



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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April 25, 2019

Andrew Seitz  
7415 Stibgen Road NW  
Olympia, WA 98502

**Re: Seitz Property, Brian Lane NW, Silverdale, WA 98383**  
**Facility Site No.: 6865393**  
**Cleanup Site No.: 1472**

Dear Andrew Seitz:

Thank you for meeting with me and Mr. Pendowski on January 16, 2019. Unfortunately, Mr. Pendowski has been on extended leave and has not been available and asked that I apologize and reply to your communications so you do not need to wait for his return.

First, I want to say that I appreciate you meeting with us and explaining the history of this property, how you purchased it, and the various complaints and investigations that have occurred over the years. Much of this information is in Ecology's file. It was informative to understand your perspective of issues that occurred in relation to your property. We are aware that you have done some investigation and cleanup work at your property. Ecology has provided you with information on what further action is necessary if you would like an Ecology No Further Action letter.

As we discussed during the January meeting, Ecology established the Voluntary Cleanup Program (VCP), as a voluntary program for individuals who would like to have technical advice and opinions from Ecology while independently characterizing and cleaning up a Site without Ecology's oversight. Ecology is not requiring you to enter the VCP to complete the cleanup. However, in order to obtain technical advice and an opinion about the cleanup, all customers must be formally enrolled in the program.

You believe that a new application should not be required due to your past participation in the program. As we explained, Ecology requires a new application before it can provide technical advice and opinion. A new application is required to re-establish that you would like Ecology's opinion on the environmental work, and that you agree to the terms of the VCP.



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At the January 16, 2019 meeting, we agreed to prepare a VCP application and send it to you for your signature so you would not need to hire a consultant to assist you with the application. My Bellevue team has followed through with this assignment and is waiting for your signed application and request for technical assistance.

At our meeting, Mr. Pendowski also explained why it is important and a requirement of the state's cleanup regulations for remediation work to be conducted by a qualified licensed professional. As we discussed, not only is this a requirement of state law, remediation done by a licensed professional will better stand up to scrutiny and provide comfort to perspective future purchaser if property is sold after remediation. This legal requirement also provides credibility to the work accomplished and supports Ecology's ability to provide opinions and technical assistance. You may hire a licensed environmental professional to assist you in completing the remaining work and documenting all work in the required format.

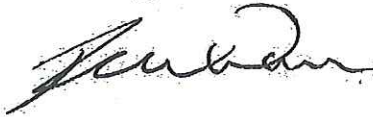
In your recent communications, you mentioned that you still have concerns about the previous complaints Ecology received regarding environmental issues, and that other parties should be responsible for the waste materials and contamination found on your property. You also expressed concerns about how there should be a fair process to clean up contamination and to receive a No Further Action (NFA) determination from Ecology, and that past cleanup standards should be used since Ecology did not take formal action to address historical complaints or activities. I will attempt to address your concerns below:

The VCP was established to provide a path for small, less complex contaminated sites to address cleanup and obtain Ecology's NFA letter. Next, Ecology does not make a determination of liability at independent cleanup sites. Ecology only names potentially liable persons during a formal legal cleanup process as outlined in the Model Toxics Control Act (MTCA). Ecology has a process to determine which Sites have regulatory priorities for formal oversight to protect human health and the environment. This Site appears to be a relatively small cleanup to resolve which does not warrant this extensive legal process under Ecology's oversight. However, that doesn't preclude you from pursuing your own private right of action against other potentially liable parties, as established in MTCA. Ecology would not be involved in such a private right of action. Last, it is necessary to meet current cleanup standards at the time of Ecology's involvement and when a final cleanup action is reviewed and/or implemented. An NFA determination letter can be issued once current cleanup standard are met.

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Thank you for reaching out to Ecology to discuss and resolve the environmental issue at your property. I hope that this letter assists you as you decide to move forward with your project. If you have any further questions, please contact Mr. Pendowski at (360) 407-7177 or me, the Northwest Regional Office Section Manager, at (425) 649-7054.

Sincerely,



Robert W. Warren  
Northwest Regional Manager  
Toxics Cleanup Program

Cc: Jim Pendowski, Ecology TCP Manager