



**MARK OZIAS, District 1, Chair**  
**RANDY JOHNSON, District 2**  
**BILL PEACH, District 3**

# Board of Clallam County Commissioners

223 East 4<sup>th</sup> Street, Suite 4  
Port Angeles, WA 98362-3015  
360.417.2233 Fax: 360.417.2493  
Email: [commissioners@co.clallam.wa.us](mailto:commissioners@co.clallam.wa.us)

**RICH SILL, County Administrator**

**Sent via Certified Mail/R.R.R. and Ordinary Mail**

January 11, 2021

Katrina Haymaker  
5800 SW Rhododendron Way  
Port Orchard, WA 98367

Re: CEASE AND DESIST LETTER  
Property: 258010 Highway 101 (Clallam County Parcel No. 043018430105)  
Owner: Katrina Haymaker  
Operator: Katrina Haymaker, in your individual capacity or dba Midway Metals  
Owner and Operator are referred to collectively herein as "You"

Dear Ms. Haymaker:

For over a year substantial efforts have been undertaken by Clallam County Code Enforcement, Health and Human Services ("HHS") and the Sheriff's Office to attempt to resolve the numerous civil code violations that have occurred and are currently occurring on your property located at 258010 HWY 101, known as Midway Metals (the "MWM Site"). The MWM Site contains tons of solid waste that has been unlawfully dumped onto the property and solid waste continues to be unlawfully dumped onto the site. Despite all of the County's efforts to convince you to abate the violations, You have not done so.

You are conducting activities or allowing the following activities to be conducted on the MWM Site in violation of Clallam County Code (activities are referred to herein as "Illegal County Code Activities"). These Illegal County Code Activities include:

- Allowing solid waste to be unlawfully dumped onto the MWM Site in violation of Chapter 41 of Clallam County Code;
- Condoning or permitting an unlawful and never authorized solid waste facility in violation of Chapter 41 of Clallam County Code;
- Operating a "junk dealer" business without an issued Clallam County license in violation of Chapter 7.01 of Clallam County Code.

You are hereby directed to cease and desist from conducting Illegal County Code Activities or allowing those Illegal County Code Activities to be conducted on the Property. Additionally, You must correct the violations of Clallam County Code.

**If You do not cease and desist from all Illegal County Code Activities occurring on the Property and correct the violations of Clallam County Code, then You may face civil code enforcement and criminal citation by the Sheriff's Office. Code enforcement may include imposition of penalties, liens, and all other actions/remedies allowed by law.**

You are also conducting activities or allowing the following activities to be conducted on the Property in violation of Washington State law which the Clallam County Health Officer oversees and has authority to enforce under Chapter 41.11.30(3) of the Clallam County Code ("All statutes and regulations that apply to the regulation and management of solid waste in Washington State may be employed by the Health Officer when he or she has cause to do so"). You are conducting activities or allowing the following activities to be conducted on the MWM Site in violation of Washington State law (activities are referred to herein as "Illegal State Law Activities"). These Illegal State Law Activities include:

- Allowing the dumping or depositing of solid waste onto the ground in an amount exceeding one cubic yard without a valid permit in violation of RCW 70A.205.195 – **Unlawful to dump or deposit solid waste without permit.**

*VIOLATION 1: Clallam County Code Ch. 41 and RCW (Solid Waste Regulations)*

You have no permit (or an Ecology approved exemption) to operate a solid waste facility or handle solid waste in the volumes currently present on the MWM Site under either Clallam County regulations (i.e. Title 41) or WA State law.

Nor has Your Property ever been eligible for such a solid waste handling facility permit because of your Property's underlying zoning and because such an additional permitted facility would have to be listed or proposed in the County's Comprehensive Solid Waste Management Plan, and it is not.

The definition of "solid waste" under CCC 41.11.040(17) includes "all . . . solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, . . . demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials."<sup>1</sup> "Solid waste handling" includes the "management, storage, collection, transportation, treatment, utilization, processing, and final disposal of solid wastes . . ." CCC 41.11.040(18).

You accept, store, collect, utilize, process, dispose of, and store on the Property items which meet the foregoing definition of solid waste. Consequently, the activity on the Property constitutes unauthorized solid waste handling. Therefore, You are in violation of CCC 41.11.060(3) and 41.11.080(1).

