



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

Southwest Region Office
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July 31, 2024

Josh Lavine
Managing Member
E & E Proper LLC
583 Battery St, Unit 3101N,
Seattle, WA 98121
joshlavine777@gmail.com

Re: No Further Action Likely at the following Site:

- **Site Name:** Roman Meal Company
- **Site Address:** 2101 South Tacoma Way, Tacoma, WA 98409
- **Facility/Site ID:** 9985951
- **Cleanup Site ID:** 14707
- **VCP Project ID:** SW1799

Dear Josh Lavine:

The Washington State Department of Ecology (Ecology) received your April 5, 2024 Supplemental Subsurface Investigation Report (Report) and Request for Opinion on the independent cleanup of the former Roman Meal Company facility (Site). This letter provides our opinion. We are providing this letter under the authority of the [Model Toxics Control Act \(MTCA\)](#),¹ [chapter 70A.305 Revised Code of Washington \(RCW\)](#).²

¹ <https://fortress.wa.gov/ecy/publications/SummaryPages/9406.html>

² <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

Issue Presented and Opinion

Ecology is responding to the current and proposed investigative/monitoring activities and conclusions in the Report.

Upon our review of the Report, it has been determined that no further action will be likely upon completion of the proposed quarterly groundwater monitoring and environmental covenant (EC) at the Site.

This opinion is based on an analysis of whether the RI meets the substantive requirements of MTCA, Chapter 70A.305 RCW, and its implementing regulations, Washington Administrative Code (WAC) Chapter 173-340 (collectively “substantive requirements of MTCA”). The analysis is provided below.

Description of the Site

This opinion applies only to the Site described below. The Site is defined by the nature and extent of contamination in soil associated with the following releases:

- Gasoline/diesel/heavy oil petroleum hydrocarbons; selected volatile organic compounds (VOCs); and arsenic and lead into soil and possibly groundwater.

The parcel(s) of real property associated with this Site are also located within the projected boundaries of the Tacoma Smelter Plume facility (FSID #89267963). At this time, we have no information that those parcel(s) are actually affected. This opinion does not apply to any contamination associated with the Tacoma Smelter Plume facility.

Basis for the Opinion

This opinion is based on the information contained in the documents listed as follows:

1. Aerotech, *Phase II Limited and Targeted Subsurface Investigation Provisional Report, Former AlSCO Site, 6002 South Tacoma Way, Tacoma, WA 98402*, October 28, 2015.
2. Geotech Consultants, Inc.; *Limited Phase 2 Site Assessment, Three Commercial Parcels 2101, 2103, and 2111 South Tacoma Way, Tacoma, WA*; February 29, 2016.
3. ECI/Environmental Services, *Remedial Investigation Report – 2101 South Tacoma Way, Tacoma, WA 98409*, December 30, 2022.
4. ECI/Environmental Services, *Response to Ecology Opinion – 2101 South Tacoma Way, Tacoma, WA 98409*, August 29, 2023.

5. Ecology, *Further Action Opinion at the Following Contaminated Site – Former Roman Meal Facility*; June 12, 2023.
6. Ecology, *Comments on ECI August 29, 2023 Response to Ecology Opinion - Former Roman Meal Facility*; December 19, 2023.
7. ECI/Environmental Services, *Supplemental Focused Subsurface Investigation Report – 2101 South Tacoma Way, Tacoma, WA 98409*, April 4, 2024.

These documents are kept in the Central Files of the Southwest Region Office of Ecology (SWRO) for review by appointment only. Information on obtaining those records can be found on [Ecology's public records requests web page](#).³ Some site documents may be available on [Ecology's Cleanup Site Search web page](#).⁴

This opinion is void if any of the information contained in those documents is materially false or misleading.

Analysis of the Cleanup

Characterization of the Site

Based on review of the further investigative activities conducted in the Report, Ecology has determined that the nature and extent of Site petroleum-based contaminants of concern (COCs) in soil have been effectively remediated to the extent possible and have not impacted groundwater. As a result, Ecology agrees with removing gasoline-range organics and benzene, toluene, ethylbenzene, and total xylenes as groundwater contaminants of concern (COC) at the Site.

