



Electronic Copy

STATE OF WASHINGTON  
**DEPARTMENT OF ECOLOGY**

Northwest Region Office  
PO Box 330316, Shoreline, WA 98133-9716 • 206-594-0000

February 3, 2025

Dale Cannon  
Laborers Local 242  
22323 Pacific Hwy S  
Des Moines, WA 98198  
([dale@laborerslocal242.com](mailto:dale@laborerslocal242.com))

**Re: No further action necessary under state cleanup law for the following contaminated site based on Initial Investigation:**

Site name: Laborers Local 242  
Property address: 22205 Pacific Hwy S, Des Moines WA 98198  
Facility/Site ID: 100000969  
Cleanup Site ID: 17119  
ERTS ID: 730321  
County Parcel ID: 2156400223

Dear Dale Cannon:

The Washington State Department of Ecology (Ecology) received your report about a release of hazardous substances at Laborers Local 242 on April 18, 2024. We also received your reports documenting your independent cleanup of the Site on September 10, 2024. We have investigated the release and reviewed your independent cleanup, as required under RCW [70A.305.030](#)(2)(d)<sup>1</sup> and WAC [173-340-310](#).<sup>2</sup>

Based on the investigation, Ecology has determined that a release posing a threat to human health or the environment occurred, but no further remedial action is necessary to clean up contamination at the Site due to a completed independent remedial action.

Ecology bases this determination on an analysis of whether the remedial action meets the substantive requirements of the Model Toxics Control Act, chapter [70A.305](#) RCW,<sup>3</sup> and the cleanup

---

<sup>1</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.030>

<sup>2</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-340-310>

<sup>3</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305>

regulations adopted under that act, chapters [173-340](#)<sup>4</sup> and [173-204](#)<sup>5</sup> WAC (collectively called the “state cleanup law”).

Based on this determination, Ecology has added the Site to the [No Further Action Sites List](#)<sup>6</sup> and assigned it Cleanup Site ID 17119. You can find information and electronic records for the Site on the [Laborers Local 242](#)<sup>7</sup> webpage.

This determination applies only to the release reported on April 18, 2024, that has a completed independent remedial action.

Ecology bases this determination on the information contained in the following documents:

- Earth Solutions NW, LLC, Confirmatory Soil Sampling, Laborers Local 242 Training Building. May 3, 2024.
- Ecology, Re: Laborers Local 242 Training Building - Arsenic and Lead Soil Sampling and Testing. March 26, 2024.
- Earth Solutions NW, LLC, Limited Phase II ESA, Tacoma Smelter Plume, Laborers Local 242 Training Building Property. February 8, 2024.

You can request site file documents by submitting a [records request](#).<sup>8</sup> For help making a request, contact the Public Records Officer at [recordsofficer@ecy.wa.gov](mailto:recordsofficer@ecy.wa.gov) or call (360) 407-6040.

This determination is void if information in any of the listed documents is materially false or misleading.

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 determination 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).<sup>9</sup>

---

<sup>4</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-340>

<sup>5</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-204>

<sup>6</sup> <https://apps.ecology.wa.gov/cleanupsearch/reports/cleanup/nfa>

<sup>7</sup> <https://apps.ecology.wa.gov/cleanupsearch/site/17119>

<sup>8</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Public-records-requests>

<sup>9</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.040>

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 determination does not provide an opinion on whether the action you performed is substantially equivalent. Courts make that determination. See RCW [70A.305.080](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080)<sup>10</sup> and WAC [173-340-545](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545).<sup>11</sup>

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. See RCW [70A.305.170](https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170)(6).<sup>12</sup>

If you have any questions about this determination, please contact the regional Initial Investigation Coordinator, Donna Kirkman, at (425) 301-6080 or [donna.kirkman@ecy.wa.gov](mailto:donna.kirkman@ecy.wa.gov).

Sincerely,



Nick Treat  
Voluntary Cleanup Program Unit Supervisor  
Toxics Cleanup Program, NWRO

cc: Ted Sykes, Earth Solutions NW, LLC ([teds@esnw.com](mailto:teds@esnw.com))

---

<sup>10</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.080>

<sup>11</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-340-545>

<sup>12</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.305.170>