You are also currently in violation of both CCC 41.11.070 entitled "Unlawful dumping, depositing, or burning" and RCW 70A.205.195 entitled "Unlawful to dump or deposit solid waste without permit –Penalties –Litter cleanup restitution payment."

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<sup>1</sup> Please note that even if You were to obtain a valid junk dealer license, it would not authorize You to receive and store every item currently stored on the Property because many of the items on the Property are properly characterized as "solid waste" and not as "junk." As established in the definitions contained in the County Code, "solid waste" is defined more broadly than "junk."

CCC 41.11.070 states in relevant part:

It shall be a violation of this chapter for any person to dump or deposit the dumping or depositing of any solid waste onto or under the surface of the ground . . . except at a facility that is permitted to accept the solid waste . . . .

RCW 70A.205.195 states, in relevant part:

[e]xcept as otherwise provided in this section or at a solid waste disposal site for which there is a valid permit, after the adoption of regulations or ordinances by any county . . . providing for the issuance of permits provided in RCW 70.95.160, it is unlawful for any person to dump or deposit or permit the dumping or depositing of any solid waste onto or under the surface of the ground . . . .

CCC 41.11.070 requires you to have a solid waste handling facility permit in place before the quantity of solid waste at your property would be considered lawful. It will be impossible for you to obtain such a permit.

HHS has informed you multiple times in the last year of the unlawful presence of solid waste at the MWM Site. HHS has assessed \$14,000 in administrative fines against You and You have failed to pay the County any portion of the fines owed.

The County also made less formal approaches to you in attempts to get the solid waste violations at your property removed. A representative of the Sheriff's Office – a deputy you knew in High School-- met with you in an attempt to 1) have you understand the magnitude of the violations on the MWM Site and 2) seek to have these issues resolved through a Voluntary Compliance Agreement. HHS and Code Enforcement proposed Voluntary Compliance terms and forwarded them to you on December 3, 2019. You rejected the County's efforts to resolve these violations through such a compliance process by failing to even respond to set a meeting to discuss the December 3, 2019 offer made to you. In a January 14, 2020 letter to you, Clallam County's Health Officer revoked the offer to reduce the fines assessed against you due to your failure to even attempt to resolve these violations and informed You that "the unlawful presence of solid waste at your parcel . . . has been referred to the Prosecutor's Office."

Recently, HHS again notified You of your noncompliance with CCC 41.11 (previously codified as CCC 41.10) in letters dated October 12, 2020 and December 7, 2020.

**You are hereby required to abate the illegal disposing and dumping which You maintain on the Property by (i) ceasing to accept solid waste on the Property and (ii) properly disposing of all solid waste currently on the Property. Continuing violations of CCC 41 and RCW 70A.205.195 may lead to the Prosecuting Attorney pursuing civil or criminal remedies.**

*VIOLATION 2: Clallam County Code Ch. 7.01 (Junk Dealers – Secondhand Dealers)*

Clallam County Code Ch. 7.01 requires that junk dealers obtain a business license and meet certain regulations specific to junk dealer operations. The requirements of CCC 7.01 include the following.

1. CCC 7.01.020 requires that any person or corporation "engaging in the business of buying, selling, or collecting junk or secondhand goods" must obtain a business license from the County Auditor.

2. CCC 7.01.020 requires that a junk dealer “provide a surety bond listing the County as additional insured in the penal sum of \$1,000 conditioned upon the due observance, faithful performance, and compliance with the Clallam County codes.”
3. CCC 7.01.030 requires that “[a]ll sides of the junkyard premises open to view from public ways or adjoining occupied areas shall be fenced with a nontransparent material at least six feet in height.”
4. CCC 7.01.060 prohibits a junk shop from being open or transacting business “between the hours of 6:00 p.m. and 6:00 a.m. of any day except Saturday, when stores may remain open until 8:00 p.m.”

You have been in violation of Chapter 7.01 for several years. With respect to the MWM Site, over the last 15 months, Code Enforcement has brought You in front of the Hearing Examiner three times and has obtained three Orders (after notice and a full hearing) with respect to your civil code violations under Title 7.01 of the Clallam County Code [(“First Hearing Examiner Order” dated September 2019 (Finding Violations and Ordering Abatement)); “Second Hearing Examiner Order”, dated March 2020 (Same); “Third Hearing Examiner Order” dated October 1, 2020 (Same)). Code Enforcement had to bring You before the Hearing Examiner multiple times because You did not comply with the first two Examiner Orders to build a fence, provide a secure gate, provide the County a valid surety bond and operate your business under the hours prescribed under Title 7.01.

