



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

December 4, 2013

Mr. Michael Marchetti
c/o John Spencer
Spencer Law Firm
1326 Tacoma Ave S
Tacoma WA 98402

Dear Mr. Marchetti:

RE: Early Notice Letter Regarding the Release of Hazardous Substances at Breakwater Marina Inc., 5603 Waterfront Drive, Tacoma, Pierce County, Washington.
Facility Site Identification Number: 1794148

On November 18, 2013, the Department of Ecology (Ecology) was notified of a confirmed release of hazardous substances (petroleum) from an underground storage tank (UST) at 5603 Waterfront Drive, Tacoma, Pierce County, Washington. Please note that a previous release was recorded on Ecology's database on February 9, 2006 and was associated with underground storage tanks that were at that time closed in place. The status of this previous release is listed as awaiting cleanup on the database.

Ecology reviewed the *Focused Subsurface Investigation/Underground Storage Tank Site Assessment*, ECI Environmental Services, dated November 26, 2013 that confirmed groundwater contamination at the site. Ecology has determined that further remedial action is needed.

Ecology maintains a list of sites where further testing and possible cleanup is needed. This list is called the Confirmed and Suspected Contaminated Sites List. The petroleum release at 5603 Waterfront Drive, Tacoma will be added to the list as a state cleanup site. Please note that inclusion on this list does not mean Ecology has determined you are liable for cleanup of the site since that is a separate determination under the law.

Ecology also maintains a list of Leaking Underground Storage Tank sites. These lists are available at: <http://www.ecy.wa.gov/programs/tcp/sites/SiteLists.htm>

In the future, Ecology may conduct an environmental inspection of this property. This inspection is called a Site Hazard Assessment. It may include testing the site soil, groundwater, and air for contaminants. After the inspection has been completed, Ecology will determine if more environmental action is needed and, if necessary, establish a priority for the work.

Rules governing cleanup of contaminated sites are:



- Chapter 70.105D RCW, Model Toxics Control Act (MTCA)
- Chapter 173-340 WAC, MTCA Cleanup Regulation

These rules may be found at Ecology's web site at:
http://www.ecy.wa.gov/programs/tcp/regs/current_laws_and_rules.html.

For your convenience, copies of specific requirements for Leaking Underground Storage Tanks, which must be complied with, are enclosed.

Ecology has a strong commitment to working cooperatively with owners/operators to accomplish prompt and effective cleanups. Your cooperation in planning or conducting remedial action is not an admission of guilt or liability.

If you proceed with cleanup work on your own, the rules listed above must be followed.

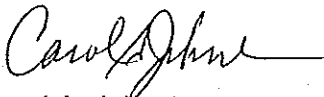
If you want a formal review of the release information and/or technical assistance with the cleanup of this release, Ecology has a fee-based service called the Voluntary Cleanup Program (VCP). Upon entering the VCP, Ecology will assign a site manager to review information available on the site and to provide technical assistance. The final goal of this VCP review and assistance is a "No Further Action" letter that is issued when the site meets applicable cleanup requirements.

Information on the VCP and forms for applying are located at:
<http://www.ecy.wa.gov/programs/tcp/vcp/Vcpmain.htm>

If the website is not accessible, please call (360) 407-6240 and forms will be sent through the US Postal Service. The file for this site is kept in the Central Files at Ecology's Southwest Regional Office (SWRO). Appointments to review or obtain copies of the file may be made by calling the SWRO Public Disclosure contact at (360) 407-6365.

If you have any questions, please contact me at (360) 407-6263 or at cjoh461@ecy.wa.gov.

Sincerely,



Carol A. Johnston
Toxics Cleanup Program
Southwest Regional Office

Enclosures: Requirements for Release
WAC 173-340-450
Model Toxics Control Act Chapter 70.105D RCW

By certified mail: (7012 2210 0002 6581 0898)

cc: Stephen Spencer, ECI
Rob Olsen, TPCHD