



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600, Olympia, WA 98504-7600 • 360-407-6000

October 7, 2022

City of Tacoma - TPU
3628 S 35th Street, ABS-2
Tacoma, WA 98409-3115

Re: Follow-up to Ecology's May 15, 2022 Request for Access at 3542 S Pine Street for Groundwater Monitoring for the Well 12 Cleanup

- **Site Name:** Well 12A
- **Site Address:** 2601 S Hood Street, Tacoma, Pierce County, WA 98421
- **Facility Site ID:** 222
- **Cleanup/Site ID:** 135

Dear City of Tacoma – TPU Representative:

On May 25, 2022, the Washington State Department of Ecology (Ecology) sent you a letter requesting that you agree to entering into an Access Agreement for the property located at 3542 S Pine Street in Tacoma, Washington, Pierce County Parcel number 9710000020. As of October 7, 2022, Ecology has not received a response from you. This access is necessary for the conducting of groundwater monitoring at the Well 12A operable unit.

Well 12A is part of the Commencement Bay/South Tacoma Channel Superfund Site located in Tacoma. The United States Environmental Protection Agency (EPA) conducted the cleanup of this Site. The "Well 12A" is the designation of a City of Tacoma drinking water well. Releases of hazardous substances (chlorinated solvents, e.g., PCA and PCE) from the former Time Oil Company contaminated the aquifer associated with Well 12A. Part of the area where the aquifer was contaminated includes your property. EPA conducted the cleanup of the Well 12A operable unit, which involved some soil excavation and the use various technologies to remediate the contaminated groundwater. The cleanup also required the implementation of long term groundwater monitoring at the Well 12A operable unit. Ecology is obtaining access agreements for this groundwater monitoring and the City of Tacoma will be conducting the monitoring.

Attached is a revised draft of the Access Agreement that you received in May of this year. That earlier draft contained grammatical errors that Ecology has corrected. Within 14 days of receipt of this letter, please notify Ecology in writing (at my address and/or via email) of whether you will agree to enter into this revised Access Agreement. Should you not agree to sign the Access Agreement proposed by Ecology, EPA has the authority and may issue a unilateral access order directing you to allow access to your property to conduct the required groundwater monitoring.

If you have any questions, please feel free to contact me at 360-407-7223 or at christopher.maurer@ecy.wa.gov. Alternatively, if you are represented by an attorney, you may have your attorney contact Assistant Attorney General John Level of the Attorney General's Office at 360-586-6753.

Sincerely,



Christopher Maurer, PE
Cleanup Project Manager
Toxics Cleanup Program - HQ

By certified mail: 9489 0090 0027 6347 6954 31

cc: Piper Peterson, Environmental Protection Agency
John Level, Office of the Attorney General
Nicholas M. Acklam, Ecology
Amy Hargrove, Ecology

ACCESS AGREEMENT
Between the
Washington State Department of Ecology
and
City of Tacoma - TPU

The Washington State Department of Ecology (Ecology) and City of Tacoma - TPU

(collectively, "the Parties") agree to the following terms and conditions of this Access Agreement:

1. Ecology is responsible for the investigation and remediation of hazardous waste sites in Washington pursuant to the Model Toxics Control Act (MTCA), Chapter 70A.305 RCW and Chapter 173-340 WAC.
2. Upon reasonable notice (unless an emergency prevents such notice), Ecology may exercise the power to enter upon any property to conduct investigations of a release of a hazardous substance, and to conduct remedial actions (including investigations) to remedy releases of hazardous substances.RCW 70A.305.030(1)(a) & (b); WAC 173-340-800.
3. City of Tacoma – TPU ("Property Owner") is the owner of real property located at 3542 S Pine Street, Tacoma, WA ("Property"). The legal description of this property is Section 07 Township 20 Range 03 Quarter 43 JUNETTS ADD: JUNETTS ADD SE 07-20-03E L 1 THRU 4 B 5 INC VAC FIFE ST TOG/W VAC HOOD ST (NPRR) PER ORD #17689 DC10/29/96CL.
4. Groundwater at the Property is known to be impacted by tetrachloroethane, tetrachloroethylene, trichloroethylene, dichloroethylene, and vinyl chloride from the Well 12A Site (also known as the U.S. Environmental Protection Agency Commencement Bay/South Tacoma Channel Superfund Site, Well 12A Operable Units 1; or Well 12A). The Well 12A Site is a known hazardous waste site, that includes groundwater contamination plumes generally located on the property that is bounded on the south by South Tacoma Way, on the east by South Steele Street, on the north by Center Street, and on the west by South Pine Street in Tacoma, Washington.
5. By signing this Access Agreement, the Property Owner grants full access rights to Ecology, the City of Tacoma, the U.S Environmental Protection Agency (EPA), and/or any authorized representative(s) of Ecology, the City of Tacoma, and EPA, for the purpose of:

- A. Maintaining and visually inspecting, as necessary, the groundwater monitoring wells identified at the the Well 12A Site,
- B. Periodically sampling and collecting data from groundwater monitoring wells identified at the Well 12A Site, and
- C. Locating equipment and materials or otherwise make use of the Property, as necessary, to accomplish the above listed activities.

EPA may also need access to conduct actions that may include, but are not limited to:

- A. Taking of soil, surface water, groundwater, and indoor and outdoor air samples upon the property as may be necessary to identify hazardous substances, pollutants, or contaminants; and
- B. Taking of any response actions at the property to address contamination that poses risks to human health or the environment. These actions may include installing vents, fans, or vapor barriers, maintaining existing structures intended to direct contaminated groundwater away from occupied buildings, or other actions to remove or limit human exposure to contamination.

Representatives from Ecology, EPA, and/or the City of Tacoma will attempt to provide reasonable advance notice of entry by contacting the Property Owner via email, phone call, or letter, or by notifying the Property Owner in person at least 24 hours in advance of entry on the Property.

- 6. The term of this Access Agreement shall be for the time period necessary, up to 25 years for Ecology, EPA and/or the City of Tacoma or authorized representatives to complete all necessary groundwater monitoring involving the release or threatened release of hazardous substances from the Well 12A Site at the Property that is, or may be, impacted by the Site. The Parties may extend this time period by amending this Access Agreement or entering into a new agreement.
- 7. Each Party shall defend, protect, and hold harmless the other Parties from and against all claims, suits or actions arising from the negligent acts or omissions of its employees and/or authorized representatives while performing under the terms of this Access Agreement.
- 8. The Parties may mutually amend this Access Agreement. Any amendments shall not be binding on any party unless such amendments are in writing and signed by an authorized representative of each party.

9. The Access Agreement between the Parties contains all terms and conditions agreed upon by and between the parties. No other understandings, verbal or otherwise, regarding the subject matter of this Agreement shall be enforceable on any of the parties.

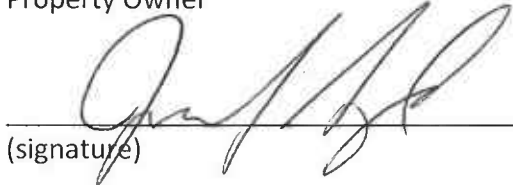
Department of Ecology



Date: 10/7/2022

Nicholas M. Acklam
Section Manager
Headquarters Cleanup Section
Toxics Cleanup Program
Department of Ecology

Property Owner


(signature)

Date: 10/18/22

JESSE ANGEL
(print name)