Pursuant to the Third Hearing Examiner Order, You were given a deadline of October 30, 2020 to bring your business into compliance with CCC 7.01 in the following specific ways:

1. provide to Clallam County a surety bond in the manner prescribed under CCC 7.01.020;
2. construct a non-transparent fence, and obtain any necessary building permits for the fence, as prescribed under CCC 7.01.030; and
3. construct a secured gate so that the public will only have access to the Property during the hours of operation prescribed under CCC 7.01.060.

You finally complied with part of the Third Hearing Examiner Order and as of October 30, 2020 – 13 months after the First Hearing Examiner Order - You built a fence and provided a gate. You violated all three of the Hearing Examiner Orders in connection with the surety bond requirement under Title 7.01, but finally provided that surety bond on December 9, 2020. You currently do not have a valid Junk Dealer license under Title 7.01 as your 1 year license expired on August 15, 2020.

You presently have outstanding and currently in collections, two fines regarding violations of Chapter 7.01 with respect to the First and Second Hearing Examiner Order. Those fines had totaled \$1,500 but since they are past due and in collections, the total payment for those fines is now \$2,250. Under the Third Hearing Examiner Order, the County could have assessed fines totaling \$19,000 (i.e. 38 days x \$500 per day), but Code Enforcement determined to reduce those fines to \$4,750 (i.e. 19 days x \$250 per day). You were invoiced this fine on December 17, 2020. The failure to pay this fine within 30 days will result in this fine being turned over to Dynamic Collectors for collection.

Accordingly, you presently owe the County with respect to fines accruing from Chapter 7.01 code violations the amount of \$7,000. As previously indicated to you in a November 5, 2020 email by the Code Enforcement Acting Manager, in order for a Clallam County Junk Dealer license to be issued under Chapter 7.01, all outstanding fines relating to the Chapter 7.01 violations --currently \$7,000 -- must be paid in full.

Because you currently do not have a junk yard license as required under Chapter 7.01, You are operating an unlicensed junk dealer business. **You are hereby directed to cease and desist from buying or collecting junk or secondhand goods.**



The County may also impose a lien against the Property for penalties and costs, pursuant to CCC 20.36.010, and any other action allowed by law. Additionally, as set forth in the Hearing Examiner Order, continuing violations of County Code, or the failure to comply with the Hearing Examiner Order, may lead to the Prosecuting Attorney pursuing other civil or criminal remedies, including, but not limited to, filing misdemeanor charges for knowingly violating the County Code.

#### Criminal Enforcement

If You fail to take the required actions set forth in this letter, and continue to violate Clallam County Code and Washington State law as described herein, the County may pursue criminal remedies. Any person who knowingly causes, aids, or abets a violation of the Clallam County Code is guilty of a misdemeanor, which is punishable by a fine of up to \$1,000 and/or imprisonment in a County jail for up to 90 days. CCC 20.08.020(2). Please be aware that criminal and civil remedies for the same violations may be brought simultaneously. CCC 20.08.020(4).

Under RCW 70A.200.060, it is a gross misdemeanor for a person to litter in an amount of one cubic yard or more and a person found to have littered in an amount greater than one cubic yard shall also pay a litter cleanup restitution payment. In addition to the maximum punishment authorized for commission of a gross misdemeanor (up to 364 days in jail and a fine not to exceed \$5,000), the RCW listed here requires the litterer to pay restitution up to two times the cost of the cleanup or \$100 for each cubic foot of solid waste, whichever is greater.

#### Further Notice To You Regarding State Licenses You Do Not Possess

You have never had a WA State issued Metal Scrapping License which you must have in order to lawfully transact more than twelve metal transactions in a twelve month period on the MWM Site. See RCW 19.290.100, which states, in relevant part:

[i]t is unlawful for a person to engage in the business of a scrap metal processor, scrap metal recycler, or scrap metal supplier without having first applied for and received a scrap metal license.

You also do not have a WA State license to conduct vehicle wrecking activities on the MWM Site and You have no WA State license to conduct Hulk Hauler activities on the MWM Site.

