



STATE OF WASHINGTON  
DEPARTMENT OF ECOLOGY

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January 22, 2009

Mr. Gary Merlino  
Mr. Jack Jones  
MJB Properties  
9125 10<sup>th</sup> Avenue South  
Seattle, Washington 98108-4612

Re: Request for Rescission of Listing of MJB Properties, Anacortes, Washington,  
FS/ID #2690

Dear Mr. Merlino and Mr. Jones:

The Department of Ecology (Ecology or we) reviewed your letter of August 26, 2008, requesting the delisting of the south and central areas of MJB property. In addition, we also reviewed the following:

- MJB Properties, Site Assessment-Strategy Recommendation, Ecology, April 16, 1999.
- Subsurface Exploration and Testing, Proposed Graving Dock Site, Anacortes, Washington, Hart Crowser, July 10, 1991 (prepared for Washington State Department of Transportation).
- Fidalgo Bay Sediment Investigation, April 2008, Publication #08-09-109.

This site, MJB Properties, was listed on the hazardous sites list on February 5, 1995. Once a site is listed, we may remove a site from the list pursuant to WAC 173-340-330(7). After reviewing the above information, we have determined there is insufficient information to confirm that the south and central areas of MJB property are clean. Ecology cannot conclude that the conditions listed in WAC 173-340-330(7) have been met. The reasons for this decision include the following:

**Hydraulic Fill Area**

- Results of a 2007 Baywide sediment characterization conducted by Ecology showed elevated concentrations of dioxins/furans in sediments in the nearshore/subtidal area.



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- Most of the hydraulic fill area (HFA) has been back-filled with dredged sediment from the bay. However, no dioxins/furans (D/Fs) data are available for soils in the HFA. The soils in the HFA may be contaminated with D/Fs.
- The Department of Transportation (DOT) investigation showed low levels of metals and VOCs contamination at the interface between the back-fill and native material. This suggests these contaminants may be associated with the past practices on the site prior to filling.

The MTCA cleanup levels used for the comparison in the DOT report are outdated with respect to the current Model Toxics Control Act (MTCA) cleanup levels. Some of the detected metals and VOCs concentrations exceed the current MTCA cleanup levels.

- No groundwater data are available to rule out any groundwater contamination in the HFA.

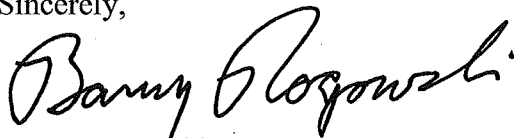
#### **South and Central Areas**

- Very little information is known about the past practices on the south and central MJB property. Just like the HFA area results, these areas also might have been impacted by the past practices and/or by the adjacent properties' activities. In addition, results from the 2007 Baywide sediment characterization conducted by Ecology show elevated levels of dioxins/furans in the nearshore sediments.

Therefore, Ecology is unable to conclude that the site is able to be delisted. Until the site has undergone further investigation, a cleanup, or information is submitted to us showing that the site was listed in error, the site cannot be delisted.

If you have any further questions, please call me at 360-407-7236.

Sincerely,



Barry Rogowski  
Land Cleanup Unit Manager  
Toxics Cleanup Program/HQ

cc: William Joyce, Salter Joyce Ziker  
Kathleen Goodman, Geomatrix  
Mike Dunning, ATG