of its access authorities and access rights, including enforcement authorities related thereto, under applicable law.



Section 11. The Owner of the Property reserves the right under WAC 173-340-440 to record an instrument that provides that this Restrictive 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.

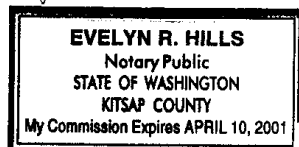
Mary Ann Huntington  
PORT OF BREMERTON  
Mary Ann Huntington, President

August 8, 2000  
DATE SIGNED

STATE OF WASHINGTON  
COUNTY OF KITSAP ) ss.  
)

I certify that I know or have satisfactory evidence that MARY ANN HUNTINGTON is the person who appeared before me, and said person acknowledged that he/she was authorized to execute the instrument and acknowledged it as PRESIDENT of the Port of Bremerton to be the free and voluntary act and deed of such party for the uses and purposes mentioned in this instrument.

DATED: August 8, 2000



Evelyn R. Hills  
NOTARY PUBLIC

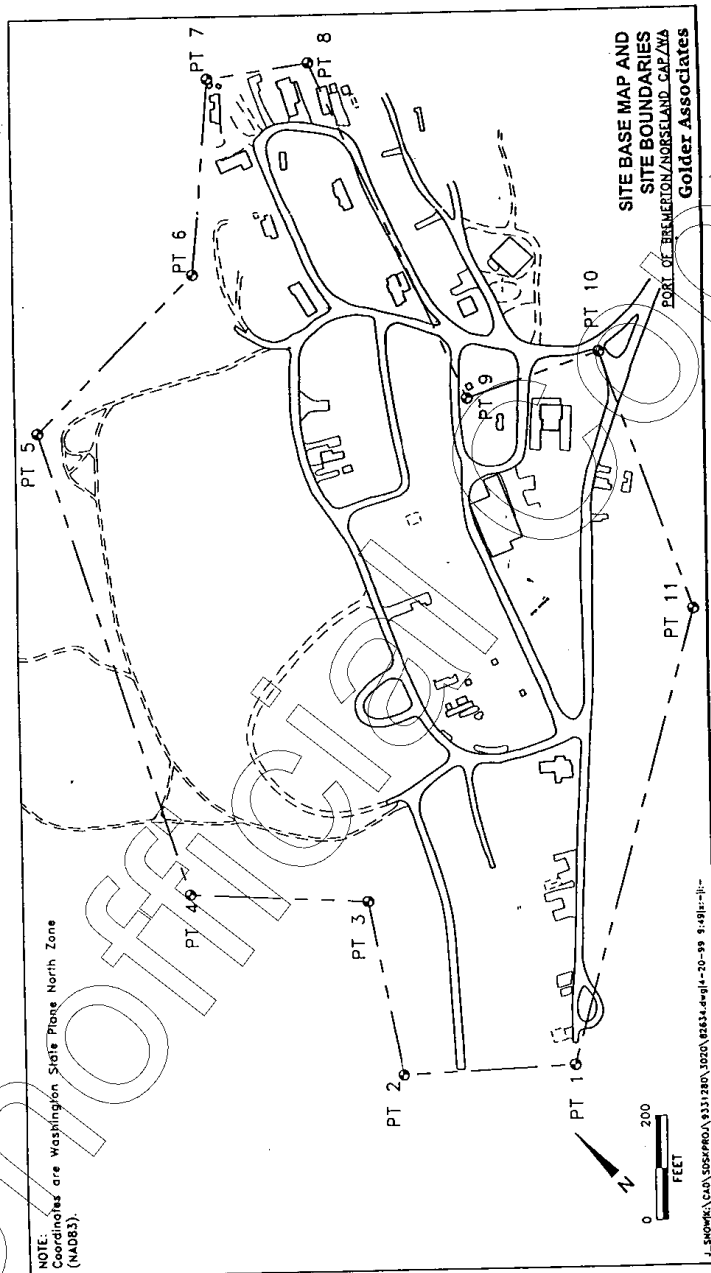




Unofficial Copy

CELYN HILLS  
(Print Name)  
My appointment expires: 4-12-01

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Page: 7 of 11  
08/09/2000 02:00P  
PORT OF BREMERTON COVEN #18.00 Kitsap Co, WA