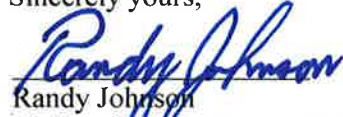
You are hereby put on notice that the County will not approve, certify or sign any required Addendum or Certification with respect to a WA State Application for you to be licensed as a Motor Vehicle Wrecker, Hulk Hauler and/or Scrap Metal Processor/Recycler at the MWM Site **without** you adhering to the conditions previously set forth when the prior owner to Midway Metals requested such County approval. Specifically, in 2008, the Department of Community Development (“DCD”) received a certification request by a prior property owner of Midway Metals who was seeking to secure a license as a motor vehicle wrecker, hulk hauler and/or scrap processor. Attached hereto is the July 15, 2008 Letter from DCD Planning Manager Steve Gray to Trevor Horland (the “2008 Gray Letter” (Attachment 1) setting forth all of the conditions that DCD required to be met in order for a certification to be obtained. Those conditions were never met by Mr. Horland and no certification was ever provided by DCD with respect to Mr. Horland’s request.

Any similar request by you will be subject to the very same conditions in the 2008 Gray Letter outlined on pages 4-5 under the section entitled “What’s needed”, with the exception of the front fencing height requirement which in your case is subject to the Title 7 requirements that you have already been ordered to adhere to by various Hearing Examiner Orders identified above. One such condition in the 2008 Gray Letter is “[e]vidence that prior SEPA conditions for a Phase I site assessment, and if needed, a Phase II site assessment have been completed and either the site is not contaminated and/or was

determined to be contaminated and steps have been taken to satisfy Ecology requirements for site clean-up. . . . “ As you are well aware, the MWM Site has since 2008 been ranked by Ecology as a priority 1 cleanup site. Attachment 2. Of course, in addition to the conditions set forth in the 2008 Gray Letter, the County will not certify or sign any Addendum or Certification if at the time of your request you are in violation of any land use, environmental or health regulations pertaining to the MWM Site.

The length of this letter is due to the severity and complexity of the state and local violations occurring daily at the MWM site and your minimal actions to end the violations. What Clallam County does next will be based entirely on your action or inaction.

Sincerely yours,



Randy Johnson  
Clallam County District II Commissioner



Bill Benedict  
Clallam County Sheriff

Cc: County Commissioners, w/ All Attachments  
Risk Management w/ All Attachments  
Civil DPA Alvarez w/ All Attachments  
Department of Community Development w/ All Attachments

# **ATTACHMENT 1**



**CLALLAM COUNTY**  
Department of Community Development  
County Courthouse  
223 E. 4th St., Suite 5  
Port Angeles, WA 98362-3015  
Phone: (360) 417-2321  
Fax: (360) 417-2443

[dcdadmin@co.clallam.wa.us](mailto:dcdadmin@co.clallam.wa.us)  
[dcdplan@co.clallam.wa.us](mailto:dcdplan@co.clallam.wa.us)  
[dcdldg@co.clallam.wa.us](mailto:dcdldg@co.clallam.wa.us)

John H. Miller, Director

July 15, 2008

Mr. Trevor Horland  
500 N. West Avenue  
Arlington, WA 98223

Dear Mr. Horland:

It is my understanding that you are attempting to secure a license from the state Department of Licensing (DOL) as a motor vehicle wrecker, hulk hauler, and/or scrap processor at 258010 US 101 on an approximately 2.6 acre parcel (Assessor Tax Parcel No. 043018430100). Securing this license requires a signature from the local zoning official on the DOL's Vehicle Transport/Disposal Addendum form regarding consistency with County development standards and also the State Environmental Policy Act (SEPA). The form you submitted with your project review request for zoning official signature indicated application for all three activities—motor vehicle wrecker, hulk hauler, and scrap processor.

Based upon our past conversations, you indicated that your primary interest is to be licensed as a scrap processor, at least at this time. However, a new Vehicle Transport/Disposal Addendum form, limited to that activity has not been submitted to this Department for review and signature.

The current Clallam County zoning designation of the subject property is Rural Low (R5). The current metal recycling facility meets the use definition for a "wrecking yard or junk yard" and an "Industrial use". Pursuant to CCC 33.10.020, both of these types of uses are prohibited within the Rural Low (R5) zone. The zoning code defines wrecking/junk yards and industrial uses as follows:

*Wrecking yard or junk yard means an open area where scrap materials or motor vehicles are bought, sold, exchanged, recycled, stored, disassembled or handled, but which cannot be used again for the purpose for which it was originally intended. CCC 33.03.010 (105).*

*Industrial use means any premises devoted primarily to the manufacturing of semi-finished products, finished products and the processing of materials. This definition includes accessory facilities such as but not limited to storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage milling and sorting. CCC 33.03.010 (43).*

