



Bob Ferguson

ATTORNEY GENERAL OF WASHINGTON

Ecology Division

2425 Bristol Court SW 2nd Floor • Olympia WA 98502
PO Box 40117 • Olympia WA 98504-0117 • (360) 586-6770

December 10, 2014

Mr. Kevin T. Gross
5619 NW Iskra Blvd.
Bremerton, WA 98312

Dear Mr. Gross:

I understand you emailed the Attorney General's Office requesting contact information for Mary Sue Wilson. Ms. Wilson left the Attorney General's Office in October, 2014 to accept appointment as a Thurston County Superior Court judge.

By way of introduction, I am another attorney in the AGO's Ecology Division. I've reviewed your past correspondence with Ms. Wilson, the recent decision by Division II of the Washington Court of Appeals, and information from the Department of Ecology.

According to Ecology, the Kitsap County Rifle & Revolver Club (KRRC) site scored a "2" on the Washington Ranking Method (WARM) scale based upon a site hazard assessment. See WAC 173-340-320, -330. The WARM scale runs from 1 to 5, with a "1" indicating the highest level of relative potential risk. A site hazard assessment is not a full investigation of the nature and extent of contamination at a potential cleanup site; instead, it helps guide Ecology in deciding which sites should be given priority for further investigation and other cleanup activity, among other matters. A site hazard assessment ranking, then, does not necessarily translate into actual near-term or long-term risk.

KRRC applied to enter Ecology's "Voluntary Cleanup Program" (VCP) in September, 2013. Cleanups under the VCP are not formally overseen by Ecology. If, however, the person potentially liable for cleanup (typically a property owner) demonstrates that a voluntary cleanup is substantially equivalent to an Ecology-overseen cleanup (i.e., the cleanup has met the substantive provisions of the Model Toxics Control Act [MTCA]), the person can obtain a "no further action" letter from Ecology. This letter is not a legal resolution of liability, but as the name implies, it indicates that Ecology does not intend to take any further action with respect to cleanup at the site. See RCW 70.105D.030(1)(i), -080; WAC 173-340-515.

KRRC undertook no cleanup action after entering the VCP and recently asked to be removed from the program. On October 22, 2014, Ecology removed KRRC from the program. The

ATTORNEY GENERAL OF WASHINGTON

Mr. Kevin T. Gross
December 10, 2014

KRRC site is now subject to potential enforcement and formal oversight by Ecology under MTCA. *See* WAC 173-340-510, -530, -540. Ecology prioritizes where and when it exercises this authority based on the significance, complexity, and hazard posed by a site, Ecology's staffing and budget levels, and other work already underway.

I would encourage you to keep track of the KRRC site on Ecology's website or by contacting Ecology's Southwest Region Office directly. The KRRC facility number is #18708 and the cleanup site ID number is #11446. As an attorney for the State, I cannot provide legal advice related to this site to any entity other than the State.

Thank you for your continuing interest in this site.

Sincerely,



ANDREW A. FITZ
Senior Counsel

AAF:mab

BCC Heather Vick

Ecy NWRO



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Northwest Regional Office • 3190 160th Ave SE • Bellevue, WA 98008-5452 • 425-649-7000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

October 22, 2014

Mr. Edward Corich
Kitsap Rifle & Revolver Club
4900 Seabeck Highway NW
Bremerton, WA 98312-8886

Re: Termination of VCP Project for the following Site:

- **Site Name:** Kitsap Rifle & Revolver Club
- **Site Address:** 4900 Seabeck Hwy NW, Bremerton, WA
- **Facility/Site No.:** 18708
- **Cleanup Site No:** 11446
- **VCP Project No.:** NW2781

Dear Mr. Corich:

The Department of Ecology (Ecology) is terminating the Voluntary Cleanup Program (VCP) Agreement governing Project No. NW2781. The project involved the cleanup of the **Kitsap Rifle & Revolver Club** facility (Site). The effective date of termination is the date of this letter. We are providing this notice in accordance with the terms of the Agreement.

Reason

Ecology is terminating the Agreement because you informed us in a letter dated October 17, 2014, that you wanted to withdraw from the VCP.

Next Steps

Based on this decision, Ecology may take one or more of the following steps:

1. Send you an invoice for any costs remaining on your account. In accordance with the terms of the Agreement, you remain responsible for any costs incurred by us before the effective date of termination.
2. Identify those persons we find potentially liable for cleanup of the Site.



Mr. Edward Corich

October 22, 2014

Page 2

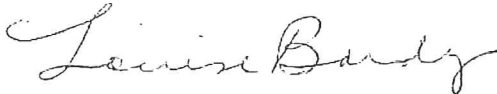
3. Initiate discussions for an agreed order or consent decree that will govern further action at the Site.

You may apply to reenter the VCP if you decide to conduct further action at the Site.

Contact Information

Ecology is committed to working with you to accomplish the prompt and effective cleanup of the Site. If you have any questions about this notice, please contact me by phone at (425) 649-7209 or by e-mail at lbar461@ecy.wa.gov.

Sincerely,



Louise Bardy
Voluntary Cleanup Unit Supervisor
Toxics Cleanup Program

By Certified Mail [7011 0470 0003 3682 5445]

cc: Dolores Mitchell, VCP Financial Manager, Ecology
Heather Vick, VCP Site Manager, Ecology