



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

P.O. Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

July 22, 2003

Mr. Thomas C. Morin, RG  
Environmental Partners, Inc.  
10940 NE 33<sup>rd</sup> Place, Suite 110  
Bellevue, WA 98004

Dear Mr. Morin:

RE: Safeway, Inc. #1436 Remediation Project

This letter is written in response to your request for Ecology's position on ground water monitoring requirement for the Safeway, Inc. #1436 site, located at 7201 East Portland Avenue, Tacoma, Washington. You and I discussed the project's progress on the telephone on July 14, 2003.

Environmental Partners, Inc. have expressed an opinion that there is a discrepancy in requirements for ground water assessment and monitoring at the site between Ecology and Tacoma Pierce County Health Department (TPCHD). I reviewed the files and discussed the project with Ecology's management as well as with Rob Olsen of TPCHD in recent weeks. The focus of the perceived problem seems to be Mr. Olsen's letter to Mr. Ron Troyer, dated January 21, 2003.

Ecology supports TPCHD position on their requirement to characterize groundwater contamination on this site. Ecology indicated that ground water monitoring was expected on the site in a letter of August 20, 2002 to Mr. Alex Jones of Environmental Partners, Inc. I am enclosing a copy of that letter for your information. The following reflects the position Ecology held in that letter:

"Under the voluntary cleanup program (VCP), you may have the following option available that could lead to an NFA:

1. If the remaining contamination is adjacent to or beneath a building or paved surface, or/and is inaccessible, a deed restriction or restrictive covenant may be placed on the property to address the remaining soil and potential groundwater contamination. An NFA with a restrictive covenant can be issued for the soils. This restrictive covenant will also require monitoring the groundwater at the perimeter of the site. If the soils remain contaminated, they can be addressed when the buildings or paving is removed at some future date. The owner of the site is responsible for filing the restrictive covenant with the local county auditor's office. A copy of recorded restrictive covenant would be included with the NFA letter.



2. Monitor ground water on the perimeter of the site. Install groundwater monitoring well (s) to assess groundwater quality. If the groundwater is not impacted above the MTCA levels the groundwater restriction could be removed. Groundwater monitoring must demonstrate that:
  - a) Contamination has not left the site;
  - b) Contamination is not spreading;
  - c) In order to remove the ground water restrictive covenant it must be shown that concentrations of pollutants remain below the applicable MTCA levels for four consecutive quarters, throughout the site.
  
3. The restrictive covenant for the groundwater may not be necessary, if you demonstrate that the groundwater depth at the site's location is protective of ground water quality. You should also indicate what the receptor for the groundwater at this location is. Geological conditions may also play a role and they should be described."

It is currently evident that both soil and ground water characterization needs to be pursued for the site. These issues could be resolved in cooperation with adjacent property owners, particularly the City of Tacoma. Ecology suggested this path in E-mail written to Mr. Alex Jones on February 18, 2003.

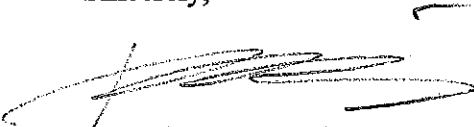
Please note that because your actions were not, or will not be conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

The opinions presented by Ecology in this letter are made with respect to the information provided in the above quoted document and the previously submitted documentation. This opinion is only applicable to the specified site (or portion of the site) and may not be used to justify action at any other site (or portion of the site) nor any other properties owned or operated by Safeway, Inc.

The State, Ecology, and its officers and employees are immune from all liability and no cause of action of any nature may arise from any act or omission in providing this determination.

If you have any questions about any of the information presented in this letter, please contact me at (360) 407-6363.

Sincerely,



Marcel Szyszkowski, PE  
Toxics Cleanup Program  
Southwest Regional Office

MS/ksc:072203 Opinion Safeway 1436

Enclosure: Letter to Alex Jones, dated August 20, 2002

cc: Rob Olsen, TPCHD  
Dan Alexanian, P.E., P.Hg., Ecology  
Bob Warren, Ecology  
Chuck Cline, Ecology