Ecology concurs that halogenated volatile organic compound (HVOC) contamination identified in groundwater beneath the Site, represented by trichloroethene (TCE) and chloroform, appear to have been sourced from previously identified groundwater contamination on the adjacent Alsco Site to the east. Groundwater concentrations of both TCE and chloroform in Roman Meal monitoring wells MW-1 and MW-4 (along the Roman Meal Site's eastern property boundary) are similar to concentrations observed in Alsco monitoring wells MW-1 and MW-6 which were installed along its western property boundary. Ecology concurs that the migration of both TCE and chloroform from the Alsco to the Roman Meal Site is most likely due to groundwater flow/gradient reversals due to well demand from the City of

³ <https://ecology.wa.gov/Footer/Public-records-requests>

⁴ <https://apps.ecology.wa.gov/cleanupsearch/site/14707>

Tacoma municipal water supply well 12A which is located approximately 0.4 miles south-southwest of the Site.⁵

Regarding the total versus dissolved arsenic and lead groundwater data, Ecology concurs that the higher total metal values were most likely due to sediment dissolution by the metals preservative in the total metals sample container. To further assess this hypothesis, Ecology recommends providing turbidity or total suspended/total dissolved solids (TSS/TDS) data during the remaining quarterly groundwater monitoring events.

Lastly, Ecology concurs with performance of additional quarterly groundwater monitoring over a full seasonal cycle to confirm the groundwater COCs⁶ remain below the applicable MTCA Method A CUL's. Pending these results, a no further action (NFA) determination with an environmental covenant (EC) to mitigate exposure to petroleum-impacted soil left in place beneath the on-site building and asphalt parking area is likely. To that end, please include a title search, draft EC, and any supporting exhibits and plans with your subsequent opinion request after the quarterly monitoring has been completed.

Limitations of the Opinion

1. Opinion Does Not Settle Liability with the State.

Liable persons are strictly liable, jointly, and severally, for all remedial action costs and for all natural resource damages resulting from the release or releases of hazardous substances at the Site. This opinion **does not**:

- Resolve or alter a person's liability to the state.
- Protect liable persons from contribution claims by third parties.

To settle liability with the state and obtain protection from contribution claims, a person must enter into a consent decree with Ecology under RCW 70A.305.040(4).

2. Opinion Does Not Constitute a Determination of Substantial Equivalence.

To recover remedial action costs from other liable persons under MTCA, one must demonstrate that the action is the substantial equivalent of an Ecology-conducted or Ecology-supervised action. This opinion does not determine whether the action a party performs is substantially equivalent. Courts make that determination. See RCW 70A.305.080 and WAC 173-340-545.

⁵ ECI, Supplemental Focused Subsurface Investigation Report, Section 3.5.1, pages 11 and 12, April 4, 2024

⁶ ECI, Supplemental Focused Subsurface Investigation Report, Table 2, April 4, 2024.

3. State is Immune from Liability.

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 opinion.
See RCW 70A.305.170(6)

Contact Information

Thank you for choosing to clean up the Site under the Voluntary Cleanup Program (VCP). After you have completed the additional groundwater monitoring, you may request another review of your cleanup. Please do not hesitate to request additional services as your cleanup progresses. We look forward to working with you.

For more information about the VCP and the cleanup process, please visit our [Voluntary Cleanup Program web site](#).⁷ If you have any questions about this opinion, please contact me at (360) 489-5347 or joe.hunt@ecy.wa.gov.

Sincerely,



Joseph B. Hunt, LHG
Toxics Cleanup Program
Southwest Regional Office

JH:at

cc: Stephen Spencer, ECI; stephen@alleci.com
David Polivka, ECI; david@alleci.com
Tim Mullin, LHG, Ecology; tim.mullin@ecy.wa.gov
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Ecology Site File

⁷ <https://www.ecy.wa.gov/vcp>