



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

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

September 25, 2002

**CERTIFIED MAIL**



Your address  
is in the  
**Deschutes**  
watershed

Mr. Paul Stemen  
Stemen Environmental, Inc.  
P.O. Box 3644  
Lacey, WA 98509-3644

**INTERIM NFA LETTER**

Dear Mr. Stemen:

Thank you for submitting the results of your independent remedial action(s) for review by the Washington State Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. Ecology's Toxics Cleanup Program has reviewed the following information relating to the Bruce Titus Nissan Dealers site, located at 4030 South Tacoma Way, Tacoma, Washington:

- SECOR International Incorporated, **Phase II Subsurface Investigation, Bruce Titus Nissan Subaru, 4030 South Tacoma Way, Tacoma, Washington, October 11, 2001,**
- SECOR International Incorporated, **Additional Environmental Investigation Report, Bruce Titus Nissan Subaru, 4030 South Tacoma Way, Tacoma, Washington, December 21, 2001,**



Mr. Paul Stemen  
September 25, 2002  
Page 2 of 3

- Stemen Environmental, Inc, Additional Environmental Investigations Report, Bruce Titus Nissan Dealership Site, 4030 South Tacoma Way, Tacoma, Washington, August 21, 2002.

The above listed reports will be kept in the Central Files of the Southwest Regional Office (SWRO) of Ecology for review by appointment only. Appointments can be made by calling the SWRO resource contact at (360) 407-6365.

Based upon the above listed information, Ecology has determined that, at this time, the release of total petroleum and other organic hydrocarbons into the soil no longer poses a threat to human health or the environment. Based upon the above listed information, no further remedial action will be required for the soil at the Bruce Titus Nissan Dealership, located at 4030 South Tacoma Way, Tacoma, Washington. However, please note that because your actions were not 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.

Ecology's no further action (NFA) determination is made only with respect to the releases and contamination identified in the documentation for the Bruce Titus Dealership site listed above. This no further action determination applies only to the soils affected by the release(s) at 4030 South Tacoma Way, Tacoma, Washington, as identified in the reports. It does not apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Mr. Bruce Titus.

However, since the ground water beneath the Bruce Titus Dealership site is contaminated with chlorinated hydrocarbons, Ecology's no further action determination is contingent upon filing a Restrictive Covenant for the ground water with the Pierce County auditor's office within thirty (30) days of the date of this letter. No later than thirty (30) days from the date the Restrictive Covenant is recorded, you must send a notarized copy of the recorded Restrictive Covenant to Ecology. Ecology's no further action determination automatically terminates and will have no force and effect if you fail to record this Restrictive Covenant or violate any portions of the Restrictive Covenant. WAC 173-340-440(6) requires you to notify and seek comment from a city or county department with land-use planning authority for real property subject to the Restrictive Covenant. No ground-water monitoring will be required as part of the restrictive covenant for this site. A copy of the recorded Restrictive Covenant will be attached to this NFA Letter as attachment A.

Since the ground water beneath the Bruce Titus Dealership site is contaminated, a final NFA letter cannot be issued for this site. A final NFA letter could be issued once it is shown that ground water beneath the Bruce Titus Dealership site is no longer contaminated. Any ground-water testing must demonstrate that the ground water

Mr. Paul Stemen  
September 25, 2002  
Page 3 of 3

concentration for chlorinated hydrocarbons is below MTCA regulatory levels for four (4) consecutive quarters. Apparently, a "Comfort Letter" will be generated by US Environmental Protection Agency that will address ground-water contamination pertinent to this site. Once this letter has been generated it will be attached to this NFA Letter as attachment B.

Ecology will update its database to reflect this interim NFA determination.

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) 407-6267.

Sincerely,



Charles S. Cline  
Toxics Cleanup Program  
Southwest Regional Office

CC:as

cc: Mr. Brian Wilson  
Ms. Kris Flint, Attention: ECL-111, U.S. Environmental Protection Agency  
Mr. Mark LaVergne, Tacoma-Pierce Co. Health Dept.