



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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

June 4, 2013

Mr. John Dailey
Pacific Seafood Co.
4520 107th Street, S.W.
Mukilteo, WA 98275-4704

RE: Johnny's Seafood, 1199 Dock Street, Tacoma, WA

Dear Mr. Dailey:

As we have discussed, the question was raised regarding the necessity of adding the Johnny's Seafood property (Site) to the Foss Redevelopment Consent Decree (CD) as a site needing cleanup according to the criteria set forth in the CD and the Foss Redevelopment Area Wide Cleanup Action Plan (CAP). Based on the criteria cited and of findings of remedial investigation projects for the site and its environs, Ecology has determined that it will not be necessary to add the Site to the CD for the purpose of conducting a cleanup under the Model Toxics Control Act (MTCA).

The criteria for adding a site to the CD for the purpose of performing a MTCA cleanup are found, particularly, in the CD in Section VII.A in the CAP in Section 2.1. The CD states that "Ecology shall determine whether the site requires further action under MTCA." The CAP section describes the properties to which the CAP applies or potentially may apply, if certain criteria are met. It is Ecology's opinion that this Site does not have contamination sufficient enough to warrant a formal cleanup under the MTCA.

Technical data contributing to this decision is found primarily in the *Draft Site-Specific Remedial Investigation, Johnny's Seafood Property, Thea Foss Upland Properties, Tacoma, WA*, Hart Crowser, December 6, 2001. The report notes: "The only significant contaminant issues identified on the Johnny's Seafood site was an exceedence of the cPAH cleanup level in one soil sample." This sample was taken from a location identified as the historical location of a coal shed. No other samples from the Site were found to have cleanup level exceedances of contaminants of concern. The report states: "The data indicate the Johnny's Seafood site meets the intent of the Consent Decree Cleanup Action Plan with expected contaminant types, land use history, and analyte concentrations. Much of the Johnny's Seafood site appears to contain predominantly relatively clean dredge fill and is likely to have limited contamination. The Mixed Fill unit is the most likely to contain occasional soil material that exceeds cleanup levels; however, the amount of contaminated soil is not expected to be significant given the site



history and the findings of this site investigation. The identified contamination is below the maximum soil concentration allowed in the Consent Decree.”

The report goes on to note that the CAP identifies Remediation of Soils Based on Future Land Use Development as one of the acceptable remedial actions for the redevelopment properties. As currently envisioned, the building footprint will be expanded to the north and east to provide additional product processing, retail, and restaurant facilities. The rest of the Site would be paved to provide parking for the facility. Both of these provide acceptable “capping” alternatives, as provided for in the CAP.

In conclusion, please be informed that, based on current knowledge, Ecology does not consider it necessary to amend the Johnny’s Seafood Site to the Consent Decree for the purposes of performing formal site cleanup. Should future site activities, e.g., excavation for building or utility construction, result in the discovery of previously unknown contamination, this condition shall be reported to Ecology and Ecology will work with property owners to determine the appropriate course of action. Please let me know if you have any questions.

Sincerely,

The signature is handwritten in black ink and reads "Marv Coleman". To the left of the name, there are some small, illegible handwritten initials or marks.

Marv Coleman, Site Manager, Inspector
Toxics Cleanup Program
Southwest Regional Office
(360) 407-6259
Mcol461@ecy.wa.gov

MLC/ksc:Johnny’s Seafood non site letter 06032013

By certified mail: (7012 1010 0003 0195 9500)

Cc: Su Dowie, FWDA
John Level, Ecology AAG
Scott Rose, Ecology Unit Supervisor