The metal recycling land uses on the subject property meets the above definitions, and is a prohibited land use under current zoning. However, metal recycling land uses were operational



the subject property under the prior Light Industrial (M2) zoning of the property as determined by this Department in 1990. The 1990 zoning standards required that all uses in the M2 zone be designed and operated to minimize adverse impacts to adjacent properties. To address this requirement, this Department in 1990 conditioned the metal recycling use (known as H/M Enterprises Recycling Facility) on the subject property as follows:

- Construct at least a 10 foot high solid fence parallel to, but not closer than 20 feet from the north property line, except for the entrance as approved by the Washington Department of Transportation (WSDOT).
- Construct an 8-foot high solid fence along the other three property lines.
- Provide verification that WSDOT has issued a road approach permit for the use.

In addition to zoning requirements, this Department in 1990 also noted to the owner of H/M Enterprises that the following requirements must also be met:

- An approved sewage disposal system must be provided for employees of the facility and the mobile home.
- Building permits must be obtained for any fence over 6-feet in height and the mobile home.
- A surface water drainage plan must be submitted to and approved by the Department of Public Works.

A review of County records shows no evidence that the above conditions were fully addressed.

The pre-existing nature of continued metal recycling on the subject property was re-affirmed in 2003/04 by this Department in a State Environmental Policy Act (SEPA) environmental checklist review and threshold determination. Specifically, Clallam County reviewed under SEPA an environmental checklist for continued operation of a metal recycling facility (S&S Midway Metals) on the subject property submitted by Carl Smith. Clallam County received the SEPA environmental checklist on October 7, 2003. Information contained in the checklist describing the project and proposed mitigation measures included, but were not limited to:

- Sort different types of metals, ferrous and non-ferrous to be taken to recycling processor.
- Use electric metal cutting saws for preparing metals to ship.
- Accept no petroleum products.
- Not accept any containers or vessels containing gas, oil, etc.
- Operation of equipment would be conducted Tuesday thru Friday 9:00 a.m. to 5:00 p.m. and Saturday 10:00 am to 3:00 p.m.
- Structures on-site included a 12 foot by 20 foot movable wood office building and an 8 foot by 20 foot metal storage container located within the northeast portion of the site. The tallest building being approximately 10-feet high. The site plan also depicted a baler south of the office and storage area.
- One to three workers.
- Use low sulfur diesel in equipment to reduce impact to air from emissions.
- Proposed to add 100-feet of fence to existing fencing.
- Site plan showed a baler
- Other permits needed - scrap processing license

The Clallam County SEPA Responsible Official reviewed the environmental checklist and comments received and issued a Mitigated Determination of Non-Significance (MDNS) on December 5, 2003 subject to the following three conditions:

1. To mitigate the potential for adverse impacts to ground water and environmental health, the proponent shall develop approved septic and drinking water facilities for the site to the satisfaction of the Clallam County Environmental Health Division including, but not limited to approved restroom facilities and an approved source of potable water.
2. To mitigate the potential for adverse aesthetic impacts to the highway 101 corridor, the proponent shall extend sight-obscuring fencing equivalent in height to the existing fence no less than one-hundred feet to the west. The applicant shall obtain building permit approval, prior to construction of the fence.

In addition, the proponent should be required to plant evergreen and deciduous trees 20-feet on center, two shrubs between each pair of trees and groundcover, as required by CCC 33.53.010(1) between the S.R. 101 right-of-way and the fence. Prior to installation, the applicant shall submit a final landscaping plan for approval by the Zoning Administrator that is at a minimum, consistent with the landscaping requirements of Chapter 33.53 of the Clallam County Code. The proponent shall assume perpetual responsibility for maintaining vegetation along the S.R. 101 frontage of the subject property. The proponent shall be required to ensure a 100 percent survival rate for vegetation within the buffer for the first year and an 80 percent survival rate each year thereafter. The applicant shall contact the Planning Division to arrange an inspection of the landscaping during the spring season of each year for the first two (2) years after planting. To ensure maintenance of the vegetative buffer, any dead or dying trees or shrubs must be replaced within the first subsequent planting season. This requirement shall apply for the duration of the facility's operation.

3. To mitigate the potential for significant adverse air quality impacts, outdoor burning shall be prohibited on site. All burnable materials shall be disposed of at an approved solid waste facility.

