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STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY
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May 28, 2020

Scott Hooton
Port of Tacoma
PO Box 1837
Tacoma, WA 98401-1837
shooton@portoftacoma.com

Re: Comments on Environmental Covenant

- **Site Name:** Taylor Way and Alexander Avenue Fill Area (TWAFA)
- **Site Address:** 1514 Taylor Way E, Tacoma, Pierce County, WA 98409
- **Facility/Site ID:** 1403183
- **Cleanup Site ID:** 4692
- **Agreed Order No.:** DE13921

Dear Scott Hooton:

Thank you for submitting the Environmental Covenant (EC) for our review.¹ Please see the attached electronic file (Microsoft Word format) for the Department of Ecology's (Ecology's) comments on the EC. Please also see the additional numbered comments below:

1. As required by Toxics Cleanup Program [Procedure 440A](#)², in order to determine who owns the property and any relevant property interests that may need to be superseded by the Covenant, a title search must be conducted to identify all recorded interests in the Property. The results of this search, typically called a title report or plat certificate, must be included with any request asking Ecology to sign a Covenant. An uninsured title report is sufficient for this purpose. In general, the title search should be no more than six months old to ensure it reflects the current status of the property. Generally, Ecology will not sign the Covenant unless all interest holders are willing to sign on as grantors or subordinate their interests.

¹ *FW: we need to close out the AO for Portside Interim Action.* Email from Scott Hooton, Port of Tacoma to Steve Teel, Ecology, dated September 9, 2019.

² *Environmental Covenant for MTCA Sites: Instructions for Use and Covenant Template.* Procedure 440A, Toxics Cleanup Program, Washington State Department of Ecology, December 22, 2016.

2. Please contact Ecology's Financial Assurance Officer, Joanna Richards at (360) 407- 6754 or joanna.richards@ecy.wa.gov regarding any needed financial assurance mechanisms and implementation of financial assurances based on the requirements of WAC 173-340-440(11).
3. Submit the draft Covenant for review and comment to the appropriate land use planning authority with jurisdiction over the site. See Ecology Procedure 440A for a description of who to contact and a transmittal letter template. When requesting such a review, please:
 - Send me a copy of your written request.
 - Provide the authority with my contact information.
 - Request that the authority send me a copy of any written response.

Ecology will not approve the Covenant unless the authority has been adequately consulted.

4. After completing your consultation with the local land use planning authority, submit the revised draft Covenant, along with a copy of the title search, to Ecology for review and approval. Please include any comments provided by the planning authority or, if none were provided, documentation of your consultation.

If you have any questions about this letter, please contact me at (360) 407-6247 or steve.teel@ecy.wa.gov.

Sincerely,



Steve Teel, LHG
Toxics Cleanup Program
Southwest Regional Office

SST/si

Attachment: EnvCov-1514TaylorWay-ECY-cmmts.docx

cc by email: Drew Zaborowski, Avenue55, dzaborowski@avenue55.net
Tom Colligan, Floyd | Snider, tom.colligan@floydsnider.com
Robert Healy, Port of Tacoma, rhealy@portoftacoma.com
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Ecology Site Files