ATTACHMENT A

200008090107  
Page: 8 of 11  
03/09/2000 02:00P  
PORT OF BREMER/TON COVEN \$18.00 Kitsap Co, WA

ATTACHMENT B

The Site is described by the following coordinates given in Washington Plane North Zone (NAD 83):

| SITE CORNER | EAST (NAD 83) | NORTH (NAD 83) |
|-------------|---------------|----------------|
| PT 11       | 1162042.640   | 185911.123     |
| PT 10       | 1162256.773   | 186386.180     |
| PT 9        | 1162019.625   | 186497.181     |
| PT 8        | 1162250.010   | 187165.678     |
| PT 7        | 1162090.916   | 187277.058     |
| PT 6        | 1161807.593   | 187025.055     |
| PT 5        | 1161389.786   | 187016.284     |
| PT 4        | 1160984.916   | 186184.298     |
| PT 3        | 1161216.576   | 185940.440     |
| PT 2        | 1161031.881   | 185654.590     |
| PT 1        | 1161276.435   | 185442.803     |

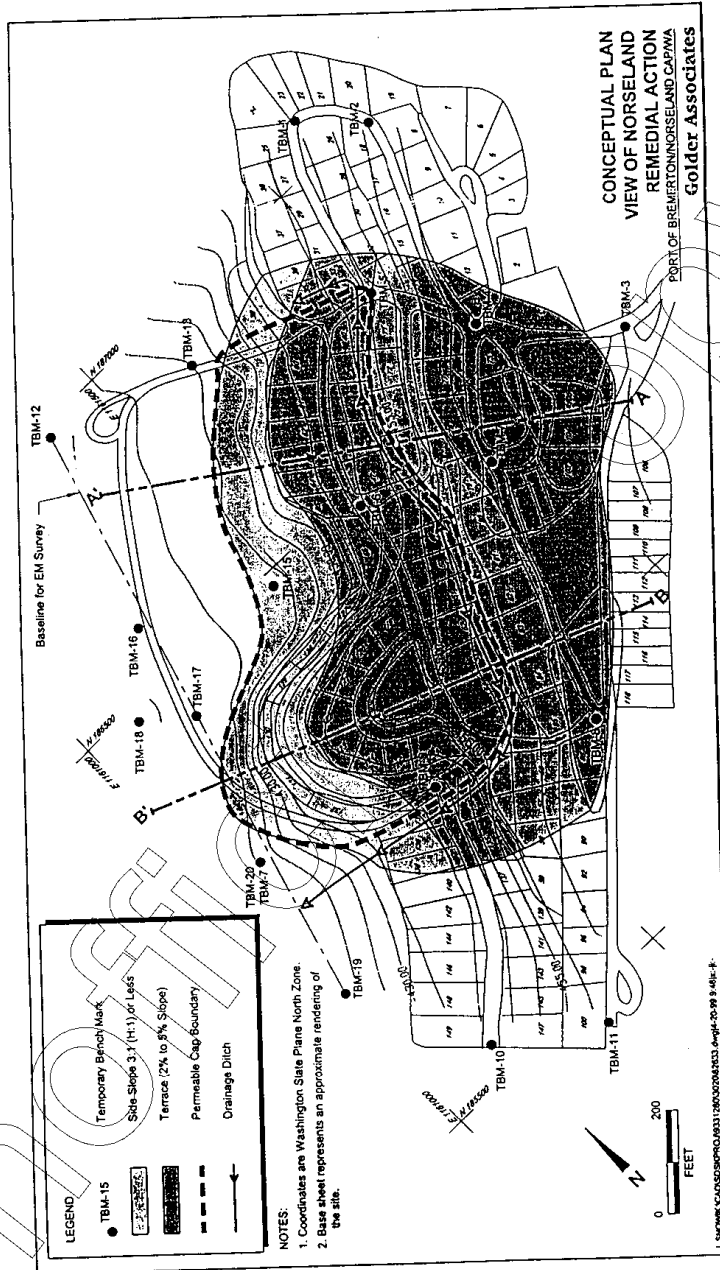
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Page: 9 of 11  
08/09/2008 02:08P  
PORT OF BREMERTON COVEN \$18.00 Kitsap Co, WA



ATTACHMENT C

200008090107  
Page: 10 of 11  
08/05/2000 02:00P  
PORT OF BREMERTON COVEN #18.00 Kitsap Co, WA



ATTACHMENT D

200008090107  
 Page: 11 of 11  
 08/09/2008 02:00P  
 Kitsap Co, WA

PORT OF BREMERTON COVEN \$18.00

## 6.5 Photo log

**Photo 1: Entrance to the former Norseland Site**



**Photo 2: Norseland Site from north looking to the south.**



**Photo 3: Norseland Site looking to the south.**