Comments were received December 18, 2003 from the Washington State Department of Ecology (DOE) in response to the issued MDNS. DOE's comments noted that the Midway Metal property is a "suspected" contaminated site and recommended Phase I and Phase II (if needed) site assessment to determine the presence of contamination. In response to the DOE comments, the Responsible Official modified and amended the MDNS on January 7, 2004 to add a fourth condition:

4. To mitigate the potential for adverse impacts to site workers, visitors, public health, and the environment, the applicant shall contact the Washington State Department of Ecology, and arrange a Phase I site assessment to determine whether contamination is present. If a Phase II site assessment is required and contamination of soil or groundwater is readily visible, or is revealed by sampling, the Department of Ecology shall be notified, and all applicable DOE requirements shall be met. The applicant shall contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300, in order to arrange the Phase I site assessment.

A review of County records shows no evidence that the above four 2003 SEPA conditions were fully addressed. This Department is aware that the Clallam County Health and Human Services Department, Environmental Health Division, did conduct site assessment for contamination with results submitted to the Washington State Department of Ecology. For further information, please contact Andy Brastad, Environmental Health Director, at (360) 417-2415.

The 2003/04 SEPA threshold determination for the continued use of the property for metal recycling may satisfy SEPA environmental review requirements for your proposed operations. However, your proposed hulk hauling and motor vehicle wrecking uses were not part of the 2003/04 SEPA review. In addition, the dismantling of vehicles was not included in the submitted SEPA environmental checklist. A new SEPA environmental checklist and County threshold determination would be needed for such expanded uses.

### What's needed

You have requested a signature from the County zoning official on the Department of Licensing Vehicle Transport/Disposal Addendum form for a hulk hauler, motor vehicle wrecker, and scrap processor. Hulk hauling, motor vehicle wrecker activities, and dismantling of vehicles will expand the nonconforming nature of the current metal recycling business.

A pre-existing, nonconforming use may not be altered or expanded in any way which increases its nonconformity unless a conditional use permit is granted by the Hearing Examiner pursuant to the requirements of Chapter 33.27 CCC. Expansion includes new activities such as the proposed hulk hauling and motor vehicle wrecker, or dismantling of vehicles. Expansion also includes expanding the footprint of metal recycling facilities on the subject property. Conditional use permits are subject to a public hearing. Application forms are available upon request from this Department. The current fees for a CUP are \$1,000. Other applicable fees include \$125 for legal notices and adjacent property owner notice. A new SEPA review would also be required for expansion of site uses and activities. The SEPA fee for an environmental checklist review is \$250.00.

Based on phone conversations, you have indicated that at this time you would like to limit to application for a scrap processor and continue operations similar to what was reviewed and covered under the SEPA threshold determination issued by the County in 2003/2004. To determine whether the prior SEPA threshold determination applies, you will need to submit a site plan (to approximate scale) and written description of proposed metal recycling facility site operations. You may use the submitted 2008 aerial photo as a base map.

Please note that zoning certification is also subject to compliance with ALL prior conditions imposed by the County on metal recycling operations on the subject property. These include:

1. Complete fencing of the north property line with at least a 10 foot high solid fence parallel to, but not closer than 20 feet from the north property line, except for the entrance as approved by the Washington Department of Transportation (WSDOT).
2. Construct an 8-foot high solid fence along the other three property lines.
3. Provide verification that WSDOT has issued a road approach permit for the use.
4. Obtain permits and approvals for waste disposal and drinking water facilities from the Clallam County Department of Health and Human Services, Environmental Health Division including, but not limited to approved restroom facilities and an approved source of potable water. Any approval of portable restrooms and bottled water must be authorized in writing from Environmental Health Division. Contact Andy Brastad, Environmental Health Director, at (360) 417-2415 for more information, including process for requesting and securing approval of use of portable restrooms and bottled water.



5. Obtain building permits for any fence over 6-feet in height and any other structures such as the office and storage buildings. Contact Shelia Miller at (360) 417- 2308, for more information on building permit requirements.
6. Obtain a certificate of compliance for signage consistent with Chapter 33.57 of the Clallam County Zoning Code. The Rural Low (R5) zone only allows for one freestanding sign or one façade sign. The maximum square footage of such sign allowed is six square feet.
7. Submit and obtain approval from the Clallam County Public Works Department of an engineered stormwater management plan. Contact Heather Catuzo at (360) 417 - 2379 for more information regarding submittal requirements and fees.
8. Satisfy all four conditions of the prior 2003 SEPA threshold determination made on December 5, 2003, and modified on January 7, 2004, as described above. As an alternative, you may submit a new environmental checklist for County review. Application forms for SEPA environmental review are available upon request from the Department of Community Development. The fee for review of environmental checklist is \$250.00. Additional fees apply if a determination of significance (EIS required) is issued.

