



ES 1083488

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

CERTIFIED MAIL

January 27, 2004

Ms. Holly Minniti
3901 6th Avenue
Tacoma, WA 98406

Dear Ms. Minniti:

NO FURTHER ACTION (NFA) LETTER

Thank you for submitting the results of your independent remedial action(s) for review by the Washington State Department of Ecology (Ecology). Ecology appreciates your initiative in pursuing this administrative option under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW. Ecology's Toxics Cleanup Program has reviewed the following information relating to the East 11th Street Properties, located at 2324, 2328, and 2332 East 11th Street, Tacoma, Washington:

- Robinson and Noble, Inc. and Saltbush Environmental Services, **2324-2332 11th Street East, Limited Groundwater and Soil Investigation**, January 2004.

The above listed report will be kept in the Central Files of the Southwest Regional Office (SWRO) of Ecology for review by appointment only. Appointments can be made by calling the SWRO resource contact at (360) 407-6365.

Based upon the above listed information, Ecology has determined that, at this time, the release of arsenic, lead and other metals, total petroleum hydrocarbons and other organic hydrocarbons into the soil no longer poses a threat to human health or the environment. Based upon the above listed information, no further remedial action will be required for the soils at the East 11th Street Properties, located at 2324, 2328 and 2332 East 11th Street, Tacoma, Washington. However, please note that because your actions were not conducted under a consent decree with Ecology, this letter is written pursuant to RCW 70.105D.030(1)(i) and does not constitute a settlement by the state under RCW 70.105D.040(4) and is not binding on Ecology.

Ecology's no further action (NFA) determination is made only with respect to the releases and contamination identified in the documentation for the East 11th Street Properties site listed above. This no further action determination applies only to the soils affected by the release(s) at 2324, 2328 and 2332 East 11th Street, Tacoma, Washington, as identified in the report. It does not

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apply to any other release or potential release at the property, any other areas on the property, nor any other properties owned or operated by Ms. Minniti or her representatives.

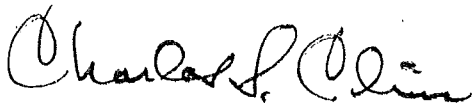
However, since the ground water beneath the East 11th Street Properties site is contaminated with arsenic and lead exceeding MTCA Method A cleanup levels, Ecology's no further action determination is contingent upon filing a Restrictive Covenant for the ground water with the Pierce County auditor's office prior to the issuance of this letter. Ecology's no further action determination automatically terminates and will have no force and effect if you fail to record this Restrictive Covenant or violate any portions of the Restrictive Covenant. WAC 173-340-440(6) requires you to notify and seek comment from a city or county department with land-use planning authority for real property subject to the Restrictive Covenant. No ground-water monitoring will be required as part of the restrictive covenant for this site. A copy of the Restrictive Covenant will be attached to this NFA Letter once it has been recorded.

Ecology will update its databases to reflect this NFA determination when the recorded document is received.

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.

If you have any questions about any of the information presented in this letter, please contact me at (360) 407-6267.

Sincerely,



Charles S. Cline
Toxics Cleanup Program
Southwest Regional Office

CSC/ksc:012704East11th street NFA

cc: Mr. John F. Hildenbrand, Robinson & Noble, Inc. and Saltbush Environmental Services
Ms. Sharon Bell, Tacoma-Pierce Co. Health Dept.