

March 5, 2025

Tim Mullin, LHG
Acting VCP/II-SHA/LUST Unit Manager
Toxics Cleanup Program – Southwest Region Office
Washington State Department of Ecology
PO Box 47775
Olympia, WA 98504-7775

Re: Canyon Town Center Cleanup Site ID (CSID): 17057 / Facility ID (FSID): 15628

Mr. Mullin,

ECI Environmental services has been working with Pat Austin on a property located at Pierce County Parcels: 0419307004, 0419307003 & 0419307002, 17201 Canyon Road East, Puyallup, Washington 98375. We are writing to emphasize the urgency of Ecology reviewing and providing technical guidance on the investigation and cleanup of the property. Our client has been attempting to sell the property, which would facilitate the cleanup during redevelopment, but long delays in the regulatory review have made it impossible to finalize the transaction and complete the investigation and cleanup.

Our investigative efforts to date show this property has been impacted through passive migration from an upgradient adjacent property, Looker & Associates CSCID: 3144 / FSID: 44928551. ECI's investigation started in fall 2023 with an initial investigation and review of previous environmental investigative work completed by others, followed by our own investigation that included the installation of multiple groundwater monitoring wells to assess and delineate contamination in both soil and groundwater.

We also conducted a soil gas assessment based on previous results from a Phase II Environmental Site Assessment conducted by a separate consultant in the Spring of 2023. Since the identified contaminants were hydrocarbons, we applied to the Pollution Liability Insurance Agencies (PLIA) Technical Assistance Program (TAP) on December 6, 2023. Unfortunately, this process took upwards of seven months, before we received an email on July 16, 2024 saying that PLIA and Ecology made the decision that the site was not eligible for the PLIA TAP and would need to be reviewed under the Ecology Voluntary Cleanup Program (VCP). As I'm sure you can understand, now that we've been in this process for a year and a half, our client is upset.

In our most recent communication with Aaren Fiedler (dated February 24, 2025), he stated that his opinion letter has been reviewed by his supervisor and sent to the Section Manager for review. We understand this process, and Aaren has done an excellent job getting it to this point and knowing that the entire process has caused a huge financial burden on our client and the prospective purchaser / developer of the property.

David Polivka, L.H.G. has been assigned as our project manager for this project and has been communicating with Aaren. As this appears to be a passive migration issue from an adjacent upgradient property we will be seeking a property specific No Further Action (NFA) with an Environmental Covenant. We have explained to our client that this will require ongoing monitoring while he seeks contribution from

the adjacent property owner. We appreciate this process may take some time and have outlined this timeline to our client to the best of our ability.

Once your opinion letter is received, we will be submitting a cleanup action and monitoring plan and requesting a No Further Action-Likely opinion. The NFA-Likely opinion is very important to our client for him to stay solvent and to the new property owner/developer to enable them to move forward with financing and construction.

As I am sure you can appreciate, this process has been on hold for the last 4 months and significant costs have been incurred by all parties involved. While there is no way for us to reclaim the lost seven months the project sat at PLIA, we want to reiterate the urgency involved with developing a pathway to closure for this site that the new owner and their financial institution can work with.

Respectfully,

ECI | Environmental Consulting



Stephen M. Spencer
President

Direct: (253) 921-7059

Cc: Client
Louis Russell, Cascadia Law Group