In addition, to the above prior conditions, the property owner(s) must provide:

1. Evidence that continued metal recycling facilities are covered under NPDES permit requirements administered by the Department of Ecology. It is our understanding that securing this state permit is underway.
2. Evidence that prior SEPA conditions for a Phase I site assessment, and if needed, a Phase II site assessment have been completed and either the site is not contaminated and/or was determined to be contaminated and steps have been taken to satisfy Ecology requirements for site clean-up. Contact Scott Rose, Voluntary Cleanup Coordinator, at (360) 407-6347, for more information to satisfy state requirements for voluntary clean-up of listed confirmed or suspected contaminated sites. Contact Mike Spencer, DOE, at (360) 417-7195 regarding prior site assessments and state requirements applicable to the site.

The above comments are based on the information provided in the project review request and prior County permit records.

As the above information indicates, the continued operation of the metal recycling business is subject to compliance with prior conditions and current County zoning and health requirements. Notwithstanding your request for signature of the DOL form, I would like to meet with you to discuss bringing the operation into compliance with past conditions of approval and current standards. Please contact me to schedule a meeting.

If you have any questions, please contact me at (360) 417-2520.

Sincerely,



Steve Gray  
Planning Manager

## **ATTACHMENT 2**





# Cleanup Site Details

Cleanup Site ID: 958

Cleanup Site ID: 958      Facility/Site ID: 1671323      UST ID: N/A      [Site Page](#)      [Site Documents](#)      [View Map](#)  
 Cleanup Site Name: MIDWAY METALS      [Glossary](#)  
 Alternate Names: MIDWAY METALS

## LOCATION

Address: 258010 HWY 101      City: PORT ANGELES      Zip Code: 98362      County: Clallam  
 Latitude: 48.08972      Longitude: -123.24083      WRIA: 18      Legislative District: 24      Congressional District: 6      TRS: 30N 4W 18

## DETAIL

Status: Cleanup Started      NFA Received? No      Is PSI site? No  
 Statute: MTCA      NFA Date: N/A      Current VCP? No      Past VCP? Yes  
 Site Rank: 1 - Highest Assessed Risk      NFA Reason: N/A      Brownfield? No  
 Site Manager: Southwest Region      Responsible Unit: Southwest      Active Institutional Control? No

## CLEANUP UNITS

Cleanup Unit Name	Unit Type	Unit Status	Resp Unit	Unit Manager	Current Process
WSDOT property	Upland	Cleanup Started	SW	Southwest Region	Independent Action
Midway Metals operation	Upland	Awaiting Cleanup	SW	Southwest Region	Independent Action

## ACTIVE INSTITUTIONAL CONTROLS

Instrument Type	Restriction Media	Restrictions/Requirements	Date	Recording Number	Recording County	Tax Parcel
There are no current Institutional Controls in effect for this site.						

## AFFECTED MEDIA & CONTAMINANTS

Contaminant	MEDIA					
	Soil	Groundwater	Surface Water	Sediment	Air	Bedrock
Metals Priority Pollutants	C	S	S		S	
Petroleum Products-Unspecified	C	S	S		S	

Key:  
 B - Below Cleanup Level      C - Confirmed Above Cleanup Level      RA - Remediated-Above  
 S - Suspected      R - Remediated      RB - Remediated-Below

## SITE ACTIVITIES

Activity	Status	Start Date	End Date/Completion Date
Early Notice Letter(s)	Completed		3/20/2007
Initial Investigation / Federal Preliminary Assessment	Completed		3/20/2007
Site Hazard Assessment/Federal Site Inspection	Completed	3/7/2008	5/14/2008
Hazardous Sites Listing/NPL	Completed		5/14/2008
VCP Opinion on Remedial Investigation	Completed	9/21/2012	1/28/2013
VCP Opinion on Property Cleanup	Completed	9/9/2013	10/1/2013
VCP Opinion on Property Cleanup	Completed	10/30/2013	1/27/2014
VCP Status Request	Completed	5/25/2017	6/26/2017